

CHAPTER 184
INDIVIDUAL AND FAMILY DIRECT SUPPORT

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

DIVISION I
FAMILY SUPPORT SUBSIDY PROGRAM

PREAMBLE

The purpose of this division is to define and structure the family support subsidy program. This program is designed to assist families in staying together by defraying some of the costs of caring for a child with special needs living at home.

441—184.1(225C) Definitions.

“Department” means the department of human services.

“Family” means a family member and the parent or legal guardian of the family member.

“Family member” means a person less than 18 years of age who by educational determination has a moderate, severe, or profound educational handicap or special health care needs or who otherwise meets the definition of developmental disability in the federal Developmental Disabilities Assistance and Bill of Rights Act, as codified in 42 U.S.C. 15002(8).

“Home” means the home of the parent or legal guardian of the family member.

“Legal guardian” means a person appointed by a court to exercise powers over a family member.

“Parent” means a biological or adoptive parent.

“Supplemental Security Income (SSI)” means financial assistance provided to individuals pursuant to Title XVI of the federal Social Security Act, 42 U.S.C. Sections 1381 to 1383c.

[ARC 6351C, IAB 6/15/22, effective 8/1/22]

441—184.2(225C) Eligibility requirements. A child shall be eligible for the family support subsidy program if funds are available and all of the following requirements are met:

184.2(1) The child meets the definition of family member.

184.2(2) Rescinded IAB 6/27/90, effective 7/1/90.

184.2(3) The child is currently residing in the applicant’s home, or there is a discharge plan for the child to return home in the next 60 calendar days.

184.2(4) The family resides in the state of Iowa.

184.2(5) The family’s net taxable income for the calendar year immediately preceding the date of application did not exceed \$40,000 unless it can be verified that their estimated taxable income for the year in which the application is made will be less than \$40,000.

184.2(6) The applicant agrees that, if the child receives Medicaid, the subsidy shall only be used for the cost of services that are not covered by Medicaid. This subsidy is intended to complement but not supplant public assistance or social service benefits that are based on economic need and are available to the family through governmental programs or other means.

184.2(7) Exclusions. Unless a family requests and receives approval from the department for an exception to policy according to rule 441—1.8(17A,217), a family is not eligible to receive the family support subsidy if any of the following are applicable to the family or the family member for whom the application is submitted:

a. The family member is a special needs child who was adopted by the family, and the family is receiving financial assistance under Iowa Code section 600.17.

b. Medicaid home- and community-based waiver services are provided for the family member, and the family lives in a county in which comprehensive family support program services are available.

c. Medicaid home- and community-based waiver services are available to the family member under a consumer choices option.

441—184.3(225C) Program termination. As of July 1, 2010, the department shall no longer accept new applications or approve pending applications for the family support subsidy program pursuant to Iowa Code section 225C.37(3). Family members enrolled in the program as of July 1, 2010, will continue to receive subsidy payments until members meet one of the reasons for termination outlined in subrule 184.8(1).

[ARC 6351C, IAB 6/15/22, effective 8/1/22]

441—184.4(225C) Family support services plan.

184.4(1) The applicant shall agree that the subsidy will be used to meet the special needs identified in the plan or other special needs of the child and family.

184.4(2) Families shall retain the greatest possible flexibility in determining use of the subsidy, except a parent or legal guardian who receives family investment program benefits shall not use the subsidy to meet the basic needs of the family as defined in 441—subrule 41.28(2) or the special needs as defined in 441—subrule 41.28(3). In addition, if the child receives Medicaid, the subsidy shall only be used for the cost of services which are not covered by Medicaid.

[ARC 6351C, IAB 6/15/22, effective 8/1/22]

441—184.5 Reserved.

441—184.6(225C) Amount of subsidy payment. Families approved for payment shall receive an ongoing monthly payment that is determined annually by the department based on the federal cost-of-living adjustment (COLA).

[ARC 6351C, IAB 6/15/22, effective 8/1/22]

441—184.7(225C) Redetermination of eligibility. The department shall send a verification packet, which shall include instructions and necessary forms for verification of continuing eligibility, to all recipients of subsidy payments at least 30 calendar days prior to the deadline date for annual redetermination of eligibility. The completed verification materials shall be submitted annually to the department. If the signed verification of continuing eligibility is not received by the department by the last working day of the renewal month, the family's subsidy shall be terminated.

[ARC 6351C, IAB 6/15/22, effective 8/1/22]

441—184.8(225C) Termination of subsidy payments.

184.8(1) The family support subsidy shall terminate at the end of the month in which any of the following occur and a notice shall be sent which states the reason for the termination:

- a. The family member dies.
- b. The family no longer meets one or more of the eligibility criteria outlined in rule 441—184.2(225C).
- c. The parent or legal guardian has failed to provide information required for redetermination of eligibility as outlined in rule 441—184.7(225C).
- d. No funds appropriated for this purpose are available.

184.8(2) The parent or legal guardian is required to report to the local office within ten working days any changes which may affect eligibility. Failure to do so may result in responsibility for repayment of funds and termination of the subsidy.

184.8(3) If funds are not sufficient to cover payments for all persons on the subsidy, persons will be terminated from the subsidy in inverse order to the dates they began receiving payments, i.e., the last person to be added on to the subsidy being the first person to be removed. The division of adult, children, and family services is responsible for notifying the persons who will be removed from the subsidy for this reason.

[ARC 6351C, IAB 6/15/22, effective 8/1/22]

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.

These rules are intended to implement Iowa Code sections 225C.35 to 225C.42.

441—184.10 to 184.20 Reserved.

DIVISION II
COMPREHENSIVE FAMILY SUPPORT PROGRAM

PREAMBLE

The purpose of this division is to define and structure the comprehensive family support program, known as “children at home.” This program is designed to assist families raising a child with a disability in obtaining needed services and supports. This program provides families with assistance in locating resources and with funding when other sources of support are not available. It is the intent of the legislature that families maintain control over decision making regarding what is best for their children. Services and support provided under the children at home program shall not be used to supplant other services and supports available to the family of an individual with disabilities but shall be used to meet family needs that would not be met without the program.

441—184.21(225C) Definitions.

“*Comprehensive family support*” means the array of services and supports that assist families who are caring for a family member with a disability. Services and supports include, but are not limited to, programs, services, parent-to-parent support, assistive devices, and various adaptations that allow children with disabilities to participate more fully in family and community life.

“*Family*” means a group of interdependent persons living in the same household. A family may consist of an individual with a disability and any of the following:

1. The individual’s parent.
2. The individual’s sibling.
3. The individual’s grandparent, aunt, or uncle.
4. The individual’s legal custodian.
5. A person who is providing short-term foster care to the individual subject to a case permanency plan that provides for reunification between the individual and the individual’s parent.

“*Family*” does not include a person who is employed to provide services to an individual with a disability in an out-of-home setting, including but not limited to a hospital, nursing facility, personal care home, board and care home, group foster care home, or other institutional setting.

“*Individual with a disability*” means a person who is less than 22 years of age and meets the definition of developmental disability in 42 U.S.C. §15002.

“*Services and support*” means services or other assistance intended to enable an individual with a disability to control the individual’s environment, to remain living with the individual’s family, to function more independently, and to integrate into the individual’s community. Services and support may include, but are not limited to, funding for:

1. Purchase of equipment, respite care, supplies, or assistive technology; and
2. Payment of other costs attributable to the individual’s disability that are identified by the individual’s family.

[ARC 6351C, IAB 6/15/22, effective 8/1/22]

441—184.22(225C) Eligibility. Eligibility for the children at home program is limited to families who meet all the following conditions:

- 184.22(1)** The family resides in the state of Iowa.
- 184.22(2)** The family includes an individual with a disability.
- 184.22(3)** The family expresses an intent for the individual with a disability to remain living in the family's home.
- 184.22(4)** The family's net taxable income in the most recently completed tax year is less than \$60,000.

441—184.23(225C) Application. A family may apply on an application developed by an entity contracted by the department. The application shall be submitted to the department or to a local children at home contractor for assistance. The local children at home contractor shall determine eligibility for services in accordance with the provisions of this division.

[ARC 6351C, IAB 6/15/22, effective 8/1/22]

441—184.24(225C) Contractor selection and duties. Whenever possible, the department shall contract with local agencies to implement the children at home program.

184.24(1) Selection. Contractors shall be selected through competitive bidding and a demonstrated ability to provide disability-related services and supports.

184.24(2) Duties. The local children at home contractor shall agree to perform the following activities:

- a. Provide a single entry point for applicants to learn about and connect with a variety of needed services and supports.
- b. Assist families in identifying and applying for services they believe will help meet the needs of their family.
- c. Develop and disseminate a brochure describing the services available.
- d. Provide services and support in a timely manner.
- e. Inform families of emergency access to needed services and support, as needed.
- f. Survey parents annually to determine how the program is helping parents meet the needs of individuals with disabilities and include the survey results in the annual report to the department.
- g. Submit quarterly and annual reports to the department. The reports shall contain:
 - (1) A summary of the number of applications and services provided;
 - (2) An unduplicated count of children and families served; and
 - (3) Any other items listed in the contract with the department.

441—184.25(225C) Direct assistance. Each local children at home contractor shall develop procedures for providing direct financial assistance for supports and services that cannot be funded through other programs or means. Local policies shall be submitted to and approved by the department.

[ARC 6351C, IAB 6/15/22, effective 8/1/22]

441—184.26(225C) Appeals. A process is available to appeal the department's or the local children at home contractor's decisions involving families that apply for the children at home program and are denied services and support under the program. Families, contractors, and the department shall follow the appeal procedures outlined in 441—Chapter 7.

441—184.27(225C) Parent advisory council. Rescinded **ARC 6351C**, IAB 6/15/22, effective 8/1/22.

These rules are intended to implement Iowa Code section 225C.47.

[Filed emergency 12/8/88—published 12/28/88, effective 12/8/88]

[Filed 3/9/89, Notice 12/28/88—published 4/5/89, effective 6/1/89]

[Filed emergency 6/8/90—published 6/27/90, effective 7/1/90]

[Filed 8/8/90, Notice 6/27/90—published 9/5/90, effective 11/1/90]

[Filed 12/6/91, Notice 10/2/91—published 12/25/91, effective 2/1/92]

[Filed 4/8/99, Notice 2/24/99—published 5/5/99, effective 7/1/99]

[Filed 10/20/06, Notice 8/30/06—published 11/8/06, effective 1/1/07]

[Filed 11/12/08, Notice 8/27/08—published 12/3/08, effective 2/1/09]

[Filed ARC 6351C (Notice ARC 6249C, IAB 3/23/22), IAB 6/15/22, effective 8/1/22]