Overview

H.F. 3301 makes policy changes and clarifications to the Minnesota Family Investment Program (MFIP), Work First, and Minnesota Supplemental Aid (MSA). Some of the changes include:

Adjusting the proportion of a recovery of monies paid for public assistance which which the county is authorized to keep (Section 1)

In MFIP, specifying that for a two-parent family at least 30 of the required 55 hours of work activities per week must be completed by 1 parent (Section 19)

In MFIP, renaming "domestic violence" to "family violence," and changing the wayway in which a participant who is a victim of family violence is given an extension of the 60-month time limit and is waived from participating in employment and training services (Sections 5, 8, 11, 13, 14, 16 to 18, 20 to 23 and 26)

Revising the MFIP provision that specifies exemptions from the 60-month time limit, to instead grant a month of a "hardship extension" for each month that an MFIP recipient is in one of those categories (Sections 10 and 11)

Repealing the interstate payment standard for new Minnesota residents who apply apply for MFIP (Section 31)

1 Recovery of money; apportionment. (Amends § 256.019) Adjusts the proportion of the recovery which counties may keep when there is a recovery of monies paid for the AFDC or MFIP program. For these programs, which are funded in whole or in part with federal dollars,
the county keeps half of the nonfederal share, or one-quarter of the amount recovered. Also
specifies that for recoveries of the solely state-funded food portion of MFIP, the county keeps
one-quarter of the amount recovered.

2 Disqualification from program. (Amends § 256.98) Amends the welfare fraud statute to
require that a person who is disqualified from MFIP because of fraud also be disqualified from
the food stamp program.

3 Persons entitled to receive aid. (Amends § 256D.425, subd. 1) Clarifies that in addition to the
other eligibility requirements for Minnesota supplemental aid (MSA), in order to be eligible for
that program a person must be aged, blind, or at least 18 and disabled.

4 MFIP standard of need. (Amends § 256J.08, subd. 55a) Removes a reference to the interstate
payment standard, which is being repealed, in this definition.

5 Person trained in domestic violence. (Adds subd. 67a to § 256J.08) Defines a "person trained
in domestic violence" for purposes of this chapter.

6 Income exclusions. (Amends § 256J.21, subd. 2) Specifies that the exclusion of SSI income
when determining an MFIP family's available income encompasses any retroactive SSI
payments and other income of an SSI recipient.

7 Mandatory assistance unit composition. (Amends § 256J.24, subd. 2) Clarifies that in order
for a minor child to be included in an assistance unit, the child must have a caregiver.

8 Factors to be verified. (Amends § 256J.32, subd. 4) Makes terminology changes, replacing
"domestic violence" with "family violence" and "deferral or exemption" with "waiver."
(Note: The changes in this section, along with changes in sections 5, 11, 13, 14, 16 to 18, 20 to
23, and 26, modify various provisions in MFIP which relate to the treatment of victims of
domestic violence in order to make the treatment of MFIP recipients who are victims of family
violence more consistent with the final federal regulations that guide how states like Minnesota,
that have chosen to make the family violence option available under their TANF program,
implement this option.)

9 Protective and vendor payments. (Amends § 256J.39, subd. 2) Removes a reference to the
interstate payment standard, which is being repealed. Also authorizes a county agency director's
designee to be the one to approve protective or vendor payments for money mismanagement and
to make the required periodic approval of continuing of these types of payments.

Time limit. Hardship extension for certain families. (Amends § 256J.42, subd. 1 and adds a
new subd. 6) These sections make the existing current law exemptions from the 60-month
lifetime limit on assistance consistent with the way such exemptions are treated in the final
federal regulations for the TANF program. These sections rewrite the time limit statute so that
for every month an MFIP recipient is in one of the specified categories, the recipient receives a
one month extension to his or her 60-month time limit on assistance.

Clarify that receiving emergency assistance or diversionary assistance is not considered to be
receiving "assistance" (so receipt of either of these benefits does not count towards an
individual's 60-month time limit on assistance).

These sections also make terminology with regard to family violence terminology. Specify that
it is an "alternative employment plan," rather than a "safety plan," that is to be developed for an
MFIP participant who is a victim of family violence. Provide that for every month a victim of
family violence complies with an alternative employment plan (see also sections 16 and 26), the
individual's 60-month time limit is extended by one month.

10 County agency to provide orientation. (Amends § 256J.45, subd. 1) Technical, revising the
provision concerning who must receive an orientation to directly specify, rather than specifying
by internal cross-reference, the caregivers who are exempt because they are working enough
General information. (Amends § 256J.45, subd. 2) Adds two kinds of information to the list of what must be covered in the MFIP orientation: (1) the availability of the federal earned income tax credit and the state working family tax credit; and (2) the alternative employment services provisions for victims of family violence (see sections 16 and 26), and referral information about shelters and programs for these persons.

Sanctions for participants not complying with program requirements. (Amends § 256J.46, subd. 1) Before any sanction can be imposed on a victim of family violence who faces a sanction for noncompliance because of a failure to comply with an alternative employment plan, requires the plan to be reviewed to determine if the plan’s activities are still appropriate.

Also specifies that the case plan review which occurs when a participant has been sanctioned at the 30 percent level must include a determination of whether the participant qualifies for a family violence waiver from the MFIP employment and training requirements.

Processing emergency applications. (Adds subd. 1a to § 256J.48) Requires an applicant for emergency assistance (EA) to be notified within seven days whether the application was approved, was denied or is pending.

Alternative employment plan. (Adds subd. 1a to § 256J.49) Defines "alternative employment plan" as a plan based on an individualized needs assessment that is developed and approved by a person trained in domestic violence which addresses the safety, legal and emotional issues and other demands on a family that has suffered family violence. Permits activities that are designed to lead to self-sufficiency to be included in the alternative employment plan, to the extent it is consistent with ensuring safety.

Family violence. (Amends § 256J.49, subd. 2) Makes a terminology change in the definition of this term, from "domestic violence" to "family violence."

Work activity. (Amends § 256J.49, subd. 13) Makes a terminology change in clause (26) of the definition of work activity, from "safety plan" to "alternative employment plan."

Participation requirements for single-parent and two-parent cases. (Amends § 256J.50, subd. 5) Specifies that for a two-parent family at least 30 of the required 55 hours of work activities per week must be completed by one parent.

Required notification to victims of family violence. (Amends § 256J.50, subd. 10) Makes terminology changes, from "domestic violence" to "family violence."

Also specifies that counties must notify all MFIP applicants and recipients that: victims of family violence are eligible for an extension of the 60-month time limit; and victims of family violence may choose to be waived from MFIP work requirements for as long as the individual complies with an alternative employment plan.

Access to person trained in domestic violence. (Adds subd. 12 to § 256J.50) Requires a county which lacks a local organization with staff trained in domestic violence to work with the nearest organization to ensure that domestic violence victims have access to a person trained in domestic violence.

Overview of employment and training services. (Amends § 256J.515) Makes an MFIP participant who is complying with or developing an alternative employment plan exempt from the requirement to attend the overview of MFIP employment and training services.

Initial assessment. (Amends § 256J.52, subd. 2) Adds a new paragraph (f) which requires, effective October 1, 2000, an alternative employment plan to be developed and approved if at any time a participant declares or reveals current or past family violence.
Job search; job search support plan. Employment plan; contents. (Amends § 256J.52, subds. 3 and 5) Technical, inserting the provision requiring a job counselor to include basic education activities in either type of plan for a participant with reading and math skills below an 8th grade level, because the combined provision that includes this requirement for both types of plans is repealed in section 31, paragraph (a).

Alternative employment plan and waiver provisions. (Amends § 256J.52, subd. 6) Grants a waiver of the MFIP employment and training services requirements to a participant who is a victim of family violence and who agrees to develop an alternative employment plan. Specifies that the initial term of this waiver is three months. Requires periodic reviews, every three months, to see if the activities in the participant's alternative employment plan are still appropriate. Requires a plan to be renewed if the activities are still appropriate. If an alternative employment plan is no longer needed, requires an initial assessment of the participant.

Employment and training services component; exemptions. (Amends § 256J.56) Amends the section that specifies categories of exemptions from the MFIP employment and training requirements to limit the exemption for a person who is needed in the home to care for a disabled household member to situations where the need to provide the care prevents the person from obtaining or retaining employment.

Removes the employment and training exemptions for individuals who are employed at least 35 hours per week; and for second parents in a two-parent family who are employed at least 20 hours per week while the other parent is employed at least 35 hours per week.

Continuation of certain services. (Amends § 256J.62, subd. 9) Authorizes a county to continue case management or other support services after a participant leaves MFIP, as long as the participant's household income is below 200 percent of the federal poverty guidelines. Also removes a limitation that currently prevents a county from spending funds for the duration of an employment and training service if the funds have not been obligated before the participant loses MFIP eligibility.

Exemption categories. (Amends § 256K.03, subd. 5) Amends the provision in the work first statute that specifies who is exempt from the program's job search requirements to make the work first exemptions consistent with the changes to the MFIP exemptions that are in section 27 of the bill.

Revisor instruction. Directs the revisor of statutes to change all remaining statutory and rule references from "MFIP-S" to "MFIP."

Repealer. Repeals the following provisions:
256J.08, subd. 50a, the definition of "interstate transitional standard."
256J.42, subds. 3, 4, and 5, the exemptions to the 60-month time limit on assistance for adults living on an Indian reservation, victims of domestic violence, and certain families.
256J.49, subd. 11, the definition of "safety plan."
256J.43, specifying an interstate payment standard for new Minnesota residents who apply for MFIP.
256J.52, subd. 5a, concerning basic education activities in an employment or job search support plan.