

1.1 A bill for an act

1.2 relating to human services; modifying the Minnesota family investment program
1.3 provisions; amending Minnesota Statutes 2008, section 256J.24, subdivision 6;
1.4 Minnesota Statutes 2009 Supplement, section 256J.425, subdivision 3.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2008, section 256J.24, subdivision 6, is amended to read:

1.7 Subd. 6. **Family cap.** (a) MFIP assistance units shall not receive an increase in the
1.8 cash portion of the transitional standard as a result of the birth of a child, unless one of
1.9 the conditions under paragraph (b) is met. The child shall be considered a member of the
1.10 assistance unit according to subdivisions 1 to 3, but shall be excluded in determining
1.11 family size for purposes of determining the amount of the cash portion of the transitional
1.12 standard under subdivision 5. The child shall be included in determining family size for
1.13 purposes of determining the food portion of the transitional standard. The transitional
1.14 standard under this subdivision shall be the total of the cash and food portions as specified
1.15 in this paragraph. The family wage level under this subdivision shall be based on the
1.16 family size used to determine the food portion of the transitional standard.

1.17 (b) A child shall be included in determining family size for purposes of determining
1.18 the amount of the cash portion of the MFIP transitional standard when at least one of
1.19 the following conditions is met:

1.20 (1) for families receiving MFIP assistance on July 1, 2003, the child is born to the
1.21 adult parent before May 1, 2004;

1.22 (2) for families who apply for the diversionary work program under section 256J.95
1.23 or MFIP assistance on or after July 1, 2003, the child is born to the adult parent within
1.24 ten months of the date the family is eligible for assistance;

2.1 (3) the child was conceived as a result of a sexual assault or incest, provided that the
2.2 incident has been reported to a law enforcement agency;

2.3 (4) the child's mother is a minor caregiver as defined in section 256J.08, subdivision
2.4 59, and the child, or multiple children, are the mother's first birth; ~~or~~

2.5 (5) the child is the mother's first child subsequent to a pregnancy that resulted in
2.6 a live birth; or

2.7 (6) any child previously excluded in determining family size under paragraph
2.8 (a) shall be included if the adult parent or parents have not received benefits from the
2.9 diversionary work program under section 256J.95 or MFIP assistance in the previous ten
2.10 months. An adult parent or parents who reapply and have received benefits from the
2.11 diversionary work program or MFIP assistance in the past ten months shall be under the
2.12 ten-month grace period of their previous application under clause (2).

2.13 (c) Income and resources of a child excluded under this subdivision, except child
2.14 support received or distributed on behalf of this child, must be considered using the same
2.15 policies as for other children when determining the grant amount of the assistance unit.

2.16 (d) The caregiver must assign support and cooperate with the child support
2.17 enforcement agency to establish paternity and collect child support on behalf of the
2.18 excluded child. Failure to cooperate results in the sanction specified in section 256J.46,
2.19 subdivisions 2 and 2a. Current support paid on behalf of the excluded child shall be
2.20 distributed according to section 256.741, subdivision 15.

2.21 (e) County agencies must inform applicants of the provisions under this subdivision
2.22 at the time of each application and at recertification.

2.23 (f) Children excluded under this provision shall be deemed MFIP recipients for
2.24 purposes of child care under chapter 119B.

2.25 Sec. 2. Minnesota Statutes 2009 Supplement, section 256J.425, subdivision 3, is
2.26 amended to read:

2.27 Subd. 3. **Hard-to-employ participants.** (a) An assistance unit subject to the time
2.28 limit in section 256J.42, subdivision 1, is eligible to receive months of assistance under
2.29 a hardship extension if the participant who reached the time limit belongs to any of the
2.30 following groups:

2.31 (1) a person who is diagnosed by a licensed physician, psychological practitioner, or
2.32 other qualified professional, as developmentally disabled or mentally ill, and the condition
2.33 severely limits the person's ability to obtain or maintain suitable employment;

2.34 (2) a person who:

3.1 (i) has been assessed by a vocational specialist or the county agency to be
3.2 unemployable for purposes of this subdivision; or

3.3 (ii) has an IQ below 80 who has been assessed by a vocational specialist or a county
3.4 agency to be employable, but the condition severely limits the person's ability to obtain or
3.5 maintain suitable employment. The determination of IQ level must be made by a qualified
3.6 professional. In the case of a non-English-speaking person: (A) the determination must
3.7 be made by a qualified professional with experience conducting culturally appropriate
3.8 assessments, whenever possible; (B) the county may accept reports that identify an
3.9 IQ range as opposed to a specific score; (C) these reports must include a statement of
3.10 confidence in the results;

3.11 (3) a person who is determined by a qualified professional to be learning disabled,
3.12 and the condition severely limits the person's ability to obtain or maintain suitable
3.13 employment. For purposes of the initial approval of a learning disability extension, the
3.14 determination must have been made or confirmed within the previous 12 months. In the
3.15 case of a non-English-speaking person: (i) the determination must be made by a qualified
3.16 professional with experience conducting culturally appropriate assessments, whenever
3.17 possible; and (ii) these reports must include a statement of confidence in the results. If a
3.18 rehabilitation plan for a participant extended as learning disabled is developed or approved
3.19 by the county agency, the plan must be incorporated into the employment plan. However,
3.20 a rehabilitation plan does not replace the requirement to develop and comply with an
3.21 employment plan under section 256J.521; or

3.22 (4) a person who has been granted a family violence waiver, and who is complying
3.23 with an employment plan under section 256J.521, subdivision 3.

3.24 (b) For purposes of this ~~section~~ chapter, "severely limits the person's ability to
3.25 obtain or maintain suitable employment" means: (1) that a qualified professional has
3.26 determined that the person's condition prevents the person from working 20 or more hours
3.27 per week; or (2) for a person who meets the requirements of paragraph (a), clause (2),
3.28 item (ii), or paragraph (a), clause (3), of this subdivision, a qualified professional has
3.29 determined: (i) the person's condition significantly restricts the range of employment that
3.30 the person is able to perform; or (ii) significantly interferes with the person's ability to
3.31 obtain or maintain employment for 20 or more hours per week.