

IDAPA 16 – IDAHO DEPARTMENT OF HEALTH AND WELFARE

Division of Family and Community Services

16.06.13 – Emergency Assistance for Families and Children

Who does this rule apply to?

Eligible families and children in need of emergency assistance.

What is the purpose of this rule?

The purpose of these rules is to establish statewide provisions of emergency assistance to families with children eligible to receive assistance through Title IV-A funds to meet the family's emergency conditions.

What is the legal authority for the agency to promulgate this rule?

This rule implements the following statutes passed by the Idaho Legislature:

Public Assistance and Welfare -

Public Assistance Law:

- [Section 56-201, Idaho Code](#) – Definitions
- [Section 56-202\(b\), Idaho Code](#) – Duties of Director of State Department of Health & Welfare

Where can I find information on Administrative Appeals?

Administrative appeals and contested cases are governed by the provisions of IDAPA 16.05.03, "Contested Case Proceedings and Declaratory Rulings."

How do I request public records?

Unless exempted, all public records are subject to disclosure by the Department that will comply with Title 74, Chapter 1, Idaho Code, upon requests. Confidential information may be restricted by state or federal law, federal regulation, and IDAPA 16.05.01, "Use and Disclosure of Department Records." Any disclosure of information obtained by the Department is subject to the restrictions of 45 CFR 205.50.

Who do I contact for more information on this rule?

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Division of FACS – Resource and Service Navigation
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Boise, ID 83702

Attn: Resource and Service Navigation

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Webpage: <https://healthandwelfare.idaho.gov/services-programs/community-supportsassistance-and-covid-19-resources>

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16.06.13 – EMERGENCY ASSISTANCE FOR FAMILIES AND CHILDREN

000. LEGAL AUTHORITY.

Sections 56-201, and 56-202(b), Idaho Code, authorize the Department to adopt and enforce rules for administration of public assistance programs. (3-17-22)

001. SCOPE.

These rules establish statewide provisions of emergency assistance to families with children eligible to receive assistance through Title IV-A funds to meet the family's emergency conditions. (3-17-22)

002. -- 009. (RESERVED)

010. DEFINITIONS.

01. Adult Relatives. Any non-parent individual over the age of eighteen (18) years, who is related to the eligible child in any of the following ways: (3-17-22)

a. Brother, sister, aunt, uncle, nephew, niece, first cousin or first cousin once removed, or one (1) of these relationships including parents prefixed by “grand” or “great,” or: (3-17-22)

b. One (1) of the following relationships by half-blood: a step-parent, step-sibling, or the spouse of a relative by marriage, even if the marriage has ended. (3-17-22)

02. Authorization Assessment. A standardized assessment conducted by the Department within the first thirty (30) days following the date of application for emergency assistance. (3-17-22)

03. Child. An individual less than eighteen (18) years of age. (3-17-22)

04. Department. The Idaho Department of Health and Welfare, or its designee. (3-17-22)

05. Destitution. A state of being in extreme need from lacking possessions or resources. (3-17-22)

06. Emergency Assistance. Funding through Title IV-A for social services, emergency payments, and placement payments authorized by the Department and designed to meet short-term, non-recurrent emergency needs of families with children. (3-17-22)

07. Federal Poverty Guideline. Poverty guidelines issued each year in the Federal Register by the Department of Health and Human Services used to determine financial eligibility for certain state and federal programs. These guidelines may be accessed at the Internet website at <http://aspe.hhs.gov/poverty>. (3-17-22)

08. Respite Care. Time-limited care provided to children. Respite care is utilized in circumstances that require short-term, temporary placement of a child from the home of their usual caregiver to that of another licensed or agency-approved family. In general, the duration of a respite placement is from one (1) to fourteen (14) days. (3-17-22)

09. Service Period. The thirty (30) day authorization assessment period and up to ninety (90) days following the assessment period. (3-17-22)

011. -- 099. (RESERVED)

100. EMERGENCY CONDITION.

A family is assessed for an emergency condition when the Department receives a report, referral, or service request indicating an emergency condition exists, which includes a child who has unmet short-term basic needs affecting the child's health, safety, or well-being that place the child at risk of destitution. (3-17-22)

101. -- 149. (RESERVED)

150. APPLICATION FOR SERVICES.

An application must be completed and signed by one (1) of the following individuals on behalf of the eligible child for emergency assistance to be given: (3-17-22)

01. A Parent or Parents. (3-17-22)

02. An Adult Relative. An adult relative may sign on behalf of the child, when the child is residing with them and they are responsible for the child's care. (3-17-22)

151. -- 159. (RESERVED)

160. ELIGIBILITY REQUIREMENTS.

The following requirements of this rule must be met before a family is eligible for emergency assistance. (3-17-22)

01. Child. There must be a child in the household for the family to be eligible. (3-17-22)

02. Citizenship. To be eligible for emergency assistance, an individual must meet the citizenship requirements in IDAPA 16.03.08, "Temporary Assistance for Families in Idaho (TAFI)". (3-17-22)

03. Income Guidelines. The family is determined as needy when the household income is below two hundred percent (200%) of the current Federal Poverty Guideline, or is unable to meet the emergency condition because of circumstances beyond their control, and insufficient resources are immediately available to meet the child's basic needs and which threatens the child's safety, stability, or well-being. (3-17-22)

04. Residence. The child must have lived with one (1) or both parents or an adult relative, within six (6) months prior to the month of application for emergency assistance. A child may move from one (1) household to another and be eligible to receive emergency assistance in either household. (3-17-22)

05. Work Program Compliance. An individual who is required to participate in a work program must not have refused, without good cause, to accept employment or training for employment. (3-17-22)

161. -- 199. (RESERVED)

200. ASSESSMENT AND AUTHORIZATION FOR EMERGENCY ASSISTANCE.

01. Authority to Assess Needs for Emergency Assistance. Contractors may conduct assessments and make referrals for authorization. (3-17-22)

02. Authorization Of Emergency Assistance. Emergency assistance payments and services may only be authorized by the Department. (3-17-22)

03. Authorization and Assessment Period. The thirty (30) day authorization and assessment period begins the date the applicant signs the application. Services may be provided during this authorization and assessment period. (3-17-22)

04. Service Period. A service period may continue for a maximum of ninety (90) days following the assessment period. (3-17-22)

05. Total Number of Days for Emergency Assistance. The total number of days a family may receive emergency assistance is one hundred twenty (120) consecutive days in a twelve (12) month period from the date the application is signed. (3-17-22)

06. Assessment Content. The Department will describe in the assessment the following: (3-17-22)

a. The emergency condition; (3-17-22)

b. The family's issues that caused the emergency condition; and (3-17-22)

c. A family service plan. (3-17-22)

07. Family Service Plan Content. The Department must both develop a family service plan that has been signed by the applicant and include a description of the following: (3-17-22)

- a. The types of services and the reason the services are needed; (3-17-22)
- b. The specific period each service will be covered; (3-17-22)
- c. Who is providing the service; (3-17-22)
- d. A list of resources and contacts made on behalf of the family; and (3-17-22)
- e. How the needs of the family will be met in the future. (3-17-22)

201. -- 209. (RESERVED)

210. DURATION FOR EMERGENCY ASSISTANCE.

Emergency assistance may be provided to a family one (1) time during a twelve (12) month period counted from the date the application is signed, unless the original application was denied or withdrawn. The emergency assistance can not exceed a total of one hundred and twenty (120) consecutive days and if: (3-17-22)

01. More than one (1) emergency condition occurs within the thirty (30) day authorization assessment period, all emergency conditions are considered to be the same emergency and additional funds may be authorized to cover additional services needed. (3-17-22)

02. A second emergency condition occurs after the thirty (30) day authorization assessment period, it is considered a separate emergency condition and emergency assistance cannot be used to provide services or payment of additional funds. (3-17-22)

211. -- 299. (RESERVED)

300. EMERGENCY ASSISTANCE PAYMENTS.

Emergency assistance payments are short-term benefits for specific emergency conditions that are provided to assist a family with an eligible child. These payments are not intended to meet ongoing and recurrent needs that will extend beyond the one hundred twenty (120) day service period. (3-17-22)

01. Emergency Payments. Emergency payments will be made to purchase goods and services relating to the emergency condition. (3-17-22)

02. Non-Allowable Payments. Emergency assistance funds may not be used to pay for the following: (3-17-22)

a. Medical services reimbursable by Medicaid regardless of whether the individual is receiving or eligible for Medicaid. (3-17-22)

b. Services provided to meet a family's ongoing basic needs including housing, food, clothing, transportation, and household goods that extend beyond the one hundred twenty (120) days. (3-17-22)

c. Services available through other community resources. (3-17-22)

d. Child care that is not considered respite care. (3-17-22)

e. Medical or automobile insurance. (3-17-22)

f. Down payment or purchases of vehicles or real property. (3-17-22)

03. Funding Restrictions. The Department may take action to reduce emergency assistance payments when available funding is insufficient. (3-17-22)

301. -- 999. (RESERVED)