

441—204.6(234) Determination of ongoing subsidy eligibility and suspension of subsidy payments.

204.6(1) Eligibility for continuation of guardianship subsidy shall be evaluated when the department has good cause to suspect the guardian is not providing financial support, or is no longer legally responsible for the child. Good cause includes, but is not limited to, the following circumstances:

- a.* The child is placed in out-of-home care under Iowa Code chapter 232.
- b.* A person alleges the guardian is not providing financial support to the child.
- c.* A person other than the guardian is awarded legal custody of the child.
- d.* A person other than the guardian is appointed as the guardian of the child.
- e.* The child has applied for food assistance or other benefits.
- f.* The child has not resided with the guardian for the past 30 consecutive days.
- g.* The guardian is incarcerated.
- h.* The guardian is awaiting trial for criminal charges related to harm caused to a child in the home.

204.6(2) The department shall contact the child's guardian via letter, telephone, or electronic or other means and document such efforts if an evaluation is determined to be necessary.

204.6(3) If such an evaluation occurs, the child's guardian shall provide documentation of support, including receipts, to the department upon request.

204.6(4) Upon completion of the department's evaluation of the child's continued eligibility for guardianship subsidy, the department shall issue a written notice to the guardian documenting required ongoing actions by the guardian, including an expectation of continued cooperation by the guardian to provide documentation of ongoing support to the child at the request of the department.

204.6(5) The department shall suspend guardianship subsidy payments if the guardian refuses to cooperate with any department evaluation designed to determine legal responsibility for the child or to determine whether the guardian is providing financial support for the child.

204.6(6) In the event the evaluation has determined the guardianship subsidy payment will be suspended, modified, or terminated, the department shall notify the guardian with proper notice, using Notice of Decision Form 470-5613.

204.6(7) When the child has resided out of the guardian's home for 30 consecutive days, the department shall request a renegotiation of the Guardianship Subsidy Agreement with the guardian to reduce or suspend payments as agreed to by the guardian.

[ARC 5680C, IAB 6/16/21, effective 8/1/21]