

CHAPTER 47 DIVERSION INITIATIVES

PREAMBLE

This chapter describes the department of human services diversion initiatives. The purpose of these programs is to provide immediate, short-term assistance to families in lieu of ongoing assistance under the family investment program (FIP diversion) or to meet needs of FIP participants not currently met by existing PROMISE JOBS services (family self-sufficiency grants). Assistance under this chapter is intended to enable families to become or remain self-sufficient by removing barriers to obtaining or retaining employment. While the diversion initiatives are available statewide, local areas may exercise flexibility in program design, within the overall confines of these rules.

DIVISION I FIP DIVERSION PROGRAM

PREAMBLE

The FIP diversion program provides a voluntary alternative to ongoing cash assistance authorized to families through the family investment program (FIP) as provided under 441—Chapters 40 and 41. The purpose of the program is to provide immediate, short-term assistance to a family in lieu of ongoing FIP cash assistance. Assistance under this division will postpone or prevent the need to apply for FIP.

441—47.1(239B) Definitions.

“*Candidate*” means anyone expressing an interest in the FIP diversion program, or identified by a county office as likely to meet the criteria for participating in the program, and who is working with the county office to enroll in the program.

“*Cash value*” means FIP diversion assistance having direct value to the participant, through voucher or vendor payment.

“*County office*” means the local office of the department of human services.

“*Department*” means the Iowa department of human services.

“*Director*” means the director of the department.

“*Division administrator*” means the administrator of the division of financial, health and work supports of the department, or the administrator’s designee.

“*Family*” means “*assistance unit*” as defined at rule 441—40.21(239B).

“*Family investment program*” or “*FIP*” means the cash grant program provided by 441—Chapters 40 and 41, designed to sustain Iowa families.

“*FIP diversion assistance*” means any type of assistance provided under this division, as described in subrule 47.4(1).

“*Immediate, short-term assistance*” means that assistance provided under this division shall be authorized in less time than it would take to process and issue FIP under normal processing standards described at rule 441—40.25(239B), and that it shall not occur on a regular or frequent basis. Participants may receive assistance under this division more than once, but shall not receive assistance so often as to be considered receiving ongoing assistance as under FIP.

“*Participant*” means anyone receiving assistance under this division.

“*Temporary assistance for needy families*” or “*TANF*” means the program for granting benefits to eligible groups under Title IV-A of the federal Social Security Act as amended by Public Law 104-193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

441—47.2(239B) Availability of program. FIP diversion is operated statewide and is funded on a fiscal-year basis (July through June). If funds are expended before the end of the fiscal year, the program shall be discontinued until funding is received for the next fiscal year, in accordance with rule 441—47.8(239B). There is no waiting list for FIP diversion funds.

441—47.3(239B) General provisions.

47.3(1) Target population. FIP diversion assistance shall be offered to those families determined to be likely candidates for success in the program, as determined by department staff. FIP diversion program candidates:

- a. Shall be otherwise eligible for FIP, as set forth at subrule 47.5(1).
- b. Must have identifiable barriers to obtaining or retaining employment that can be substantially addressed through the immediate, short-term assistance offered by this division.

47.3(2) Application processing.

a. *Application form.* Families may apply for diversion assistance by submitting Form 470-3534, FIP Diversion Application, to a department local office.

(1) Department staff may refer for diversion assistance potential candidates who have applied for family investment program assistance, food assistance, or medical assistance. For these candidates, the application filed under rule 441—40.22(239B), 441—65.2(234), or 441—76.1(249A), respectively, shall be accepted as an application for diversion assistance.

(2) The application must contain a legible name and address and must be signed by the applicant. When two parents or a parent and stepparent are in the home, both must sign the application.

b. *Interview.* The department shall conduct at least one face-to-face interview before approval of the application. The face-to-face interview may be held in the local office, at a department-designated site, or in the applicant's home.

(1) The applicant may appoint an authorized representative to attend the interview if the applicant is unable to attend. The authorized representative must be a person knowledgeable of the family's circumstances.

(2) If the applicant or authorized representative fails to attend the required interview, the application shall be denied.

c. *Verification.* The department shall accept the family's declaration except when verification is required by these rules or information appears questionable. The decision with respect to eligibility shall be based largely on information provided by the family.

47.3(3) Approval. Participation in the FIP diversion program is voluntary and shall be based on an informed decision by the family, as evidenced by signature on Form 470-3529, Agreement for FIP Ineligibility.

441—47.4(239B) Assistance available. FIP diversion assistance shall assist participating families to overcome barriers to obtaining or retaining employment.

47.4(1) Types of assistance. FIP diversion assistance shall be approved for needs that create barriers to a family obtaining or retaining employment. Assistance shall include, but is not limited to:

a. Basic needs, such as household supplies, food, medical expenses, and personal care items. Basic needs shall be allowed only if payment for the needs prevents a family from accumulating debt before receiving the first paycheck. Basic needs shall not be allowed for families who are attempting to obtain employment.

b. Child care. Child care shall be approved only if the family is not immediately eligible for child care assistance as described at 441—Chapters 130 and 170.

c. Job-specific expenses, such as licensing fees, tools of the trade, and uniforms required to obtain a job, advance on a job, or start self-employment.

d. School-related expenses, such as fees, tuition, books and supplies required for training to qualify for an offered job, and training required to advance in a job, when the employer does not pay for the training.

e. Shelter-related expenses, including rent, mortgage, insurance, lot rent, telephone, heating and cooling, water, sewer, garbage, and deposits, if the payment prevents a family from accumulating debt before receiving the first paycheck, or enables the family to acquire space to start self-employment.

f. Transportation, including bus passes or tokens, car repair, vehicle purchase and payment, driver's license fees, gas, and vehicle insurance. All payments must be tied to obtaining or retaining a job or to preventing a family from accumulating debt before receiving the first paycheck.

47.4(2) Maximum value of assistance. For assistance having a cash value to the family, each family may receive a maximum amount of \$2,000 during the state fiscal year.

47.4(3) Frequency of assistance. FIP diversion assistance is intended to be of an immediate and short-term nature. While a family may be a candidate more than once, this program shall not be considered ongoing assistance.

47.4(4) Assistance method. FIP diversion assistance shall be granted through vendor payments or voucher payments, or both.

47.4(5) Supplanting other assistance. FIP diversion funds shall not be used for services already available through local resources at no cost to the family or to the department. The candidate may be referred to other department or local resources as requested.

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.

441—47.6(239B) Local plans. Rescinded IAB 12/10/03, effective 1/1/04.

441—47.7(239B) Notification and appeals.

47.7(1) *Notification.* All candidate households or households participating in the FIP diversion program under this division shall receive adequate written notice as described at 441—paragraph 7.7(1)“b,” using Form 470-0486, Notice of Decision. The written notice shall:

- a. Advise whether assistance under this division shall be provided.
- b. Give the reason for the decision, if assistance shall not be provided.
- c. Give the type, value (if applicable), and frequency of assistance as described at rule 441—47.4(239B), if assistance shall be provided.
- d. Give any period of ineligibility for FIP as required by subrule 47.5(3), if assistance shall be provided.
- e. Cite this division as legal authority for the decision.
- f. Advise the household of its appeal rights under 441—Chapter 7 and this division.

47.7(2) *Decisions regarding assistance.* All decisions regarding assistance available under this division shall be in accordance with the rules in this division.

47.7(3) *Appealable actions.* Decisions made by the department affecting clients may be appealed pursuant to 441—Chapter 7.

47.7(4) *Nonappealable actions.* Households shall not be entitled to an appeal hearing if the sole basis for denying or limiting assistance under this division is that diversion funds have been reduced, exhausted, eliminated or otherwise encumbered.

441—47.8(239B) *Funding and method of payment.* The division administrator may immediately discontinue the FIP diversion program if funding is reduced, exhausted, eliminated, or otherwise encumbered.

47.8(1) *Priority of assistance.* To ensure equitable treatment, applications for FIP diversion assistance shall be approved on a first-come, first-served basis until all funds have been depleted. “First-come, first-served” is determined by the date the application is approved for payment and entered into the diversion computer system.

47.8(2) *Partial payment.* Because funds are limited, applications may be approved for less than the amount requested. Payment cannot be approved beyond the amount of funds available.

47.8(3) *Reserved funds.* A portion of yearly FIP diversion funds not to exceed 10.6 percent of the total FIP diversion allocation shall be reserved for:

a. Administrative costs; and

b. Final appeal decisions reversing the department’s denial that are received after funds for the program have been exhausted.

47.8(4) *Untimely applications.* FIP diversion applications received after the program is discontinued for the year and more than five working days before the program begins again the next fiscal year shall be denied.

441—47.9(239B) *Termination of pilot projects.* Rescinded IAB 12/10/03, effective 1/1/04.

441—47.10(239B) *Records and reports.*

47.10(1) *Case records.* The provision of diversion assistance shall be documented by the department in the participant’s income maintenance case record.

47.10(2) *Records retention.* County office staff shall maintain all records related to the program for five years. They shall allow federal or state officials access to all records upon request.

47.10(3) *Reports.*

a. County offices shall provide reports as requested by the division administrator in a manner, format and frequency specified by the administrator.

b. County offices shall be responsible for maintaining records sufficient for audit and tracking purposes.

441—47.11(239B) *Renewal of existing approved pilot projects.* Rescinded IAB 12/10/03, effective 1/1/04.

These rules are intended to implement Iowa Code section 239B.11.

441—47.12 to 47.20 Reserved.

DIVISION II
FAMILY SELF-SUFFICIENCY GRANTS PROGRAM

PREAMBLE

These rules define and structure the family self-sufficiency grants program provided through the PROMISE JOBS service delivery regions. The purpose of the program is to provide immediate and short-term assistance to PROMISE JOBS participant families which will remove barriers related to obtaining or retaining employment. Removing the barriers to self-sufficiency might reduce the length of time a family is dependent on the family investment program (FIP). Family self-sufficiency grants shall be available for payment to families or on behalf of specific families.

441—47.21(239B) Definitions.

“*Candidate*” means anyone expressing an interest in the family self-sufficiency grants program.

“*Department*” means the Iowa department of human services.

“*Department division administrator*” means the administrator of the department of human services division of financial, health and work supports, or the administrator’s designee.

“*Department of workforce development*” means the agency that develops and administers employment, placement and training services in Iowa, often referred to as Iowa workforce development, or IWD.

“*Family*” means “assistance unit” as defined at 441—40.21(239B).

“*Family investment program*” or “*FIP*” means the cash grant program provided by 441—Chapters 40 and 41, designed to sustain Iowa families.

“*Family self-sufficiency grants*” means the payments made to specific PROMISE JOBS participants, to vendors on behalf of specific PROMISE JOBS participants, or for services to specific PROMISE JOBS participants.

“*Immediate, short-term assistance*” means assistance provided under this division shall be authorized upon determination of need and that it shall not occur on a regular basis.

“*Iowa workforce development (IWD) division administrator*” means the administrator of the department of workforce development’s division of workforce development center administration, or the administrator’s designee.

“*Local plan for family self-sufficiency grants*” means the written policies and procedures for administering the grants for families as set forth in the plan developed by the PROMISE JOBS service delivery region as described in rule 441—47.26(239B). The local plan shall be approved by the Iowa workforce development division administrator.

“*Participant*” means anyone receiving assistance under this division.

“*PROMISE JOBS contract*” means the agreement between the department and Iowa workforce development regarding delivery of PROMISE JOBS services.

“*PROMISE JOBS participant*” means any person receiving services through PROMISE JOBS. A PROMISE JOBS participant must be a member of an eligible FIP household.

“*PROMISE JOBS service delivery regions*” means the PROMISE JOBS service delivery entities which correspond to the 15 Iowa workforce development regions.

“*Promoting independence and self-sufficiency through employment job opportunities and basic skills (PROMISE JOBS) programs*” means the department’s work and training program as described in 441—Chapter 93, Division II.

441—47.22(239B) Availability of the family self-sufficiency grants program. The family self-sufficiency grants program shall be available statewide in each of the 15 PROMISE JOBS service delivery regions. Under the PROMISE JOBS contract, Iowa workforce development (IWD) shall allocate the funds available for authorization to each of the service delivery regions based on the allocation standards used for PROMISE JOBS service delivery purposes. The department actually retains the funds which are released through the PROMISE JOBS expense allowance authorization system.

441—47.23(239B) General criteria. Family self-sufficiency grants candidates shall be PROMISE JOBS participants. Participation in the family self-sufficiency grants program is voluntary and shall be based on an informed decision by the family. Further, candidates must have identifiable barriers to obtaining or retaining employment that can be substantially addressed through the assistance offered by family self-sufficiency grants.

441—47.24(239B) Assistance available in family self-sufficiency grants. Family self-sufficiency grants shall be authorized for removing an identified barrier to self-sufficiency when it can be reasonably anticipated that the assistance will enable participant families to retain employment or obtain employment in the two full calendar months following the date of authorization of payment. For example, if a payment is authorized on August 20, it should be anticipated that the participant can find employment in September or October.

47.24(1) *Employment does not occur.* If employment does not occur in the anticipated two-calendar-month period or if the participant loses employment in spite of the self-sufficiency grant, no penalty is incurred and no overpayment has occurred.

47.24(2) *Types of assistance.* Family self-sufficiency grants are PROMISE JOBS benefits and shall be authorized through the PROMISE JOBS expense allowance system. The PROMISE JOBS service delivery region shall have discretion to determine those barriers to self-sufficiency which can be considered for family self-sufficiency grants such as, but not limited to, auto maintenance or repair, licensing fees, child care, and referral to other resources, including those necessary to address questions of domestic violence. Warrants may be issued to the participants, to a vendor, or for support services provided to the family. The PROMISE JOBS service delivery region shall have discretion in determining method of payment in each case, based on circumstances and needs of the family.

47.24(3) *Limit on assistance.* The total payment limit per family is \$1,000 per year. A year for a family shall be the 12 fiscal months following the date of authorization of the initial payment for the family. A fiscal month begins and ends in different calendar months.

47.24(4) *Frequency of assistance.* Family self-sufficiency grants are intended to provide immediate and short-term assistance and must meet the criteria in this rule. While a family may be a candidate more than once and may receive payments in consecutive months in some circumstances, payments shall not be established as regular or ongoing.

47.24(5) *Supplanting.* Family self-sufficiency grants shall not be used for services already available through department, PROMISE JOBS, or other local resources at no cost.

47.24(6) *Relationship to the family investment agreement.* Family self-sufficiency grants are separate from the PROMISE JOBS family investment agreement process. While the family investment agreement must be honored at all times and renegotiated and amended if family circumstances require it, no family shall be considered to be choosing the limited benefit plan if the family chooses not to participate in the family self-sufficiency grant program.

441—47.25(239B) Application, notification, and appeals.

47.25(1) Application elements. Each PROMISE JOBS service delivery region shall establish an application form to be completed by the PROMISE JOBS participant and the PROMISE JOBS worker when the participant asks to be a candidate for a family self-sufficiency grant. The application form shall contain the following elements:

- a. An explanation of family self-sufficiency grants and the expectations of the program.
- b. Identification of the family and the person representing the family.
- c. A clear description of the barrier to self-sufficiency to be considered.
- d. Demonstration of how removing the barrier is related to retaining or obtaining employment, meeting the criteria from rule 441—47.24(239B).
- e. Demonstration of why other department, PROMISE JOBS, or community resources cannot deal with the barrier to self-sufficiency.
- f. Anticipated cost of removing the barrier to self-sufficiency.

47.25(2) Notification process. PROMISE JOBS shall use Form SS-1104-0, Notice of Decision: Services, to notify the candidate of the PROMISE JOBS decision regarding the family self-sufficiency grant. Decisions shall be in accordance with policies of this division and the local plan.

- a. On approval, the form shall indicate the amount of the benefit that will be issued to the candidate or paid to a vendor, or the service that will be provided to the family.
- b. On denial, the form shall indicate the reason for denial.

47.25(3) Appealable actions. The PROMISE JOBS decisions on family self-sufficiency grants may be appealed pursuant to 441—Chapter 7. Copies of the local plan as described at rule 441—47.26(239B) shall be included with the appeal summary.

47.25(4) Nonappealable actions. PROMISE JOBS participants shall not be entitled to an appeal hearing if the sole basis for denying, terminating or limiting assistance from family self-sufficiency grants is that self-sufficiency grant funds have been reduced, exhausted, eliminated, or otherwise encumbered.

441—47.26(239B) Approved local plans for family self-sufficiency grants. Each PROMISE JOBS service delivery region shall create and provide to IWD their written policies and procedures for administering family self-sufficiency grants. The plan shall be reviewed for required elements and quality of service to ensure that it meets the purpose of the program and approved by the department division administrator and the IWD division administrator. The written policies and procedures shall be available to the public at county offices, PROMISE JOBS offices, and at IWD. At a minimum, these policies and procedures shall contain or address the following:

47.26(1) A plan overview. The plan overview shall contain a general description detailing:

- a. Any types of services or assistance which will be excluded from consideration for family self-sufficiency grants in the PROMISE JOBS service delivery region.
- b. How determinations will be made that the service or assistance requested meets the program's objective of helping the family retain employment or obtain employment.
- c. How determinations will be made that the proposed family self-sufficiency grant is not supplanting as required at subrule 47.24(5).
- d. Services established and any maximum (and minimum, if any) values of payments of the services established by the PROMISE JOBS service delivery region.
- e. Verification procedures or standards for documenting barriers, using written notification policies found at rule 441—93.137(239B).
- f. The design of the application form.
- g. Verification procedures or standards for documenting employment attempts if not already tracked by PROMISE JOBS procedures, using policies found at 441—subrules 93.135(3) and 93.135(4) and at rule 441—93.137(239B).

h. How applications will be processed timely to address barriers to obtaining or retaining employment.

i. Follow-up procedures on participant effort.

j. Procedures for tracking of family self-sufficiency grant authorizations in order to stay within service delivery region allocation.

k. How staff will be trained to administer the program.

47.26(2) *Intake and eligibility determination.* The policies and procedures shall describe:

a. How families most likely to benefit from self-sufficiency grant assistance are identified.

b. How families can apply for self-sufficiency grant assistance.

c. How families will be informed of the availability of self-sufficiency grant assistance, its voluntary nature, and how the program works.

d. How county offices and PROMISE JOBS offices will maintain, provide to pilot participants, and otherwise make available, written policies and procedures describing the project.

e. Which PROMISE JOBS staff shall make decisions regarding identification of barriers and candidate eligibility for payment and what sign-off or approval is required before a payment is authorized.

47.26(3) *A plan for evaluation of family self-sufficiency grants.* The evaluation plan shall:

a. Describe tracking procedures.

b. Describe the plan for evaluation (e.g., what elements will be used to create significant data regarding outcomes).

c. Describe how measurable results will be determined.

d. Identify any support needed to conduct an evaluation (e.g., what assistance is needed from department and IWD).

e. Describe which aspects of the project were successful and which were not.

These rules are intended to implement Iowa Code section 239B.11.

DIVISION III

PILOT COMMUNITY SELF-SUFFICIENCY GRANTS PROGRAM

Rescinded IAB 12/10/03, effective 1/1/04

DIVISION IV

PILOT POST-FIP DIVERSION PROGRAM

Rescinded IAB 12/10/03, effective 1/1/04

[Filed emergency 9/16/97—published 10/8/97, effective 10/1/97]

[Filed 12/10/97, Notice 10/8/97—published 12/31/97, effective 3/1/98]

[Filed 4/15/99, Notice 2/10/99—published 5/5/99, effective 7/1/99]

[Filed 10/11/00, Notice 8/23/00—published 11/1/00, effective 1/1/01]

[Filed emergency 11/19/03 after Notice 10/1/03—published 12/10/03, effective 1/1/04]

CHAPTER 48

FAMILY INVESTMENT PROGRAM ELIGIBILITY UNDER SELF-EMPLOYMENT DEMONSTRATION PROJECTS

Rescinded IAB 4/2/03, effective 6/1/03

CHAPTER 49

TRANSITIONAL CHILD CARE ASSISTANCE PROGRAM

Rescinded IAB 10/3/01, effective 12/1/01