

CHAPTER 133
IV-A EMERGENCY ASSISTANCE PROGRAM

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

PREAMBLE

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

441—133.1(235) Definitions.

“*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.

“*Department worker*” means the worker who is responsible for providing social casework as described in 441—Chapter 131.

“*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.

[ARC 7741B, IAB 5/6/09, effective 7/1/09; ARC 5248C, IAB 11/4/20, effective 1/1/21; ARC 6716C, IAB 11/30/22, effective 2/1/23]

441—133.2(235) Application. An application for emergency assistance shall be made according to rule 441—130.2(234). An application shall be completed anytime 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 worker may sign the application on behalf of the child.

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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 exists, 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 at rule 441—202.2(234).
- c. Protective child care as established at 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 FIP, SSI, Supplemental Nutrition Assistance Program (SNAP) benefits, or Medicaid in the month of the application, or
- b. Does not have cash 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 Office of Management and Budget.

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441—133.4(235) Method of service provision. 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.

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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.

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

These rules are intended to implement Iowa Code section 235.2.

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