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**IDAPA 16
TITLE 06
CHAPTER 13**

16.06.13 - RULES GOVERNING EMERGENCY ASSISTANCE FOR FAMILIES AND CHILDREN

000. LEGAL AUTHORITY.

01. General Authorities Granted The Department Of Health And Welfare: (11-7-94)

a. Section 39-105(1), Idaho Code, authorizes the Director of the Department of Health and Welfare to adopt, promulgate and enforce rules in those circumstances when such authority is not vested in the Board of Health and Welfare. (11-7-94)

b. Section 39-106(1)(a), Idaho Code, requires the Director to prescribe such rules as may be necessary for the administration of the Department and the conduct and duties of the employees. (11-7-94)

c. Section 56-202(b), Idaho Code, requires the Director to promulgate, adopt and enforce such rules and methods of administration as may be necessary or proper to carry out provisions of Section 56-201 et seq., Idaho Code, the "Public Assistance Law," except where such authority is granted to the board. (11-7-94)

02. Specific Authorities. Pursuant to 45 CFR 233.120, the Department may provide assistance and services to needy families with children to meet emergency conditions detailed in this chapter. (11-7-94)

001. TITLE AND SCOPE.

01. Title. These rules are to be cited in full as IDAPA 16.06.13, "Rules Governing Emergency Assistance for Families and Children," Rules of the Department of Health and Welfare. (11-7-94)

02. Scope. These rules are established to govern the statewide provision of Emergency Assistance Services to families referred or reported to a Family and Children's Services licensed social worker and found eligible under the department's Title IV-A Emergency Assistance Program. (11-7-94)

002. WRITTEN INTERPRETATIONS.

In accordance with Section 67-5201(16)(b)(iv), Idaho Code, this agency has written statements which pertain to the interpretation of the rules of this chapter, or to the documentation of compliance with the rules of this chapter. The document is available for public inspection and copying at cost in the main office of this agency. (11-7-94)

003. ADMINISTRATIVE APPEALS.

Contested case appeals shall be governed by Idaho Department of Health and Welfare Rules, IDAPA 16.05.03, "Rules Governing Contested Cases and Declaratory Rulings". (11-7-94)

004. (RESERVED).

005. INCLUSIVE GENDER.

For the purposes of these rules, words used in the masculine gender include the feminine, or vice versa, where appropriate. (11-7-94)

006. SEVERABILITY.

Idaho Department of Health and Welfare Rules, IDAPA 16.06.03, are severable. If any rules, or part thereof, or the application of such rule to any person or circumstance is declared invalid, that invalidity does not affect the validity of any remaining portion of this chapter. (11-7-94)

007. CONFIDENTIALITY OF RECORDS.

Any disclosure of information obtained by the Department is subject to the restrictions contained in Idaho Department of Health and Welfare Rules, IDAPA 16.05.01, "Rules Governing the Protection and Disclosure of Department Records". (11-7-94)

008. -- 009. (RESERVED).

010. DEFINITIONS AND ABBREVIATIONS.

For the purposes of the rules contained in IDAPA 16.06.13, the following terms and abbreviations are used, as defined herein. (11-7-94)

01. Department. The Idaho Department of Health and Welfare. (11-7-94)

02. Emergency Assistance. Social services, emergency payments and placement services authorized by Family and Children's Services licensed social workers for Title IV-A Emergency Assistance eligible families to meet emergency needs. (11-7-94)

03. Family And Children's Services (FACS). Those programs and services directed to families and children, administered by the Department and provided in accordance with these rules. (11-7-94)

011. -- 029. (RESERVED).

030. ELIGIBILITY.

A family is eligible for Emergency Assistance in Idaho if a licensed social worker within the Department of Health and Welfare, Family and Children's Services receives a report or referral indicating an emergency condition as described in Subsection 030.02, determines the family eligible and if all of the eligibility requirements provided in Subsection 030.01 are met. (11-7-94)

01. Eligibility Requirements. (11-7-94)

a. An application is filed by a parent; (If both parents are absent, refuse to cooperate in supporting the child or are unwilling to apply on behalf of the child, another adult relative or the Family and Children's Services social worker may file the application on behalf of the child. If the child is in the legal custody of the Department, the social worker may file the application on behalf of the child.) (11-7-94)

b. The family contains a needy child under the age of twenty-one (21); (11-7-94)

c. The child is living with one or both parents, or within six (6) months prior to the month in which such assistance is requested, has been living with a relative (parent, grandparent, adoptive parent, stepparent, sibling, aunt, uncle, or cousin); (11-7-94)

d. The applicant family has a monthly income below the Aid to Families with Dependent Children (AFDC) Gross Income Limit and does not have the ability to meet the emergent need or, if the family is above the AFDC Gross Income Limit, the family is unable to meet the emergent need because of circumstances beyond their control; (In the case where both parents are absent, refuse to cooperate in supporting the child or are unwilling to apply on behalf of the child, the child's income alone is considered.) (11-7-94)

e. The emergency assistance is necessary to avoid destitution of such child or to provide living arrangements for him in a home; or (11-7-94)

f. The child's destitution or need for living arrangements did not arise because the child or such relative refused without good cause to accept employment or training for employment. (11-7-94)

02. Emergency Conditions. Families will be considered to have an emergency condition when Family and Children's Services receives a report of one or more of the following: (11-7-94)

a. Children are in immediate danger involving a life-threatening situation if: (11-7-94)

i. Minor siblings remaining in the family home, when the death of a child is alleged to be due to physical abuse or neglect by the child's parents, guardian, or caretaker. (11-7-94)

ii. Suicidal children at immediate risk of self harm, and whose parents are unavailable, unable or

- unwilling to reduce risk to an acceptable level. (11-7-94)
- iii. Severely physically abused children with observable injuries or symptoms that are or could be life threatening. (11-7-94)
 - iv. Physically ill children who are medically neglected in a way that is life-threatening. Includes abrupt weight loss in a child under three (3) years of age. (11-7-94)
 - v. Children who appear to be in immediate danger because the caretakers are physically absent and are unable and/or unwilling to provide adequate care. (11-7-94)
 - vi. An infant less than two (2) years of age who has been continuously hospitalized since birth, who was born prematurely, or who has a long-term disability. (11-7-94)
- b. Allegations of abuse, suicide, or serious physical/medical neglect, or new critical incidence are clearly defined in the referral. (11-7-94)
- i. Physical abuse of a child over age five (5) with observable, non-life-threatening injuries. (11-7-94)
 - ii. Physical or medical neglect that is dangerous and poses health hazards to children, and may result in physical injury or impairment of the bodily function. Includes growth rate below the third percentile or chronic untreated infections. (11-7-94)
 - iii. Children who are sexually abused by parents, guardians, relatives or other caretakers, or situations in which abuse occurred because of lack of protection on the part of the caretakers (Third Party). (11-7-94)
 - iv. Children who are at risk of being committed to the Department for placement outside the parental home as a result of substantial impairment in their thought/perception, affect or behavior, which includes intermittent suicidal ideation or indicators that may result in harm to self/others. (11-7-94)
 - v. Children in the custody of the Department who are placed or are at immediate risk of placement in out-of-home care including foster care, hospitalization, and/or detention. Children must be seen in order to assess possible new safety issues as well as the inherent risks associated with loss of family/community connection. (11-7-94)
- c. A child is without parental care necessary for safety, health, and well being. (11-7-94)
- i. Children who are receiving inadequate care to assure their well being. If children are unsupervised, issues considered include: (11-7-94)
 - (1) Is the child under nine (9) years of age? (11-7-94)
 - (2) Is the child developmentally delayed? (11-7-94)
 - (3) Is the child physically or mentally handicapped? (11-7-94)
 - (4) How long has the child been alone? (11-7-94)
 - (5) What happens as a result? (11-7-94)
 - (6) Have prior arrangements and commitments been made for others to help in an emergency? (11-7-94)
 - ii. A physical environment that is unsanitary or a safety hazard which may directly affect the health and welfare of a child. (11-7-94)
 - iii. Recurring non-attendance at school, risk of suspension or expulsion from school when there is

reasonable cause to believe that these issues may be the result of abuse or neglect. (11-7-94)

iv. Children who are experiencing major impairment in their functioning due to severe emotional disturbance and who are at risk of developing further emotional disturbance. Services are initiated at parent or child's request. (11-7-94)

v. Children at risk of commitment to the agency for placement into foster care, hospitalization, and/or detention. (11-7-94)

031. -- 039. (RESERVED).

040. SERVICES.

As determined appropriate and necessary by Family and Children's Services personnel and services not being available through other community resources, services may be provided to families in need and may include: information and referral, case management, court-related activities, intensive in-home services, day treatment, counseling, youth/family companion services, non-residential substance abuse treatment, community-based assessment, respite care, shelter care, and other community-based services provided to meet needs attributable to the emergency or crisis situation and to avoid out-of-home placement or expedite family reunification for the child at risk. (11-7-94)

041. -- 049. (RESERVED).

050. ASSISTANCE.

Assistance may be provided to meet emergency situations as described in Subsections 050.01 and 050.02. (11-7-94)

01. Emergency Payments. Money payments, payments in kind, or other payments such as vendor payments made on behalf of the eligible family for the purchase of goods and services not available through other community resources to meet needs attributable to the emergency or crisis situation. (11-7-94)

02. Placement Services. Shelter care, foster family care, or residential group care for children separated from their parents, including food, clothing, and supervision unless the child has such assistance provided under Title IV-E and also including needed medical care unless the child is eligible for such care under Title XIX. (11-7-94)

051. -- 059. (RESERVED).

060. AUTHORIZATION AND DURATION OF SERVICES AND ASSISTANCE.

The services and assistance described in Sections 040 and 050 are limited to a maximum duration of ninety (90) days or less as necessary to alleviate the emergency condition, and must be authorized during a single thirty (30) day period no less than twelve (12) months after the beginning of the family's last emergency assistance authorization period. (11-7-94)

061. -- 069. (RESERVED).

070. PROGRAM ADMINISTRATION.

In addition to the assistance and services described in Sections 040 and 050, the department will engage in activities incidental to and necessary for the proper and efficient administration of the emergency assistance program. Family and Children's Services personnel will complete the eligibility process including receiving reports and referrals indicating emergency conditions, completing risk assessments, stabilizing families, court-related activities, developing family plans and authorizing services, as well as completing documentation, payment and reporting processes, staff and provider training and other related administrative activities. (11-7-94)

071. -- 999. (RESERVED).

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