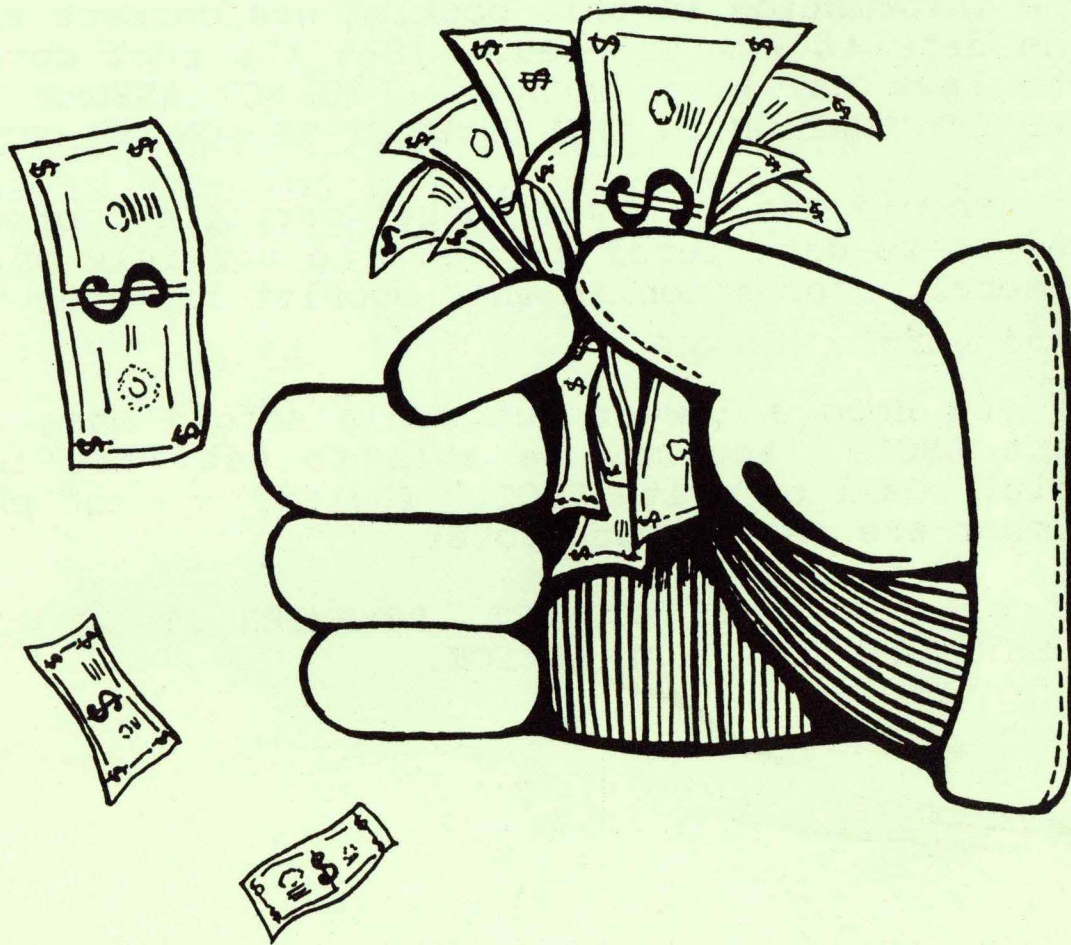


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# **GENERAL RELIEF: A Possible Source of Help**



**A Legal Services Corporation of Iowa Publication**

**IMPORTANT NOTICE:  
READ THIS INFORMATION BEFORE  
USING ANY PART OF THIS PUBLICATION**

This booklet is a general summary of the law. It is not meant to completely explain the subjects in this booklet. IT IS NOT A SUBSTITUTE FOR LEGAL ADVICE.

The information in this booklet was correct as of the date it was printed. (See the back cover.) The laws may have changed. DO NOT ASSUME THAT THE INFORMATION IN THIS BOOKLET IS NOW CORRECT.

You should see a lawyer to get complete, correct, and up-to-date legal advice. Do not rely on the general information in this booklet for your specific case.

If you need a lawyer but can't afford one, contact LSCI. You may be able to get free legal help. Call or write LSCI. The address and phone number are on the back cover.

AS YOU READ THIS BOOKLET, REMEMBER IT IS NOT A SUBSTITUTE FOR LEGAL ADVICE.

The Board of Supervisors in each county in Iowa is required by law to provide "relief," or help, to qualified persons in need.

Chapter 252, Code of Iowa  
"Support of the Poor"



# **PART I: A BRIEF OUTLINE OF GENERAL RELIEF**

What is General Relief?

General relief is sometimes called county relief or general assistance.

General relief comes from tax funds applied to a part of the county budget called the "poor fund."

The general relief program is run by the County Boards of Supervisors through a General Relief Director.

Who is Eligible to Receive General Relief?

**Poor Persons:** Persons without property who cannot work to support themselves because of physical or mental disabilities.

**Needy Persons:** Persons who have some income or property, but who are still in need of assistance. Some counties believe they only have to provide minimal or no assistance to needy persons. This policy is being challenged in court.

Where Do I Go to Apply for General Relief?

Go to the General Relief Director's office, usually located in the county courthouse or the local office of the Iowa Department of Human Services.

## What Types of Help Are Available?

Warrants or vouchers for rent, utilities, medical bills, etc.

Script or orders for food.

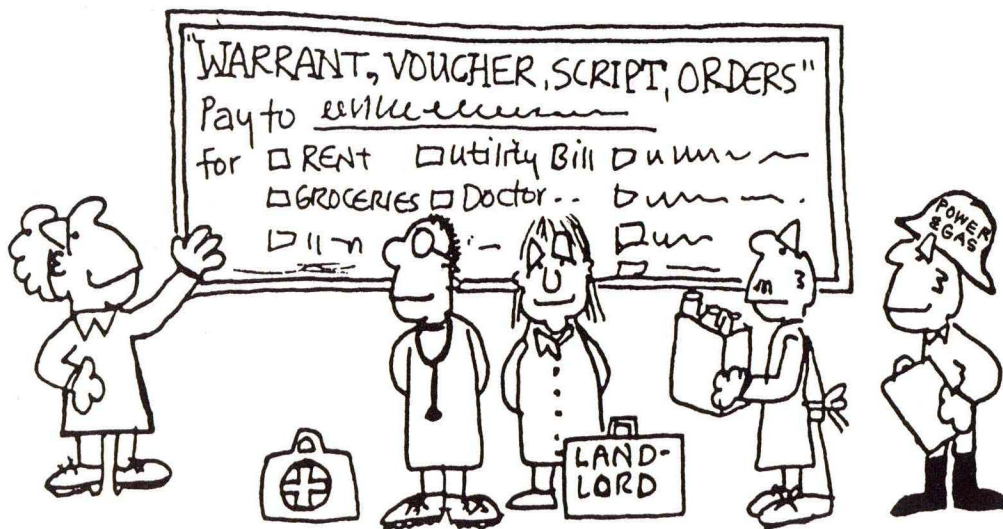
Warrants, vouchers, script, and orders are made out to the landlord, grocery store, utility company, etc., rather than to the poor or needy person.

Checks made out to the poor or needy person for personal needs.

## What Do I Do if Help is Denied?

Appeal the decision by contacting the General Relief Director or the Board of Supervisors immediately to ask for a meeting with the Board to explain why you need, and should get, help.

If you want more details, read on . . .



## **PART II: A MORE DETAILED DESCRIPTION OF GENERAL RELIEF**

What is General Relief?

General relief is also known as county welfare, county assistance, county relief, and relief for the poor.

The Board of Supervisors of each county in Iowa is required by law to provide relief, or help, to poor persons. This obligation is found in Chapter 252 of the Code of Iowa (Iowa's official collection of state laws), in a chapter entitled "Support of the Poor."

Each county taxes property to generate money for the county budget. One part of the "poor fund" account is set aside for general relief.

Who is Eligible to Receive General Relief?

Poor persons are defined in the law as those who have no property, and are unable, because of physical or mental disabilities, to earn a living by working. However, the law also permits Boards of Supervisors to help needy persons, who may not necessarily meet the definition of poor persons. (Section 252.1, Code of Iowa). Needy persons may have some income or property, but are still in need of assistance.

Chapter 252 does not contain specific income standards for deciding who should get help, as some public benefits programs do. Instead, each Board of Supervisors is supposed to make rules about who can get help (Section 252.25).

The amount of help given to a person in need depends upon the person's needs and the rules made by the Board of Supervisors in his or her county of residence. At the time this booklet was written, some of the 99 counties in Iowa had not set up general relief rules. Those rules which do exist differ from county to county. To find out whether your county has rules and, if so, what those rules are, contact the General Relief Director. The General Relief Director is the person who accepts applications for general relief and makes decisions about whether or not particular people can be helped by the program.

You can get general relief from the county where you live. That county cannot turn you down just because you recently moved there, or because you haven't lived there for a full 12 months yet. Living in a county with the intention of staying there is all that is required to become a resident of that county. General relief is for residents of counties.

Some counties have also been willing to assist transients passing through the county. Since nothing in Chapter 252 prohibits granting general relief to transients, transients in need of assistance should contact the General Relief Director.

Sometimes, counties refuse to help persons who haven't lived in that county for a continuous 12 month period. This is illegal. If you live in a county and plan to stay there, you are a resident. The county where you have residence should help you.



## A Few Words About Strikers . . .

There is no provision in the general relief law preventing persons on strike from getting general relief. If a striker is a poor or needy person, county help should not be refused just because the person is on strike. (Attorney General Opinion, Fortney to Cusack, State Representative from Davenport, March 19, 1980, #80-3-8.)

## Where Do I Go to Apply for General Relief?

Anyone has a right to apply for general relief, and can do so by contacting the General Relief Director or the County Board of Supervisors. Board members usually have offices in the county courthouse. The General Relief Director's office is usually either in the courthouse or at the local office of the Iowa Department of Human Services.

## How Does General Relief Work?

Boards of Supervisors assign responsibility for running the General Relief Program in one of two ways:

1. By appointing and hiring a General Relief Director; or
2. By contracting with the local office of the Iowa Department of Human Services (DHS) to run the General Relief Program out of its local office.

Counties who contract with DHS to operate the relief program are called integrated counties. Only counties with a population of 100,000 or fewer persons may appoint an employee of DHS as General Relief Director (Section 252.26).

The common practice in most counties is to permit the General Relief Director to make the first decision about whether to help a person who asks for aid. The Director's decision must be based on the county's general relief rules.

County relief is usually given by way of a county warrant or voucher payable to someone other than the person asking for help (i.e., a third party).

EXAMPLE: If the person seeking help owes rent to a landlord, the general relief voucher is made payable to the landlord, not to the person who owes the rent.

One exception to this policy of making checks payable to a third party is when the county gives direct cash assistance to the person seeking help. In those cases, the general relief is a check made out to the person in need to be used for the purchase of items not payable to a third party.

EXAMPLE: Money needed for phone calls from a telephone booth, or for cab fare.

## Recovery and Repayment:

Chapter 252 contains a provision permitting counties to seek repayment of relief granted to a person from his or her relatives or from his or her estate. Counties can seek recovery from relatives only by bringing an action within two years of the date when the assistance was provided. The county also has two years from the time the person assisted becomes able to repay, to seek recovery in court.

If you have applied for Supplemental Security Income (SSI) disability benefits, and are receiving general relief, you may be asked to sign an agreement to repay the county if your SSI is approved.

Because of a new state law, disabled people who are waiting for SSI disability approval or payment may be asked to sign an agreement to have their first SSI check, and any retroactive SSI check, sent directly to the County Relief Director. The county is supposed to deduct from the SSI check the amount of assistance provided from the date you sign the agreement to repay the county. The form you might be asked to sign is an "Interim Assistance Reimbursement Authorization." The reimbursement rule applies only to SSI benefits; Disability Insurance benefits are not subject to this law.

Not all counties in Iowa participate in this Interim Assistance Reimbursement program. To find out if the county where you live has adopted this procedure, or if you have any questions about this change in the general relief law, call a legal services office for more information.

## Can the County Board of Supervisors Require Relatives to Support a Poor Person?

The law recognizes the responsibility of certain relatives to support poor persons. Relative includes both parents and children, and in certain circumstances, can mean grandchildren and grandparents (Section 252.2, 252.5).

Boards of Supervisors have the authority to require relatives who are financially able to do so to support poor persons. Boards can do this by filing a lawsuit in the district court of the county where the poor person lives, seeking a court order directing the relatives to support the poor person.

As a practical matter, it is rare for counties to seek such court orders. However, a General Relief Director may instruct a poor person to go to his or her relatives for assistance. Such a practice would be contrary to the law. The Director should first help the poor person, and later arrange for recovery from relatives. The court should decide whether relatives can afford to help poor or needy kinfolk.

### The Right to Privacy and Confidentiality:

Personal, social, and medical information about persons who apply for, or receive, general relief may not be disclosed by Boards of Supervisors or the General Relief Director (Attorney General's Opinion, Morgan to Caspar, Madison County Attorney, June 24, 1980, #80-6-14). Confidentiality of information about payments from the general relief fund is protected by the Code of Iowa, Section 217.30(6).

Supervisors are authorized to meet in a closed session, not open to the public or the press, to discuss applications for general relief (Attorney General's Opinion, Morgan to Caspar, Madison County Attorney, June 24, 1980, #80-6-14; and Section 217.30, Code of Iowa).

Names of persons who receive general relief are not to be published in a newspaper (Section 349.18, Code of Iowa).

### Where Do I Go if I am Denied Relief?

If a person applies for, and is refused, relief from the county, that person can appeal to the Board of Supervisors and request a meeting to dispute that denial. Because each county operates differently, it is important to find out from the General Relief Director how soon an appeal must be requested, and how the request for a hearing should be made. If you can't find out from the Director, contact a member of the Board of Supervisors. If necessary, call the County Attorney.

At the hearing, you can bring along a friend or advocate to represent you. Many counties allow any friend or advocate to accompany an individual appealing to the Board of Supervisors.

As already discussed, general relief appeals to the Board of Supervisors are not public hearings.

Because appeal hearing procedures may vary from county to county, it is best to obtain a copy of your county's general relief rules in advance of the hearing.

## Working in Exchange for Relief:

Boards of Supervisors can require certain "able-bodied" persons to work for the county in exchange for general relief (Section 252.27). At one time only highway roadwork could be assigned to persons getting county relief. But Boards of Supervisors are now permitted to set up work projects (Section 252.27). The Board should determine how many hours of work are required in exchange for the amount of general relief granted. The Board should figure the value of the worker's time consistent with the usual rate of pay in that area for the type of work done.

Many counties in Iowa are starting projects for persons who get relief. A term commonly used to refer to work projects in exchange for general relief is workfare.

## How to Get or Change County Relief Rules:

The Board of Supervisors in each county is in charge of making rules governing who is qualified to receive general relief, how much general relief should be given, and what kinds of general relief are available through the county's program. If your county doesn't have rules, or if the rules need to be changed, you should contact the Board of Supervisors about making or changing the general relief rules. Boards usually meet once or twice a week at the courthouse in each county. People should call the Board before the meeting to schedule time to talk to the Board. To find out when your Board meets, call the Board of Supervisors' office or the County Auditor -- both located in the county courthouse.

### **III. DEFINITIONS**

#### **Appeal Hearing:**

A meeting with the General Relief Director and the Board of Supervisors, requested by the person who was denied general relief.

#### **Board of Supervisors:**

Elected officials who meet regularly, usually at the county courthouse, to make decisions about county government, including general relief.

#### **Code of Iowa:**

The official collection of all laws passed by the Iowa Legislature.

#### **General Relief:**

Also know as county relief, general assistance, relief of the poor. An Iowa law (Chapter 252 of the Code of Iowa) requires Boards of Supervisors to help poor, and sometimes needy, persons who cannot afford to provide for their own needs (shelter, utilities, medical care, food, etc.).

#### **Residence:**

Living in a county with the intention of staying there. It is not necessary to have lived in a county for 12 months or any other definite period of time to be considered a resident.

### Social Welfare Advisory Board:

A committee which every Board of Supervisors is required by law (Chapter 234, Code of Iowa) to set up. Any county resident can be appointed to this advisory board, which could consist of three or five people, depending on the population of the county. At least one member must be a woman; no more than two (for 3 member boards) or three (for 5 member boards) members can be from the same political party. The social welfare advisory board has advisory influence only over the policies and procedures for all programs operated by the Iowa Department of Human Services.

### Vendor Payment:

A term referring to the payment of money to the person owed it, not to the person who owes it. Example: A payment to a landlord by the county on behalf of a poor tenant.

### Warrant:

Also know as a voucher, script, order. These words refer to the way counties pay out general relief. A check from the county treasury is usually made out to the person owed the money (a landlord, for example) on behalf of the poor or needy person provided with general relief.





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BY

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