

CHAPTER 133  
IV-A EMERGENCY ASSISTANCE PROGRAM

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.

“*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.
4. Tracking, monitoring, and outreach as set forth in 441—Chapter 151, Division III.

“*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]

**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.

[ARC 7741B, IAB 5/6/09, effective 7/1/09]

**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 one or both parents, or a grandparent, adoptive parent, stepparent, sibling, aunt, uncle or cousin in a place of residence maintained as the child's own home.

**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).
- d. Tracking, monitoring, and outreach as established at rule 441—151.33(232).

**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, food assistance 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.

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

**441—133.4(235) Method of service provision.** Except for tracking, monitoring, and outreach services, 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.

[ARC 7741B, IAB 5/6/09, effective 7/1/09]

**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.

[ARC 7741B, IAB 5/6/09, effective 7/1/09]

**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.

[Filed emergency 9/15/94—published 10/12/94, effective 10/1/94]

[Filed emergency 12/14/94—published 1/4/95, effective 12/14/94]

[Filed 2/16/95, Notices 10/12/94, 1/4/95—published 3/15/95, effective 5/1/95]

[Filed emergency 3/20/95—published 4/12/95, effective 4/1/95]

[Filed 6/7/95, Notice 4/12/95—published 7/5/95, effective 9/1/95]

[Filed without Notice 6/10/98—published 7/1/98, effective 8/15/98]

[Filed 8/12/98, Notice 7/1/98—published 9/9/98, effective 11/1/98]

[Filed ARC 7741B (Notice ARC 7526B, IAB 1/28/09), IAB 5/6/09, effective 7/1/09]

[Filed ARC 5248C (Notice ARC 5131C, IAB 8/12/20), IAB 11/4/20, effective 1/1/21]