

September 1, 2023

GENERAL LETTER NO. 4-C-56

ISSUED BY: Bureau of Financial, Food, and Work Supports
Division of Community Access

SUBJECT: Employees' Manual, Title 4, Chapter C, **Family Investment Program Nonfinancial Eligibility**, Contents 1-3, revised; Contents 4, new; 1, 6-9, 15-21, 24 and 25, 28 and 29, 42 and 43, 75, 108-119, revised.

Summary

This chapter is revised to

- Update the name of Child Support Recovery Unit (CSRU) to Child Support Services (CSS).
- Add information on the Enumeration Referral form.
- Add clarifying language on enumeration at birth.
- Add information on following up with individuals that have provided proof of applying for a social security number.
- Clarify that if there is an error regarding a social security number an alert is generated to the worker, not a report.

Effective Date

Upon receipt.

Material Superseded

Remove the following pages from Employees' Manual, Title 4, Chapter C, and destroy them:

<u>Page</u>	<u>Date</u>
Contents 1-3	June 16, 2023
1, 6-9, 15-21, 24 and 25, 28 and 29, 42 and 43, 75, 108-119	June 16, 2023

Additional Information

Refer questions about this general letter to your area income maintenance administrator.

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Overview

This chapter covers nonfinancial eligibility requirements of the FIP program. Nonfinancial requirements are such factors as age, residency, and cooperation. The chapter is arranged alphabetically starting with absence.

The fundamental qualification for FIP benefits is that there is a dependent child who is living with a specified relative. The relationships of other household members to the dependent children determine who is in the eligible group and thus is subject to FIP eligibility requirements.

The legal basis for this chapter is found in Title IV-A of the Social Security Act, Iowa Code Chapter 239B, and 441 Iowa Administrative Code, Chapters 40 and 41.

Absence

Legal reference: 441 IAC 41.23(3)

Do not include in the assistance unit any person who is absent from the home, unless the person meets the temporary absence provisions. Consider a parent to be absent from the home when:

- The parent is committed, imprisoned, or admitted to an institution.
- The parent is a convicted offender who is permitted to live at home while serving a court-imposed sentence by performing unpaid public work or unpaid community service during the workday.
- The parent is absent because of the performance of active duty in the uniformed services of the United States. “Uniformed service” means the Army, Navy, Air Force, Marine Corps, Coast Guard, National Oceanographic and Atmospheric Administration, or Public Health Service of the United States.

NOTE: Although a parent on active duty in the uniformed services is considered “absent,” do not make a referral to CSS. See [4-B, Referrals to CSS](#).

Mr. A is on active duty with the U.S. Army, based in Texas. Mrs. A and their children live in Iowa. Mr. and Mrs. A do not consider themselves estranged. Mr. A is absent only because of his military service. If Mrs. A applies for FIP, Mr. A is not included in the eligible group. His income is considered only to the extent he makes it available.

Do not consider a parent to be absent from the home when the parent is absent solely because of employment, such as sales representatives and truck drivers.

1. Mr. and Mrs. B receive FIP for themselves and their children. Mr. B takes a job as a truck driver. Due to the nature of the job, he will be home only one or two days a week and on the road the rest of the week. Mr. B is away solely because of his employment. He is not considered to be absent. He must be included in the eligible group and his income considered in determining eligibility for the family.
2. Mr. C and Ms. D receive FIP for themselves and their common child. Mr. D takes a job with a carnival that will require him to be away from home for six months. He is away solely because of his employment. He is not considered to be absent. Mr. C must be included in the eligible group and his income is considered in determining eligibility for the family.

Age

Legal reference: 441 IAC 41.21(1)

A child in need can receive FIP assistance until the age of 18 without regard to school attendance. An 18-year-old can receive FIP assistance if a full-time student in a secondary school (or in the equivalent level of vocational or technical training) and reasonably expected to complete the program before reaching age 19. See [School Attendance](#) later in this chapter.

A child is eligible on the date of decision if the child was eligible on the first day of the month of decision. The child remains eligible the entire month of the child's eighteenth (or nineteenth) birthday, unless the birthday is on the first day of the month.

For example, a 17-year-old applicant is still eligible if the child becomes 18 during the month of data entry, unless the birthday falls on the first day of that month.

For FIP purposes, a child becomes an adult when the child gets married, unless the marriage is annulled. However, the child remains an adult if divorced.

Assignment of Support

Legal reference: 441 IAC 41.22(7)

Policy: Each applicant or participant must assign to the Department any rights the person has to support from any other person. This includes rights to support for each family member for whom assistance is received.

The assignment of support rights includes all rights to support payments that accrue during the time the person is on assistance, up to the total amount of assistance received.

Support owed for a period the person was not on FIP is not assigned to the Department.

Comment: Although alimony is assigned to the Department, the Child Support Services(CSS) does not pursue enforcement of alimony. See [4-E, Alimony](#), for information on considering alimony as income.

Procedure: At the application interview and later whenever appropriate, explain the effect of the assignment of support payments to the applicant or participant.

When CSS collects support owed for a period the person was not on FIP, CSS will release that amount to the client. See [4-E, Treatment of Support for Participants](#), for information about how to consider support released to clients.

Ms. A is approved for FIP effective November 1. The absent parent has been ordered to pay \$100 per month in child support and is \$1,200 behind on the payments when the application is approved. In January, the absent parent makes a payment of \$800.

\$300 of the payment is retained by the Department as it is considered assigned support for the months of November through January when the family received FIP. The remaining \$500 is considered unassigned support for the period when FIP was not received and will be released to the family.

When a support order covers two or more children with the same absent parent, and one child is ineligible, support for the ineligible child is not assigned to the Department. CSS will determine what amount of the child support belongs to the ineligible child and release that amount to the client.

The following sections explain:

- [The effective date of assignment](#)
- [Terminating the assignment](#)
- [Suspending and reinstating child support orders](#)

Effective Date of Assignment

Legal reference: 441 IAC 41.22(7)

Policy: The assignment is effective the date the eligibility information is successfully entered into the Department's computer system approving FIP.

The assignment remains in effect for the entire period for which assistance is paid.

Procedure: The rights to support are assigned automatically when FIP is approved. However, you must do the actual referral of the absent parent through the Iowa Collection and Reporting (ICAR) system. See [14-D\(1\), IABC/ICAR Referral](#) for specific instructions. **Exception:** Make the referral manually for battered alien cases. See [4-L, Battered Aliens](#) for instructions on referrals for battered alien families.

CSS processes assignments and terminations to out-of-state clerks of court. If you become aware that an out-of-state court order exists, enter that information on the ICAR system to notify CSS.

Terminating the Assignment

Legal reference: 441 IAC 41.22(7)

Policy: The support assignment is terminated as of the effective date of FIP cancellation. NOTE: When the assignment covers two or more children by the same absent parent, the assignment is terminated when the last child by that parent becomes ineligible for FIP.

Procedure: Termination of the support assignment is system-generated on cases that are linked with the ICAR system. The system distributes copies of the termination to the clerk of court and CSS but not to the client.

If there are two or more assignments for two or more absent parents of children in the FIP eligible group, the system will terminate each separate assignment effective the date that each absent parent's children become ineligible for FIP. EXCEPTION: CSS must manually terminate the assignment when a battered alien case is canceled. See [4-L, Battered Aliens](#) for more information.

CSS processes terminations to out-of-state clerks of court.

Suspending and Reinstating Child Support Orders

Legal reference: Iowa Code Section 252B.20

Policy: CSS is authorized by law to provide assistance in suspending certain ongoing support obligations for cases that are under Iowa support orders and are receiving CSS services or for which a referral to CSS would be appropriate.

Six months after a suspension order is filed, the suspension will automatically result in termination of the support obligation. CSS is authorized to initiate reinstatement of a suspended support obligation.

Procedure: Use electronic mail to communicate with CSS regarding suspension or reinstatement activities. Save copies of any communication on suspension or reinstatement activities in the permanent section of the case record.

When contacted by a client about suspension or reinstatement services, refer the person to CSS for further information.

Suspension Services

Legal reference: 441 IAC 99.103(252B), 99.104(252B)

Policy: Support orders may be suspended when:

- The person who is ordered to pay the support (payor) and the person to whom the support is owed (payee) have reconciled and are living with at least one of the children on whose behalf the support is ordered, **or**
- One or more of the children covered by the support order live with the payor.

Procedure: CSS will:

- Notify the income maintenance (IM) worker within ten days when contacted by a household about suspension services because:
 - The payor has returned to the household, or
 - One or more of the children covered by the support order have left the FIP household to live with the payor.
- Start suspension activities after IM has acted on the reported change in household composition. However, CSS will not file the suspension order until on or after the first day of the month after the change occurred rather than during the month of change.
- Notify the assigned IM worker within ten days of the date that a suspension order was entered CSS will not report to IM inquiries from a household in which a change in household members has not actually taken place (e.g., the inquiring party merely wants to know how the suspension process works).

When an absent parent returns to an active FIP household:

- Report to CSS regardless whether the absent parent's return results in FIP cancellation or adding the parent to the FIP case.
- Notify CSS within ten days of issuing a *Notice of Decision* because the absent parent has returned to the FIP household.
- Provide the date of the *Notice of Decision* and the date of the actual change to CSS.
- Document this information in the case record.

Reinstatement Services

Legal reference: 441 IAC 99.107(252B), 99.108(252B)

Policy: CSS is authorized to reinstate a suspended support order within six months of the date a suspension is entered. A new support order may be established when the suspended order is not reinstated within the six-month period.

Reinstatement may be initiated by CSS or upon request of any party to the suspension order who has physical custody of one or more children covered by the suspended order, when one the following conditions exist:

- FIP is approved during the suspension period and the payor is absent.
- FIP continues but the payor has left the household.
- One or more of the children covered by the suspended support order have left the payor's household and started to receive FIP.

Procedure: CSS will:

- Notify IM of any reinstatement inquiries or requests for an active FIP case within ten days of receipt.
- Determine whether reinstatement of support applies or whether to establish a new support order (in cases where the six-month reinstatement period has run out).
- Notify IM of a reinstatement order within ten days of the date that CSS receives the order. Reinstatement of support is effective the date that FIP benefits are issued based on absence of the payor.

When you are notified by CSS of an inquiry or request for reinstatement:

- Contact the household for information about the possible change in household (unless you are already aware of the change and are pursuing appropriate action).
- Notify CSS within ten days of issuing a *Notice of Decision* because the obligor has left the FIP household or the children have left the obligor's home and start to receive FIP.
- Provide the date of the *Notice of Decision* and the actual date of the change to CSS.
- Document this information in the case record.

If the household returns the required statement in time for reinstatement, reinstate the existing FIP case. Since the application to add the parent was denied, the date the statement is received constitutes the new date of application to add the parent to the eligible group.

Contract for Support

Legal reference: 441 IAC 41.25(4)

A person entitled to total support under the terms of an enforceable contract is not eligible to receive FIP when the party obligated to provide such support is able to fulfill that part of the contract.

Cooperation With Child Support Services

Legal reference: 441 IAC 41.22(6), Iowa Code Section 239B.2(6)

Unless good cause is established, all applicants and participants must cooperate with IM and CSS for purposes of child support recovery on behalf of a child whose needs are included in the grant. "Child" includes a minor parent who receives FIP on the adult parent's case.

Cooperation is required in providing information about the absent parent that is needed to establish paternity and obtain support. Cooperation is required from both parental and nonparental specified relatives, regardless if they are included in the FIP grant. If an applicant or participant refuses to cooperate without good cause, the family's FIP grant is reduced by 25%.

CSS determines when a FIP client has not cooperated. CSS delegates IM to make this determination in application situations or when a participant receives direct support and fails to refund the nonexempt portion. When a client fails to cooperate with CSS, CSS issues notification to the IM worker.

When an applicant has failed to cooperate or CSS notifies you of a participant's noncooperation, take action as described in [Sanction for Failure to Cooperate](#).

A parent's failure to cooperate with CSS while on Medicaid only does not affect the person's eligibility for FIP. Also, a FIP parent or specified relative is not required to cooperate on behalf of a child who is not on the grant, such as:

- A child receiving SSI.
- A child excluded from the FIP eligible group due to sanction.
- A child excluded from the FIP eligible group due to age limits.

1. Ms. M and her children are on FIP. Ms. M fails to cooperate with CSS on behalf of one of the children, and her FIP grant is reduced by 25%. Her case is canceled for another reason. She later applies as a needy specified relative for a niece.

Assuming all other eligibility factors are met, Ms. M can be included as a needy specified relative on the case. The previous noncooperation on her former parental case has no effect on the nonparental case.

2. Same as Example 1, except Ms. M later reapplies for a parental case for herself and her children. The child for whom she failed to cooperate with CSS in the previous FIP period is 18 and will not be included in the grant. As long as Ms. M cooperates with CSS on behalf of the eligible children, her FIP grant will no longer be subject to a 25% reduction.

3. Mrs. E receives FIP for herself and two children. She also receives FIP for a niece on a separate nonparental case. CSS notifies IM that Mrs. E failed to cooperate on behalf of the niece. The grant on Mrs. E's nonparental case is subject to a 25% grant reduction. The parental case is not affected.
4. Mr. A is on SSI. He receives FIP for his two children. CSS notifies IM that he failed to cooperate. Even though Mr. A is not included in the grant, he is still required to cooperate with CSS on behalf of his children who are on FIP. Consequently, the FIP grant is reduced by 25%.

See the following sections for more information on:

- [What the client must do to cooperate](#)
- [Sanction for failure to cooperate](#)
- [Action when the parent or nonparental specified relative begins to cooperate](#)
- [Action when a participant fails to refund direct support](#)
- [Determining if a client has good cause for failure to cooperate](#)

See 4-B, [Referrals to CSS](#) for information on referring the absent parent to CSS.

What the Client Must Do to Cooperate

Legal reference: 441 IAC 41.22(6), 41.22(7), 41.22(8)

Unless good cause exists, clients must cooperate in the following areas:

- Identifying and locating the parent of the child for whom the aid is requested.
- Establishing the paternity of a child born out of wedlock for whom aid is requested.
- Obtaining support payments for the applicant or participant and for a child for whom aid is requested.
- Supplying enough information about the absent parent, the receipt of support, and the establishment of paternity (when needed) to establish FIP eligibility and to permit an appropriate referral to the CSS.
- Appearing at the local office or the CSS to provide verbal or written information needed to establish paternity or secure support for the children in the eligible group. This includes information or documentary evidence that the client knows about, possesses, or could reasonably obtain.
- Appearing as a witness at judicial or other hearings or proceedings.
- Providing information, or attesting to the lack of information, under penalty of perjury.
- Paying to the Department any nonexempt cash support payments received by a participant after the date of decision.
- Completing and signing documents needed by the state's attorney for any relevant judicial or administrative purpose.

Sanction for Failure to Cooperate

Legal reference: 441 IAC 41.22(6)“f,” Iowa Code Section 239B.2(6)

Cooperation with child support services is required from parents as well as nonparental specified relatives. When an applicant or participant does not cooperate with you or with CSS without good cause, the household becomes subject to sanction.

The sanction is a 25% reduction of the household’s FIP grant. The 25% reduction is applied to the family’s grant amount before any deduction for recoupment of a prior overpayment. Impose the grant reduction as long as the person who failed to cooperate is in the home and has a child on the grant, regardless whether that person is included in the FIP grant.

\$ 426.00	FIP payment standard for three people
- 100.50	Countable income
325.50	Deficit before sanction
- 81.37	Child support sanction (25% of \$325.50)
\$ 244.13	Deficit after sanction
\$ 244.00	Grant amount (rounded)
- 42.60	Recoupment (10% of \$426)
\$ 201.40	Payment amount

The reduction is applied only in calculating the grant. It is not applied in any of the three income tests. FIP eligibility continues when the payment amount is zero because the grant amount is under \$10 when the reduction is applied.

\$ 426.00	FIP payment standard for three people
- 414.50	Countable income
11.50	Deficit before sanction
- 2.87	Child support sanction (25% of \$11.50)
\$ 8.63	Deficit after sanction
\$.00	Payment amount

For any month a reduction is in effect, the reduction is applied whenever the grant is recalculated for any reason other than the child support sanction. The reduction is also applied to one-time and ongoing special needs-special allowance codes “E” (school expenses) and “G” (guardianship/conservatorship fee).

When a participant fails to cooperate with you, reduce the grant effective the first month after the noncooperation occurred, subject to timely notice. When a participant fails to cooperate with CSS, the grant reduction becomes effective the month after CSS notifies you of the noncooperation, subject to timely notice.

If you cannot give timely notice, reduce the grant effective the second month after the noncooperation with you or after being notified by CSS. Recover excess FIP issued for the first month.

When a minor parent and the minor parent's child receive FIP on the adult parent's FIP case, and the minor parent fails to cooperate with IM or CSS without good cause, initiate the 25% grant reduction. Even though the minor parent is considered a child on the adult parent's case, the minor is also a parent and therefore is required to cooperate with CSS.

The household is subject to only one 25% grant reduction, even if more than one parent who has a child on the grant fails to cooperate. For example, if a minor parent and baby receive FIP on the adult parent's case and both parents fail to cooperate, the household's FIP grant is reduced by 25%. Issue notice each time CSS notifies you of a person's noncooperation.

The 25% reduction is applied to the family's grant amount before any deduction for recoupment for a prior overpayment.

See [14-B\(6\), CSS Sanction](#) for system coding instructions for imposing or lifting the CSS sanction.

When the Parent or Nonparental Specified Relative Cooperates

Legal reference: 441 IAC 41.22(6)“f”

Remove the 25% grant reduction effective the first day of the **next** calendar month after the parent or nonparental specified relative who failed to cooperate expressed willingness to cooperate. Delay taking the action until the person cooperates. Issue adjustive benefits if appropriate.

- If the person failed to cooperate with IM, delay the action to remove the grant reduction until the client has cooperated with you.
- If the person failed to cooperate with CSS, delay removing the grant reduction until CSS notifies you that the person has cooperated.

1. On March 31, the parent (or nonparental specified relative) who failed to cooperate with CSS, expresses willingness to cooperate. On April 20, CSS notifies the IM worker that the client cooperated on April 15. The worker removes the grant reduction effective April 1.
2. On April 1, the previously noncooperating parent (or nonparental specified relative) expresses willingness to cooperate with CSS. On April 20, CSS notifies the IM worker that the client cooperated on April 17. The worker removes the grant reduction effective May 1.
3. Same as Example 2, except that the client cooperates on May 3 and CSS notifies the IM worker on May 5. The worker still removes the grant reduction effective May 1.
4. On June 5, the IM worker initiates grant reduction effective July 1, based on notification from CSS. On June 20, the client calls the IM worker and expresses willingness to cooperate. The IM worker instructs the client to contact CSS for further instructions. On June 26, CSS notifies the IM worker that the client cooperated on June 25. The IM worker removes the grant reduction effective July 1.
5. On June 23, CSS notifies the IM worker that the FIP parent failed to cooperate. Since the required timely notice cannot be met for July 1, the worker delays the grant reduction until August 1.

On June 29, the client contacts the IM worker to express willingness to cooperate. On July 5, CSS notifies the worker that the client cooperated on July 3. The worker removes the grant reduction effective August 1. Since the client expressed willingness to cooperate before July 1, no overpayment has occurred for July.

NOTE: Had the client not expressed willingness to cooperate until July 1 or later, an overpayment would be due for July (i.e., the difference in the FIP grant amount with and without the 25% grant reduction).

If more than one parent who has a child on the grant fails to cooperate, continue the sanction until each parent has cooperated. If you are notified that one of the parents has cooperated, send a memo informing the household that the grant reduction continues until CSS notifies you that the other parent (state the name) has cooperated.

Ms. A, a minor parent, and her baby receive FIP on the adult parent's case. Both the minor parent and the adult parent fail to cooperate on behalf of their respective child on the grant, resulting in a 25% grant reduction.

CSS subsequently notifies the worker that the adult parent has cooperated. The worker notifies the adult parent that the grant reduction continues until CSS notifies the worker that Ms. A has cooperated.

The parent or specified relative's contact with **either you or** CSS to express willingness to cooperate determines the effective date for removing the 25% grant reduction. When the noncooperation was with CSS, but the client contacts **you** to express willingness to cooperate, tell the client to contact CSS.

Notify the client in writing that the client must report back to you within ten days the name and phone number of the person the client contacted in CSS. (State this due date.) Also state that the grant reduction continues until the client has followed through on the action required by CSS. Grant an extension of the due date, if appropriate.

If the client fails to provide you with the requested information by the due date, continue the grant reduction. Take no further action. However, this failure to provide the requested information also voids the client's original expression of willingness to cooperate. A new expression of willingness to cooperate is needed from the client to determine the effective date for removing the grant reduction.

When the client provides the name and phone number of the CSS staff who was contacted, call or send an e-mail to the CSS staff to confirm the client's contact. Obtain from CSS the date the client is scheduled to take the required action to cure the noncooperation issue (appear for an interview, provide absent parent information, etc.).

Contact CSS the first working day **after** the date the client was to take the required action. If CSS informs you that the client failed to comply without any explanation, continue the grant reduction. Take no further action. However, failure to comply voids the client's original expression of willingness to cooperate. A new expression of willingness is needed from the client to determine the effective date for removing the grant reduction.

If CSS informs you that the client has rescheduled, consult with CSS on whether the client is continuing to make an effort to cure the noncooperation. If CSS indicates the client is making an effort, contact CSS the first working day after the rescheduled date. If the client has carried out the required action, remove the sanction effective the first of the next month after the date the client originally expressed willingness to cooperate.

If CSS informs you that the client has rescheduled, but CSS indicates a lack of effort by the client, this voids the client's original expression of willingness to cooperate. Continue the grant reduction. A new expression of willingness to cooperate is needed from the client to determine the effective date for removing the grant reduction.

Repeat these steps when the client requests additional extensions.

NOTE: Whenever a delay in completing the cooperation process is due to constraints **by CSS**, remove the grant reduction effective the first day of the next calendar month after the client expressed willingness to cooperate. However, delay the action until CSS notifies you that cooperation has occurred. Issue adjustive payments as appropriate.

CSS will notify you when the client has cooperated. When the client contacted CSS (rather than IM) to express willingness to cooperate, the CSS notification is to include the date the client initially expressed willingness to cooperate. If necessary, contact CSS to confirm this date to determine the effective date for removing the grant reduction. Document in the case record details of any contact with the client or with CSS.

When a Participant Fails to Refund Direct Support

Legal reference: 441 IAC 41.22(7), 41.22(6)"b"(4)

When approved for FIP, the participant signs over to the Department any right to receive direct support. Consequently, sanction a participant for failure to cooperate with Child Support Services (CSS) if the participant directly receives an assigned support payment and does not refund it. See [4-E. Treatment of Support for Applicants](#) for more information.

Do **not** impose a grant reduction on a first failure to refund direct support as long as the parent promises to cooperate in the future. Inform the client **in writing** of the requirement to refund direct support and that a second violation will result in the FIP grant being reduced by 25%. Allow one written warning per period on FIP.

Initiate a 25% grant reduction for a second or subsequent failure to refund direct support. Do not stop the grant reduction until the parent has proven cooperation by refunding any future direct support payment.

NOTE: A change in the client's circumstances may indicate a need to review the sanction (for example, the absent parent returns home, or other changes occur that make future support payments unlikely). In such cases, or if you are unable to determine if a parent's sanction should stay in effect, contact central office policy staff through the usual channels.

If the client receives and retains direct support again after a warning letter is issued, begin to consider the nonexempt portion of the child support income prospectively, effective the next month. Continue using the income prospectively until the client shows that the income will not continue, as described above.

Recover any excess FIP issued for months following the first month the direct support was received and retained by the client.

In June, the IM worker learns that Ms. C, a FIP participant, received and kept direct support in May and June. The worker issues a warning letter.

Ms. C receives and keeps direct support again in July. The worker imposes a 25% grant reduction, considers the child support income prospectively beginning with the month of August, and recoups the excess FIP received in June and July. No recoupment is done for the month of May, as it is the month of change.

Good Cause for Refusal to Cooperate

Legal reference: 441 IAC 41.22(9), 41.22(10)“g”

Policy: Each applicant and participant has the opportunity to claim good cause for refusing to cooperate with the Child Support Services (CSS) in establishing paternity or securing support payments.

Procedure: Give applicants and participants form 470-0169 or 470-0169(S), *Requirements of Support Enforcement*. This form explains the client’s right to claim good cause as an exception to the cooperation requirement, and how to file a claim. Document in the case record that the form was provided.

Issue form 470-0170, *Requirements of Claiming Good Cause*, whenever the client asks for a copy or wants to make a claim of good cause. Give one copy of the signed form to the client and keep the other copy in the case record.

(See [6-Appendix](#) for instructions on forms 470-0169, 470-0169(S), and 470-0170.)

The client has the burden of proof that circumstances providing good cause exist. To meet this requirement, the client must:

- Specify the circumstances that the client claims as good cause for not cooperating.
- Corroborate the good cause circumstances.
- When requested, provide enough information to permit an investigation.

If an **applicant** claims good cause, do not act on the application until the period for providing the evidence has lapsed or until the applicant provides the evidence, whichever is sooner. You have good cause to delay the eligibility determination if the period for providing the evidence exceeds the 30-day period for processing applications.

Written statements from the client's relatives only are not sufficient to grant good cause but may be used to support other evidence provided.

If requested, the client must also provide additional evidence that may be needed and help with an investigation of good cause. Failure to meet these requirements is sufficient basis for determining that good cause does not exist.

Worker Responsibilities When a Good Cause Claim Is Filed

Legal reference: 441 IAC 41.22(10), (11), and (12)

Immediately notify the child support services office whenever a client files a claim for good cause. Enter all information relating to the claim and determination of good cause into the case record.

When a client asks for help in getting evidence, offer suggestions about how to obtain the necessary documents. Make a reasonable effort to obtain necessary documents that the client has been unable to obtain.

Further investigation of good cause may be necessary if the client's claim and the supporting evidence are not enough to make a decision. Notify the client in writing if additional supporting evidence is needed, and what types of documents are needed.

If you need to contact the putative father or absent parent, notify the client first. The client can choose to:

- Give additional supporting evidence so that you will not need to make the contact.
- Withdraw the application or have the case closed.
- Withdraw the good cause claim.

Consult the child support services office before contacting an absent parent, and document details in the case record. If there is any indication the absent parent may try to harm the child or the caretaker either physically or emotionally, be especially careful not to reveal any information about their location.

Confer with the CSS before making a final decision about good cause.

Making the Decision About Good Cause

Legal reference: 441 IAC 41.22(10)

Within 45 days from the date the claim is filed, determine whether or not good cause exists. Determine each good cause claim at the earliest possible date. Do not use the 45-day time frame as a waiting period before determining good cause or as a basis to deny the good cause claim.

Extend the time frame only if:

- You cannot obtain evidence needed to verify the claim within the 45-day time limit, or
- The client cannot provide supporting evidence within the required 20-day time limit.

Document any time extensions in the case record.

Grant good cause if the claimant's statement and the investigation that is conducted provide sufficient evidence that the client has good cause for refusing to cooperate. Your immediate supervisor must approve or disapprove your decision. Record the findings in the case record. Update ICAR to show that good cause has been granted (See [14-D\(1\)](#)).

Notify the child support services office within two working days after the final decision to deny or grant good cause has been made. Give the child support recovery office the opportunity to participate in any appeal hearing.

Notify the client of your final decision in writing. This notification must explain the decision and the basis for the decision.

- If the decision is that good cause does *not* exist, give the client the opportunity to cooperate, withdraw the application, or have the case closed. Also notify the client that continued refusal to cooperate will result in imposition of sanctions.
- If the decision is that good cause *does* exist, consult with the CSS to decide whether child support enforcement can proceed without risk of harm to the child or caretaker relative if the enforcement activities do not involve their participation.

When child support enforcement activities will proceed without the caretaker's cooperation, notify the client in writing, and provide the client the opportunity to withdraw the application or have the case closed.

At least once every six months, review cases where the participant has been excused from cooperation due to circumstances that are subject to change.

If circumstances have changed and good cause no longer exists, notify the participant in writing that child support enforcement activities will proceed. Also, notify CSS within two working days of the determination that good cause no longer exists.

Application After Failure to Cooperate

Legal reference: 481 IAC 72.4(10A)

Assistance cannot be reestablished until cooperation criteria have been met. If a family who failed to cooperate later meets the Quality Control or front-end investigation requirements and is otherwise eligible, approve assistance retroactive to the date the client agreed **in writing** to cooperate. Do not process the approval until you are notified that cooperation has actually occurred.

When a client reapplies on or before the date of cancellation, the client is eligible for benefits on the effective date of cancellation or on the date the client agrees to cooperate, whichever is later. If the application is received after the date of cancellation, assistance is effective no earlier than seven days after the Department receives the application.

Ms. A, a FIP participant, fails to cooperate with the front-end investigation. DIA informs the IM worker of the failure in early April. The IM worker issues a notice on April 5 to cancel assistance effective May 1.

On April 25, Ms. A contacts the IM worker and writes a note stating her intent to cooperate with the front-end investigation. However, the IM worker must refer the case to DIA. The investigator is not able to meet with Ms. A until May 10. As a result, Ms. A cannot resolve the issue before the effective date of cancellation. The case is canceled May 1.

Because she cannot be reinstated, Ms. A must file a reapplication on or before May 1 in order to avoid loss of benefits. Since she files the application May 1, cooperates with the investigation, and is otherwise eligible, the application is approved effective May 8. Corrective benefits are issued retroactive to May 1.

Had Ms. A not indicated her desire to cooperate until May 1, the day she reapplied, she would not be entitled to corrective benefits for the period of May 1 through May 7.

When a household reapplies after being denied or canceled for failure to cooperate with front-end investigations decide whether the situation is resolved. If the situation is resolved:

- Document this in the case record.
- Notify DIA of this decision and approve the application if otherwise eligible.

If the situation has not been resolved, re-refer the case to DIA by completing a new 470-5130, *DHS Investigative Referral to DIA*.

Duplicate Assistance

Legal reference: 441 IAC 41.25(2)

A participant whose needs are included in a FIP grant cannot receive at the same time a grant from any other public assistance program administered by the Department or by another state, including:

- Tribal TANF payments.
- Foster care.
- Kinship caregiver payments.
- Preparation for adult living (PAL) stipends.
- Subsidized adoption (unless excluding the person from the FIP grant would reduce benefits to the family).
- Refugee matching grant.

Consider subsidized guardianship assistance (whether from Iowa or from another state) the same as foster care. That is, a child is not eligible for FIP while receiving subsidized guardianship assistance.

Consider kinship caregiver payments the same as foster care. That is, a child is not eligible for FIP while receiving kinship caregiver payments. For more information on handling foster care, kinship caregiver payments, and adoption placements, see [4-G, When a Child Goes into Foster Care or the Kinship Caregiver Payment Program](#), [4-E, Adoption Subsidy](#), [4-C, Foster Care](#), and [4-C, Kinship Caregiver Payment Program](#).

Effective October 1, 2006, a tribal TANF program became available to Native Americans living in Woodbury County who are also members of a federally recognized tribe. The Woodbury County Tribal TANF Program is operated by the Winnebago Tribe of Nebraska. Tribal TANF programs may eventually be available in other counties.

Native Americans living in a county that has a tribal TANF program have the option of applying for FIP or for the tribal TANF program, but cannot receive benefits for both programs for the same month.

A person is not considered a FIP participant in any month that FIP assistance was incorrectly paid and is subject to recovery. A person who moves from one eligible group to another can receive assistance in the new household if the payment received by the old household is subject to recovery.

On June 22, a child moved from household A to household B. Due to timely notice requirements, the child's needs are not removed from household A's case until August 1. However, the FIP that household A receives for the child in July is subject to recoupment since the child is ineligible to receive assistance on household A's case for that month.

Household B applies for FIP for the child on June 22. Provided all other eligibility requirements are met, the child is eligible for FIP in household B effective July 1.

A person may receive public assistance from another state and then apply in Iowa for the same period. They are eligible for in Iowa if assistance from the other state is:

- Subject to recovery by the other state.
- Retained by or returned to the other state and not available to the person.

When a state issues semimonthly payments and a person receives assistance for only part of the month, the person may be eligible in Iowa for the rest of that month. Eligibility in Iowa begins the day **after** the time period the other state's grant was intended to cover or seven days after the date of application, whichever is later. Do not count the assistance from the other state as income.

Ms. W is a 17-year-old student who lives with her mother, Mrs. W. Mrs. W receives FIP for herself, Ms. W, and Ms. W's baby. Ms. W will turn 18 in December. However, she is expected to complete her course of study the following May, before she reaches age 19.

Ms. W and her baby remain on her mother's grant through May. Mrs. W's case is canceled effective June 1. Ms. W is eligible to have her own case effective the same date. An application is required.

When the minor parent turns 18 and is **not** in school or will **not** complete the course of study by age 19, remove the minor parent and the child from the parent's group and set them up as a separate eligible group. An application is required.

Ms. Y is 17. She lives with her mother, Mrs. Y, who receives FIP for Ms. Y and two other children. Ms. Y has a baby. If assistance is requested for the baby, the eligible group will consist of Mrs. Y, Ms. Y, Mrs. Y's two other children, and Ms. Y's baby.

Ms. Y will turn 18 on May 15. She is not in school. Since Ms. Y will not be eligible as a child past May, Ms. Y and her baby will be removed from Mrs. Y's grant effective June 1. Ms. Y may receive FIP for herself and her baby as a separate eligible group. An application is required.

When the minor parent is subject to a sanction (other than a CSS sanction) or otherwise ineligible (e.g., has an ineligible alien status), remove the minor parent and her child from the adult parent's case. If there are no other eligible children in the home, cancel the adult parent's case for that reason.

Once the minor parent and child are removed from the adult parent's case, the minor parent can apply for FIP for the baby only. A new application is required. The minor parent remains ineligible until the sanction is fixed.

If the minor parent continues to live with the adult parent who is no longer eligible for FIP, consider the minor parent as living with a self-supporting parent. This means you consider the adult parent's income to determine the baby's FIP eligibility. See [4-E, Income](#).

If the adult parent has other children and remains FIP-eligible, do not consider the adult parent's income on the minor parent's FIP case for the baby. Whether or not the adult parent remains FIP-eligible on a separate case, consider any income of the minor parent the same as any other excluded parent.

Ann is 16 years old. She has a baby and lives with her mother, Mrs. Z, who receives FIP for Ann and the baby. In May, Ann is sanctioned. Even though both Ann and the baby are on the grant, only Ann is the child of Mrs. Z.

Therefore, when Ann becomes ineligible, Mrs. Z no longer has an eligible child in the home. Mrs. Z's case is canceled effective June 1. A new case is opened with Ann as the payee for her child. Ann's income is treated the same as any other excluded parent.

See [4-J, Minor Parents Living With FIP Parent](#) for information on the effect of a limited benefit plan. See [Limit on FIP Assistance](#) in this chapter for information on the effect of the 60-month limit on minor parents.

When the minor parent is living with a nonparental relative or in an independent living arrangement, determine need in the same manner as if the minor parent had attained majority.

However, if the nonparental specified relative assumes a parental role over the minor parent, the nonparental specified relative may establish a caretaker case and may be included in the eligible group if needy.

Nonparental Specified Relative

Legal reference: 441 IAC 41.28(1)“b,” 41.28(2)

Children in a nonparental home are one eligible group, whether or not they are siblings. The parent, the needy nonparental specified relative who acts as payee when the parent is unable to act as payee, and the children are one eligible group.

When a nonparental specified relative has children on FIP, this is a separate eligible group from the nonparental children. The two groups are:

- The specified relative and the relative’s own children.
- Children for whom the specified relative is responsible.

A needy nonparental specified relative acting as payee who has chosen to be included in the eligible group and the child are one eligible group. The needy nonparental specified relative’s needs are determined the same as on a parental case.

1. A sister applies for her brother. She does not want her needs to be considered. The basic needs of the brother are \$183.
2. An aunt applies for a niece and a nephew. She does not want her needs to be included. The basic needs of the niece and nephew are \$361, whether or not they are siblings.
3. A grandmother who is needy applies for herself and two grandchildren. The needs of the grandmother and two grandchildren are \$426.

When a minor nonparental specified relative lives with self-supporting parents, the eligible group consists of only the child for whom the minor is caretaker.

When a minor nonparental specified relative lives with an adult parent who receives FIP, there are two eligible groups:

- The adult FIP parent and children.
- The children for whom the minor specified relative is responsible. (The needs of the minor specified relative are not included in the grant.)

The 60-month FIP limit does not apply to nonparental specified relatives who are not on the FIP grant with the child. See [Limit on FIP Assistance](#).

1. Mrs. B and her child receive FIP in a hardship exemption period that ends June 30. On March 10, Mr. B, the child's father, joins the family. The hardship exemption continues regardless of how long Mr. B has received FIP.

If Mr. B is otherwise eligible, the worker adds him to the FIP eligible group. The worker does not need to check Mr. B's 60-month FIP count on FET or make any entries to FET. FET will pick up Mr. B's FIP count when he is entered on Mrs. B's FIP case.

2. Same as Example 1, except Mr. B's countable income exceeds the limits for the three-person eligible group. Mrs. B's FIP case is canceled effective April 1.
3. Ms. H and her child from another relationship receive FIP during a hardship exemption period that ends August 31. Also in the home is Mr. P, the father of Ms. H's expected child. On May 5, Ms. H gives birth to their common child.

The worker must add Mr. P to the FIP eligible group if he is otherwise eligible. The hardship exemption continues regardless of whether Mr. P has received FIP for 60 months. The worker does not need to check Mr. P's 60-month FIP count on FET or make any entries to FET. FET will pick up Mr. P's count when he is entered on Ms. H's FIP case.

4. Same as Example 3, except Mr. P's countable income exceeds the limits for the four-person eligible group, causing the FIP case to be canceled effective June 1.

- Parents separate during exemption period:

When two parents who are in hardship exemption period separate, the remainder of the exemption period follows the parent who keeps the current FIP case if that parent's FIP eligibility continues to depend on the exemption.

Mr. and Mrs. D and their three children receive FIP. They are in a hardship exemption period that ends June 30 because Mrs. D has received FIP for 60 months. On March 5, Mr. D reports that Mrs. D and one of the children have moved out.

The worker checks FET and finds that Mr. D has received FIP for only 46 months. The worker removes Mrs. D and the one child from the FIP case effective April 1. Mr. D retains the current FIP case with the two remaining children. FET will count April as month 47 for Mr. D.

Continuing FIP eligibility for Mr. D and the two children no longer depends on the hardship exemption. The worker removes the six-month ending date in the LIMIT field on TD02. The worker informs PROMISE JOBS about the changes. Mr. D's FIA may need to be amended. The worker also refers Mrs. D to CSS.

The worker changes the FET hardship reason to reflect that Mr. D's FIP eligibility is no longer dependent on hardship. The worker enters case notice reason 369 to generate a *Notice of Decision* and inform Mr. D his FIP eligibility is no longer dependent on the hardship exemption.

NOTE: If Mrs. D applies for FIP for herself and the child with her, she must submit a new form 470-3826 or 470-3826(S), *Request for FIP Beyond 60 Months*. A new hardship determination will be required.

1. Ms. A applies for FIP for herself and her child. She is enrolled in a master's degree program at the university. FIP assistance is denied for Ms. A and her child because she is enrolled in a program leading to a degree beyond a bachelor's degree.
2. Ms. B applies for FIP for herself and her child. She is enrolled in a bachelor's degree program. If otherwise eligible, she and her child are approved for FIP. Ms. B would also be able to receive FIP if she was enrolled in a program to receive an associate's degree, LPN, RN, or other degree that is **not** beyond a bachelor's degree.
3. Mr. and Mrs. C apply for FIP for themselves and their children. Mr. C has been admitted into the doctor of dentistry program, even though he has not yet completed his bachelor's degree. FIP assistance is denied for the entire family, because Mr. C is enrolled in a program leading to a degree beyond a bachelor's degree.

Social Security Number

Legal reference: 441 IAC 41.22(13)

As a condition of eligibility, all applicants and members of the eligible group must either provide a social security number (SSN) or provide proof that a SSN has been applied for, but has not yet been issued or is not known. If a person proves that number has been applied for, do not delay or deny FIP assistance pending issuance or verification of the number.

Do not include in the eligible group the needs of any person for whom:

- A valid SSN has not been provided, or
- An application for an SSN has not been made, or
- Proof of application for an SSN has not been provided, or
- The number has not been reported within the defined period.

EXCEPTION: Battered aliens may receive FIP before applying for an SSN. See [4-L, Battered Aliens](#) for more information.

If the excluded person is the parent or needy specified relative, that person may still act as payee for any eligible children. An SSN or proof is not required of a payee who is not a member of the eligible group.

Pend the application to allow the applicant additional time if the applicant cannot apply for a number because of circumstances beyond the applicant's control. Determine whether the applicant is **refusing** to meet the requirement or is **unable** to meet the requirement right away.

The child was born in another state and the applicant has difficulty in getting the verification needed to apply for an SSN for the child. The applicant is not refusing to meet the requirement, but is unable to meet it immediately.

If a grant can be approved for some members but not for other members because of the SSN requirement, offer the applicant the following alternatives:

- Pend the application until all members are eligible. The grant, covering all members, will then become retroactive to seven days after the date of application or the date the family was otherwise eligible, whichever is later.
- Approve the assistance grant for the members who are immediately eligible, with the expectation that the other members will be added to the grant after a proof of SSN application is provided.

There is no retroactive payment for members who are added at a later date. The date of application to add the previously excluded members is the date the participant provides you with proof of application for the SSN.

1. Ms. A applies for assistance on April 1 for herself and her child, who was born in Utah. Ms. A hasn't been able to get the child's birth certificate to apply for an SSN. Her application is pending. On June 2, Ms. A receives the birth certificate and applies for the child's SSN. She provides proof on June 3. If otherwise eligible, Ms. A receives assistance retroactive to April 8.
2. Ms. B applies for assistance on March 10. She has applied for an SSN for one of her two children, but is having trouble getting a birth certificate for the other. She elects to receive assistance for herself and one child. On March 25, the assistance is approved effective March 17 for Ms. B and the one child.

On April 15, Ms. B receives the necessary verification and applies for an SSN for the second child. On April 18, she provides proof of application for the second child's SSN. If otherwise eligible, the child is added to the grant effective April 25.

When the FIP application is pended, make monthly contacts with the applicant to determine if the applicant is making continued efforts to secure the necessary documentation or verification.

The following sections address:

- [Obtaining the social security number](#)
- [Failure to give or supply a social security number](#)
- [Social security number requirements for newborns](#)
- [Verifying a social security number](#)

Obtaining a Social Security Number

A client can obtain a social security number (SSN) in several different ways:

- The client can use form SS-5, *Application for a Social Security Number Card*. This form results in the Social Security Administration (SSA) automatically notifying the Department when the number has been received. See [14-G, Social Security Number Verification](#) for more information.
- The client can apply directly to the SSA and give the Department a receipt from SSA, form SSA-5028, *Proof of Application*. The client must also report the number to the Department upon receipt.

- Through the “Enumeration at Birth” project, the client can apply for a number for a newborn child at the hospital where the child was born. If an infant is born in a hospital, consider that an SSN has been applied for. The client must report the number to the Department upon receipt. If the number is not provided in a reasonable time, follow normal procedures to request the number.

For a client who is a qualified alien that is not authorized to work in the U.S.:

- complete 470-5745, *Enumeration Referral*,
- sign the form in blue ink,
- include the form with the RFI requesting the client apply for an SSN, and
- inform the client they must take the form to the SSA when they apply for an SSN.

Inform the client that the SSA requires proof of age, identity, and citizenship or alien status when applying for an SSN. Help the client to get these documents, if necessary. For example, the client may need help in getting a certified copy of a birth certificate when a child was not born in Iowa.

See [4-L, Battered Aliens](#) for information on how a battered alien obtains an SSN.

Failure to Give or Apply for a Social Security Number

Legal reference: 441 IAC 41.22(13)

If an applicant refuses to give or apply for an social security number (SSN) for a member of the eligible group, do not include the needs of that member when approving the application. If the applicant fails to apply for or provide a number for the only eligible child, deny the entire application.

With the exception of newborns, do not add a person to an existing FIP case without that person’s SSN or proof of application for an SSN.

1. A mother with two children refuses to apply for a SSN for the younger child. The younger child is not included in the eligible group.
2. A mother with one child refuses to apply for a SSN for the child. The case is ineligible.

When adding a person who has been excluded from the eligible group for failure to provide an SSN or proof of application for the number, the date of application is the date when the SSN or the proof of application is provided. The effective date of eligibility is seven days after the date that the number or proof is provided.

Ms. T and two of her children receive FIP. A third child is excluded from the grant due to lack of a SSN. On May 5, Ms. T provides proof of application for the excluded child’s number. The child is added to the grant effective May 12.

EXCEPTION: Battered aliens may receive FIP before they apply for an SSN. See [4-L, Battered Aliens](#) for more information.

Social Security Number Requirements for Newborns

Legal reference: 441 IAC 41.22(13)“b”

When a baby is born in a hospital, consider that a social security number (SSN) has been applied for through the “Enumeration at Birth” project. The client must report the number to the Department upon receipt. If the number is not provided within three months from the date of birth, follow normal procedures to request the number.

When a baby is not born in a hospital, a FIP participant who is the mother of a newborn child has until the last day of the month following the month she was released from the hospital to apply for the newborn’s SSN. The month the mother is discharged is the month of change.

Proof of application for the baby’s SSN must be in the case record no later than the last day of the month following the month the mother is released from the hospital in order to avoid a payment error. For example, whether a mother is discharged June 1 or June 30, proof of application must be in the case record no later than July 31.

You do not need to wait until the month after the mother’s release from the hospital to take action.

Ms. A has a baby on March 7 and is released from the hospital on March 10. She requests to add the baby to her eligible group on March 15. On March 25, the baby is added to the grant effective March 22 (seven days after Ms. A’s report).

Ms. A is not required to supply proof of application for an SSN before the baby is added. However, she must supply proof of the application for a number by April 30, or the child will be removed effective May 1.

When the local office adds the child on March 25, the worker makes changes on the system and also sends a letter to Ms. A telling her that she must provide proof of application for an SSN by April 15, or the baby will be removed from the grant.

If Ms. A supplies the proof of SSN application by April 15, no further action is taken. If the proof is not supplied by that date, the worker removes the child effective May 1.

If Ms. A provides the required proof on April 25, the child is reinstated for May 1. If Ms. A provides proof on or after May 1, the worker adds the baby back to the grant effective seven days after the date proof is received.

Follow Up After Receiving Proof of Application for a Social Security Number

When a participant has provided proof of application for a social security number (SSN) the participant has until the end of the third month after application to provide the SSN. The local office should set a task to request the SSN at the beginning of the third month.

Verifying a Social Security Number

Legal reference: 44I IAC 41.22(13)

Social security numbers (SSN) must be verified by the Social Security Administration. Assume the number is verified unless you receive an alert that there is an error. When an SSN entered into the system does not match SSA records, the SSA generates an error report and an alert is issued to the worker:

If you receive an alert:

1. Check the system to confirm that the number the client gave was correctly entered into the system.
2. If the number was correctly entered but cannot be verified, instruct the client in writing to apply for a new number to resolve the discrepancy. Allow the client ten days to provide form SSA-5028, *Proof of Application*.
3. If the client does not provide the form within ten days, remove the needs of the person without a verified social security number from the grant. If that person is the only eligible child, cancel the entire FIP grant. Issue timely notice and recoup assistance if necessary.

Specified Relatives

Legal reference: 44I IAC 41.28(1), 41.22(3)

Policy: To be eligible for FIP, a child must live with a specified relative. "Relative" includes people related by blood, marriage, or adoption. The child's home can be with either the specified relative or the spouse of the specified relative, even if the marriage is terminated by death or divorce. The following is a list of people who qualify as specified relatives.

- Father, adoptive father
- Mother, adoptive mother
- Grandfather, grandfather-in-law (the subsequent husband of the child's natural grandmother, i.e., step-grandfather), adoptive grandfather
- Grandmother, grandmother-in-law (the subsequent wife of the child's natural grandfather, i.e., step-grandmother), adoptive grandmother
- Great-grandfather, great-great-grandfather
- Great-grandmother, great-great-grandmother
- Stepfather, but not his parents
- Stepmother, but not her parents
- Brother, brother-of-half-blood, stepbrother
- Brother-in-law, adoptive brother
- Sister, sister-of-half-blood, stepsister
- Sister-in-law, adoptive sister
- Uncle, aunt (of whole or half blood)

- Uncle-in-law, aunt-in-law (the spouse of the child's natural uncle or aunt)
- Great uncle, great-great-uncle
- Great aunt, great-great-aunt
- First cousins, nephews, nieces
- Second cousins

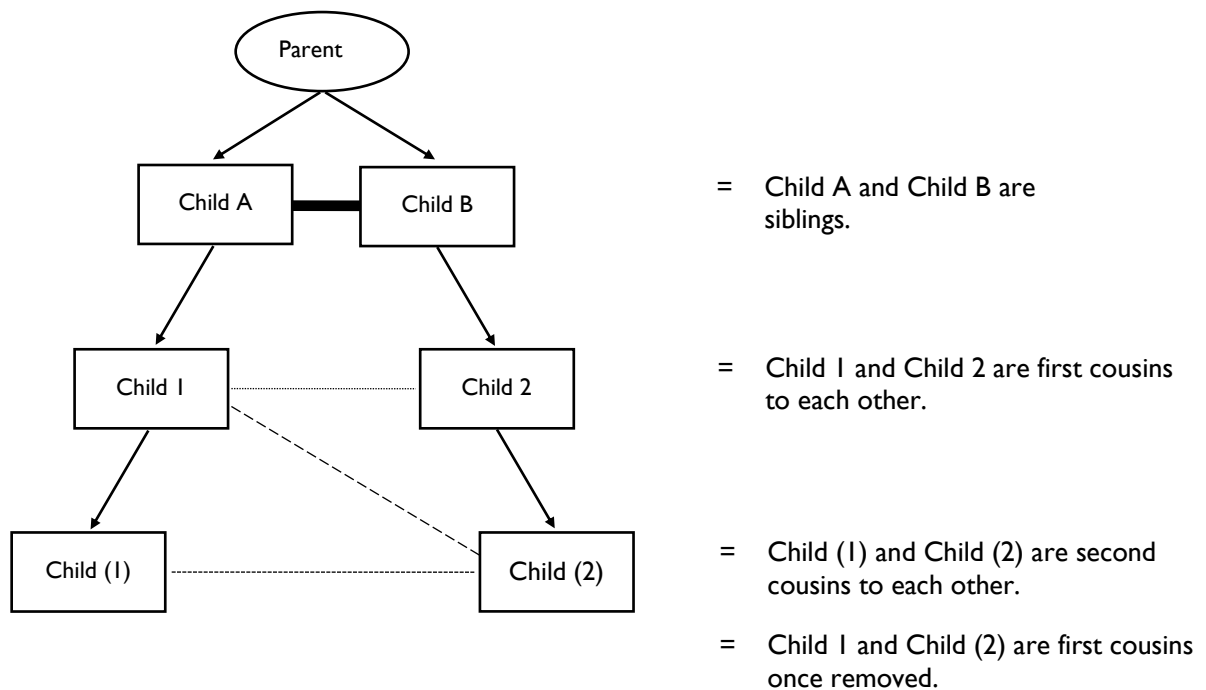
NOTE: If the person with whom the child is living does not meet the definition of "specified relative," there is no FIP eligibility even if the household contains half-siblings of the child who are FIP eligible.

The household consists of Ms. A, Ms. A's child by Mr. B, and Mr. B's child from another relationship. Even though the two children are half-siblings, Ms. A cannot receive FIP for Mr. B's child because she is not a specified relative to that child.

A person's first cousin's child is their first cousin once removed. This relationship does not meet the definition of a specified relative, so there is no FIP eligibility.

The household consists of Ms. B and child C. Child C's mother is Ms. B's first cousin. Child C is Ms. B's first cousin once removed. Ms. B cannot receive FIP for child C because she is not a specified relative to that child.

Second cousins are children of people who are first cousins to each other (i.e., grandchildren of siblings).



Procedure: Use the prudent-person concept to determine whether a person meets the second cousin definition. Ask the applicant to describe how the child in question is related.

If the applicant is not sure or the applicant's description is questionable, ask for documentation to reveal how the parties are related (e.g., birth certificates of the applicant and second cousin, their parents and grandparents, or any court documents or other records that may contain clarifying information). Follow the policies in [4-B, Verification](#) in those situations.

A guardian or conservator of the child can act as the applicant or participant and receive the FIP grant only if the person is a specified relative to the child and the child lives with that person.

Relatives of the "putative" father can qualify as a specified relative only after the court has established paternity, or the putative father has acknowledged paternity with written evidence and there is no other legal father.

Written evidence can include a letter, an affidavit, or a signed *Food and Financial Support Application*. Use the prudent-person concept regarding written evidence. A favorable determination made by another government agency (e.g., the Social Security Administration, the Veteran's Administration) is also reliable evidence of paternity.

The following sections address procedures for:

- [Determining the natural father](#)
- [Determining if a common-law marriage exists](#)
- [Determining if a child lives with a specified relative](#)

Determining the Natural Father

Legal reference: 441 IAC 41.22(3)"b," 41.28(1)"b"

The term "natural father" refers to the male who can be considered to be the child's father for the purpose of determining eligibility. Consider a man as the natural father if he:

- Was married to the mother at the time of the child's conception or birth (unless the court has declared this man **not** to be the father), or
- Has been declared by the court to be the father, even though not married to the mother at the time of the child's conception or birth, or
- Claims to be the father, **unless** the child already has a legal father.

When paternity has not been established through marriage or a court decision, allow a man claiming to be the natural father to be the payee or be included in the eligible group if he:

- Signs the Food and Financial Support Application or
- Provides a signed statement that he is the father of the child.

"Biological father" is the male responsible for the conception of the child. "Legal father" is the male considered the father under Iowa law. When the child's biological father is someone other than the child's legal father, consider the legal father to be the parent. Do so until the court establishes that the legal father is not the parent of the child. See [4-B, Referrals to CSS](#) for more information.

Mrs. A, a FIP participant, is separated from Mr. A. She lives with Mr. K and has a child by him. Mr. A is considered the legal father of the child and must be referred to CSS. The child is considered deprived based on Mr. A's absence.

Although Mr. K is the child's biological father, he cannot be included in the eligible group until the court declares Mr. A not to be the child's father. Until then, Mr. K's income and resources are not considered (except for amounts he makes available to the eligible group).

Determining if a Common-Law Marriage Exists

Legal reference: 441 IAC 41.28(1)

When determining if someone is a specified relative, there may be situations where a common-law marriage exists or the applicant or participant claims a common law marriage exists. A common law marriage exists if **both** people:

- Are free to marry,
- Have intended or have agreed to be married, and
- Publicly declare themselves to be husband and wife.

Since a common-law marriage affects who may be considered as a specified relative, determine if such an arrangement exists when the client claims a common-law marriage, even if the two parties are no longer living together when the claim is made.

If a common-law marriage currently exists (or existed in the past), either party can be considered as a specified relative (stepparent) to a child of the other party and may receive FIP for the child on a nonparental case, if otherwise eligible.

Accept a couple's claim that a common-law marriage exists unless you have reason to question the claim. The following items can further indicate that a common-law marriage exists:

- Joint income tax forms
- Joint purchase of property (house, car, etc.)
- Mortgages or loans
- Insurance policies
- School records
- Employment records
- Birth records
- Joint bank accounts
- Statements to friends or relatives
- Hotel or motel registrations

Evidence must represent the couple as husband and wife. One item is not enough evidence, but several items might indicate a common-law marriage.

To enter into a common-law marriage, the two people must be **free to marry**, the same as for a ceremonial marriage. If either common-law party is currently married to someone else, but a divorce did not take place between the two parties, that negates a claim of common-law marriage.

Because a common-law marriage is a legal and valid marriage, a divorce is needed to dissolve the marriage to render the two parties free to marry again (or enter a new common-law marriage). But remember, just like couples who are in a ceremonial marriage, the common-law parties may choose to separate rather than go through a divorce.

When a common-law marriage exists, treat the adults the same as any other married couple. This means you apply either stepparent or parental policies.

Treat a case as a shared living arrangement when a couple claims not to have a common-law marriage.

When a couple claims their relationship is not a common-law marriage, but you believe one might exist, refer the case to the Department of Inspections and Appeals (DIA), for front-end investigation. See [Front-End Investigation Procedures](#) for more information on referrals.

Treat the case as a shared living arrangement until the Division of Investigations has determined that a common-law marriage exists and has notified you to that effect.

Determining if Child Lives With a Specified Relative

Legal reference: 441 IAC 41.21(3)

When a specified relative accepts responsibility for the child's welfare and the child shares a home with the relative, the relative and child are considered "living with" each other. If the child or relative is **temporarily** absent from the household, the relationship continues to exist even **if** the relative temporarily loses responsibility for the care and control of the child.

A child may be under the jurisdiction of the court, or a person or agency may hold legal custody, but the child does not **live** with the person or agency. There may be a court order specifying that public assistance should not be sought.

Regardless of existing legal documents, FIP eligibility is based on all factors in the child's current living arrangement. The child is considered to be "living with" the relative, as long as the child is either physically present or temporarily absent.

The following sections address circumstances involving:

- [Adoption](#)
- [Termination of parental rights](#)
- [Joint custody](#)
- [Definition of a "home"](#)

Joint or Shared Custody

Legal reference: 441 IAC 41.21(3)

A child must be living in the home at least 50% of the time to be in the FIP eligible group. A child is eligible for FIP in one home only. When a child spends equal amounts of time (50/50) in the home of each parent, you must designate with which parent the child is living.

- If only one parent is interested in applying for FIP, consider the child as "living with" that parent when determining FIP eligibility.

- If one parent is receiving FIP and the other parent applies, advise both parents that FIP assistance cannot be paid to both parents. In this case, assistance will not be paid to the parent who applied, unless the other parent voluntarily agrees to cancel the grant currently received.
- If both parents apply for FIP assistance, talk to the parents, together if possible, to determine with which parent the child is “living.” Again, keep in mind, the child can be eligible in one parent’s home only.

If the parents cannot decide who should get FIP, make the determination yourself. Document the basis for your decision in the case record. Explain the situation in the comment section when referring the absent parent to CSS.

The following questions may be helpful when deciding who the child is “living with” if the child appears to be spending equal amounts of time in each home and the parents cannot decide who will receive the grant. This is not a complete or final list of questions but gives some general guidance.

- Which parent lives in the same school district as the child?
- Who purchases most of the child’s clothing?
- Which parent does the school contact in an emergency?
- Where are most of the child’s clothing and toys stored?
- Who does most of the child’s laundry?
- Who maintains medical records and sets up routine doctor’s appointments?
- Who has the final say as to what the child can or cannot do if there is a disagreement?

Adoption

Legal reference: 441 IAC 41.21(3)

When a mother intends to place her child for adoption shortly after birth, the child is considered as living with the mother until she signs the legal release of custody and actually relinquishes custody. Under Iowa law a release of custody to voluntarily place a child for adoption cannot be signed less than 72 hours after the child’s birth.

Establish a parental case for the adoptive parent. Include on the case the parent’s biological child (if applicable) and the adopted child. Establish a separate nonparental case for the adopted child’s sibling in the home who was not adopted.

An adoption severs the legal relationship between the child who is adopted and that child’s biological parents and biological siblings. However, the adoption does **not** sever their blood relationship.

Consequently, when a child who was adopted returns to the home of the biological parent, the biological parent is not considered the legal parent of the child but is still considered a specified relative to the child. For FIP purposes, establish a nonparental case for the child, with the biological parent as payee. Treat the case like any other nonparental case.

If the biological parent requests FIP assistance as well, include the biological parent on the case as a needy specified relative, if otherwise eligible. Treat the eligible group according to [Needy Specified Relative](#) in this chapter.

If the biological parent's home also includes biological siblings of the child who was adopted, and assistance is requested for everyone, establish two separate FIP cases:

- A parental case for the biological parent and the biological siblings.
- A nonparental case for the child who was adopted. See [Nonparental Specified Relative](#) in this chapter.

Parental Rights Terminated

Legal reference: 441 IAC 41.28(1) and (2)

When parental rights have legally been terminated, but the child has **not** been adopted by another person, the parent is still considered a parent of the child for FIP purposes. Therefore, establish a parental case when the child lives in the home of a parent whose parental rights were previously terminated.

Definition of a “Home”

Legal reference: 441 IAC 41.21(3), 41.23(2); Iowa Code Chapter 235A

A home is defined as an established family setting or a family setting that is in the process of being established. Evidence must show that the relative assumes and continues the responsibility for the child in this setting. This includes living together or sharing a household.

A home is considered suitable unless the court rules it unsuitable and removes the child. When you have reason to believe a home is unsuitable because of neglect, abuse, or exploitation of the child, refer the family to the Protective Service Unit for investigation. Make an oral report to the unit within 24 hours.

Strikers

Legal reference: 441 IAC 41.25(5)

A “strike” is defined as a concerted stoppage, slowdown, or interruption of operations by employees. This includes a stoppage because a collective bargaining agreement has expired.

When a **parent** participates in a strike on the last day of the month, the entire family is ineligible for FIP for that month. However, when a person **other than a parent** participates in a strike on the last day of the month, only that person is ineligible for FIP for that month.

Mr. C reports on November 5 that he was on strike from October 10 through October 28. No action is needed because Mr. C was not on strike the last day of October.

The following sections address:

- [Actions required when a person is participating in a strike](#)
- [Circumstances that are not included as “being on strike”](#)

When a Person Is Participating in a Strike

Legal reference: 441 IAC 41.25(5)

For **applicant** cases, if the striker is **not** the parent, only the person who is on strike is ineligible for any and all months in which the person was participating in the strike on the last day of that month. When the strike is expected to continue through the month of decision, the person is ineligible for all prior months.

If the striker is a parent **applying** for FIP:

- Deny the application if you anticipate that the parent will continue on strike through the last day of the month of decision.
- Approve the application (if all other eligibility criteria are met) if you anticipate that the strike will not continue through the month of decision. However, the family is not eligible for any prior month in which the parent was on strike on the last day of the month.

If the striker is a parent on an **active** case, cancel the case if the strike is expected to continue through the last day of the month. If the striker is not a parent but is included in the grant, remove the striker's needs from the grant if the strike is expected to continue through the last day of the month.

No recoupment is necessary for the month of change (the month the strike began). Recoup the striker's portion of the FIP benefits issued for any month following the month of change in which the person continued to participate in the strike on the last day of the month.

1. Ms. A receives FIP for herself and her child. In May, she reports her union is on strike. The strike began April 28. The IM worker contacts the union representative and determines that the workers are expected to return to work no later than May 25. Ms. A remains eligible. No recoupment is necessary if the strike actually ends in May.
2. Same situation as in Example 1, except the strike is not expected to end in May. Ms. A's case is canceled effective June 1 and May benefits are subject to recoupment.
3. Ms. B receives FIP for herself and her child. In September, the IM worker learns that Ms. B has been on strike since July 15. It appears that the strike will continue through the last day in September. Ms. B's case is canceled effective October 1. Benefits issued for August and September are subject to recoupment.

When a Person Is Not Participating in a Strike

Legal reference: 441 IAC 41.25(5)"c"(2)

A person is not participating in a strike if the person meets all of the following conditions:

- The person is not picketing and does not intend to picket during the strike,
- The person does not draw strike pay, and
- The person either:
 - Crosses the picket line and goes to work, or
 - Provides a signed statement indicating the person is willing to return to work but does not want to cross the picket line for fear of injury, death, or trauma from harassment. The service area manager determines if such a risk to the person's physical or emotional well-being exists.