Jerry L. Harris, Director
Department of Health and Welfare
450 West State Street
Boise, ID 83720-5450

Dear Mr. Harris:

Idaho State Plan Transmittal Number 94-AFDC-1, with respect to the implementation of Idaho’s Emergency Assistance Plan under Title IV-A, has been received and reviewed. The plan proposal has been reviewed by our Central Office and they have concurred with the regional recommendation to approve this transmittal. Accordingly, this Plan is therefore approved as submitted with an effective date of October 1, 1993.

The plan material indicates that, to be eligible, the applicant family must have monthly income below the AFDC gross income limit and must not have the ability to meet the emergency need. In this regard there is no explanation of the objective measure to be applied for evaluating the applicant’s inability to meet the emergency need. Similarly, in situations where an applicant’s income is above the AFDC gross income limit, the plan material does not specify the objective criteria to be applied in making the determination of the applicant’s inability to meet the emergency need. Although these deficiencies do not affect the approvability of the plan, we intend to work with your department to assist in the development of the needed plan criteria so as to comply with the equitable treatment regulations at 45 CFR 233.10(a)(1).

Sincerely,

Stephen S. Henigson
Regional Administrator

Enclosure
TRANSMITTAL AND NOTICE OF APPROVAL OF STATE PLAN MATERIAL

TO: REGIONAL ADMINISTRATOR FOR FAMILY ASSISTANCE
Department of Health and Human Services
REGION X

STATE IDAHO
TRANSMITTAL NUMBER 94-APDC-1

PROPOSED EFFECTIVE DATE October 1, 1993

FEDERAL REGULATION CITATION 45CFR 233.120

TYPE OF PLAN MATERIAL

| X | AFDC (Title IV-A) |
| - | New State Plan |
| - | Amendment to be considered as new Plan |
| - | Amendment [*COMPLETE FOLLOWING SECTIONS] |

Number of new plan section or attachment
Section 3, Pages 1 and 1a
Attachment 3-A, Pages 1, 2, and 3

Number of superseded plan section or attachment
Section 3, Page 1
Attachment 3-A, Page 1

Subject of amendment
Emergency Assistance

GOVERNOR'S REVIEW

X Governor's office reported no comment

Other [SPECIFY]

Comments of Governor's office enclosed
No reply received within 45 days of submittal

STATE AGENCY OFFICIAL
Name JERRY L. HARRIS
Title Director
signature
Date 10/14/93

RETURN TO:
Idaho Department Health and Welfare
Division of Welfare
Bureau of Welfare Programs
450 W. State Street
Boise, ID 83720

REMARDS Post mark 10/15/93
CITATIONS

SECTION 3  EMERGENCY ASSISTANCE TO NEEDY FAMILIES WITH CHILDREN

233.120
406(e)

A. Emergency assistance to needy families with children under the age of 21 is provided in accordance with 45 CFR 233.120.

/ / No (Paragraphs 3.-D. of this Section not apply.)
/X/ Yes, as specified below.

See page 1a.

B. Families of migrant workers are covered.

/ / No
/X/ Yes, on Statewide basis.
/ / Yes, but only in the following areas of the state.

C. Other eligibility requirements are in effect.

/ / No
/X/ Yes, as specified below:

See page 1a.

D. The kinds of emergency situations which are covered by this program and the kind of assistance and services provided to meet emergency situations are detailed in Attachment 3-A.

TN # 94-AEFC-1

Supersedes
TN # 82-6

Approval Date 1/4/94

Effective Date 10/1/93
ELIGIBILITY CONDITIONS

A family is eligible for this program in Idaho if a licensed social worker within the Department of Health & Welfare, Family & Children’s Services receives a report or referral indicating an emergency condition as described in Attachment 3A, determines the family eligible and if all of the following conditions are met:

1. 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 FACS 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.)

2. The family contains a needy child under the age of 21;

3. The child is living with one or both parents, or within six 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);

4. The applicant family must have monthly income below the AFDC Gross Income Limit and not have the ability to meet the emergent need or, if the family is above the AFDC Gross Income Limit, they must be unable to meet the emergent need because of circumstances beyond their control; (If 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).

5. The emergency assistance is necessary to avoid destitution of such child or to provide living arrangements for him/her in a home; and

6. 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.
EMERGENCY ASSISTANCE TO NEEDY FAMILIES WITH CHILDREN

A. Kinds of emergencies covered.

Families will be considered to have an emergency condition when Family & Children’s Services receives a report of one or more of the following:

1. A child is in immediate danger involving a life-threatening situation:

   Death of a Child. Minor siblings remaining in the family home, when death of a child is alleged to be due to physical abuse or neglect by the child’s parents, guardian, or caretaker.

   Life Threatening Suicidal Risk. Suicidal children at immediate risk of self harm in a way that is life threatening, and whose parents are unavailable, unable or unwilling to reduce risk to an acceptable level.

   Life Threatening Physical Abuse. Severely physically abused children with observable injuries, or symptoms that are or could be life threatening.

   Life-Threatening Medical Neglect. Physically ill children who are medically neglected in a way that is life-threatening. Includes abrupt weight loss in a child under three years of age.

   Immediate Danger/Child Left Alone. Children who appear to be in imminent danger because the caretakers are physically absent and/or are unable or unwilling to provide adequate care.

   Potential for Medical Neglect in Severely Handicapped Infants. 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.

2. Allegations of abuse, suicide, or serious physical/medical neglect, or new critical incidence are clearly defined in the referral.

   Non Life-Threatening Physical Abuse. Physical abuse of a child with observable, non life-threatening injuries.

   Non Life-Threatening Physical or Medical Neglect. Physical or medical neglect that is dangerous and poses health hazards to the child, and that may result in physical injury.
or impairment of the bodily function. Includes growth rate below the third percentile or chronic untreated infections.

Sexual Abuse. Children who are sexually abused by parents, guardians, relatives or other caretakers, or situations in which abuse occurred because of possible lack of protection on the part of the caretakers (Third Party).

Serious Emotional Disturbance. 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.

Serious Behavioral Disturbance. Children, under 18 years of age, whose behavior endangers a family member or others outside the parental home and may place the child at risk of placement outside the home.

Family Disruption. Children in the custody of the Department who are removed from their families and placed in out-of-home care including foster care, hospitalization, and/or detention.

3. A child is without quality parental care necessary for safety, health, and well being.

Inadequate Supervision. Any child who is receiving inadequate care to assure his well being even for short periods of time.

Home Health and Safety. A physical environment that is unsanitary or a safety hazard which may directly affect the health and welfare of a child.

Educational Neglect. Recurrent truancy, risk of suspension or expulsion from school for children under the age of 16 raise the issues of possible abuse and neglect and require an investigative contact with the family to ensure that adequate parental supervision is being provided.

At Risk of Developing Further Serious Emotional Disturbance. 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.

At Risk of Family Dissolution. Children at risk of commitment to the agency for placement into out-of-home care.

B. Kinds of assistance provided to meet emergency situations.

1. 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

TN #: 94-AFDC-1 Approval Date 1/4/94
Supersedes
TN #: 82-6 Effective Date 10/1/93
assistance provided under Title IV-E and also including needed medical care unless the child is eligible for such care under Title XIX.

C. Kinds of service provided to meet the emergency situations.

As determined appropriate and necessary by Family and Children's Services personnel and services not being available through other community resources, emergency assistance services may be provided to families in need and may include:

1. 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.

2. Money payments, payments in kind, or other payments such as loans and 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.

The above assistance and services are limited to a maximum duration of 90 days or less as necessary to alleviate the emergency condition, and must be authorized during a single 30 day period no less than 12 months after the beginning of the family's last emergency assistance authorization period.

In addition to the above specified assistance and services, the state 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.

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TN # 94-AFDC-1
Supersedes
TN # 82-6

Approval Date 1/4/94
Effective Date 10/1/93
NOTICE OF PROPOSED RULES
DOCKET NO. 16-0613-9402
DEPARTMENT OF HEALTH AND WELFARE

RULES GOVERNING EMERGENCY ASSISTANCE FOR FAMILIES AND CHILDREN


AUTHORITY: In compliance with Sections 67-5221, Idaho Code, notice is hereby given this agency has adopted temporary rules. The action is authorized pursuant to Section(s) 56-202 and 56-204A and 56-209, Idaho Code.

PUBLIC HEARING SCHEDULE: Pursuant to Section 67-5221(1), Idaho Code, public hearing will be held if requested in writing by twenty-five (25) persons, a political subdivision, or an agency. The request must be made within fourteen (14) days from the date of publication of this notice in the Bulletin, or within fourteen (14) days prior to the end of the comment period, whichever is later.

The hearing site(s) will be accessible to the physically disabled. Interpreters for persons with hearing impairments and brailled or taped information for persons with visual impairments can be provided upon five (5) days notice. For arrangements contact the undersigned at (208) 334-5564.

DESCRIPTIVE SUMMARY: The following is a statement in non-technical language of the substance of the rules:

The Idaho Department of Health and Welfare has received approval from the federal Department of Health and Human Services to amend its Title IV-A state plan in order to implement the emergency assistance provisions of 45 CFR 233.120. These rules are established to govern the Department’s statewide provision of emergency assistance to families and children referred or reported to a Family and Children’s Service licensed social worker and found eligible for Emergency Assistance. Following an assessment of the emergency, services may be 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. In addition, assistance may be provided to meet emergency situations including payments and out-of-home placements.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the temporary rules, contact Darby Brown, at (208) 334-5709.

DATED this 5th day of October, 1994.

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PROPOSED RULE

EMERGENCY ASSISTANCE/FAMILIES

DOCKET NO. 16-0613-9402

IDAPA 16
TITLE 6
CHAPTER 13

RULES GOVERNING EMERGENCY ASSISTANCE FOR FAMILIES AND CHILDREN

000. LEGAL AUTHORITY

01. General Authorities Granted the Department of Health and Welfare:
   ( )
   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.
   ( )
   b. Section 39-108(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.
   ( )
   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.
   ( )

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.

001. TITLE AND SCOPE

01. Title. These rules are to be cited in full as Title 6, Chapter 13, "Rules Governing Emergency Assistance for Families and Children," Rules of the Department of Health and Welfare.

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.

002. WRITTEN INTERPRETATIONS. In accordance with Section 67-3201(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.

003. ADMINISTRATIVE APPEALS. Contested case appeals shall be governed by Idaho Department of Health and Welfare Rules, Title 06, Chapter 03, "Rules Governing Contested Cases and Declaratory Rulings." If an appeal is filed which challenges a decision made by the Department, the Department shall provide the respondent with a copy of the appeal, the specific portion or sections of the rules the appeal challenges, and the specific decisions to which the appeal pertains.

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.

006. SEVERABILITY. Idaho Department of Health and Welfare Rules, Title 06, Chapter 03, are severable. If any rules, or part thereof, or the application of such rules to any person or circumstance is declared invalid, that invalidity does not affect the validity of any remaining portion of this chapter.

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 Title 05, Chapter 01, "Rules Governing the Protection and Disclosure of Department Records.

008. -- 009. (RESERVED).

010. DEFINITIONS AND ABBREVIATIONS. For the purposes of the rules contained in Title 06, Chapters 13, the following terms and abbreviations are used, as defined herein:

   01. Department. The Idaho Department of Health and Welfare.

   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.

   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.

   011. -- 029. (RESERVED).

   030. ELIGIBILITY. A family is eligible for Emergency Assistance in Idaho if a licensed social worker within the Department

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PROPOSED RULE

EMERGENCY ASSISTANCE/FAMILIES

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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.

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   01. Department. The Idaho Department of Health and Welfare.

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of Health & Welfare, Family & Children's Services receives a report or referral indicating an emergency condition as described in 06.13030.02, determines the family eligible and if all of the eligibility requirements provided in 06.13030.01 are met.

01. Eligibility Requirements. ( )

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.) ( )

b. The family contains a needy child under the age of 21;

( )

c. The child is living with one or both parents, or within six 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);

( )

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, 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.) ( )

e. The emergency assistance is necessary to avoid destitution of such child or to provide living arrangements for him in a home;

( )

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.

( )

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:

( )

a. Children are in immediate danger involving a life-threatening situation if;

( )

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EMERGENCY ASSISTANCE/FAMILIES

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1. 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, guardians, or caretakers;

( )

2. Suicidal children at immediate risk of self harm, and whose parents are unavailable, unable or unwilling to reduce risk to an acceptable level.

( )

3. Severely physically abused children with observable injuries or symptoms that are or could be life threatening.

( )

4. Physical illnesses children who are medically neglected in a way that is life-threatening. Includes abrupt weight loss in a child under three years of age.

( )

5. Children who appear to be in immediate danger because the caretakers are physically absent and are unable and/or unwilling to provide adequate care.

( )

6. 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.

( )

b. Allegations of abuse, suicide, or serious physical abuse, medical neglect, or new critical-incidence are clearly defined in the referral.

( )

1. Physical abuse of any age five (5) with observable, non-life-threatening injuries.

( )

2. Physical or medical neglect that is dangerous and poses health hazards to children, and may result in physical injury of impairment of the bodily function. Includes growth rate below the third percentile or chronic untreated infections.

( )

3. 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).

( )

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.

( )

v. Children in the custody of the Department who are placed or are at immediate risk of placement in out-of-home care

( )

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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.

\[
\text{c. A child is without parental care necessary for safety, health, and well being.} \\
\text{Assure their well being. If children are unsupervised, issues considered include:} \\
\]

\[
\text{Is the child under nine years of age?} \\
\text{Is the child developmentally delayed?} \\
\text{Is the child physically or mentally handicapped?} \\
\text{How long has the child been alone?} \\
\text{What happens as a result?} \\
\text{Have prior arrangements and commitments been made for others to help in an emergency?} \\
\]

\[
\text{ii. A physical environment that is unsanitary or a safety hazard which may directly affect the health and welfare of a child.} \\
\]

\[
\text{iii. Recurring non-attendance at school, risk of suspension or expulsion from school when there is reasonable cause to believe that these issues may be the result of abuse or neglect.} \\
\]

\[
\text{iv. Children who are experiencing major impairment in their functioning due to severe emotional disturbance and who are at risk of developing further emotional disturbance. Services are initiated at parent or child's request.} \\
\]

\[
\text{v. Children at risk of commitment to the agency for placement into foster care, hospitalization, and/or detention.} \\
\]

041. -- 049. (RESERVED).

050. ASSISTANCE. Assistance may be provided to meet emergency situations as described in 06.13.050.01 and 02.

\[
\text{01. Emergency Payments. Money payments, payments in kind, or other payments such as vendor payments made on behalf of the eligible family for the purchase of goods and services not available through other community resources to meet needs attributable to the emergency or crisis situation.} \\
\]

01. Place 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.

051. -- 059. (RESERVED).

060. AUTHORIZATION AND DURATION OF SERVICES AND ASSISTANCE. The services and assistance described in 06.13040 and 06.13050 are limited to a maximum duration of 30 days or less as necessary to alleviate the emergency condition, and must be authorized during a single 30 day period no less than 12 months after the beginning of the family's last emergency assistance authorization period.

061. -- 069. (RESERVED).

070. PROGRAM ADMINISTRATION. In addition to the assistance and services described in 06.13040 AND 06.13050, 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.

071. -- 999. (RESERVED).