

HUMAN SERVICES DEPARTMENT[441]

Regulatory Analysis

Notice of Intended Action to be published: 441—Chapter 133
“IV-A Emergency Assistance Program”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 235.3
State or federal law(s) implemented by the rulemaking: Iowa Code section 235.3

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

June 2, 2026
10 a.m.

Microsoft Teams
Meeting ID: 292 485 993 110 827
Passcode: SZ3ZF7WH

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Department of Health and Human Services no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Victoria L. Daniels
Lucas State Office Building
Department of Health and Human Services
321 East 12th Street
Des Moines, Iowa 50319
Phone: 515.829.6021
Email: compliancerules@hhs.iowa.gov

Purpose and Summary

This proposed chapter defines and structures the Department’s IV-A emergency assistance program. This program is designed to extend a menu of services to children who are victims of or at risk of abuse or neglect, at risk of out-of-home placement, or in need of care or treatment. These proposed rules define emergency assistance services as family-centered services, family preservation services, foster care, protective day care, and wrap-around services. The proposed rules further outline an application process, eligibility criteria, methods of service provision, and duration of service.

Upon a Red Tape Review of the chapter pursuant to Executive Order 10, the Department removed restrictive terms and outdated or redundant definitions and cross-references.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

• **Classes of persons that will bear the costs of the proposed rulemaking:**

There are no costs associated with this proposed rulemaking.

• **Classes of persons that will benefit from the proposed rulemaking:**

Children who are victims of or at risk of abuse or neglect, at risk of out-of-home placement, or in need of care or treatment and their families will benefit from the information in this proposed rulemaking.

2. Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:

• **Quantitative description of impact:**

This proposed rulemaking has no quantitative impact.

• **Qualitative description of impact:**

Children who are victims of or at risk of abuse or neglect, at risk of out-of-home placement, or in need of care or treatment and their families will benefit from the information in this proposed rulemaking.

3. Costs to the State:

• **Implementation and enforcement costs borne by the agency or any other agency:**

The Department incurs personnel and other administrative costs associated with this proposed chapter.

• **Anticipated effect on State revenues:**

This proposed rulemaking has no impact on State revenues.

4. Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:

The proposed chapter provides important information that is not available elsewhere.

5. Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:

Not applicable.

6. Alternative methods considered by the agency:

• **Description of any alternative methods that were seriously considered by the agency:**

Not applicable.

• **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

Not applicable.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

• Establish less stringent compliance or reporting requirements in the rulemaking for small business.

• Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.

• Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.

• Establish performance standards to replace design or operational standards in the rulemaking for small business.

• Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

This proposed rulemaking has no impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 441—Chapter 133 and adopt the following **new** chapter in lieu thereof:

CHAPTER 133
IV-A EMERGENCY ASSISTANCE PROGRAM

441—133.1(235) Definitions.

“*Child*” means the same as defined in Iowa Code section 234.1.

“*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.

“*Family*” includes the following members:

1. Legal spouses (including common-law) who reside in the same household.
2. Natural, adoptive, or stepmother or stepfather, and children who reside in the same household.
3. An individual or child who lives alone or who resides with a person, or persons, not legally responsible for the child’s support.

441—133.2(235) Application. An application for emergency assistance shall be made on a form prescribed by the department. An application shall be completed any time a decision is made to provide emergency assistance or when an adult family member requests emergency assistance on behalf of a child.

133.2(1) The application shall be filed by a parent, except where both parents are absent or unwilling to apply on behalf of a child who meets all other eligibility conditions, in which case another adult member of the family with whom the child resides or has resided within the past six months acting on behalf of the child may file the application.

133.2(2) If the application is made on behalf of a child for whom the department has legal custody, the department may sign the application on behalf of the child.

441—133.3(235) Eligibility. To be eligible for emergency assistance, the family shall meet all of the following criteria.

133.3(1) *Existence of an emergency.* An emergency situation shall exist. An emergency exists when one of the following situations exists:

- a. Abuse, neglect, or abandonment of a child, or risk of same.
- b. Children are in imminent danger where continued presence in the home is not in the best interests of the child.
- c. Children have been removed from the home or are at risk of removal from the home because of abuse; neglect, which may include homelessness; or inability of parents to provide needed care or treatment or to control the behavior of the child.

133.3(2) *No refusal to accept employment or training.* The emergency situation did not arise out of an applicant’s or applicant’s family’s refusal without good cause to accept employment or training for employment within 30 days of the date of the application.

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 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.

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 in rule 441—202.2(234).
- c. Protective child care as established in 441—subparagraph 170.2(2) “b”(3).

133.3(5) Receipt of assistance. An application for IV-A emergency assistance was not previously approved within 12 months of the current application for IV-A emergency assistance.

133.3(6) Financial eligibility. The applicant family:

a. Is receiving family investment program (FIP), supplemental security income (SSI), Supplemental Nutrition Assistance Program (SNAP) benefits, or Medicaid in the month of the application, or

b. Does not have money to provide needed emergency care or services as evidenced by the applicant family's income not exceeding 800 percent of the poverty guidelines established by the federal Office of Management and Budget.

441—133.4(235) Method of service provision. Services shall be provided through the department 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 to provide services.

441—133.5(235) Duration of services. Services to families and children provided through the emergency assistance program as a result of a single application may be provided for either a period not to exceed 12 months or until there is no longer a need for services according to eligibility criteria for the specified services, whichever occurs first.

441—133.6(235) Discontinuance of the program. The program will be discontinued when federal funds have been exhausted.

These rules are intended to implement Iowa Code section 235.3(9).