

441—41.24(239B) Promoting independence and self-sufficiency through employment job opportunities and basic skills (PROMISE JOBS) program. All persons in an FIP household will be referred to the PROMISE JOBS program, as defined in rule 441—93.1(239B), and shall enter into a family investment agreement (FIA) as a condition of receiving FIP unless exempt from referral, except as described in subrule 41.24(2).

41.24(1) FIA-responsible persons. The following persons are FIA-responsible unless the department determines the person is exempt:

- a. All persons whose needs are included in a grant under the FIP program.
- b. Any parent living in the home of a child receiving a grant.
- c. All FIP applicants unless the department determines that the applicant is exempt or does not meet other FIP eligibility requirements.
- d. Applicants who have chosen and are in an active limited benefit plan (LBP). FIA-responsible applicants in an active LBP shall complete significant contact with or action in regard to PROMISE JOBS as described in paragraphs 41.24(8)“d” and “e” for FIP eligibility to be considered. For two-parent households, both parents must participate as previously stated except when one parent is exempt. Exceptions:

- (1) The applicant has become exempt from PROMISE JOBS.
- (2) The applicant is in a subsequent LBP and it is prior to the last day of the six-month period of ineligibility.

41.24(2) Exemptions. The following persons are exempt from referral:

- a. and b. Reserved.
- c. A person who is under the age of 16 and is not a parent.
- d. A person found eligible for supplemental security income (SSI) benefits based on disability or blindness.
- e. A person who is aged 16 to 19, is not a parent, and attends an elementary, a secondary or an equivalent level of vocational or technical school full-time. For persons who lose exempt status for not attending school, once the person has signed an FIA, the person will remain referred to PROMISE JOBS and subject to the terms of the agreement.
 - (1) A person will be considered to be attending school full-time when enrolled or accepted in an elementary school, a secondary school, or the equivalent level of vocational or technical school or training leading to a certificate or diploma, and the school certifies the person’s attendance as full-time. Enrollment in a correspondence school that gives instruction courses by mail is not an allowable program of study.
 - (2) A person will also be considered to be in regular attendance in months when the person is not attending because of an official school or training program vacation, an illness, a convalescence, or a family emergency.
 - (3) A child meets the definition of regular school attendance until the child has been officially dropped from the school rolls.
- f. A person who is not a United States citizen and is not a “qualified alien” as defined in 441—40.21(239B).

41.24(3) Parents aged 19 and under.

a. Unless exempt as described in subrule 41.24(2), parents aged 18 or 19 are referred to PROMISE JOBS as follows:

- (1) A parent aged 18 or 19 who has not successfully completed a high school education (or its equivalent) will be required to participate in educational activities, directed toward the attainment of a high school diploma or its equivalent.
- (2) The parent will be required to participate in other PROMISE JOBS options if the person fails to make good progress in completing educational activities or if it is determined that participation in educational activities is inappropriate for the parent.
- (3) The parent will be required to participate in parenting skills training in accordance with 441—Chapter 93.

b. Unless exempt as described in subrule 41.24(2), parents aged 17 or younger are referred to PROMISE JOBS as follows:

(1) A parent aged 17 or younger who has not successfully completed a high school education or its equivalent will be required to participate in high school completion activities, directed toward the attainment of a high school diploma or its equivalent.

(2) The parent will be required to participate in parenting skills training in accordance with 441—Chapter 93.

41.24(4) *Method of referral.* The department will refer each FIA-responsible person as defined in subrule 41.24(1) to PROMISE JOBS to sign an FIA.

a. FIA-responsible applicants. During the application interview, the department will notify the applicant of the requirement to sign an FIA as a condition of FIP eligibility. The department will refer the applicant by scheduling the applicant for an appointment with the PROMISE JOBS provider agency to develop the FIA.

(1) The appointment will be on the earliest available date but no later than ten calendar days from the date of referral unless the applicant requests an appointment on a day that is beyond ten calendar days. The PROMISE JOBS provider agency shall make sufficient appointment times available to allow the applicant to be scheduled within this time frame.

(2) The applicant will be notified verbally and in writing of the scheduled appointment. If the notice of a scheduled appointment is mailed to the applicant, the department will allow at least five working days from the date the notice is mailed for the applicant to appear for the scheduled appointment. The department may allow less than five working days if the applicant is verbally notified and agrees to the appointment.

(3) If a parent fails to appear for an appointment without rescheduling or fails to sign an FIA, the department will deny FIP assistance for the entire family.

(4) If a minor parent fails to appear for an appointment without rescheduling or fails to sign an FIA, the department will deny FIP assistance for the minor parent and any child of the minor parent.

(5) If a referred person who is not a parent fails to appear for an appointment without rescheduling or fails to sign an FIA, the department will deny FIP assistance only for that person.

b. Hardship applicants. While the eligibility decision is pending, unless the applicants are exempt from referral as defined in subrule 41.24(2), the department will refer applicants who must qualify for a hardship exemption before approval of FIP to PROMISE JOBS to sign an FIA as described in paragraph 41.24(4)“a” and will treat applicants in accordance with subrule 41.30(3).

c. Applicants in an LBP. The department will refer FIA-responsible applicants to PROMISE JOBS as described in paragraph 41.24(4)“a” and inform the applicant of the actions needed to reconsider and end the LBP as described in subrule 41.24(8). Failure to appear for the appointment without rescheduling or failure to sign an FIA results in denial of the FIP application.

d. FIP participants who become FIA-responsible. When a person receiving FIP is no longer exempt, the department will send the FIP participant a notice. The notice will contain information about the requirement to sign an FIA and will instruct the FIP participant to contact PROMISE JOBS within ten calendar days to schedule an appointment with PROMISE JOBS to develop an FIA. If the participant fails to schedule or attend the appointment or fails to sign an FIA, PROMISE JOBS will send a clear written reminder. After one written reminder as described in 441—paragraph 93.3(3)“b,” the participant will enter into an LBP as described in paragraph 41.24(8)“c.”

41.24(5) *Changes in status and redetermination of exempt status.* Any exempt person shall report any change affecting the exempt status to the department within ten days of the change. The department will reevaluate exempt persons when changes in status occur and at the time of six-month or annual review. The participant and the PROMISE JOBS unit will be notified of any change in a participant’s exempt status.

41.24(6) Reserved.

41.24(7) *Referral to vocational rehabilitation.* The department will make the department of education, division of vocational rehabilitation services, aware of any person who is referred to PROMISE JOBS and who has a medically determined physical or mental disability and a substantial employment limitation resulting from the disability. However, acceptance of vocational rehabilitation services by the client is optional.

41.24(8) LBP. When a participant responsible for signing and meeting the terms of an FIA chooses not to sign or fulfill the terms of the agreement, the FIP assistance unit or the individual participant will enter into an LBP. An LBP is considered imposed as of the date that a “timely” and “adequate notice” is issued to the participant as defined in rules 441—16.1(17A) and 441—16.2(17A). Once the LBP is imposed, FIP eligibility no longer exists as of the first of the month after the month in which timely and adequate notice is given to the participant. Upon the issuance of the notice to impose an LBP, the person who chose the LBP can reconsider and end the LBP, but only as described in paragraphs 41.24(8) “d” and “e.”

a. An LBP shall either be a first LBP or a subsequent LBP. From the effective date of a first LBP, the FIP-eligible group or individual participant shall not be eligible until the participant who chose the LBP completes significant contact with or action in regard to the PROMISE JOBS program as defined in paragraph 41.24(8) “d.” If a subsequent LBP is chosen by the same participant, a six-month period of ineligibility applies to the FIP-eligible group or individual participant and ineligibility continues after the six-month period is over until the participant who chose the LBP completes significant contact with or action in regard to the PROMISE JOBS program as defined in paragraph 41.24(8) “e.” An LBP imposed in error as described in paragraph 41.24(8) “g” shall not be considered an LBP and shall not count when determining whether a household is subject to a subsequent LBP.

b. The LBP shall be applied to participants responsible for the FIA and other members of the participant’s family as follows:

(1) When the participant responsible for the FIA is a parent, the LBP shall apply to the entire FIP-eligible group as defined in subrule 41.28(1).

(2) When the participant choosing an LBP is a needy specified relative or a dependent child’s stepparent who is in the FIP-eligible group because of incapacity, the LBP shall apply only to the individual participant choosing the plan. Exception: The LBP shall apply to the entire FIP-eligible group as defined in subrule 41.28(1) when a needy specified relative who assumes the role of parent was responsible for the FIA and chose an LBP effective October 1, 2005, or earlier.

(3) When the FIP-eligible group includes a minor parent living with the minor parent’s adult parent or needy specified relative who receives FIP benefits and both the minor parent and the adult parent or needy specified relative are responsible for developing an FIA, each parent or needy specified relative is responsible for a separate FIA, and the LBP shall be applied as follows:

1. When the adult parent chooses the LBP, the requirements of the LBP shall apply to the entire eligible group, even though the minor parent has not chosen the LBP. However, the minor parent may reapply for FIP benefits as a minor parent living with self-supporting parents or as a minor parent living independently and continue in the FIA process.

2. When the minor parent chooses the LBP, the requirements of the LBP shall apply to the minor parent and any child of the minor parent.

3. When the minor parent is the only eligible child in the adult parent’s or needy specified relative’s home and the minor parent chooses the LBP, the adult parent’s or needy specified relative’s FIP eligibility ceases in accordance with subrule 41.28(1). The adult parent or needy specified relative shall become ineligible beginning with the effective date of the minor parent’s LBP.

4. When the needy specified relative chooses the LBP, the requirements of the LBP shall apply as described in subparagraph 41.24(8) “b”(2).

(4) When the FIP-eligible group includes children who are FIA-responsible, the children shall not have a separate FIA but shall be asked to sign the eligible group’s FIA and to carry out the responsibilities of that FIA. An LBP shall be applied as follows:

1. When the parent or needy specified relative responsible for an FIA meets those responsibilities but a child who is FIA-responsible chooses an individual LBP, the LBP shall apply only to the individual child choosing the plan.

2. When the child who chooses an LBP under numbered paragraph 41.24(8) “b”(4) “1” is the only child in the eligible group, the parents’ or needy specified relative’s eligibility ceases in accordance with subrule 41.28(1). The parents or needy specified relative shall become ineligible beginning with the effective date of the child’s LBP.

(5) When the FIP-eligible group includes parents or needy specified relatives who are exempt from PROMISE JOBS participation and children who are FIA-responsible, the children are responsible for completing an FIA. If a child who is FIA-responsible chooses the LBP, the LBP shall be applied in the manner described in subparagraph 41.24(8)“b”(4).

(6) When both parents of an FIP child are in the home, an LBP shall be applied as follows:

1. When only one parent of a child in the eligible group is responsible for an FIA and that parent chooses the LBP, the LBP applies to the entire family and cannot be ended by the voluntary participation in an FIA by the exempt parent.

2. When both parents of a child in the eligible group are responsible for an FIA, both are expected to sign the agreement. If either parent chooses the LBP, the LBP cannot be ended by the participation of the other parent in an FIA.

3. When the parents from a two-parent family in an LBP separate, the LBP shall follow only the parent who chose the LBP and any children in the home of that parent.

4. A subsequent LBP applies when either parent in a two-parent family previously chose an LBP.

c. A participant shall be considered to have chosen an LBP under any of the following circumstances:

(1) A participant who loses exempt status and is referred to PROMISE JOBS as described in paragraph 41.24(4)“d” and who does not schedule or attend an appointment for orientation and development of an FIA with PROMISE JOBS after PROMISE JOBS sends one clear written reminder as described in 441—paragraph 93.3(3)“b” shall enter into the LBP.

(2) A participant who chooses not to sign the FIA shall enter into the LBP. For an applicant, signing an FIA is an FIP eligibility requirement. If an applicant chooses not to sign the agreement, the LBP process is not applicable.

(3) A participant who signs an FIA but does not carry out the FIA responsibilities shall enter into an LBP whether the person signed the agreement as an FIP applicant or as an FIP participant. This includes a participant who fails to respond to the PROMISE JOBS worker’s request to renegotiate the FIA when the participant has not attained self-sufficiency by the date established in the FIA. An LBP shall be imposed regardless of whether the request to renegotiate is made before or after expiration of the FIA.

d. Reconsideration of a first LBP. A person who chooses a first LBP may reconsider at any time from the date timely and adequate notice is issued establishing the LBP. To reconsider and end the LBP, the person must communicate the desire to engage in PROMISE JOBS activities to the department or appropriate PROMISE JOBS office and develop and sign the FIA.

(1) Since a first LBP is considered imposed as of the date that a timely and adequate notice is issued, the person who chose the LBP cannot end it by complying with the issue that resulted in its imposition. To end the LBP, the person must also sign an FIA, even if the person had signed an agreement before choosing the LBP.

(2) FIP benefits shall be effective the date the FIA is signed or the effective date of the grant as described in rule 441—40.26(239B), whichever date is later. FIP benefits may be reinstated in accordance with 441—subrule 40.22(5) when the FIA is signed before the effective date of a first LBP.

e. Reconsideration of a subsequent LBP. A person who chooses a subsequent LBP may reconsider that choice at any time following the required six-month period of ineligibility.

(1) A subsequent LBP is considered imposed as of the date that a timely and adequate notice is issued to establish the LBP. Therefore, once timely and adequate notice is issued, the person who chose the LBP cannot end it by complying with the issue that resulted in its imposition.

(2) FIP eligibility no longer exists as of the effective date of the LBP. Eligibility cannot be reestablished until the six-month period of ineligibility has expired. FIP eligibility does not exist for a person who reapplies for FIP after the notice is issued and before the effective date of the LBP because the person is not eligible to sign an FIA until the six-month period of ineligibility has expired.

(3) To reconsider and end the LBP, the person must:

1. Contact the department or the appropriate PROMISE JOBS office to communicate the desire to engage in PROMISE JOBS activities,

2. Sign a new or updated FIA, and

3. Satisfactorily complete 20 hours of employment or the equivalent in an activity other than work experience or unpaid community service unless problems as described in rule 441—93.14(239B) or barriers as described in 441—subrule 93.4(5) apply. The 20 hours of employment or other activity must be completed within 30 days of the date that the FIA is signed unless problems as described in rule 441—93.14(239B) or barriers as described in 441—subrule 93.4(5) apply.

(4) FIP benefits shall not begin until the person who chose the LBP completes the previously defined significant actions. FIP benefits shall be effective the date the FIA is signed or the effective date of the grant as described in rule 441—40.26(239B), whichever date is later, but in no case shall the effective date be within the six-month period of ineligibility.

f. Reconsideration by two-parent family. For a two-parent family when both parents are responsible for an FIA as described in subrule 41.24(1), a first or subsequent LBP continues until both parents have completed significant contact or action with the PROMISE JOBS program as described in paragraphs 41.24(8) “*d*” and “*e*.”

g. LBP imposed in error. An LBP imposed in error will not be considered an LBP. This includes any instance when participation in PROMISE JOBS should not have been required as described in the administrative rules. Examples of instances when an error has occurred are:

- (1) The person was exempt from PROMISE JOBS participation at the time the person chose the LBP.
- (2) It is verified that the person considered to have chosen the LBP moved out of state or requested cancellation of FIP prior to the date that PROMISE JOBS determined the LBP was chosen.
- (3) The final appeal decision under 441—Chapter 2506 reverses the decision to impose an LBP.
- (4) It is determined that the entire amount of assistance issued for the person who chose the LBP is subject to recoupment for the month when the person chose not to fulfill the terms of the FIA.
- (5) The person informs PROMISE JOBS of a newly revealed problem as described in rule 441—93.14(239B) or barrier as described in 441—subrule 93.4(5) after the LBP is imposed, and it is reasonable that the problem or barrier contributed to a failure that resulted in imposition of the LBP. The person may be required to provide documentation of the problem or barrier as described in 441—subrule 93.10(3).

41.24(9) Reserved.

41.24(10) *Notification of services.*

a. The department will inform all applicants for and recipients of FIP of the advantages of employment under FIP.

b. The department will provide a full explanation of the family rights, responsibilities, and obligations under PROMISE JOBS and the FIA, with information on the time-limited nature of the agreement.

c. The department will provide information on the employment, education and training opportunities, and support services to which they are entitled under PROMISE JOBS, as well as the obligations of the department. This information will include explanations of child care assistance and transitional Medicaid.

d. The department will inform applicants for and recipients of FIP benefits of the grounds for exemption from FIA responsibility and from participation in the PROMISE JOBS program.

e. The department will explain the LBP and the process by which FIA-responsible persons can choose the LBP.

f. The department will inform all applicants for and recipients of FIP of their responsibility to cooperate in establishing paternity and enforcing child support obligations.

g. The department will inform applicants for FIP benefits that an FIA must be signed before FIP approval as a condition of eligibility, except as described in subrule 41.24(2).

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