

441—156.12(234) Trust funds and investments.

156.12(1) When the child is a beneficiary of a trust and the proceeds therefrom are not currently available, or are not sufficient to meet the child's needs, the worker will assist the child in having a petition presented to the court requesting release of funds to help meet current requirements. When the child and responsible adult cooperate in necessary action to obtain a ruling of the court, income cannot be considered available until the decision of the court has been rendered and implemented. When the child and responsible adult do not cooperate in the action necessary to obtain a ruling of the court, the trust fund or investments will be considered as available to meet the child's needs immediately. When the child or responsible adult does not cooperate within 90 days in making the income available, the maintenance payment is terminated.

156.12(2) The department is the payee for income from any trust funds or investments unless limited by the trust.

156.12(3) Savings accounts from any income and proceeds from the liquidation of securities shall be placed in the child's account maintained by the department and any amount in excess of \$1,500 is applied towards cost of the child's maintenance.

This rule is intended to implement Iowa Code section 234.39.

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