

1.1 A bill for an act

1.2 relating to human services; modifying children and family services programs;
1.3 amending Minnesota Statutes 2010, sections 119B.035, subdivisions 1, 4;
1.4 119B.13, subdivision 1a; 256D.05, subdivision 1; 256D.06, subdivisions 1, 1b;
1.5 256J.53, subdivision 2; 393.07, subdivision 10a.

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

1.7 **ARTICLE 3**

1.8 **CHILDREN AND FAMILY SERVICES**

1.9 Section 1. Minnesota Statutes 2010, section 119B.035, subdivision 1, is amended to
1.10 read:

1.11 Subdivision 1. **Establishment.** A family in which a parent provides care for the
1.12 family's infant child may receive a subsidy in lieu of assistance if the family is eligible for
1.13 or is receiving assistance under the basic sliding fee program. An eligible family must
1.14 meet the eligibility factors under section 119B.09, except as provided in subdivision 4,
1.15 and the requirements of this section. Subject to federal match and maintenance of effort
1.16 requirements for the child care and development fund, and up to available appropriations,
1.17 the commissioner shall provide assistance under the at-home infant child care program and
1.18 for administrative costs associated with the program. The commissioner shall set aside
1.19 two percent of the basic sliding fee child care appropriation under section 119B.03, for
1.20 purposes of this section. At the end of a fiscal year, the commissioner may carry forward
1.21 any unspent funds under this section to the next fiscal year within the same biennium for
1.22 assistance under the basic sliding fee program.

1.23 Sec. 2. Minnesota Statutes 2010, section 119B.035, subdivision 4, is amended to read:

2.1 Subd. 4. **Assistance.** (a) A family is limited to a lifetime total of 12 months of
2.2 assistance under subdivision 2. The maximum rate of assistance is equal to ~~90~~64 percent
2.3 of the rate established under section 119B.13 for care of infants in licensed family child
2.4 care in the applicant's county of residence.

2.5 (b) A participating family must report income and other family changes as specified
2.6 in the county's plan under section 119B.08, subdivision 3.

2.7 (c) Persons who are admitted to the at-home infant child care program retain their
2.8 position in any basic sliding fee program. Persons leaving the at-home infant child care
2.9 program reenter the basic sliding fee program at the position they would have occupied.

2.10 (d) Assistance under this section does not establish an employer-employee
2.11 relationship between any member of the assisted family and the county or state.

2.12 Sec. 3. Minnesota Statutes 2010, section 119B.13, subdivision 1a, is amended to read:

2.13 Subd. 1a. **Legal nonlicensed family child care provider rates.** (a) Legal
2.14 nonlicensed family child care providers receiving reimbursement under this chapter must
2.15 be paid on an hourly basis for care provided to families receiving assistance.

2.16 (b) The maximum rate paid to legal nonlicensed family child care providers must be
2.17 ~~80~~64 percent of the county maximum hourly rate for licensed family child care providers.
2.18 In counties where the maximum hourly rate for licensed family child care providers is
2.19 higher than the maximum weekly rate for those providers divided by 50, the maximum
2.20 hourly rate that may be paid to legal nonlicensed family child care providers is the rate
2.21 equal to the maximum weekly rate for licensed family child care providers divided by 50
2.22 and then multiplied by ~~0.80~~0.64.

2.23 (c) A rate which includes a special needs rate paid under subdivision 3 may be in
2.24 excess of the maximum rate allowed under this subdivision.

2.25 (d) Legal nonlicensed family child care providers receiving reimbursement under
2.26 this chapter may not be paid registration fees for families receiving assistance.

2.27 Sec. 4. Minnesota Statutes 2010, section 256D.05, subdivision 1, is amended to read:

2.28 Subdivision 1. **Eligibility.** (a) Each assistance unit with income and resources
2.29 less than the standard of assistance established by the commissioner and with a member
2.30 who is a resident of the state shall be eligible for and entitled to general assistance if
2.31 the assistance unit is:

2.32 (1) a person who is suffering from a professionally certified permanent or temporary
2.33 illness, injury, or incapacity which is expected to continue for more than ~~30~~90 days and
2.34 which prevents the person from obtaining or retaining employment;

3.1 ~~(2) a person whose presence in the home on a substantially continuous basis is~~
3.2 ~~required because of the professionally certified illness, injury, incapacity, or the age of~~
3.3 ~~another member of the household;~~

3.4 ~~(3)~~ a person who has been placed in, and is residing in, a licensed or certified facility
3.5 for purposes of physical or mental health or rehabilitation, or in an approved chemical
3.6 dependency domiciliary facility, if the placement is based on illness or incapacity and is
3.7 according to a plan developed or approved by the county agency through its director or
3.8 designated representative;

3.9 ~~(4)~~ (3) a person who resides in a shelter facility described in subdivision 3;

3.10 ~~(5)~~ (4) a person not described in clause (1) or ~~(3)~~ (2) who is diagnosed by a licensed
3.11 physician, psychological practitioner, or other qualified professional, as developmentally
3.12 disabled or mentally ill, and that condition prevents the person from obtaining or retaining
3.13 employment;

3.14 ~~(6) a person who has an application pending for, or is appealing termination of~~
3.15 ~~benefits from, the Social Security disability program or the program of supplemental~~
3.16 ~~security income for the aged, blind, and disabled, provided the person has a professionally~~
3.17 ~~certified permanent or temporary illness, injury, or incapacity which is expected to~~
3.18 ~~continue for more than 30 days and which prevents the person from obtaining or retaining~~
3.19 ~~employment;~~

3.20 ~~(7) a person who is unable to obtain or retain employment because advanced age~~
3.21 ~~significantly affects the person's ability to seek or engage in substantial work;~~

3.22 ~~(8)~~ (5) a person who has been assessed by a vocational specialist and, in consultation
3.23 with the county agency, has been determined to be unemployable for purposes of this
3.24 clause; a person is considered employable if there exist positions of employment in the
3.25 local labor market, regardless of the current availability of openings for those positions,
3.26 that the person is capable of performing. The person's eligibility under this category must
3.27 be reassessed at least annually. The county agency must provide notice to the person not
3.28 later than 30 days before annual eligibility under this item ends, informing the person of the
3.29 date annual eligibility will end and the need for vocational assessment if the person wishes
3.30 to continue eligibility under this clause. For purposes of establishing eligibility under this
3.31 clause, it is the applicant's or recipient's duty to obtain any needed vocational assessment;

3.32 ~~(9)~~ (6) a person who is determined by the county agency, according to permanent
3.33 rules adopted by the commissioner, to ~~be learning disabled~~ have a condition that qualifies
3.34 under Minnesota's special education rules as a specific learning disability, provided that
3.35 if a rehabilitation plan for the person is developed or approved by the county agency,
3.36 the person is following the plan;

4.1 ~~(10) a child under the age of 18 who is not living with a parent, stepparent, or legal~~
4.2 ~~custodian, and only if: the child is legally emancipated or living with an adult with the~~
4.3 ~~consent of an agency acting as a legal custodian; the child is at least 16 years of age~~
4.4 ~~and the general assistance grant is approved by the director of the county agency or a~~
4.5 ~~designated representative as a component of a social services case plan for the child; or the~~
4.6 ~~child is living with an adult with the consent of the child's legal custodian and the county~~
4.7 ~~agency. For purposes of this clause, "legally emancipated" means a person under the age~~
4.8 ~~of 18 years who: (i) has been married; (ii) is on active duty in the uniformed services of~~
4.9 ~~the United States; (iii) has been emancipated by a court of competent jurisdiction; or (iv)~~
4.10 ~~is otherwise considered emancipated under Minnesota law, and for whom county social~~
4.11 ~~services has not determined that a social services case plan is necessary, for reasons other~~
4.12 ~~than the child has failed or refuses to cooperate with the county agency in developing~~
4.13 ~~the plan;~~

4.14 ~~(11)~~ (7) a person who is eligible for displaced homemaker services, programs, or
4.15 assistance under section 116L.96, but only if that person is enrolled as a full-time student;

4.16 ~~(12) a person who lives more than four hours round-trip traveling time from any~~
4.17 ~~potential suitable employment;~~

4.18 ~~(13)~~ (8) a person who is involved with protective or court-ordered services that
4.19 prevent the applicant or recipient from working at least four hours per day; or

4.20 ~~(14) a person over age 18 whose primary language is not English and who is~~
4.21 ~~attending high school at least half time; or~~

4.22 ~~(15)~~ (9) a person whose alcohol and drug addiction is a material factor that
4.23 contributes to the person's disability; applicants who assert this clause as a basis for
4.24 eligibility must be assessed by the county agency to determine if they are amenable
4.25 to treatment; ~~if the applicant is determined to be not amenable to treatment, but is~~
4.26 ~~otherwise eligible for benefits, then general assistance must be paid in vendor form, for~~
4.27 ~~the individual's shelter costs up to the limit of the grant amount, with the residual, if~~
4.28 ~~any, paid according to section 256D.09, subdivision 2a; if the applicant is determined~~
4.29 ~~to be amenable to treatment, then in order to receive benefits, the applicant must be in~~
4.30 ~~a treatment program or on a waiting list and the benefits must be paid in vendor form,~~
4.31 ~~for the individual's shelter costs, up to the limit of the grant amount, with the residual, if~~
4.32 ~~any, paid according to section 256D.09, subdivision 2a.~~

4.33 (b) As a condition of eligibility under paragraph (a), clauses ~~(1)~~, ~~(3)~~ (2), ~~(5)~~ (4),
4.34 ~~(8)~~ (5), and ~~(9)~~ (6), the recipient must complete an interim assistance agreement and
4.35 must apply for other maintenance benefits as specified in section 256D.06, subdivision

5.1 5, and must comply with efforts to determine the recipient's eligibility for those other
5.2 maintenance benefits.

5.3 (c) As a condition of eligibility under this section, the recipient must complete at
5.4 least 20 hours per month of volunteer work with a nonprofit organization or local unit of
5.5 government. The county of residence shall determine what may be included as volunteer
5.6 work. Recipients must provide monthly proof of volunteer work on the forms established
5.7 by the county.

5.8 ~~(c)~~ (d) The burden of providing documentation for a county agency to use to verify
5.9 eligibility for general assistance or for exemption from the food stamp employment
5.10 and training program is upon the applicant or recipient. The county agency shall use
5.11 documents already in its possession to verify eligibility, and shall help the applicant or
5.12 recipient obtain other existing verification necessary to determine eligibility which the
5.13 applicant or recipient does not have and is unable to obtain.

5.14 Sec. 5. Minnesota Statutes 2010, section 256D.06, subdivision 1, is amended to read:

5.15 Subdivision 1. **Eligibility; amount of assistance.** General assistance shall be
5.16 granted in an amount that when added to the nonexempt income actually available to the
5.17 assistance unit, the total amount equals the applicable standard of assistance for general
5.18 assistance. In determining eligibility for and the amount of assistance for an individual or
5.19 married couple, the county agency shall disregard the first ~~\$50~~ \$150 of earned income
5.20 per month.

5.21 Sec. 6. Minnesota Statutes 2010, section 256D.06, subdivision 1b, is amended to read:

5.22 Subd. 1b. **Earned income savings account.** In addition to the ~~\$50~~ \$150 disregard
5.23 required under subdivision 1, the county agency shall disregard an additional earned
5.24 income up to a maximum of \$150 per month for: (1) persons residing in facilities licensed
5.25 under Minnesota Rules, parts 9520.0500 to 9520.0690 and 9530.2500 to 9530.4000, and
5.26 for whom discharge and work are part of a treatment plan; (2) persons living in supervised
5.27 apartments with services funded under Minnesota Rules, parts 9535.0100 to 9535.1600,
5.28 and for whom discharge and work are part of a treatment plan; and (3) persons residing
5.29 in group residential housing, as that term is defined in section 256I.03, subdivision 3,
5.30 for whom the county agency has approved a discharge plan which includes work. The
5.31 additional amount disregarded must be placed in a separate savings account by the eligible
5.32 individual, to be used upon discharge from the residential facility into the community.
5.33 For individuals residing in a chemical dependency program licensed under Minnesota
5.34 Rules, part 9530.4100, subpart 22, item D, withdrawals from the savings account require

6.1 the signature of the individual and for those individuals with an authorized representative
6.2 payee, the signature of the payee. A maximum of \$1,000, including interest, of the money
6.3 in the savings account must be excluded from the resource limits established by section
6.4 256D.08, subdivision 1, clause (1). Amounts in that account in excess of \$1,000 must
6.5 be applied to the resident's cost of care. If excluded money is removed from the savings
6.6 account by the eligible individual at any time before the individual is discharged from the
6.7 facility into the community, the money is income to the individual in the month of receipt
6.8 and a resource in subsequent months. If an eligible individual moves from a community
6.9 facility to an inpatient hospital setting, the separate savings account is an excluded asset
6.10 for up to 18 months. During that time, amounts that accumulate in excess of the \$1,000
6.11 savings limit must be applied to the patient's cost of care. If the patient continues to be
6.12 hospitalized at the conclusion of the 18-month period, the entire account must be applied
6.13 to the patient's cost of care.

6.14 Sec. 7. Minnesota Statutes 2010, section 256J.53, subdivision 2, is amended to read:

6.15 Subd. 2. **Approval of postsecondary education or training.** (a) In order for a
6.16 postsecondary education or training program to be an approved activity in an employment
6.17 plan, the ~~plan must include additional work activities if the education and training~~
6.18 ~~activities do not meet the minimum hours required to meet the federal work participation~~
6.19 ~~rate under Code of Federal Regulations, title 45, sections 261.31 and 261.35~~ participant
6.20 must be working in unsubsidized employment at least 20 hours per week.

6.21 (b) Participants seeking approval of a postsecondary education or training plan
6.22 must provide documentation that:

6.23 (1) the employment goal can only be met with the additional education or training;

6.24 (2) there are suitable employment opportunities that require the specific education or
6.25 training in the area in which the participant resides or is willing to reside;

6.26 (3) the education or training will result in significantly higher wages for the
6.27 participant than the participant could earn without the education or training;

6.28 (4) the participant can meet the requirements for admission into the program; and

6.29 (5) there is a reasonable expectation that the participant will complete the training
6.30 program based on such factors as the participant's MFIP assessment, previous education,
6.31 training, and work history; current motivation; and changes in previous circumstances.

6.32 (c) The hourly unsubsidized employment requirement does not apply for intensive
6.33 education or training programs lasting 12 weeks or less when full time attendance is
6.34 required.

7.1 Sec. 8. Minnesota Statutes 2010, section 393.07, subdivision 10a, is amended to read:

7.2 Subd. 10a. **Expedited issuance of food stamps.** The commissioner of human
7.3 services shall continually monitor the expedited issuance of food stamp benefits to ensure
7.4 that each county complies with federal regulations and that households eligible for
7.5 expedited issuance of food stamps are identified, processed, and certified within the time
7.6 frames prescribed in federal regulations.

7.7 County food stamp offices shall screen and issue food stamps to applicants on the
7.8 day of application. Applicants who meet the federal criteria for expedited issuance and
7.9 have an immediate need for food assistance shall receive within two working days either:

7.10 (1) a manual Authorization to Participate (ATP) card; or

7.11 (2) the ~~immediate~~ issuance of food stamp coupons.

7.12 The local food stamp agency shall conspicuously post in each food stamp office a
7.13 notice of the availability of and the procedure for applying for expedited issuance and
7.14 verbally advise each applicant of the availability of the expedited process.

7.15 Sec. 9. **PILOT PROJECT FOR HOMELESS ADULTS TO BE IN-HOME**
7.16 **CARETAKERS OF FORECLOSED HOMES.**

7.17 (a) The commissioner of human services shall provide a grant to Stepping Stone
7.18 Emergency Housing to form a partnership with local banks who own foreclosed homes to:

7.19 (1) utilize foreclosed homes for graduates of Stepping Stone Emergency Housing to
7.20 become in-home caretakers of those homes;

7.21 (2) provide the security needed by the homes' banking owners and others to help
7.22 stabilize neighborhoods through carefully maintained homes that will prevent vandalism,
7.23 squatters, and drug houses;

7.24 (3) provide transitional housing to up to four homeless clients per home after they
7.25 graduate from emergency housing allowing the clients time to find permanent housing
7.26 in a tight affordable housing market; and

7.27 (4) provide management of the project to ensure proper oversight for the homes
7.28 owners and support of the caretakers.

7.29 (b) Stepping Stone Emergency Housing shall provide annual reports on the success
7.30 of this pilot project on the forms and according to the timelines established by the
7.31 commissioner.

7.32 (c) This section expires June 30, 2013.

7.33 Sec. 10. **APPROPRIATION.**

8.1 \$..... is appropriated in fiscal year 2012 and \$..... is appropriated in fiscal year
8.2 2013 from the general fund to the commissioner of human services for a grant to Stepping
8.3 Stone Emergency Housing for the pilot project for homeless adults to be in-home
8.4 caretakers of foreclosed homes.