

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 239B.4(6), the Department of Human Services proposes to amend Chapter 41, "Granting Assistance," Iowa Administrative Code.

The proposed amendment will require families approved for assistance under the Family Investment Program (FIP) to assign to the Department of Human Services their rights to any child support that is due during the period that the family receives FIP. The family will be entitled to receive any child support due for a period when the family did not receive FIP. This change is required by the Federal Deficit Reduction Act of 2005 and by 2008 Iowa Acts, chapter 1019.

Currently, the family assigns to the Department rights to any child support that is received during the period that the family receives FIP assistance, even if the support is due for a past period when the family did not receive assistance. The Department keeps all support received, up to the amount of the FIP assistance issued. With the implementation of this amendment, past-due support that is collected by the Department's Child Support Recovery Unit will be released to the family.

Past-due support that is released to FIP participants will be considered as income when the Department determines continuing FIP eligibility and benefits. Past-due support that is received as a one-time payment will be considered as a nonrecurring lump sum. If the lump sum plus other countable income received in the same month exceeds the standard of need amount for the household size, a period of ineligibility for FIP will be imposed. If the past-due support is received on a regular, recurring basis, i.e., in regular monthly payments, it will be counted as unearned income in the month received.

This amendment does not provide for waivers in specified situations because the amendment benefits FIP participants by making past-due support collected available to them.

Any interested person may make written comments on the proposed amendment on or before June 10, 2009. Comments should be directed to Mary Ellen Imlau, Bureau of Policy Analysis and Appeals, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by E-mail to policyanalysis@dhs.state.ia.us.

This amendment is intended to implement Iowa Code section 239B.6 as amended by 2008 Iowa Acts, chapter 1019, section 1.

The following amendment is proposed.

Amend subrule 41.22(7) as follows:

41.22(7) Assignment of support payments. Each applicant for or recipient of assistance shall assign to the department any rights to support from any other person that the applicant or recipient may have. ~~These~~ The assignment of support payments shall include rights to support in the applicant's or recipient's own behalf or in behalf of any other family member for whom the applicant or recipient is applying or receiving assistance and which have accrued at the time the assignment is executed.

a. The assignment of support payments shall include rights to all support payments that accrue during the period of assistance but shall not exceed the total amount of assistance received.

b. An assignment is effective the same date all eligibility information is entered into the department's computer system and is effective for the entire period for which assistance is paid.