

441—47.5(239B) Relationship to the family investment program and TANF.

47.5(1) *Otherwise FIP eligible.* Candidates cannot receive both FIP (including hardship FIP) and assistance under this division in the same calendar month. Candidates for the FIP diversion program must meet the following FIP eligibility criteria:

- a. Requirements related to a child's age and living with a specified relative as described at rule 441—41.21(239B) and 441—subrules 41.22(3) and 41.22(4).
- b. Social security number requirements described at 441—subrule 41.22(13).
- c. Residency requirements described at 441—subrule 41.23(1).
- d. Citizenship and alien requirements described at 441—subrules 41.23(4) and 41.23(5).
- e. Income requirements described at rule 441—41.27(239B). Candidates must be at or below 200 percent of the federal poverty level to be considered.
- f. Requirements related to the period of ineligibility applied with a limited benefit plan as described at 441—subrule 41.24(8).
- g. Requirements related to the 60-month lifetime limit as described at rule 441—41.30(239B). If the family has reached or passed the 60-month lifetime limit, there is no FIP diversion eligibility.
- h. Requirements related to the hardship requirements as described at 441—subrule 41.30(3). If the family is approved for hardship, there is no FIP diversion eligibility.
- i. Requirements related to the family investment agreement as described at rule 441—41.24(239B). Any failure to sign or cooperate with the family investment agreement results in ineligibility for FIP diversion.

47.5(2) *Offer to participate declined.* Candidates for the FIP diversion program shall not be denied FIP on the basis that they do not want to participate in the FIP diversion program.

47.5(3) *Period of FIP ineligibility.* Receipt of FIP diversion assistance having a cash value to the family shall result in a period of ineligibility for FIP for that family, including new members moving into the household. The period of ineligibility shall equal the number of calendar days arrived at by using the following formula:

$$\text{diversion amount} \div \frac{(\text{payment standard for the family size})}{30} \times 2$$

For example, if the FIP diversion assistance amount is \$1,500, and the payment standard for the family of three is \$426, the period of ineligibility is 211 days. If FIP diversion assistance is approved on January 2, the family is ineligible to receive FIP assistance until after August 1.

$$\$1,500 \div \frac{(\$426)}{30} \times 2 = 211$$

The period of ineligibility shall include the seven-day wait period as described at rule 441—40.26(239B), when the household applies at least seven days before the end of the period of ineligibility. However, there is no eligibility before the period ends, regardless of application date. If the household does not file an application until after the period of ineligibility, the requirements for effective date of eligibility at 441—40.26(239B) apply.

These periods of ineligibility are applicable statewide. The period of ineligibility shall not apply to diversion family members moving to other families.

47.5(4) *Exempt as income.* Diversion assistance shall be exempt as income in determining FIP eligibility as described at 441—paragraph 41.27(7) “*ai.*”

47.5(5) *Exempt from TANF provisions.* Unless determined otherwise by the U.S. Department of Health and Human Services, receipt of diversion assistance shall not subject the family to the following TANF restrictions:

- a. The five-year (60-month) lifetime limit.
- b. Work participation rates.
- c. Cooperation with child support recovery.