

**HUMAN SERVICES DEPARTMENT[441]**

**Adopted and Filed**

Pursuant to the authority of Iowa Code section 225C.36, the Department of Human Services amends Chapter 184, "Individual and Family Direct Support," Iowa Administrative Code.

This amendment conforms the rules of the Family Support Subsidy Program to legislative changes enacted in 2008 Iowa Acts, Senate File 2425, section 114. The legislation provides that when a family support subsidy is terminated because the disabled person reaches the age of 18, the subsidy shall not be continued while the person's parent or guardian appeals the determination. In many situations, Department rules do allow assistance to be continued after a negative action, pending an appeal decision settling a dispute about the Department's findings of fact or conclusions of law. Under this amendment, the policy on continuation of assistance will not apply in this specific circumstance.

This amendment does not provide for waivers in specified situations because the Department does not have the authority to waive statutory provisions.

Notice of Intended Action on this amendment was published in the Iowa Administrative Bulletin on August 27, 2008, as **ARC 7109B**. The Department received no comments on the Notice of Intended Action. This amendment is identical to that published under Notice of Intended Action.

The Council on Human Services adopted this amendment on November 12, 2008.

This amendment is intended to implement Iowa Code section 225C.40 as amended by 2008 Iowa Acts, Senate File 2425, section 114.

This amendment shall become effective on February 1, 2009.

The following amendment is adopted.

Amend rule 441—184.9(225C) as follows:

**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.

[Filed 11/12/08, effective 2/1/09]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 12/3/08.