

State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. 2954

03/21/2012 Authored by Hosch; Murphy, E.; Huntley; Fritz; Slawik and others

The bill was read for the first time and referred to the Committee on Health and Human Services Reform

1.1 A bill for an act
1.2 relating to human services; creating the Minnesota Children and Family
1.3 Investment Program Act; modifying the MFIP and child care assistance
1.4 programs; providing appointments; appropriating money; amending Minnesota
1.5 Statutes 2010, sections 119B.025, subdivision 1; 119B.05, subdivision 1;
1.6 256J.08, by adding a subdivision; 256J.45, subdivision 2; 256J.50, by adding
1.7 a subdivision; 256J.521, subdivision 2; Minnesota Statutes 2011 Supplement,
1.8 section 256J.49, subdivision 13; repealing Minnesota Statutes 2010, section
1.9 256J.24, subdivision 6.

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

1.11 Section 1. CITATION.

1.12 Sections 2 to 14 may be cited as the "Minnesota Children and Family Investment
1.13 Program Act."

1.14 Sec. 2. LEGISLATIVE FINDINGS.

1.15 The legislature finds that:

1.16 (1) seven out of ten MFIP recipients are children;

1.17 (2) children receiving MFIP assistance are living in poverty;

1.18 (3) current MFIP policies are pushing children and their families deeper into poverty;

1.19 (4) half of Minnesota children receiving MFIP assistance are under the age of five;

1.20 (5) 90 percent of brain development occurs during the first five years of a child's

1.21 life; and

1.22 (6) research demonstrates that experiences affect the way a child's brain develops,

1.23 and that adverse childhood experiences can produce toxic levels of stress and disrupt the

1.24 architecture of a child's developing brain.

2.1 Sec. 3. Minnesota Statutes 2010, section 119B.025, subdivision 1, is amended to read:

2.2 Subdivision 1. **Factors which must be verified.** (a) The county shall verify the
2.3 following at all initial child care applications using the universal application:

- 2.4 (1) identity of adults;
- 2.5 (2) presence of the minor child in the home, if questionable;
- 2.6 (3) relationship of minor child to the parent, stepparent, legal guardian, eligible
2.7 relative caretaker, or the spouses of any of the foregoing;
- 2.8 (4) age;
- 2.9 (5) immigration status, if related to eligibility;
- 2.10 (6) Social Security number, if given;
- 2.11 (7) income;
- 2.12 (8) spousal support and child support payments made to persons outside the
2.13 household;
- 2.14 (9) residence; and
- 2.15 (10) inconsistent information, if related to eligibility.

2.16 (b) If a family did not use the universal application or child care addendum to apply
2.17 for child care assistance, the family must complete the universal application or child care
2.18 addendum at its next eligibility redetermination and the county must verify the factors
2.19 listed in paragraph (a) as part of that redetermination. Once a family has completed a
2.20 universal application or child care addendum, the county shall use the redetermination
2.21 form described in paragraph (c) for that family's subsequent redeterminations. Eligibility
2.22 must be redetermined at least every ~~six~~ 12 months. For a family where at least one parent
2.23 is under the age of 21, does not have a high school or general equivalency diploma, and is
2.24 a student in a school district or another similar program that provides or arranges for child
2.25 care, as well as parenting, social services, career and employment supports, and academic
2.26 support to achieve high school graduation, the redetermination of eligibility shall be
2.27 deferred ~~beyond six months~~, but not to exceed 12 months, to the end of the student's
2.28 school year. If a family reports a change in an eligibility factor before the family's next
2.29 regularly scheduled redetermination, the county must recalculate eligibility without
2.30 requiring verification of any eligibility factor that did not change.

2.31 (c) The commissioner shall develop a redetermination form to redetermine eligibility
2.32 and a change report form to report changes that minimize paperwork for the county and
2.33 the participant.

2.34 Sec. 4. Minnesota Statutes 2010, section 119B.05, subdivision 1, is amended to read:

Subdivision 1. **Eligible participants.** Families eligible for child care assistance under the MFIP child care program are:

(1) MFIP participants who are employed or in job search and meet the requirements of section 119B.10;

(2) persons who are members of transition year families under section 119B.011, subdivision 20, and meet the requirements of section 119B.10;

(3) families who are participating in employment orientation or job search, or other employment or training activities that are included in an approved employability development plan under section 256J.95;

(4) MFIP families who are participating in work job search, job support, employment, or training activities as required in their employment plan, or in appeals, hearings, assessments, or orientations according to chapter 256J;

(5) MFIP families who are participating in social services activities under chapter 256J as required in their employment plan approved according to chapter 256J;

(6) families who are participating in services or activities that are included in an approved family stabilization plan under section 256J.575;

(7) MFIP child-only cases under section 256J.88 may be authorized to receive up to 12 hours of MFIP child care assistance per week as approved by the county, if the child is not enrolled in any other early childhood programming;

~~(7)~~ (8) families who are participating in programs as required in tribal contracts under section 119B.02, subdivision 2, or 256.01, subdivision 2; and

~~(8)~~ (9) families who are participating in the transition year extension under section 119B.011, subdivision 20a.

Sec. 5. Minnesota Statutes 2010, section 256J.08, is amended by adding a subdivision to read:

Subd. 11b. **Child well-being.** "Child well-being" means a child's developmental progress relative to the child's age, including cognitive, physical, emotional, and social development as measured through developmental screening tools, school achievement, health status, and other relevant standardized measures of development.

Sec. 6. Minnesota Statutes 2010, section 256J.45, subdivision 2, is amended to read:

Subd. 2. **General information.** (a) The MFIP orientation must consist of a presentation that informs caregivers of:

(1) the necessity to obtain immediate employment;

(2) the work incentives under MFIP, including the availability of the federal earned income tax credit and the Minnesota working family tax credit;

(3) the requirement to comply with the employment plan and other requirements of the employment and training services component of MFIP, including a description of the range of work and training activities that are allowable under MFIP to meet the individual needs of participants;

(4) the consequences for failing to comply with the employment plan and other program requirements, and that the county agency may not impose a sanction when failure to comply is due to the unavailability of child care or other circumstances where the participant has good cause under subdivision 3;

(5) the rights, responsibilities, and obligations of participants;

(6) the types and locations of child care services available through the county agency;

(7) the availability and the benefits of the early childhood health and developmental screening under sections 121A.16 to 121A.19; 123B.02, subdivision 16; and 123B.10;

(8) the caregiver's eligibility for transition year child care assistance under section 119B.05;

(9) the availability of all health care programs, including transitional medical assistance;

(10) the caregiver's option to choose an employment and training provider and information about each provider, including but not limited to, services offered, program components, job placement rates, job placement wages, and job retention rates;

(11) the caregiver's option to request approval of an education and training plan according to section 256J.53;

(12) the work study programs available under the higher education system; ~~and~~

(13) information about the 60-month time limit exemptions under the family violence waiver and referral information about shelters and programs for victims of family violence; and

(14) the availability and benefits of early childhood health and developmental screening and other early childhood resources and programs.

(b) For MFIP caregivers who are exempt from attending the orientation under subdivision 1, the county agency must provide the information required under paragraph (a), clause (14), via other means.

Sec. 7. Minnesota Statutes 2011 Supplement, section 256J.49, subdivision 13, is amended to read:

5.1 Subd. 13. **Work activity.** (a) "Work activity" means any activity in a participant's
5.2 approved employment plan that leads to employment. For purposes of the MFIP program,
5.3 this includes activities that meet the definition of work activity under the participation
5.4 requirements of TANF. Work activity includes:

5.5 (1) unsubsidized employment, including work study and paid apprenticeships or
5.6 internships;

5.7 (2) subsidized private sector or public sector employment, including grant diversion
5.8 as specified in section 256J.69, on-the-job training as specified in section 256J.66, paid
5.9 work experience, and supported work when a wage subsidy is provided;

5.10 (3) unpaid work experience, including community service, volunteer work,
5.11 the community work experience program as specified in section 256J.67, unpaid
5.12 apprenticeships or internships, and supported work when a wage subsidy is not provided.
5.13 Unpaid work experience is only an option if the participant has been unable to obtain or
5.14 maintain paid employment in the competitive labor market, and no paid work experience
5.15 programs are available to the participant. Prior to placing a participant in unpaid work,
5.16 the county must inform the participant that the participant will be notified if a paid work
5.17 experience or supported work position becomes available. Unless a participant consents in
5.18 writing to participate in unpaid work experience, the participant's employment plan may
5.19 only include unpaid work experience if including the unpaid work experience in the plan
5.20 will meet the following criteria:

5.21 (i) the unpaid work experience will provide the participant specific skills or
5.22 experience that cannot be obtained through other work activity options where the
5.23 participant resides or is willing to reside; and

5.24 (ii) the skills or experience gained through the unpaid work experience will result
5.25 in higher wages for the participant than the participant could earn without the unpaid
5.26 work experience;

5.27 (4) job search including job readiness assistance, job clubs, job placement,
5.28 job-related counseling, and job retention services;

5.29 (5) job readiness education, including English as a second language (ESL) or
5.30 functional work literacy classes as limited by the provisions of section 256J.531,
5.31 subdivision 2, general educational development (GED) course work, high school
5.32 completion, and adult basic education as limited by the provisions of section 256J.531,
5.33 subdivision 1;

5.34 (6) job skills training directly related to employment, including education and
5.35 training that can reasonably be expected to lead to employment, as limited by the
5.36 provisions of section 256J.53;

(7) providing child care services to a participant who is working in a community service program;

(8) activities included in the employment plan that is developed under section 256J.521, subdivision 3; ~~and~~

(9) preemployment activities including chemical and mental health assessments, treatment, and services; learning disabilities services; child protective services; family stabilization services; or other programs designed to enhance employability; and

(10) attending a child's early childhood activities, including developmental screenings and subsequent referral and follow-up services. MFIP employment and training providers must coordinate with county social service agencies and health plans to assist recipients in arranging referrals indicated by screening results.

(b) "Work activity" does not include activities done for political purposes as defined in section 211B.01, subdivision 6.

Sec. 8. Minnesota Statutes 2010, section 256J.50, is amended by adding a subdivision to read:

Subd. 13. **Child development information.** MFIP employment and training providers and county agencies shall post information regarding child development in areas easily accessible to families participating in MFIP.

Sec. 9. Minnesota Statutes 2010, section 256J.521, subdivision 2, is amended to read:

Subd. 2. Employment plan; contents. (a) Based on the assessment under subdivision 1, the job counselor and the participant must develop an employment plan that includes participation in activities and hours that meet the requirements of section 256J.55, subdivision 1. The purpose of the employment plan is to identify for each participant the most direct path to unsubsidized employment and any subsequent steps that support long-term economic stability. The employment plan should be developed using the highest level of activity appropriate for the participant. Activities must be chosen from clauses (1) to (6), which are listed in order of preference. Notwithstanding this order of preference for activities, priority must be given for activities related to a family violence waiver when developing the employment plan. The employment plan must also list the specific steps the participant will take to obtain employment, including steps necessary for the participant to progress from one level of activity to another, and a timetable for completion of each step. Levels of activity include:

(1) unsubsidized employment;

(2) job search;

- 7.1 (3) subsidized employment or unpaid work experience;
- 7.2 (4) unsubsidized employment and job readiness education or job skills training;
- 7.3 (5) unsubsidized employment or unpaid work experience and activities related to
- 7.4 a family violence waiver or preemployment needs; and
- 7.5 (6) activities related to a family violence waiver or preemployment needs.
- 7.6 (b) Participants who are determined to possess sufficient skills such that the
- 7.7 participant is likely to succeed in obtaining unsubsidized employment must job search at
- 7.8 least 30 hours per week for up to six weeks and accept any offer of suitable employment.
- 7.9 The remaining hours necessary to meet the requirements of section 256J.55, subdivision
- 7.10 1, may be met through participation in other work activities under section 256J.49,
- 7.11 subdivision 13. The participant's employment plan must specify, at a minimum: (1)
- 7.12 whether the job search is supervised or unsupervised; (2) support services that will
- 7.13 be provided; and (3) how frequently the participant must report to the job counselor.
- 7.14 Participants who are unable to find suitable employment after six weeks must meet
- 7.15 with the job counselor to determine whether other activities in paragraph (a) should be
- 7.16 incorporated into the employment plan. Job search activities which are continued after six
- 7.17 weeks must be structured and supervised.
- 7.18 (c) Participants who are determined to have barriers to obtaining or maintaining
- 7.19 suitable employment that will not be overcome during six weeks of job search under
- 7.20 paragraph (b) must work with the job counselor to develop an employment plan that
- 7.21 addresses those barriers by incorporating appropriate activities from paragraph (a), clauses
- 7.22 (1) to (6). The employment plan must include enough hours to meet the participation
- 7.23 requirements in section 256J.55, subdivision 1, unless a compelling reason to require
- 7.24 fewer hours is noted in the participant's file.
- 7.25 (d) The job counselor and the participant must sign the employment plan to indicate
- 7.26 agreement on the contents.
- 7.27 (e) Except as provided under paragraph (f), failure to develop or comply with
- 7.28 activities in the plan, or voluntarily quitting suitable employment without good cause, will
- 7.29 result in the imposition of a sanction under section 256J.46.
- 7.30 (f) When a participant fails to meet the agreed-upon hours of participation in paid
- 7.31 employment because the participant is not eligible for holiday pay and the participant's
- 7.32 place of employment is closed for a holiday, the job counselor shall not impose a sanction
- 7.33 or increase the hours of participation in any other activity, including paid employment, to
- 7.34 offset the hours that were missed due to the holiday.
- 7.35 (g) Employment plans must be reviewed at least every three months to determine
- 7.36 whether activities and hourly requirements should be revised. At the time of the

employment plan review, the job counselor must provide information to participants regarding early childhood development and resources for families. The job counselor is encouraged to allow participants who are participating in at least 20 hours of work activities to also participate in education and training activities in order to meet the federal hourly participation rates.

Sec. 10. **TASK FORCE ON LOW-INCOME FAMILIES.**

Subdivision 1. Purpose. A task force on low-income families is established to review the adequacy of state programs and tax policies to support low-income families.

Subd. 2. Membership. The task force shall include the following members:

(1) the commissioner of economic development or designee;

(2) the commissioner of health or designee;

(3) the commissioner of human services or designee;

(4) the commissioner of education or designee;

(5) the commissioner of revenue or designee;

(6) two county representatives appointed by the governor;

(7) two advocates for low-income families appointed by the governor;

(8) two members of the house of representatives, one from the majority party and one from the minority party, appointed by the speaker of the house; and

(9) two members of the senate, one from the majority party and one from the minority party, appointed by the Subcommittee on Committees of the Committee on Rules and Administration.

Subd. 3. Staff. The Department of Employment and Economic Development shall provide staff support for the task force.

Subd. 4. Duties. Within the context of the state's projected workforce and economic development needs, the task force shall review current MFIP cash benefit levels and state programs and tax policies affecting low-income families. The task force shall consider the return on investment to the public and private sectors of family support policies such as paid sick leave, parental leave, early childhood programs, and family tax policies. The task force shall make recommendations to the legislature by January 15, 2014, to modify state programs and tax policies to improve family economic security and child well-being, including future worker productivity. The recommendations must be related to the Minnesota Milestones goals and measures.

Subd. 5. Expiration. The task force under this section expires on June 30, 2013.

EFFECTIVE DATE. This section is effective the day following final enactment.

9.1 Sec. 11. **MFIP MENTORING PILOT PROGRAM.**

9.2 \$..... is appropriated to the commissioner of human services from the general fund
9.3 in fiscal year 2013 for the purpose of providing grants to help local communities to train
9.4 and support volunteers mentoring families receiving MFIP. Organizations must apply for
9.5 grant funds according to the timelines and on the forms prescribed by the commissioner.
9.6 Organizations receiving grant funding must model their project on the circles of support
9.7 model. Projects must focus on reducing parents' and their children's isolation and
9.8 supporting families in making connections within their local communities.

9.9 Sec. 12. **DIRECTIONS TO COMMISSIONER.**

9.10 (a) The commissioner of human services shall include information regarding the
9.11 number of children and their ages: receiving MFIP; affected by sanctions; and in families
9.12 exceeding the 60-month time limit in the Department of Human Services' MFIP monthly
9.13 reports and trends reports. By February 1, 2013, the commissioner, in consultation with
9.14 the commissioners of education and health, shall make recommendations to the legislative
9.15 committees with jurisdiction over human services policy and finance on ways to provide
9.16 state and local-level information on child well-being and the participation of MFIP
9.17 children in early childhood programs, such as family home visiting, Early Head Start,
9.18 Head Start, Part C early intervention services for infants and toddlers with disabilities and
9.19 their utilization of health services, including well-child visits.

9.20 (b) The commissioner shall provide MFIP financial workers and case managers with
9.21 information regarding early childhood brain development, developmental screening, and
9.22 early childhood resources as part of their ongoing training.

9.23 (c) By February 1, 2013, the commissioner of education, in consultation with the
9.24 commissioners of health and human services, shall report to the legislative committees
9.25 with jurisdiction over education policy and finance and health and human services policy
9.26 and finance on the short and long-term costs and benefits of making low-income children
9.27 eligible for early childhood services, such as home visiting, Early Head Start, Head Start,
9.28 and Part C early intervention services for infants and toddlers with disabilities based on
9.29 their high risk for developmental delay due to living in poverty.

9.30 Sec. 13. **REVISOR'S INSTRUCTION.**

9.31 In Minnesota Statutes and Minnesota Rules, the revisor of statutes shall substitute
9.32 the terms "Minnesota Children and Family Investment Program" for "Minnesota Family
9.33 Investment Program" and "MCFIP" for "MFIP" wherever they appear.

- 10.1
- Sec. 14. **REPEALER.**
- 10.2
- Minnesota Statutes 2010, section 256J.24, subdivision 6, is repealed.