

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

**Proposing rulemaking related to application for aid
and providing an opportunity for public comment**

The Department of Health and Human Services hereby proposes to rescind Chapter 40, “Application for Aid,” Iowa Administrative Code, and to adopt a new chapter with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 239B.4(6).

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 239B.2, 239B.3, 239B.4, 239B.5, 239B.6, 239B.13 and 239B.18.

Purpose and Summary

This chapter was reviewed and is proposed to be rescinded and adopted anew as a part of the Red Tape Review process laid out by Executive Order 10. This proposed chapter contains definitions and describes the application process for the Family Investment Program (FIP) and the effective date of the grant, the review process, and investigations.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 441—Chapter 6.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on January 29, 2025. Comments should be directed to:

Joe Campos
Department of Health and Human Services
Lucas State Office Building
321 East 12th Street
Des Moines, Iowa 50319
Phone: 515.304.0963
Email: joe.campos@idph.iowa.gov

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

January 28, 2025
1 to 2 p.m.

Microsoft Teams
Meeting ID: 222 847 169 42
Passcode: d7aG7cR9

January 29, 2025
10 to 11 a.m.

Microsoft Teams
Meeting ID: 243 840 908 594
Passcode: a7Jg78UJ

Persons who wish to make oral comments at a public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking.

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking 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 rulemaking action is proposed:

ITEM 1. Rescind 441—Chapter 40 and adopt the following **new** chapter in lieu thereof:

TITLE IV
FAMILY INVESTMENT PROGRAM
CHAPTER 40
APPLICATION FOR AID

441—40.1(239B) Definitions.

“*Applicant*” means a person for whom assistance is being requested, parent(s) living in the home with the child(ren), and the nonparental relative as defined in 441—subrule 41.2(2) who is requesting assistance for the child(ren).

“*Assistance unit*” includes any person whose income is considered when determining eligibility or the family investment program grant amount.

“*Casino, gambling casino, or gaming establishment*” means an establishment with a primary purpose of accommodating the wagering of money. It does not include:

1. A grocery store that sells groceries including staple foods and that also offers, or is located within the same building or complex as, casino, gambling, or gaming activities; or
2. Any other establishment that offers casino, gambling, or gaming activities incidental to the principal purpose of the business.

An automated teller machine (ATM) or a point-of-sale (POS) terminal located within those areas of an establishment where individuals are banned due to age restrictions associated with gambling, established by state or federal law or by any other regulatory entity having the authority to do so, is considered to be in a casino, gambling casino, or gaming establishment.

“*Central office*” means the state administrative office of the department of health and human services.

“*Change in income*” means a permanent change in hours worked or rate of pay, any change in the amount of unearned income, or the beginning or ending of any income.

“*Dependent*” means an individual who can be claimed by another individual as a dependent for federal income tax purposes.

“*Dependent child*” or “*dependent children*” means a child or children who meet the nonfinancial eligibility requirements of the family investment program.

“Electronic benefit transfer transaction” means the use of a credit or debit card service, automated teller machine, point-of-sale terminal, or access to an online system for the withdrawal of funds or the processing of a payment for merchandise or a service.

“Income in kind” is any gain or benefit that is not in the form of money payable directly to the eligible group including nonmonetary or in-kind benefits, such as meals, clothing, and vendor payments. Vendor payments are money payments that are paid to a third party and not to the eligible group.

“Initial two months” means the first two consecutive months for which assistance is paid. This may include a month for which a partial payment is made.

“Liquor store” means any retail establishment that sells exclusively or primarily intoxicating liquor or other alcoholic beverages. Such term does not include a grocery store that sells both intoxicating liquor and groceries including staple foods (within the meaning of Section 3(r) of the Food and Nutrition Act of 2008 (7 U.S.C. §2012(r)) as amended to December 31, 2024).

Unless exempt as described in this definition, a retail establishment meets the definition of a liquor store when it has a North American Industry Classification System (NAICS) number that categorizes the retail establishment as either a beer, wine and liquor store or as a drinking place (alcoholic beverages). A retail establishment that does not have either type of NAICS code is considered to exclusively or primarily sell intoxicating liquor when 95 percent or more of the retail establishment’s gross sales are from intoxicating liquor and it is not a United States Department of Agriculture-certified Supplemental Nutrition Assistance Program (SNAP) retailer.

“Medical institution,” as used in this title, means a facility that is organized to provide medical care, including nursing and convalescent care, in accordance with accepted standards as authorized by state law and as evidenced by the facility’s license. A medical institution may be public or private. Medical institutions include the following:

1. Hospitals.
2. Extended care facilities (skilled nursing).
3. Intermediate care facilities.
4. Mental health institutions.
5. Hospital schools.

“Needy specified relative” means a nonparental specified relative, listed in 441—subrule 41.2(2), who meets all the eligibility requirements to be included in the family investment program.

“Parent” means a legally recognized parent, including an adoptive parent, or a biological father if there is no legally recognized father.

“Payment month” means the calendar month for which assistance is paid.

“Payment standard” means the total needs of a group as determined by adding need according to the schedule of basic needs, described in 441—subrule 41.9(2), to any allowable special needs, described in 441—subrule 41.9(3).

“Prospective budgeting” means the determination of eligibility and the amount of assistance for a calendar month based on the best estimate of income and circumstances that will exist in that calendar month.

“Qualified alien” means an alien:

1. Who is lawfully admitted for permanent residence in the United States under the Immigration and Nationality Act (INA) as amended to December 31, 2024;
2. Who is granted asylum in the United States under Section 208 of the INA as amended to December 31, 2024;
3. Who is a refugee admitted to the United States under Section 207 of the INA as amended to December 31, 2024;
4. Who is paroled into the United States under Section 212(d)(5) of the INA as amended to December 31, 2024, for a period of at least one year;
5. Whose deportation from the United States is withheld under Section 243(h) of the INA as in effect before April 1, 1997, or under Section 241(b)(3) of the INA as amended to December 20, 2010;
6. Who is granted conditional entry to the United States pursuant to Section 203(a)(7) of the INA as in effect before April 1, 1980;

7. Who is admitted to the United States as an Amerasian as described in 8 U.S.C. §1612(b)(2)(A) (ii)(V) as amended to December 31, 2024;

8. Who is a Cuban/Haitian entrant to the United States as described in 8 U.S.C. §1641(b)(7) as amended to December 31, 2024;

9. Who is a battered alien as described in 8 U.S.C. §1641(c) as amended to December 31, 2024; or

10. Who is certified as a victim of trafficking as described in Section 107(b)(1)(A) of Public Law 106-386 as amended to December 20, 2010.

“Qualifying quarters” means all of the qualifying quarters of coverage as defined under Title II of the Social Security Act as amended to December 31, 2024, that were worked by a parent of an alien while the alien was under the age of 18 and all of the qualifying quarters that were worked by a spouse of the alien during their marriage if the alien remains married to the spouse or the spouse is deceased. No qualifying quarter of coverage that is creditable under Title II of the Social Security Act for any period beginning after December 31, 1996, may be credited to an alien if the parent or spouse of the alien received any federal means-tested public benefit during the period for which the qualifying quarter is so credited.

“Recipient” means a person for whom assistance is paid, parent(s) living in the home with the eligible child(ren) and nonparental relative as defined in 441—subrule 41.3(1) who is receiving assistance for the child(ren). Unless otherwise specified, a person is not a recipient for any month in which the assistance issued for that person is subject to recoupment because the person was ineligible.

“Retail establishment that provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment” means an establishment that includes live entertainment at locations such as but not limited to strip clubs and gentlemen’s clubs. It also includes stores and theaters that exclusively or primarily sell or feature adult-oriented videos and movies such as but not limited to adult book stores and adult movie theaters. A retail establishment meets this definition when the department has confirmed the primary nature of the business through the description on the business’s website, phone contact with the establishment, a site visit, or other means such as common local knowledge.

“Standard of need” means the total needs of a group as determined by adding need according to the schedule of living costs, described in 441—subrule 41.9(2), to any allowable special needs, described in 441—subrule 41.9(3).

“Stepparent” means a person who is not the parent of the dependent child, but is the legal spouse of the dependent child’s parent, by ceremonial or common-law marriage.

“Unborn child” will include an unborn child during the entire term of the pregnancy.

441—40.2(239B) Application. The application for the family investment program shall be submitted on an application form prescribed by the department. The application shall be signed by the applicant, the applicant’s authorized representative or, when the applicant is incompetent or incapacitated, someone acting responsibly on the applicant’s behalf. When both parents, or a parent and a stepparent, are in the home and eligibility is determined on a family or household basis, one parent or stepparent may sign the application and attest to the information for the assistance unit.

40.2(1) Each individual wishing to do so will have the opportunity to apply for assistance without delay. When the parent is in the home with the child and is not prevented from acting as payee by reason of physical or mental impairment, this parent shall make the application.

40.2(2) An applicant may be assisted by other individuals in the application process; the client may be accompanied by such individuals in contact with the department, and when so accompanied, may also be represented by them. When the applicant has a guardian, the guardian shall participate in the application process.

40.2(3) The applicant shall immediately be given an application form to complete. When the applicant requests that the form be mailed, the department will send the necessary forms in the next outgoing mail.

40.2(4) A new application is not required when adding a new person to the eligible group or when a parent or a stepparent becomes a member of the household.

40.2(5) Reinstatement.

a. Assistance will be reinstated without a new application when all necessary information is provided before the effective date of cancellation and eligibility can be reestablished, or the family meets the conditions described in 441—subparagraph 41.11(3)“*e*”(7). Exception: The reinstatement provisions of subrule 40.2(5) do not apply when assistance is canceled due to the imposition of a subsequent limited benefit plan as described in 441—subrule 41.5(7), unless the limited benefit plan is stopped as described in 441—paragraph 41.5(7)“*g*.”

b. When assistance has been canceled for failure to provide requested information, assistance will be reinstated without a new application if all information necessary to establish eligibility, including verification of any changes, is provided within 14 days of the effective date of cancellation and eligibility can be reestablished. If the fourteenth calendar day falls on a weekend or state holiday, the client shall have until the next business day to provide the information. The effective date of assistance will be the date all information required to establish eligibility is provided.

c. When assistance has been canceled for failure to return a completed review form pursuant to subrule 40.7(3), assistance will be reinstated without a new application if the completed form is received by the department within 14 days of the effective date of cancellation and eligibility can be reestablished. If the fourteenth calendar day falls on a weekend or state holiday, the client shall have until the next business day to provide the information. The effective date of assistance will be the date the review form prescribed by the department is received.

d. When assistance has been canceled for failure to complete a required review interview, assistance will be reinstated without a new application if the interview is completed and all necessary information to determine eligibility, including verification of any changes, is provided within 14 days of the effective date of cancellation and eligibility is reestablished. If the fourteenth calendar day falls on a weekend or state holiday, the client shall have until the next business day to provide the information. The effective date of assistance will be the date the interview is completed.

441—40.3(239B) Date of application. The date of application is the date the application form prescribed by the department is received by the department. When an application is delivered to a closed office, it will be considered received on the first day that is not a weekend or state holiday following the day that the office was last open.

40.3(1) The date of application is also the date an identifiable application is received by a designated worker who is in any disproportionate share hospital, federally qualified health center or other facility in which outstationing activities are provided. The hospital, health center or other facility will forward the application to the department office that is responsible for the completion of the eligibility determination.

40.3(2) An identifiable application is an application containing a legible name and address that has been signed.

40.3(3) A new application is not required when adding a person to an existing eligible group. This person is considered to be included in the application that established the existing eligible group. However, in these instances, the date of application to add a person is the date the change is reported. When it is reported that a person is anticipated to enter the home, the date of application to add the person will be the date of the report.

a. In those instances where a person previously excluded from the eligible group as described in 441—subrule 41.8(11) is to be added to the eligible group, the date of application to add the person is the date the person indicated willingness to cooperate.

b. Exceptions:

(1) When adding a person who was previously excluded from the eligible group for failing to comply with 441—subrule 41.3(11), the date of application to add the person is the date the social security number or proof of application for a social security number is provided.

(2) When adding a person who was previously excluded from the eligible group as described in 441—subrule 41.4(5), 441—subrule 41.6(4), or rule 441—46.7(239B), the date of application to add the person is the first day after the period of ineligibility has ended.

(3) When adding a person who was previously excluded from the eligible group as described in 441—subrule 41.5(7), the date of application to add the person is the date the person signs a family investment agreement.

40.3(4) Grace period.

a. When an application has been denied for failure to provide requested information, if all necessary information to establish eligibility, including verification of any changes, is provided within 14 days of the date of denial, a new application is not required. If the fourteenth calendar day falls on a weekend or state holiday, the applicant shall have until the next business day to provide the information. If eligibility can be established, the effective date of assistance is the date all of the information is provided.

b. When an application has been denied for failure to attend an interview, if the interview is completed and all necessary information to establish eligibility, including verification of any changes, is provided within 14 days of the date of denial, a new application is not required. If the fourteenth calendar day falls on a weekend or state holiday, the applicant shall have until the next business day to provide the information. If eligibility can be established, the effective date of assistance is the date the interview is completed or the date all of the information is provided, whichever is later.

441—40.4(239B) Procedure with application.

40.4(1) The decision with respect to eligibility will be based primarily on information furnished by the applicant.

a. The applicant shall report no later than at the time of the interview any change as defined in paragraph 40.7(4)“*e*” that occurs after the application was signed. Any change that occurs after the interview shall be reported by the applicant within five days from the date the change occurred.

b. The department will notify the applicant in writing of additional information or verification that is required to establish eligibility for assistance. Failure of the applicant to supply the information or verification requested or to request assistance and authorize the department to secure the requested information or verification from other sources will serve as a basis for denial of assistance. Signing a general authorization for release of information to the department does not meet this responsibility.

(1) Five working days will be considered as a reasonable period for the applicant to supply the required information or verification. The department will extend the deadline when the applicant requests an extension because the applicant is making every effort to supply the information or verification but is unable to do so.

(2) “Supply” means the requested information is received by the department by the specified due date. Any time taken beyond the required time frame will be considered a delay on the part of the applicant.

c. When an individual is added to an existing eligible group, the five-day requirement for reporting changes will be waived. These individuals and eligible groups will be subject to the recipient’s ten-day reporting requirement as defined in subrule 40.7(4).

40.4(2) The department or the designated worker as described in subrule 40.3(1) will conduct a face-to-face or telephone interview with the applicant before approval of the application for assistance.

a. The worker will assist the applicant, when requested, in providing information needed to determine eligibility and the amount of assistance.

b. The application process shall include a visit, or visits, to the home of the child and the person with whom the child will live during the time assistance is granted under the following circumstances:

(1) When it is the judgment of the worker or the supervisor that a home visit is required to clarify or verify information pertaining to the eligibility requirements; or

(2) When the applicant requests a home visit for the purpose of completing a pending application.

c. When adding an individual to an existing eligible group, the interview requirement may be waived.

40.4(3) The decision with respect to eligibility will be based on the applicant’s eligibility or ineligibility on the date the department enters all eligibility information into the department’s computer system. The applicant shall become a recipient on the date all eligibility information is entered into the department’s computer system and the computer system determines the applicant is eligible for aid.

441—40.5(239B) Time limit for decision. A determination of approval or denial will be made as soon as possible, but no later than 30 days following the date of filing an application. A written notice of decision will be issued to the applicant the next working day following a determination of eligibility or ineligibility. This time standard shall apply except in unusual circumstances, such as when the department and the applicant have made every reasonable effort to secure necessary information that has not been supplied by the date the time limit expired; or because of emergency situations, such as fire, flood or other conditions beyond the administrative control of the department. When eligibility is dependent upon the birth of a child, the time limit may be extended while awaiting the birth of the child. When it becomes evident that due to an error on the part of the department, eligibility will not be established within the 30-day limit, the application will be approved pending a determination of eligibility.

441—40.6(239B) Effective date of grant. New approvals will be effective as of the date the applicant becomes eligible for assistance, but in no case will the effective date be earlier than seven days following the date of application. When an individual is added to an existing eligible group, the individual will be added effective as of the date the individual becomes eligible for assistance, but in no case will the effective date be earlier than seven days following the date the change is reported. When it is reported that a person is anticipated to enter the home, the effective date of assistance will be no earlier than the date of entry or seven days following the date of report, whichever is later.

40.6(1) When the change is timely reported as described in subrule 40.7(4), a payment adjustment will be made when indicated. When the individual's presence is not timely reported as described in subrule 40.7(4), excess assistance issued is subject to recovery.

40.6(2) In those instances where a person previously excluded from the eligible group as described in 441—subrule 41.8(11) is to be added to the eligible group, the effective date of eligibility will be seven days following the date the person indicated willingness to cooperate. However, in no instance will the person be added until cooperation has actually occurred.

Exceptions: When adding a person who was previously excluded from the eligible group for failing to comply with 441—subrule 41.3(11), the effective date of eligibility will be seven days following the date that the social security number or proof of application for a social security number is provided.

40.6(3) When adding a person who was previously excluded from the eligible group as described in 441—subrules 41.4(5) and 41.6(4) and rule 441—46.7(239B), the effective date of eligibility will be seven days following the date that the period of ineligibility ended.

40.6(4) When adding a person who was previously excluded from the eligible group as described in 441—subrule 41.5(7), the effective date of eligibility will be seven days following the date the person signs a family investment agreement or the date the person is otherwise eligible, whichever is later. In no case will the effective date be within the six-month ineligibility period of a subsequent limited benefit plan as described in 441—paragraph 41.5(7) "a."

441—40.7(239B) Continuing eligibility.

40.7(1) Eligibility factors will be reviewed at least every six months for the family investment program. An interview may be conducted at the time of a review.

40.7(2) A redetermination of specific eligibility factors will be made when:

- a. The recipient reports a change in circumstances.
- b. A change in the recipient's circumstances comes to the attention of a staff member.

40.7(3) Information for semiannual reviews shall be submitted on a review form prescribed by the department.

a. The department will supply the review form to the recipient as needed or upon request. The department will pay the cost of postage to return the form.

(1) When the review form is issued in the department's regular end-of-month mailing, the recipient shall return the completed form to the department by the fifth calendar day of the following month.

(2) When the review form is not issued in the department's regular end-of-month mailing, the recipient shall return the completed form to the department by the seventh day after the date it is mailed by the department.

(3) A copy of a review form received by fax or electronically will have the same effect as an original form.

b. When the client has completed the application form prescribed by the department for another purpose, this form may be used as the review document.

c. The review form shall be signed by the payee, the payee's authorized representative, or, when the payee is incompetent or incapacitated, someone acting responsibly on the payee's behalf.

40.7(4) Responsibilities of recipients. For the purposes of this subrule, recipients shall include persons who received assistance subject to recoupment because the persons were ineligible.

a. The recipient shall cooperate by giving complete and accurate information needed to establish eligibility and the amount of the family investment program grant.

b. The recipient shall complete the required review form when requested by the department in accordance with subrule 40.7(3). Failure to return a completed form will result in cancellation of assistance. A completed form is a form with all items answered, signed, dated and accompanied by verification as required in 441—paragraphs 41.8(1) "e" and 41.8(2) "g."

c. The recipient has the primary responsibility for providing information and verification needed to establish eligibility and the amount of the family investment program grant. The recipient shall supply, insofar as the recipient is able, information and verification needed within ten working days from the date a written request is mailed by the department to the recipient's current mailing address or given to the recipient. The department will extend the deadline when the recipient requests an extension because the recipient is making every effort to supply the information or verification but is unable to do so.

(1) "Supply" means that the requested information or verification is received by the department by the specified due date.

(2) When the recipient is unable to furnish information or verification needed to establish eligibility and the amount of the family investment program grant, the recipient shall request assistance from the department.

(3) Failure to supply the information or verification requested or to request assistance and authorize the department to secure the requested information or verification from other sources will serve as a basis for cancellation of assistance. Signing a general authorization for release of information to the department does not meet this responsibility.

d. The recipient or applicant shall cooperate with the department when the recipient's or applicant's case is selected by quality control for verification of eligibility. The recipient or applicant shall also cooperate with the front end investigations conducted by the department of inspections, appeals, and licensing to determine whether information supplied to the department by the client is complete and correct regarding pertinent public assistance information unless the investigation revolves solely around the circumstances of a person whose income and resources do not affect family investment program eligibility (more information can be found in 481—Chapter 72). Failure to cooperate will serve as a basis for cancellation or denial of the family's assistance. Once denied or canceled for failure to cooperate, the family may reapply but will not be considered for approval until cooperation occurs.

e. The recipient, or an individual being added to the existing eligible group, shall timely report any change in the following circumstances:

- (1) Beginning or ending income, including receipt of a nonrecurring lump sum.
- (2) Resources.
- (3) Members of the household.
- (4) School attendance of a child.
- (5) Mailing or living address.
- (6) Receipt of a social security number.

f. A report will be considered timely when made within ten days from:

- (1) The receipt of resources or income or the date income ended.
- (2) The date the address changes.
- (3) The date the child is officially dropped from the school rolls.
- (4) The date a person enters or leaves the household.

(5) The receipt of a social security number.

g. When a change is not timely reported, any excess assistance paid will be subject to recovery.

40.7(5) After assistance has been approved, eligibility for continuing assistance and the amount of the grant will be effective as of the first of each month. Any change affecting eligibility or benefits reported during a month will be effective the first day of the next calendar month except as follows:

a. When the recipient reports a new person to be added to the eligible group, and that person meets eligibility requirements, a payment adjustment will be made for the month of report, subject to the effective date of grant limitations prescribed in rule 441—40.6(239B).

b. When cancellation of assistance occurs later because issuance of a timely notice, as required by rule 441—16.2(17A), requires that the action be delayed until the first day of the second calendar month, any overpayment received in the first calendar month will be recouped.

c. When the recipient reports a change in income or circumstances timely, as defined in subrule 40.4(1) or 40.7(4), the department will determine prospective eligibility and the grant amount for the following month based on the change.

(1) A payment adjustment will be made when indicated.

(2) Recoupment will be made for any overpayment, with one exception. When a change in income is timely reported by a recipient and timely acted upon by the department, but the timely notice, as required by rule 441—16.2(17A), requires the action be delayed until the second calendar month following the month of change, and eligibility continues, recoupment will not be made.

d. When an individual included in the eligible group becomes ineligible, that individual's needs will be removed prospectively effective the first day of the next calendar month. When the action must be delayed due to administrative requirements, a payment adjustment or recoupment will be made when appropriate.

e. When a sanction under 441—paragraph 41.3(4)“f” is implemented, the change will be effective:

(1) The first day of the next calendar month after the change has occurred when the income maintenance unit determines noncooperation; or

(2) After the income maintenance unit receives notification from the child support recovery unit when child support services determines noncooperation.

f. When a sanction under 441—paragraph 41.3(4)“f” is removed, the change will be effective the first day of the next calendar month after the recipient has expressed willingness to cooperate, as described in 441—paragraph 41.3(4)“f.” However, action to remove the sanction will be delayed until:

(1) Cooperation has actually occurred; or

(2) The income maintenance unit has received notification from child support services that the client has cooperated.

g. A different effective date will be applied when specifically indicated in family investment program rules, such as in 441—subrule 41.6(4) and 441—subparagraph 41.8(9)“c”(2).

441—40.8(239B) Referral for investigation. The department may refer questionable cases to the department of inspections, appeals, and licensing.

441—40.9(239B) Alternate payees.

40.9(1) Conservatorship or guardianship. When application for the family investment program is filed by a person under conservatorship or guardianship, a copy of the court order will be secured by the department. Assistance payments will be made pursuant to Iowa Code section 239B.13.

40.9(2) Emergency payee. Payments may be made to persons acting for relatives who have been receiving assistance for a child in emergency situations that deprive the child of the relatives' care. These payments will be made for a temporary period, not to exceed three months, to allow time to make and implement plans for the child's continuing care and support.

These rules are intended to implement Iowa Code sections 239B.2, 239B.3, 239B.4, 239B.5, 239B.6, 239B.13 and 239B.18.