

## HUMAN SERVICES DEPARTMENT[441]

### Notice of Intended Action

#### **Proposing rule making related to five-year rules review and providing an opportunity for public comment**

The Human Services Department hereby proposes to amend Chapter 133, “IV-A Emergency Assistance Program,” Iowa Administrative Code.

#### *Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code sections 234.6 and 235.3.

#### *State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code sections 234.6 and 235.3.

#### *Purpose and Summary*

This chapter was reviewed as part of the Department’s five-year rules review. The definition of “child” is proposed to be updated to match the Temporary Assistance for Needy Families (TANF) definition of “child.” The definition of “emergency assistance” is proposed to be revised to remove tracking, monitoring, and outreach services from the list of possible services that may be provided in response to a IV-A emergency assistance application. Tracking, monitoring, and outreach services are also proposed to be removed from the list of services for which an applicant must have a need to be eligible for emergency assistance. The rule that authorized tracking, monitoring, and outreach services (441—151.33(232)) was rescinded effective May 1, 2016. The list of specified relatives a child must be living with or have lived with in the past six months is proposed to be expanded to match current policy. A reference to the food assistance program is proposed to be updated to the Supplemental Nutrition Assistance Program (SNAP) to reflect a change to the name of the program.

#### *Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

#### *Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

#### *Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 441—1.8(17A,217).

#### *Public Comment*

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on October 11, 2022. Comments should be directed to:

Nancy Freudenberg  
Department of Human Services  
Hoover State Office Building, Fifth Floor  
1305 East Walnut Street  
Des Moines, Iowa 50319-0114  
Email: [appeals@dhs.state.ia.us](mailto:appeals@dhs.state.ia.us)

### *Public Hearing*

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

### *Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend rule **441—133.1(235)**, definitions of “Child” and “Emergency assistance,” as follows:

“Child” means a person under 18 years of age- or a person 18 or 19 years of age who meets any of the following conditions:

1. Is in full-time attendance at an accredited school pursuing a course of study leading to a high school diploma,
2. Is attending an instructional program leading to a high school equivalency diploma, or
3. Has been identified by the director of special education of an area education agency as a child requiring special education as defined in Iowa Code section 256B.2(1) “a.”

A person over 18 years of age who has received a high school diploma or a high school equivalency diploma is not a child within this definition.

“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—Chapter 172.
2. Shelter care as set forth in 441—Chapters 156 and 202, except for placements of less than 48 hours.
3. Protective child care as set forth in 441—Chapter 170.
4. Tracking, monitoring, and outreach as set forth in 441—Chapter 151, Division III.

ITEM 2. Amend subrule 133.3(3) as follows:

**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 a specified relative. “Relative” includes people related by blood, marriage, or adoption. The child may be considered as meeting the requirement of living with a specified relative if the child’s home is with one of the following or with a spouse of one of the following even though the marriage is terminated by death or divorce:

- a. Father—adoptive father.
- b. Mother—adoptive mother.
- c. Grandfather—grandfather-in-law, meaning the subsequent husband of the child’s natural grandmother, i.e., stepgrandfather—adoptive grandfather.

d. Grandmother—grandmother-in-law, meaning the subsequent wife of the child’s natural grandfather, i.e., stepgrandmother—adoptive grandmother.

e. Great-grandfather—great-great-grandfather.

f. Great-grandmother—great-great-grandmother.

g. Stepfather, but not his parents.

h. Stepmother, but not her parents.

i. Brother—brother-of-half-blood—stepbrother—brother-in-law—adoptive brother.

j. Sister—sister-of-half-blood—stepsister—sister-in-law—adoptive sister.

k. Uncle—aunt, of whole or half blood.

l. Uncle-in-law—aunt-in-law.

m. Great uncle—great-great-uncle.

n. Great aunt—great-great-aunt.

o. First cousins—nephews—nieces.

p. Second cousins, meaning the son or daughter of one’s parent’s first cousin.

ITEM 3. Amend subrule 133.3(4) as follows:

**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 in 441—Chapter 172.

*b.* Shelter care as established at rule 441—202.2(234).

*c.* Protective child care as established at 441—subparagraph 170.2(2) “b”(3).

~~*d.* Tracking, monitoring, and outreach as established at rule 441—151.33(232).~~

ITEM 4. Amend paragraph **133.3(6)“a”** as follows:

*a.* Is receiving FIP, SSI, ~~food assistance~~ Supplemental Nutrition Assistance Program (SNAP) benefits, or Medicaid in the month of the application, or

ITEM 5. Amend rule 441—133.4(235) as follows:

**441—133.4(235) Method of service provision.** ~~Except for tracking, monitoring, and outreach services,~~ Services shall be provided through department workers or through purchase of service agreements with providers that are approved by the department as qualified to provide specified services and have a current contract with the department of human services to provide services.