

## 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 public 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 or youth 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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Webpage: <https://healthandwelfare.idaho.gov/services-programs/food-assistance/emergency-food-assistance-program>

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## 16.06.13 – EMERGENCY ASSISTANCE FOR FAMILIES AND CHILDREN

### 000. LEGAL AUTHORITY.

The Idaho Department of Health and Welfare is authorized by the Idaho Legislature to adopt and enforce rules for the administration of the public assistance programs according to Sections 56-201, 56-202(b), Idaho Code, and Title IV-A of the Social Security Act. (7-1-21)T

### 001. TITLE AND SCOPE.

**01. Title.** These rules are titled IDAPA 16.06.13, “Emergency Assistance for Families and Children.” (7-1-21)T

**02. Scope.** The purpose of these rules is to establish statewide provisions of emergency assistance to families with children or youth eligible to receive assistance through Title IV-A funds in order to meet the family's emergency conditions. (7-1-21)T

### 002. -- 009. (RESERVED)

### 010. DEFINITIONS AND ABBREVIATIONS.

**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: (7-1-21)T

**a.** Brother, sister, aunt, uncle, nephew, niece, first cousin or first cousin once removed, or one (1) of these relationships prefixed by “grand” or “great,” or: (7-1-21)T

**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. (7-1-21)T

**02. Authorization Assessment.** A standardized assessment conducted by the Department within the first thirty (30) days following the date of application for emergency assistance. (7-1-21)T

**03. Child.** An individual less than eighteen (18) years of age. (7-1-21)T

**04. Child Protection Services.** Authorities to whom an individual reports the potential, alleged or actual abuse, abandonment, or neglect of a child, in accordance with the provisions of Title 16, Chapter 16, Idaho Code, known as the “Child Protective Act.” (7-1-21)T

**05. Department.** The Idaho Department of Health and Welfare, or its designee. (7-1-21)T

**06. Designated Staff.** Department staff who provide direct services to families and children. (7-1-21)T

**07. Destitution.** A state of being in extreme need from lacking possessions or resources. (7-1-21)T

**08. 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. (7-1-21)T

**09. 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>. (7-1-21)T

**10. Needy Family.** Two hundred percent (200%) of poverty as defined in the Federal Poverty Guidelines, or insufficient resources immediately available to meet the child's basic needs and which threatens the child's safety, stability, or well-being. (7-1-21)T

**11. 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. (7-1-21)T

**12. Service Period.** The thirty (30) day authorization assessment period and up to ninety (90) days following the assessment period. (7-1-21)T

**13. Youth.** An individual between eighteen (18) and twenty-one (21) years of age. (7-1-21)T

**011. -- 099. (RESERVED)**

**100. EMERGENCY CONDITION.**

**01. Reporting or Referral of an 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 as described in Subsection 100.02 of this rule. (7-1-21)T

**02. Emergency Condition.** A family has an emergency condition when any of the following exists: (7-1-21)T

**a.** A child is in immediate danger of a life-threatening or emergency situation. See IDAPA 16.06.01, "Child and Family Services," Subsection 554.01. (7-1-21)T

**b.** A child is suspected of being abused, including physical or sexual, or serious physical or medical neglect has been reported. See IDAPA 16.06.01, "Child and Family Services," Subsection 554.01. (7-1-21)T

**c.** A child or youth has unmet short-term basic needs affecting the child's health, safety, or well-being that place the child at risk of destitution as defined in Section 010 of these rules. (7-1-21)T

**101. -- 149. (RESERVED)**

**150. APPLICATION FOR SERVICES.**

**01. To Apply for Emergency Assistance.** An application must be completed and signed by one (1) of the following individuals on behalf of the eligible child in order for emergency assistance to be given: (7-1-21)T

**a.** A parent or parents. (7-1-21)T

**b.** 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. (7-1-21)T

**c.** Designated staff may sign the application on behalf of a child in the legal custody of the Department. The Department will notify the family of the emergency assistance funding being used because the expenditure will affect the family's eligibility for emergency assistance benefits for a twelve-(12) month period from the date the application is signed. (7-1-21)T

**d.** A youth, who has lived with a parent or relative within six (6) months prior to the month of the application, may sign the application on their own behalf. (7-1-21)T

**02. Individual Not Related to the Child.** Except as stated in Subsection 150.01.c. of this rule, an individual not related to the child may not apply for emergency assistance on behalf of the child. (7-1-21)T

**151. -- 159. (RESERVED)**

**160. ELIGIBILITY REQUIREMENTS.**

The following requirements in Subsections 160.01 through 160.05 of this rule must be met before a family is eligible for emergency assistance. (7-1-21)T

**01. Child or Youth.** There must be a child or youth in the household for the family to be eligible. (7-1-21)T

**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)," Section 131. (7-1-21)T

**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. When both parents are absent, refuse to cooperate in supporting the child or youth, and are unwilling to apply on their behalf, the child or youth's income alone is considered. (7-1-21)T

**04. Residence.** The child or youth 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 or youth may move from one (1) household to another and be eligible to receive emergency assistance in either household. (7-1-21)T

**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. (7-1-21)T

**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. (7-1-21)T

**02. Authority to Authorize Emergency Assistance.** Emergency assistance payments and services may only be authorized by the Department's designated staff. (7-1-21)T

**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. (7-1-21)T

**04. Service Period.** A service period may continue for a maximum of ninety (90) days following the assessment period in Subsection 200.03 of this rule. (7-1-21)T

**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. (7-1-21)T

**06. Assessment Content.** The Department or its designee must describe in the assessment the following: (7-1-21)T

- a.** The emergency condition; (7-1-21)T
- b.** The family's issues that caused the emergency condition; and (7-1-21)T
- c.** A family service plan. (7-1-21)T

**07. Family Service Plan Content.** The Department or its designee must develop a family service plan that has been signed by the applicant. The plan must include a description of the following: (7-1-21)T

- a.** The types of services and the reason the services are needed; (7-1-21)T
- b.** The specific period each service will be covered; (7-1-21)T
- c.** Who is providing the service; (7-1-21)T
- d.** A list of resources and contacts made on behalf of the family; and (7-1-21)T
- e.** How the needs of the family will be met in the future. (7-1-21)T

**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. (7-1-21)T

**01. Subsequent Emergency Conditions.** (7-1-21)T

**a.** If 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. (7-1-21)T

**b.** If a second emergency condition occurs after the thirty (30) day authorization assessment period, it is considered a separate emergency condition and emergency assistance can not be used to provide services or payment of additional funds. (7-1-21)T

**02. Out-of-Home Placement for Child.** If the Department places a child in out-of-home care and pays for the placement with emergency assistance funds, the family's emergency assistance benefit for the following twelve (12) months is used from the date the application is signed. (7-1-21)T

**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 or youth. These payments are not intended to meet ongoing and recurrent needs that will extend beyond the one hundred twenty (120) day service period. (7-1-21)T

**01. Emergency Payments.** Emergency payments will be made to purchase goods and services relating to the emergency condition. (7-1-21)T

**02. Non-Allowable Payments.** Emergency assistance funds may not be used to pay for the following: (7-1-21)T

**a.** Medical services reimbursable by Medicaid regardless of whether the individual is receiving or eligible for Medicaid. (7-1-21)T

**b.** Services provided to meet a family's on going basic needs including housing, food, clothing, transportation, and household goods that extend beyond the one hundred twenty (120) days. (7-1-21)T

**c.** Services available through other community resources. (7-1-21)T

**d.** Child care that is not considered respite care. (7-1-21)T

**e.** Medical or automobile insurance. (7-1-21)T

**f.** Down payment or purchases of vehicles or real property. (7-1-21)T

**03. Funding Restrictions.** The Department may take action to reduce emergency assistance payments when available funding is insufficient. (7-1-21)T

**301. -- 399. (RESERVED)**

**400. CHILD WELFARE SOCIAL SERVICES.**

**01. Child Welfare Social Services.** Designated staff may provide services to families with an emergency condition as described in Subsections 100.02.a. and 100.02.b. of these rules. The types of services that may be provided are: (7-1-21)T

- a. Information and referrals; (7-1-21)T
- b. Service coordination; (7-1-21)T
- c. Court-related activities; (7-1-21)T
- d. Intensive in-home services; (7-1-21)T
- e. Day treatment; (7-1-21)T
- f. Counseling; (7-1-21)T
- g. Companion services; (7-1-21)T
- h. Non-residential substance abuse treatment; (7-1-21)T
- i. Community-based assessments; and (7-1-21)T
- j. Respite and shelter care. (7-1-21)T

**02. Additional Services.** Additional services may be purchased to meet the needs related to the family's emergency condition as described in Subsections 100.02.a. and 100.02.b. of these rules, in order to avoid out-of-home placement for the child or to expedite family reunification. (7-1-21)T

**401. -- 409. (RESERVED)**

**410. CHILD WELFARE EMERGENCY ASSISTANCE PROGRAM ADMINISTRATION.**

**01. Assistance Program.** Designated staff will engage in activities incidental and necessary for the proper and efficient administration of the child welfare emergency assistance program relating to families who meet emergency conditions described in Section 100 of these rules. (7-1-21)T

**02. Administrative Duties.** Administrative duties will include the following: (7-1-21)T

- a. Complete the eligibility process including receiving reports and referrals indicating emergency conditions, taking applications, and any documentation necessary to administer the emergency assistance program. (7-1-21)T
- b. Complete risk assessments; (7-1-21)T
- c. Court-related activities as needed; (7-1-21)T
- d. Develop family plans to help stabilize the family by authorizing needed services; (7-1-21)T
- e. Make payments, complete reporting and documentation required to provide services for the emergency conditions of the family; (7-1-21)T
- f. Provide training to Department staff and service providers; and (7-1-21)T
- g. Provide other administrative activities as needed. (7-1-21)T

**411. -- 999. (RESERVED)**

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