

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, or risk of same.
- b. Children are in imminent danger where continued presence in the home is not in the best interest 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 a specified relative. "Relative" includes people related by blood, marriage, or adoption. The child may be considered as meeting the requirement of living with a specified relative if the child's home is with one of the following or with a spouse of one of the following even though the marriage is terminated by death or divorce:

- a. Father—adoptive father.
- b. Mother—adoptive mother.
- c. Grandfather—grandfather-in-law, meaning the subsequent husband of the child's natural grandmother, i.e., stepgrandfather—adoptive grandfather.
- d. Grandmother—grandmother-in-law, meaning the subsequent wife of the child's natural grandfather, i.e., stepgrandmother—adoptive grandmother.
- e. Great-grandfather—great-great-grandfather.
- f. Great-grandmother—great-great-grandmother.
- g. Stepfather, but not his parents.
- h. Stepmother, but not her parents.
- i. Brother—brother-of-half-blood—stepbrother—brother-in-law—adoptive brother.
- j. Sister—sister-of-half-blood—stepsister—sister-in-law—adoptive sister.
- k. Uncle—aunt, of whole or half blood.
- l. Uncle-in-law—aunt-in-law.
- m. Great uncle—great-great-uncle.
- n. Great aunt—great-great-aunt.
- o. First cousins—nephews—nieces.
- p. Second cousins, meaning the son or daughter of one's parent's first cousin.

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 in rule 441—202.2(234).
- c. Protective child care as established in 441—subparagraph 170.2(2) "b"(3).

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 family investment program (FIP), supplemental security income (SSI), Supplemental Nutrition Assistance Program (SNAP) benefits, or Medicaid in the month of the application, or
- b. Does not have money 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 federal Office of Management and Budget.

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