

A bill for an act

relating to human services; changing provisions for nonpublic assistance IV-D services; amending Minnesota Statutes 2006, sections 256J.08, by adding a subdivision; 256J.09, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 256J.

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

Section 1. Minnesota Statutes 2006, section 256J.08, is amended by adding a subdivision to read:

Subd. 61b. **Nonpublic assistance IV-D.** A "nonpublic assistance IV-D" child support case means a case where services under title IV-D of the Social Security Act, United States Code, title 42, section 654(4), are provided to an applicant who is eligible for child support collection and enforcement services as defined in section 256J.091, due to the potential eligibility for public assistance under section 256.741, if child support is not received.

Sec. 2. Minnesota Statutes 2006, section 256J.09, subdivision 2, is amended to read:

Subd. 2. **County agency responsibility to provide information.** When a person inquires about assistance, including assistance under section 256J.091, a county agency must:

(1) explain the eligibility requirements of, and how to apply for any assistance for which the person may be eligible; and

(2) offer the person brochures developed or approved by the commissioner that describe how to apply for assistance.

Sec. 3. **[256J.091] NONPUBLIC ASSISTANCE IV-D CHILD SUPPORT SERVICES.**

Subdivision 1. Eligibility determination. Verification of eligibility for nonpublic assistance IV-D child support services is based upon an assessment by the local agency. The public authority has a pecuniary interest when verified by a determination of need and upon a showing of evidence, based on a showing that if the support payments are not received on a regular and timely basis, the applicant would be entitled to receive public assistance under section 256.741.

Subd. 2. Where to apply. An individual must apply for nonpublic assistance IV-D child support services at the county agency in the county where the applicant lives.

Subd. 3. Submitting application. An application under this section must be submitted using application procedures that conform to section 256J.09, subdivision 3.

Subd. 4. Notice and verification of information on application. All parties must be notified of the receipt of the application and the verification process via United States mail at the last known address or at the address of the closest known relative within 30 days. If no known address or relatives exist for either parent or other custodial third party, proof of a good faith effort by the county agency to determine an address must be shown. The notification must also include an explanation of the legal and administrative implications of participation in the program, as required under title IV-D of the Social Security Act and regulations adopted under title IV-D. If by mistake or inadvertence the agency fails to send the notification to either parent, the application is void. For the purposes of determining eligibility, an assessment must be completed by the public authority to verify the accuracy of all information provided by the applicant and the nonapplicant parent. The local agency must document the steps taken in the verification process on a form prescribed by the commissioner. The documents must be approved and signed by the county attorney as to form and content before issuing the final determination. Upon completion of the assessment, the agency must notify the parties of the final decision and the reasons for the decision, the date on which the services will become effective, and the procedures for contesting the approval or denial of services according to section 484.702.

Subd. 5. Hearing. Upon approval or denial of the application and upon motion of either parent or the person standing in loco parentis, a hearing must be granted within 30 days of notification of the determination, pursuant to section 256.045, subdivision 3, for a party to contest the assessment determination.

3.1 Subd. 6. **Right to appeal the approval or denial of application.** An applicant, the
3.2 other parent, or the person standing in loco parentis aggrieved by an action or inaction of a
3.3 county agency has a right to an appeal hearing under section 256.045, subdivision 3.

3.4 Subd. 7. **Review process.** Recipients of services under this section are subject to
3.5 annual review for eligibility and applicants must provide updated financial information as
3.6 requested by the agency. Based upon agency review, if there has been a determination that
3.7 the recipient is no longer eligible for nonpublic assistance IV-D child support services, the
3.8 agency shall notify both parents or the person standing in loco parentis of the change in
3.9 circumstances and close the case.

3.10 Subd. 8. **Agency duties.** The commissioner shall promptly instruct all local
3.11 county service agencies to review all nonpublic assistance IV-D child support cases to
3.12 ensure compliance with eligibility under this section within a time period prescribed by
3.13 the commissioner, not to exceed six months after the effective date of this legislation.
3.14 The local agency shall immediately serve termination notice to all ineligible nonpublic
3.15 assistance IV-D child support cases.