

TITLE 31
COUNTIES AND COUNTY LAW

CHAPTER 34
NONMEDICAL INDIGENT ASSISTANCE

31-3401. POWERS AND DUTIES OF THE BOARD OF COUNTY COMMISSIONERS. The boards of county commissioners in their respective counties shall, under such limitations and restrictions as are prescribed by law, evaluate the need and provide to indigent person(s) nonmedical assistance in a temporary situation only when no alternatives exist. Nothing in this chapter shall imply county assistance is to be provided on a continuing basis. Boards of county commissioners, by resolution, shall promulgate policies and procedures, may negotiate payment to providers, and may contract for nonmedical services, pursuant to this chapter. For the purpose of funding nonmedical services for indigent persons, boards of county commissioners are authorized to levy an ad valorem tax pursuant to section [31-3503](#), Idaho Code.

[31-3401, added 1992, ch. 83, sec. 3, p. 258.]

31-3402. CONTRACT FOR MAINTENANCE OF INDIGENT. The boards of county commissioners in their respective counties, may contract for the care, protection and maintenance of the nonmedically indigent of the county. They shall require the contractor to enter into a bond to the county with two (2) or more approved sureties, in such sum as the boards may fix, conditioned for the faithful performance of his duties and obligations as such contractor, and require him to report to the board no less than quarterly all persons committed to his charge, showing the expense attendant upon their care and maintenance.

[31-3402, added 1992, ch. 83, sec. 3, p. 258.]

31-3403. DEFINITIONS. As used in this chapter:

(1) "Adult household member" means any individual eighteen (18) years of age and over who resides in the household.

(2) "Anticipated future income" means a reasonable expectation of income to the household based on an analysis of past income, future income, current income, experience, skills, education, inheritance and possible assets from any source.

(3) "Applicant" means the individual and all others in the household who are requesting nonmedical assistance and who submit a county application.

(4) "Assets" means property rights including, but not limited to, personal, real, tangible and intangible property.

(5) "Authorized representative" means the applicant's guardian or appointed attorney-in-fact.

(6) "Board" means a board of county commissioners.

(7) "Clerk" means the clerk of a board of county commissioners or his designee.

(8) "Emergency" means any circumstance demanding immediate action.

(9) "Household" means a collective body of persons consisting of spouses or parents and their children who reside in the same residence; or all other persons who by choice or necessity are mutually dependent upon each other for basic necessities and who reside in the same residence.

(10) "Indigent" means any applicant who does not have resources available from whatever source which shall be sufficient to enable the applicant to provide nonmedical assistance or a portion thereof.

(11) "Information release" means the document authorizing release of confidential information.

(12) "Investigation" means a detailed examination of the application and information required from the applicant and others to verify eligibility.

(13) "Nonmedical assistance" means reasonable costs for assistance, which includes food, shelter and provision of public defender services, and other such necessary services determined by the board by resolution.

(14) "Obligated county for payment" means the county wherein residency has been established.

(15) "Recipient" means the individual(s) determined eligible for county assistance.

(16) "Repayment" means the authority of the board of county commissioners to require indigent person(s) to repay the county for assistance when investigation of their application determines their ability to do so.

(17) "Resident" means a person with a home, house, place of abode, place of habitation, dwelling or place where one actually lived for a consecutive period of thirty (30) days or more prior to the date of application.

(18) "Resource" means assets, whether tangible or intangible, real or personal, liquid or nonliquid, including, but not limited to, gifts, bequests, grants, all forms of public or private assistance, crime victims compensation, worker's compensation, veteran's benefits, medicaid, medicare and any other property from any source for which an applicant and/or an obligated person may be eligible or in which he or she may have an interest. For purposes of determining approval for nonmedical indigency only, resources shall not include the value of the homestead of the applicant or obligated person's residence, a burial plot, exemptions for personal property allowed in section [11-605](#)(1) through (3), Idaho Code, and additional exemptions allowed by county resolution.

[31-3403, added 1992, ch. 83, sec. 3, p. 258; am. 1998, ch. 204, sec. 1, p. 723; am. 2014, ch. 97, sec. 19, p. 282; am. 2016, ch. 214, sec. 2, p. 600.]

31-3404. APPLICATION FOR NONMEDICAL INDIGENT ASSISTANCE. (1) Any person or their authorized representative desiring nonmedical assistance from any county in this state shall, before such aid can be given, make a written application to the clerk of the board of county commissioners or his designee where such applicant resides. An application shall be provided to any individual requesting assistance.

(2) An application for nonmedical assistance shall be on a form provided by the county to which application is being made. This application and information release shall be completed and signed by the applicant, or his authorized representative, setting forth and describing all household resources and sworn to before a county officer authorized by the laws of this state to administer oaths, and filed with the clerk of the board. Failure to comply shall result in denial.

(3) Except as provided in section [31-3410](#), Idaho Code, within ten (10) working days of the date of application, an interview shall be required with the clerk of the board or his designee. Evidence of need, indigency and residence shall be supplied by the applicant or authorized representative. If

the applicant or authorized representative fails to make an appointment, appear at an interview or fails to supply such documentation, the application shall be denied. Any adult household member may be required to appear for an interview, sign a general information release and complete an application. Failure to comply shall result in denial of the requested assistance.

(4) Applicants and all household members who are not fully employed and are capable of employment, shall be required to file an application with the department of employment, use their best efforts to seek employment, and to provide verification of such efforts to the county. The applicant and all other household members may be required to submit a medical statement certifying any inability to work. Individuals voluntarily removing themselves from the work force may be denied assistance.

[31-3404, added 1992, ch. 83, sec. 3, p. 259.]

31-3405. ELIGIBILITY CLASSIFICATIONS -- DURATION OF ASSISTANCE FOR PURPOSES OF ELIGIBILITY. The county is not obligated to provide nonmedical assistance for more than one (1) month in the aggregate in any twelve (12) month period to persons who are eligible for assistance. Assistance provided in any Idaho county shall apply toward the one (1) month benefit period. The board may determine the length of additional eligibility, consistent with the county resolution, for nonmedical services, based upon documentation submitted to them as requested.

[31-3405, added 1992, ch. 83, sec. 3, p. 260; am. 1998, ch. 204, sec. 2, p. 725.]

31-3406. INVESTIGATION OF APPLICATION. It is the duty of the clerk of the board of county commissioners or his designee, to whom such application is made, to investigate, or cause to be investigated, the grounds of such application, and require the person and other such persons as may be deemed necessary, to testify under oath, and shall file a statement of findings with the board of the county. At the discretion and by resolution of the board, the clerk or his designee to whom such application is made may authorize the expenditure of sums as may be necessary to provide the immediate necessities of such person, not exceeding an aggregate sum as determined by the board which amount may exceed two hundred dollars (\$200) per applicant.

[31-3406, added 1992, ch. 83, sec. 3, p. 260.]

31-3407. OBLIGATED COUNTY. The county obligated for payment of nonmedical assistance for eligible applicants shall be the county in which said applicant currently maintains a residence at the time of application.

[31-3407, added 1992, ch. 83, sec. 3, p. 260.]

31-3408. ELIGIBILITY. Pursuant to this chapter, eligibility for nonmedical assistance shall be based on the documentation of county residence, completion of an application and interview, except as provided in section [31-3410](#), Idaho Code. Failure to comply shall result in a denial of the requested assistance. Notwithstanding any other eligibility factors, no county shall be obligated to provide nonmedical services to persons who have become ineligible for cash assistance by exhaustion of lifetime limits

for such benefits or by noncompliance with their personal responsibility contract as defined by rules of the department of health and welfare.

[31-3408, added 1992, ch. 83, sec. 3, p. 260; am. 1996, ch. 234, sec. 1, p. 763.]

31-3409. APPLICATION OF STATE AND FEDERAL PROGRAM -- INTERIM RELIEF SUBROGATION OF COUNTY TO RECEIPT OF FEDERAL PAYMENTS. (1) An eligible applicant may be provided nonmedical interim assistance that is consistent with the resolution adopted by the board and to the extent such relief is not duplicative of resources or benefits reasonably available to the recipient.

(2) If federal, state or other programs or assistance are available to meet the needs of a household, an eligible applicant must apply for those programs before nonmedical assistance may be provided. If denied such other assistance, the applicant must pursue available administrative appeals for those programs to the final administrative level.

[31-3409, added 1992, ch. 83, sec. 3, p. 260; am. 1998, ch. 204, sec. 3, p. 725.]

31-3410. DECISION OF COUNTY. The board shall give written notice of its decision within fifteen (15) working days following completion of the interview. In an emergency circumstance, the clerk or his designee shall make an immediate decision regarding nonmedical assistance. The decision of the board is final if a timely notice of appeal is not filed.

[31-3410, added 1992, ch. 83, sec. 3, p. 261.]

31-3411. NOTICE OF APPEAL. The applicant has the right to appeal the decision of the board. Such appeal shall be filed with the clerk of the board, in writing, within thirty (30) days of the date of the board's denial. If the appeal is denied by the board, the applicant shall be entitled to judicial review of the appeal decision of the board, by filing a complaint with the district court within thirty (30) days of the date of the final written decision of the board. Proceedings under this chapter shall be conducted in substantially the same manner provided in the administrative procedures act, [chapter 52, title 67](#), Idaho Code.

[31-3411, added 1992, ch. 83, sec. 3, p. 261.]

31-3412. INDIGENT BURIAL OR CREMATION. It shall be the duty of the board to provide for burial or cremation of any deceased indigent person. The amount paid by the obligated county shall not in any case exceed the established or negotiated rate set by each board. If the coroner, mortician or other responsible parties are unable to establish next of kin or other resources, they may make application to the board. Application must be made prior to services rendered and pursuant to terms of negotiated agreement. The county shall be free from any liability for said burial or cremation.

[31-3412, added 1992, ch. 83, sec. 3, p. 261; am. 2012, ch. 208, sec. 2, p. 563.]

31-3413. APPROVED CLAIMS. The board shall not allow any claim or demand against the county for services to any indigent person until eligibility has

been established. The board shall, by resolution, authorize the expenditures of funds not exceeding an aggregate amount to provide for the emergency nonmedical assistance of any eligible indigent person. Bills for expenditures, duly verified under oath, shall be presented to the board and the board shall audit and pay such bills out of the proper fund of the county. Payment of approved claims of indigent persons by the county shall be controlled and determined by the provisions of [chapter 16, title 31](#), Idaho Code. The county is not obligated to pay for services received by the applicant prior to the date of application, or to make payment to relatives.

[31-3413, added 1992, ch. 83, sec. 3, p. 261.]

31-3414. REPAYMENT BY RECIPIENT. By acceptance of county assistance an applicant agrees to repay the county for all or any portion of expenses paid, when the board finds the applicant is able to repay all or any portion of the charges over a reasonable period of time and/or has assets which can be encumbered for future repayment. Reimbursement for assistance shall be credited to the county indigent fund and need not be budgeted or appropriated in the manner required in [chapter 16, title 31](#), Idaho Code, but shall be available for expenditure at any time for the purposes of the county indigent fund.

The board may provide for work repayment at no less than minimum wage, by such recipients as are employable.

Upon payment of charges for an indigent person, the county making the payment shall become subrogated to all the rights of the provider and to all rights of the indigent person or their legal representatives against any third parties who may be liable for such nonmedical charges. The county's right of subrogation in no way relieves the applicant or provider of responsibility as delineated in sections [31-3404](#), [31-3409](#), [31-3413](#) and [31-3415](#), Idaho Code.

[31-3414, added 1992, ch. 83, sec. 3, p. 262.]

31-3415. DIVESTITURE. Applicants who have divested their assets or resources within three (3) months prior to applying for county assistance in order to become eligible shall be denied assistance.

[31-3415, added 1992, ch. 83, sec. 3, p. 262.]

31-3416. VIOLATIONS AND PENALTY. Any person who withholds information, or gives false or incomplete information on an application for the purposes of obtaining county aid to which they are not otherwise entitled, shall be guilty of a misdemeanor.

[31-3416, added 1992, ch. 83, sec. 3, p. 262.]

31-3417. SEPARABILITY. If the provision of this chapter or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions of applications of the chapter, which can be given effect without the invalid provisions or applications, and to this end the provisions of this chapter are declared to be severable.

[31-3417, added 1992, ch. 83, sec. 3, p. 262.]

31-3418. CONFIDENTIALITY -- PROCEEDINGS AND RECORDS OF INDIGENTS. All proceedings and records related to indigency, pursuant to [chapter 34, title 31](#), Idaho Code, shall be exempt from disclosure pursuant to [chapter 1, title 74](#), Idaho Code.

[31-3418, added 1992, ch. 83, sec. 3, p. 262; am. 1999, ch. 30, sec. 9, p. 52; am. 2015, ch. 141, sec. 55, p. 420.]