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# State of Minnesota HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. **739**

02/20/2013 Authored by Moran

The bill was read for the first time and referred to the Committee on Early Childhood and Youth Development Policy

1.1 A bill for an act  
1.2 relating to human services; modifying provisions related to children and family  
1.3 services; changing data practices provisions; changing provisions related to  
1.4 contractual agreements with tribes, child care programs, community action  
1.5 agencies, the Minnesota family investment program, and reporting maltreatment;  
1.6 amending Minnesota Statutes 2012, sections 13.46, subdivision 2; 119B.02,  
1.7 subdivision 2; 119B.09, subdivisions 6, 13; 256E.30, by adding a subdivision;  
1.8 256J.09, subdivision 3; 256J.20, subdivision 3; 256J.21, subdivision 2; 256J.24,  
1.9 subdivision 3; 256J.30, subdivisions 4, 12; 256J.32, subdivisions 6, 8; 256J.38,  
1.10 subdivision 6; 256J.49, subdivision 13; 256J.521, subdivisions 1, 2; 256J.53,  
1.11 subdivisions 2, 5; 256J.575, subdivision 7; 256J.621; 256J.626, subdivisions 7,  
1.12 8; 256J.67; 256J.68, subdivisions 1, 2, 4, 7, 8; 256J.751, subdivision 2; 256K.26,  
1.13 subdivision 4; 626.556, subdivisions 2, 7, 11c; 626.5561, subdivision 1.

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

1.15 Section 1. Minnesota Statutes 2012, section 13.46, subdivision 2, is amended to read:

1.16 Subd. 2. **General.** (a) Data on individuals collected, maintained, used, or  
1.17 disseminated by the welfare system are private data on individuals, and shall not be  
1.18 disclosed except:

1.19 (1) according to section 13.05;

1.20 (2) according to court order;

1.21 (3) according to a statute specifically authorizing access to the private data;

1.22 (4) to an agent of the welfare system and an investigator acting on behalf of a county,  
1.23 the state, or the federal government, including a law enforcement person or attorney in the  
1.24 investigation or prosecution of a criminal, civil, or administrative proceeding relating to  
1.25 the administration of a program;

1.26 (5) to personnel of the welfare system who require the data to verify an individual's  
1.27 identity; determine eligibility, amount of assistance, and the need to provide services to

an individual or family across programs; evaluate the effectiveness of programs; assess parental contribution amounts; and investigate suspected fraud;

(6) to administer federal funds or programs;

(7) between personnel of the welfare system working in the same program;

(8) to the Department of Revenue to assess parental contribution amounts for purposes of section 252.27, subdivision 2a, administer and evaluate tax refund or tax credit programs and to identify individuals who may benefit from these programs. The following information may be disclosed under this paragraph: an individual's and their dependent's names, dates of birth, Social Security numbers, income, addresses, and other data as required, upon request by the Department of Revenue. Disclosures by the commissioner of revenue to the commissioner of human services for the purposes described in this clause are governed by section 270B.14, subdivision 1. Tax refund or tax credit programs include, but are not limited to, the dependent care credit under section 290.067, the Minnesota working family credit under section 290.0671, the property tax refund and rental credit under section 290A.04, and the Minnesota education credit under section 290.0674;

(9) between the Department of Human Services, the Department of Employment and Economic Development, and when applicable, the Department of Education, for the following purposes:

(i) to monitor the eligibility of the data subject for unemployment benefits, for any employment or training program administered, supervised, or certified by that agency;

(ii) to administer any rehabilitation program or child care assistance program, whether alone or in conjunction with the welfare system;

(iii) to monitor and evaluate the Minnesota family investment program or the child care assistance program by exchanging data on recipients and former recipients of food support, cash assistance under chapter 256, 256D, 256J, or 256K, child care assistance under chapter 119B, or medical programs under chapter 256B, 256D, or 256L; and

(iv) to analyze public assistance employment services and program utilization, cost, effectiveness, and outcomes as implemented under the authority established in Title II, Sections 201-204 of the Ticket to Work and Work Incentives Improvement Act of 1999. Health records governed by sections 144.291 to 144.298 and "protected health information" as defined in Code of Federal Regulations, title 45, section 160.103, and governed by Code of Federal Regulations, title 45, parts 160-164, including health care claims utilization information, must not be exchanged under this clause;

(10) to appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the individual or other individuals or persons;

(11) data maintained by residential programs as defined in section 245A.02 may be disclosed to the protection and advocacy system established in this state according to Part C of Public Law 98-527 to protect the legal and human rights of persons with developmental disabilities or other related conditions who live in residential facilities for these persons if the protection and advocacy system receives a complaint by or on behalf of that person and the person does not have a legal guardian or the state or a designee of the state is the legal guardian of the person;

(12) to the county medical examiner or the county coroner for identifying or locating relatives or friends of a deceased person;

(13) data on a child support obligor who makes payments to the public agency may be disclosed to the Minnesota Office of Higher Education to the extent necessary to determine eligibility under section 136A.121, subdivision 2, clause (5);

(14) participant Social Security numbers and names collected by the telephone assistance program may be disclosed to the Department of Revenue to conduct an electronic data match with the property tax refund database to determine eligibility under section 237.70, subdivision 4a;

(15) the current address of a Minnesota family investment program participant may be disclosed to law enforcement officers who provide the name of the participant and notify the agency that:

(i) the participant:

(A) is a fugitive felon fleeing to avoid prosecution, or custody or confinement after conviction, for a crime or attempt to commit a crime that is a felony under the laws of the jurisdiction from which the individual is fleeing; or

(B) is violating a condition of probation or parole imposed under state or federal law;

(ii) the location or apprehension of the felon is within the law enforcement officer's official duties; and

(iii) the request is made in writing and in the proper exercise of those duties;

(16) the current address of a recipient of general assistance or general assistance medical care may be disclosed to probation officers and corrections agents who are supervising the recipient and to law enforcement officers who are investigating the recipient in connection with a felony level offense;

(17) information obtained from food support applicant or recipient households may be disclosed to local, state, or federal law enforcement officials, upon their written request, for the purpose of investigating an alleged violation of the Food Stamp Act, according to Code of Federal Regulations, title 7, section 272.1 (c);

(18) the address, Social Security number, and, if available, photograph of any member of a household receiving food support shall be made available, on request, to a local, state, or federal law enforcement officer if the officer furnishes the agency with the name of the member and notifies the agency that:

(i) the member:

(A) is fleeing to avoid prosecution, or custody or confinement after conviction, for a crime or attempt to commit a crime that is a felony in the jurisdiction the member is fleeing;

(B) is violating a condition of probation or parole imposed under state or federal law; or

(C) has information that is necessary for the officer to conduct an official duty related to conduct described in subitem (A) or (B);

(ii) locating or apprehending the member is within the officer's official duties; and

(iii) the request is made in writing and in the proper exercise of the officer's official duty;

(19) the current address of a recipient of Minnesota family investment program, general assistance, general assistance medical care, or food support may be disclosed to law enforcement officers who, in writing, provide the name of the recipient and notify the agency that the recipient is a person required to register under section 243.166, but is not residing at the address at which the recipient is registered under section 243.166;

(20) certain information regarding child support obligors who are in arrears may be made public according to section 518A.74;

(21) data on child support payments made by a child support obligor and data on the distribution of those payments excluding identifying information on obligees may be disclosed to all obligees to whom the obligor owes support, and data on the enforcement actions undertaken by the public authority, the status of those actions, and data on the income of the obligor or obligee may be disclosed to the other party;

(22) data in the work reporting system may be disclosed under section 256.998, subdivision 7;

(23) to the Department of Education for the purpose of matching Department of Education student data with public assistance data to determine students eligible for free and reduced-price meals, meal supplements, and free milk according to United States Code, title 42, sections 1758, 1761, 1766, 1766a, 1772, and 1773; to allocate federal and state funds that are distributed based on income of the student's family; and to verify receipt of energy assistance for the telephone assistance plan;

(24) the current address and telephone number of program recipients and emergency contacts may be released to the commissioner of health or a local board of health as

defined in section 145A.02, subdivision 2, when the commissioner or local board of health has reason to believe that a program recipient is a disease case, carrier, suspect case, or at risk of illness, and the data are necessary to locate the person;

(25) to other state agencies, statewide systems, and political subdivisions of this state, including the attorney general, and agencies of other states, interstate information networks, federal agencies, and other entities as required by federal regulation or law for the administration of the child support enforcement program;

(26) to personnel of public assistance programs as defined in section 256.741, for access to the child support system database for the purpose of administration, including monitoring and evaluation of those public assistance programs;

(27) to monitor and evaluate the Minnesota family investment program by exchanging data between the Departments of Human Services and Education, on recipients and former recipients of food support, cash assistance under chapter 256, 256D, 256J, or 256K, child care assistance under chapter 119B, or medical programs under chapter 256B, 256D, or 256L;

(28) to evaluate child support program performance and to identify and prevent fraud in the child support program by exchanging data between the Department of Human Services, Department of Revenue under section 270B.14, subdivision 1, paragraphs (a) and (b), without regard to the limitation of use in paragraph (c), Department of Health, Department of Employment and Economic Development, and other state agencies as is reasonably necessary to perform these functions;

(29) counties operating child care assistance programs under chapter 119B may disseminate data on program participants, applicants, and providers to the commissioner of education; or

(30) child support data on the ~~parents and the child~~, the parents, and their family members may be disclosed to agencies administering programs under titles IV-B and IV-E of the Social Security Act, as ~~provided~~ authorized by federal law. ~~Data may be disclosed only to the extent necessary for the purpose of establishing parentage or for determining who has or may have parental rights with respect to a child, which could be related to permanency planning.~~

(b) Information on persons who have been treated for drug or alcohol abuse may only be disclosed according to the requirements of Code of Federal Regulations, title 42, sections 2.1 to 2.67.

(c) Data provided to law enforcement agencies under paragraph (a), clause (15), (16), (17), or (18), or paragraph (b), are investigative data and are confidential or protected

nonpublic while the investigation is active. The data are private after the investigation becomes inactive under section 13.82, subdivision 5, paragraph (a) or (b).

(d) Mental health data shall be treated as provided in subdivisions 7, 8, and 9, but are not subject to the access provisions of subdivision 10, paragraph (b).

For the purposes of this subdivision, a request will be deemed to be made in writing if made through a computer interface system.

Sec. 2. Minnesota Statutes 2012, section 119B.02, subdivision 2, is amended to read:

Subd. 2. **Contractual agreements with tribes.** The commissioner may enter into contractual agreements with a federally recognized Indian tribe with a reservation in Minnesota to carry out the responsibilities of county human service agencies to the extent necessary for the tribe to operate child care assistance programs under sections 119B.03 and 119B.05. An agreement may allow ~~for the tribe to be reimbursed the state to make payments~~ for child care assistance services provided under section 119B.05. The commissioner shall consult with the affected county or counties in the contractual agreement negotiations, if the county or counties wish to be included, in order to avoid the duplication of county and tribal child care services. Funding to support services under section 119B.03 may be transferred to the federally recognized Indian tribe with a reservation in Minnesota from allocations available to counties in which reservation boundaries lie. When funding is transferred under section 119B.03, the amount shall be commensurate to estimates of the proportion of reservation residents with characteristics identified in section 119B.03, subdivision 6, to the total population of county residents with those same characteristics.

Sec. 3. Minnesota Statutes 2012, section 119B.09, subdivision 6, is amended to read:

Subd. 6. **Maximum child care assistance.** The maximum amount of child care assistance a local agency may ~~authorize~~ pay for in a two-week period is 120 hours per child.

Sec. 4. Minnesota Statutes 2012, section 119B.09, subdivision 13, is amended to read:

Subd. 13. **Child care in the child's home.** (a) Child care assistance must only be authorized in the child's home if:

(1) the child's parents have authorized activities outside of the home and if, or  
(2) one parent in a two-parent family is in an authorized activity outside of the home and one parent is unable to care for the child and meets the requirements in Minnesota Rules, part 3400.0040, subpart 5.

(b) In order for child care assistance to be authorized under paragraph (a), clause (1) or (2), one or more of the following circumstances are must be met:

(1) the parents' ~~qualifying~~ authorized activity occurs during times when out-of-home care is not available or when out-of-home care would result in disruption of the child's nighttime sleep schedule. If child care is needed during any period when out-of-home care is not available, in-home care can be approved for the entire time care is needed;

(2) the family lives in an area where out-of-home care is not available; or

(3) a child has a verified illness or disability that would place the child or other children in an out-of-home facility at risk or creates a hardship for the child and the family to take the child out of the home to a child care home or center.

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

Sec. 5. Minnesota Statutes 2012, section 256E.30, is amended by adding a subdivision to read:

Subd. 5. **Merger.** In the case of a merger between community action agencies, the newly created agency receives a base funding amount equal to the sum of the merged agencies' base funding amounts at the point of the merger as described in subdivision 2, paragraph (b).

Sec. 6. Minnesota Statutes 2012, section 256J.09, subdivision 3, is amended to read:

Subd. 3. **Submitting application form.** (a) A county agency must offer, in person or by mail, the application forms prescribed by the commissioner as soon as a person makes a written or oral inquiry. At that time, the county agency must:

(1) inform the person that assistance begins with the date the signed application is received by the county agency or the date all eligibility criteria are met, whichever is later;

(2) inform the person that any delay in submitting the application will reduce the amount of assistance paid for the month of application;

(3) inform a person that the person may submit the application before an interview;

(4) explain the information that will be verified during the application process by the county agency as provided in section 256J.32;

(5) inform a person about the county agency's average application processing time and explain how the application will be processed under subdivision 5;

(6) explain how to contact the county agency if a person's application information changes and how to withdraw the application;

(7) inform a person that the next step in the application process is an interview and what a person must do if the application is approved including, but not limited to,

attending orientation under section 256J.45 and complying with employment and training services requirements in sections 256J.515 to 256J.57;

(8) inform the person that the interview must be conducted face-to-face in the county office, through Internet telepresence, or at a location mutually agreed upon;

(9) inform a person who has received MFIP or DWP in the past 12 months of the option to have a face-to-face, Internet telepresence, or telephone interview;

~~(8)~~ (10) explain the child care and transportation services that are available under paragraph (c) to enable caregivers to attend the interview, screening, and orientation; and

~~(9)~~ (11) identify any language barriers and arrange for translation assistance during appointments, including, but not limited to, screening under subdivision 3a, orientation under section 256J.45, and assessment under section 256J.521.

(b) Upon receipt of a signed application, the county agency must stamp the date of receipt on the face of the application. The county agency must process the application within the time period required under subdivision 5. An applicant may withdraw the application at any time by giving written or oral notice to the county agency. The county agency must issue a written notice confirming the withdrawal. The notice must inform the applicant of the county agency's understanding that the applicant has withdrawn the application and no longer wants to pursue it. When, within ten days of the date of the agency's notice, an applicant informs a county agency, in writing, that the applicant does not wish to withdraw the application, the county agency must reinstate the application and finish processing the application.

(c) Upon a participant's request, the county agency must arrange for transportation and child care or reimburse the participant for transportation and child care expenses necessary to enable participants to attend the screening under subdivision 3a and orientation under section 256J.45.

Sec. 7. Minnesota Statutes 2012, section 256J.20, subdivision 3, is amended to read:

Subd. 3. **Other property limitations.** To be eligible for MFIP, the equity value of all nonexcluded real and personal property of the assistance unit must not exceed \$2,000 for applicants and \$5,000 for ongoing participants. The value of assets in clauses (1) to (19) must be excluded when determining the equity value of real and personal property:

(1) a licensed vehicle up to a ~~loan~~ trade-in value of less than or equal to \$10,000. If the assistance unit owns more than one licensed vehicle, the county agency shall determine the ~~loan~~ trade-in value of all additional vehicles and exclude the combined ~~loan~~ trade-in value of less than or equal to \$7,500. The county agency shall apply any excess ~~loan~~ trade-in value as if it were equity value to the asset limit described in this



section, excluding: (i) the value of one vehicle per physically disabled person when the vehicle is needed to transport the disabled unit member; this exclusion does not apply to mentally disabled people; (ii) the value of special equipment for a disabled member of the assistance unit; and (iii) any vehicle used for long-distance travel, other than daily commuting, for the employment of a unit member.

To establish the ~~loan~~ trade-in value of vehicles, a county agency must use the N.A.D.A. ~~Official Used Car Guide, Midwest Edition, for newer model cars~~ online car values and car prices guide. When a vehicle is not listed in the ~~guidebook~~, or when the applicant or participant disputes the ~~loan~~ trade-in value listed in the ~~guidebook~~ online guide as unreasonable given the condition of the particular vehicle, the county agency may require the applicant or participant document the ~~loan~~ trade-in value by securing a written statement from a motor vehicle dealer licensed under section 168.27, stating the amount that the dealer would pay to purchase the vehicle. The county agency shall reimburse the applicant or participant for the cost of a written statement that documents a lower loan value;

(2) the value of life insurance policies for members of the assistance unit;

(3) one burial plot per member of an assistance unit;

(4) the value of personal property needed to produce earned income, including tools, implements, farm animals, inventory, business loans, business checking and savings accounts used at least annually and used exclusively for the operation of a self-employment business, and any motor vehicles if at least 50 percent of the vehicle's use is to produce income and if the vehicles are essential for the self-employment business;

(5) the value of personal property not otherwise specified which is commonly used by household members in day-to-day living such as clothing, necessary household furniture, equipment, and other basic maintenance items essential for daily living;

(6) the value of real and personal property owned by a recipient of Supplemental Security Income or Minnesota supplemental aid;

(7) the value of corrective payments, but only for the month in which the payment is received and for the following month;

(8) a mobile home or other vehicle used by an applicant or participant as the applicant's or participant's home;

(9) money in a separate escrow account that is needed to pay real estate taxes or insurance and that is used for this purpose;

(10) money held in escrow to cover employee FICA, employee tax withholding, sales tax withholding, employee worker compensation, business insurance, property rental, property taxes, and other costs that are paid at least annually, but less often than monthly;

10.1 (11) monthly assistance payments for the current month's or short-term emergency  
10.2 needs under section 256J.626, subdivision 2;

10.3 (12) the value of school loans, grants, or scholarships for the period they are  
10.4 intended to cover;

10.5 (13) payments listed in section 256J.21, subdivision 2, clause (9), which are held in  
10.6 escrow for a period not to exceed three months to replace or repair personal or real property;

10.7 (14) income received in a budget month through the end of the payment month;

10.8 (15) savings from earned income of a minor child or a minor parent that are set aside  
10.9 in a separate account designated specifically for future education or employment costs;

10.10 (16) the federal earned income credit, Minnesota working family credit, state and  
10.11 federal income tax refunds, state homeowners and renters credits under chapter 290A,  
10.12 property tax rebates and other federal or state tax rebates in the month received and the  
10.13 following month;

10.14 (17) payments excluded under federal law as long as those payments are held in a  
10.15 separate account from any nonexcluded funds;

10.16 (18) the assets of children ineligible to receive MFIP benefits because foster care or  
10.17 adoption assistance payments are made on their behalf; and

10.18 (19) the assets of persons whose income is excluded under section 256J.21,  
10.19 subdivision 2, clause (43).

10.20 Sec. 8. Minnesota Statutes 2012, section 256J.21, subdivision 2, is amended to read:

10.21 Subd. 2. **Income exclusions.** The following must be excluded in determining a  
10.22 family's available income:

10.23 (1) payments for basic care, difficulty of care, and clothing allowances received for  
10.24 providing family foster care to children or adults under Minnesota Rules, parts 9555.5050  
10.25 to 9555.6265, 9560.0521, and 9560.0650 to 9560.0655, and payments received and used  
10.26 for care and maintenance of a third-party beneficiary who is not a household member;

10.27 (2) reimbursements for employment training received through the Workforce  
10.28 Investment Act of 1998, United States Code, title 20, chapter 73, section 9201;

10.29 (3) reimbursement for out-of-pocket expenses incurred while performing volunteer  
10.30 services, jury duty, employment, or informal carpooling arrangements directly related to  
10.31 employment;

10.32 (4) all educational assistance, except the county agency must count graduate student  
10.33 teaching assistantships, fellowships, and other similar paid work as earned income and,  
10.34 after allowing deductions for any unmet and necessary educational expenses, shall

- 11.1 count scholarships or grants awarded to graduate students that do not require teaching  
11.2 or research as unearned income;
- 11.3 (5) loans, regardless of purpose, from public or private lending institutions,  
11.4 governmental lending institutions, or governmental agencies;
- 11.5 (6) loans from private individuals, regardless of purpose, provided an applicant or  
11.6 participant documents that the lender expects repayment;
- 11.7 (7)(i) state income tax refunds; and  
11.8 (ii) federal income tax refunds;
- 11.9 (8)(i) federal earned income credits;  
11.10 (ii) Minnesota working family credits;  
11.11 (iii) state homeowners and renters credits under chapter 290A; and  
11.12 (iv) federal or state tax rebates;
- 11.13 (9) funds received for reimbursement, replacement, or rebate of personal or real  
11.14 property when these payments are made by public agencies, awarded by a court, solicited  
11.15 through public appeal, or made as a grant by a federal agency, state or local government,  
11.16 or disaster assistance organizations, subsequent to a presidential declaration of disaster;
- 11.17 (10) the portion of an insurance settlement that is used to pay medical, funeral, and  
11.18 burial expenses, or to repair or replace insured property;
- 11.19 (11) reimbursements for medical expenses that cannot be paid by medical assistance;
- 11.20 (12) payments by a vocational rehabilitation program administered by the state  
11.21 under chapter 268A, except those payments that are for current living expenses;
- 11.22 (13) in-kind income, including any payments directly made by a third party to a  
11.23 provider of goods and services;
- 11.24 (14) assistance payments to correct underpayments, but only for the month in which  
11.25 the payment is received;
- 11.26 (15) payments for short-term emergency needs under section 256J.626, subdivision 2;
- 11.27 (16) funeral and cemetery payments as provided by section 256.935;
- 11.28 (17) nonrecurring cash gifts of \$30 or less, not exceeding \$30 per participant in  
11.29 a calendar month;
- 11.30 (18) any form of energy assistance payment made through Public Law 97-35,  
11.31 Low-Income Home Energy Assistance Act of 1981, payments made directly to energy  
11.32 providers by other public and private agencies, and any form of credit or rebate payment  
11.33 issued by energy providers;
- 11.34 (19) Supplemental Security Income (SSI), including retroactive SSI payments and  
11.35 other income of an SSI recipient, except as described in section 256J.37, subdivision 3b;
- 11.36 (20) Minnesota supplemental aid, including retroactive payments;

- 12.1 (21) proceeds from the sale of real or personal property;
- 12.2 (22) state adoption assistance payments under ~~section 259.67~~ chapter 259A, and
- 12.3 ~~up to an equal amount of county adoption assistance payments~~ Minnesota Permanency
- 12.4 Demonstration title IV-E waiver payments under section 256.01, subdivision 14a;
- 12.5 (23) state-funded family subsidy program payments made under section 252.32 to
- 12.6 help families care for children with developmental disabilities, consumer support grant
- 12.7 funds under section 256.476, and resources and services for a disabled household member
- 12.8 under one of the home and community-based waiver services programs under chapter 256B;
- 12.9 (24) interest payments and dividends from property that is not excluded from and
- 12.10 that does not exceed the asset limit;
- 12.11 (25) rent rebates;
- 12.12 (26) income earned by a minor caregiver, minor child through age 6, or a minor
- 12.13 child who is at least a half-time student in an approved elementary or secondary education
- 12.14 program;
- 12.15 (27) income earned by a caregiver under age 20 who is at least a half-time student in
- 12.16 an approved elementary or secondary education program;
- 12.17 (28) MFIP child care payments under section 119B.05;
- 12.18 (29) all other payments made through MFIP to support a caregiver's pursuit of
- 12.19 greater economic stability;
- 12.20 (30) income a participant receives related to shared living expenses;
- 12.21 (31) reverse mortgages;
- 12.22 (32) benefits provided by the Child Nutrition Act of 1966, United States Code, title
- 12.23 42, chapter 13A, sections 1771 to 1790;
- 12.24 (33) benefits provided by the women, infants, and children (WIC) nutrition program,
- 12.25 United States Code, title 42, chapter 13A, section 1786;
- 12.26 (34) benefits from the National School Lunch Act, United States Code, title 42,
- 12.27 chapter 13, sections 1751 to 1769e;
- 12.28 (35) relocation assistance for displaced persons under the Uniform Relocation
- 12.29 Assistance and Real Property Acquisition Policies Act of 1970, United States Code, title
- 12.30 42, chapter 61, subchapter II, section 4636, or the National Housing Act, United States
- 12.31 Code, title 12, chapter 13, sections 1701 to 1750jj;
- 12.32 (36) benefits from the Trade Act of 1974, United States Code, title 19, chapter
- 12.33 12, part 2, sections 2271 to 2322;
- 12.34 (37) war reparations payments to Japanese Americans and Aleuts under United
- 12.35 States Code, title 50, sections 1989 to 1989d;

13.1 (38) payments to veterans or their dependents as a result of legal settlements  
13.2 regarding Agent Orange or other chemical exposure under Public Law 101-239, section  
13.3 10405, paragraph (a)(2)(E);

13.4 (39) income that is otherwise specifically excluded from MFIP consideration in  
13.5 federal law, state law, or federal regulation;

13.6 (40) security and utility deposit refunds;

13.7 (41) American Indian tribal land settlements excluded under Public Laws 98-123,  
13.8 98-124, and 99-377 to the Mississippi Band Chippewa Indians of White Earth, Leech  
13.9 Lake, and Mille Lacs reservations and payments to members of the White Earth Band,  
13.10 under United States Code, title 25, chapter 9, section 331, and chapter 16, section 1407;

13.11 (42) all income of the minor parent's parents and stepparents when determining the  
13.12 grant for the minor parent in households that include a minor parent living with parents or  
13.13 stepparents on MFIP with other children;

13.14 (43) income of the minor parent's parents and stepparents equal to 200 percent of the  
13.15 federal poverty guideline for a family size not including the minor parent and the minor  
13.16 parent's child in households that include a minor parent living with parents or stepparents  
13.17 not on MFIP when determining the grant for the minor parent. The remainder of income is  
13.18 deemed as specified in section 256J.37, subdivision 1b;

13.19 (44) payments made to children eligible for relative custody assistance under section  
13.20 257.85;

13.21 (45) vendor payments for goods and services made on behalf of a client unless the  
13.22 client has the option of receiving the payment in cash;

13.23 (46) the principal portion of a contract for deed payment; and

13.24 (47) cash payments to individuals enrolled for full-time service as a volunteer under  
13.25 AmeriCorps programs including AmeriCorps VISTA, AmeriCorps State, AmeriCorps  
13.26 National, and AmeriCorps NCCC.

13.27 Sec. 9. Minnesota Statutes 2012, section 256J.24, subdivision 3, is amended to read:

13.28 Subd. 3. **Individuals who must be excluded from an assistance unit.** (a) The  
13.29 following individuals who are part of the assistance unit determined under subdivision 2  
13.30 are ineligible to receive MFIP:

13.31 (1) individuals who are recipients of Supplemental Security Income or Minnesota  
13.32 supplemental aid;

13.33 (2) individuals disqualified from the food stamp or food support program or MFIP,  
13.34 until the disqualification ends;

14.1 (3) children on whose behalf federal, state or local foster care payments are made,  
14.2 except as provided in sections 256J.13, subdivision 2, and 256J.74, subdivision 2;

14.3 (4) children receiving ~~ongoing monthly~~ adoption assistance payments under section  
14.4 ~~259.67~~ chapter 259A or children receiving Minnesota Permanency Demonstration title  
14.5 IV-E waiver payments under section 256.01, subdivision 14a; and

14.6 (5) individuals disqualified from the work participation cash benefit program until  
14.7 that disqualification ends.

14.8 (b) The exclusion of a person under this subdivision does not alter the mandatory  
14.9 assistance unit composition.

14.10 Sec. 10. Minnesota Statutes 2012, section 256J.30, subdivision 4, is amended to read:

14.11 Subd. 4. **Participant's completion of recertification of eligibility form.** A  
14.12 participant must complete forms prescribed by the commissioner which are required  
14.13 for recertification of eligibility according to section 256J.32, subdivision 6. A county  
14.14 agency must end benefits when the participant fails to submit the recertification form and  
14.15 verifications and complete the interview process before the end of the certification period.  
14.16 If the participant submits the recertification form by the last day of the certification period,  
14.17 benefits may be reinstated back to the date of closing when the recertification process is  
14.18 completed during the first month after benefits ended.

14.19 Sec. 11. Minnesota Statutes 2012, section 256J.30, subdivision 12, is amended to read:

14.20 Subd. 12. **Requirement to provide Social Security numbers.** Each member  
14.21 of the assistance unit must provide the member's Social Security number to the county  
14.22 agency, except for members in the assistance unit who are qualified noncitizens who are  
14.23 victims of domestic violence as defined under section 256J.08, subdivision 73, ~~clause (7)~~  
14.24 clauses (8) and (9). When a Social Security number is not provided to the county agency  
14.25 for verification, this requirement is satisfied when each member of the assistance unit  
14.26 cooperates with the procedures for verification of numbers, issuance of duplicate cards,  
14.27 and issuance of new numbers which have been established jointly between the Social  
14.28 Security Administration and the commissioner.

14.29 Sec. 12. Minnesota Statutes 2012, section 256J.32, subdivision 6, is amended to read:

14.30 Subd. 6. **Recertification.** (a) The county agency shall recertify eligibility in an  
14.31 annual ~~face-to-face~~ interview with the participant. ~~The county agency may waive the~~  
14.32 ~~face-to-face interview and conduct a phone interview for participants who qualify under~~  
14.33 ~~paragraph (b).~~ The interview may be conducted by phone, Internet telepresence, or

15.1 face-to-face in the county office or in another location mutually agreed upon. During the  
 15.2 interview, the county agency shall verify the following:

- 15.3 (1) presence of the minor child in the home, if questionable;
- 15.4 (2) income, unless excluded, including self-employment expenses used as a  
 15.5 deduction or deposits or withdrawals from business accounts;
- 15.6 (3) assets when the value is within \$200 of the asset limit;
- 15.7 (4) information to establish an exception under section 256J.24, subdivision 9, if  
 15.8 questionable;
- 15.9 (5) inconsistent information, if related to eligibility; and
- 15.10 (6) whether a single caregiver household meets requirements in section 256J.575,  
 15.11 subdivision 3.

15.12 (b) A participant ~~who is employed any number of hours~~ must be given the option  
 15.13 ~~of conducting a face-to-face or a phone interview or Internet telepresence~~ to recertify  
 15.14 eligibility. ~~The participant must be employed at the time the interview is scheduled. If~~  
 15.15 ~~the participant loses the participant's job between the time the interview is scheduled and~~  
 15.16 ~~when it is to be conducted, the phone interview may still be conducted.~~

15.17 Sec. 13. Minnesota Statutes 2012, section 256J.32, subdivision 8, is amended to read:

15.18 Subd. 8. **Personal statement.** (a) The county agency may accept a signed personal  
 15.19 statement from the applicant or participant explaining the reasons that the documentation  
 15.20 requested in subdivision 2 is unavailable as sufficient documentation at the time of  
 15.21 application, recertification, or change related to eligibility only for the following factors:

- 15.22 (1) a claim of family violence if used as a basis to qualify for the family violence  
 15.23 waiver;
- 15.24 (2) information needed to establish an exception under section 256J.24, subdivision 9;
- 15.25 (3) relationship of a minor child to caregivers in the assistance unit;
- 15.26 (4) citizenship status from a noncitizen who reports to be, or is identified as, a victim  
 15.27 of severe forms of trafficking in persons, if the noncitizen reports that the noncitizen's  
 15.28 immigration documents are being held by an individual or group of individuals against the  
 15.29 noncitizen's will. The noncitizen must follow up with the Office of Refugee Resettlement  
 15.30 (ORR) to pursue certification. If verification that certification is being pursued is not  
 15.31 received within 30 days, the MFIP case must be closed and the agency shall pursue  
 15.32 overpayments. The ORR documents certifying the noncitizen's status as a victim of  
 15.33 severe forms of trafficking in persons, or the reason for the delay in processing, must be  
 15.34 received within 90 days, or the MFIP case must be closed and the agency shall pursue  
 15.35 overpayments; and

(5) other documentation unavailable for reasons beyond the control of the applicant or participant. Reasonable attempts must have been made to obtain the documents requested under subdivision 2.

(b) After meeting all requirements under section 256J.09, if a county agency determines that an applicant is ineligible due to exceeding limits under sections 256J.20 and 256J.21, a county agency may accept a signed personal statement from the applicant as verification.

Sec. 14. Minnesota Statutes 2012, section 256J.38, subdivision 6, is amended to read:

Subd. 6. **Scope of underpayments.** A county agency must issue a corrective payment for underpayments made to a participant or to a person who would be a participant if an agency or client error causing the underpayment had not occurred. Corrective payments are limited to 12 months prior to the month of discovery. The county agency must issue the corrective payment according to subdivision 8.

Sec. 15. Minnesota Statutes 2012, section 256J.49, subdivision 13, is amended to read:

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

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

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

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



17.1 (i) the ~~unpaid~~ uncompensated work experience will provide the participant specific  
17.2 skills or experience that cannot be obtained through other work activity options where the  
17.3 participant resides or is willing to reside; and

17.4 (ii) the skills or experience gained through the ~~unpaid~~ uncompensated work  
17.5 experience will result in higher wages for the participant than the participant could earn  
17.6 without the ~~unpaid~~ uncompensated work experience;

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

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

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

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

17.19 (8) activities included in the employment plan that is developed under section  
17.20 256J.521, subdivision 3; and

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

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

17.26 Sec. 16. Minnesota Statutes 2012, section 256J.521, subdivision 1, is amended to read:

17.27 Subdivision 1. **Assessments.** (a) For purposes of MFIP employment services,  
17.28 assessment is a continuing process of gathering information related to employability  
17.29 for the purpose of identifying both participant's strengths and strategies for coping with  
17.30 issues that interfere with employment. The job counselor must use information from the  
17.31 assessment process to develop and update the employment plan under subdivision 2 or  
17.32 3, as appropriate, to determine whether the participant qualifies for a family violence  
17.33 waiver including an employment plan under subdivision 3, and to determine whether the  
17.34 participant should be referred to family stabilization services under section 256J.575.

17.35 (b) The scope of assessment must cover at least the following areas:

18.1 (1) basic information about the participant's ability to obtain and retain employment,  
18.2 including: a review of the participant's education level; interests, skills, and abilities; prior  
18.3 employment or work experience; transferable work skills; child care and transportation  
18.4 needs;

18.5 (2) identification of personal and family circumstances that impact the participant's  
18.6 ability to obtain and retain employment, including: any special needs of the children, the  
18.7 level of English proficiency, family violence issues, and any involvement with social  
18.8 services or the legal system;

18.9 (3) the results of a mental and chemical health screening tool designed by the  
18.10 commissioner and results of the brief screening tool for special learning needs. Screening  
18.11 tools for mental and chemical health and special learning needs must be approved by the  
18.12 commissioner and may only be administered by job counselors or county staff trained in  
18.13 using such screening tools. The commissioner shall work with county agencies to develop  
18.14 protocols for referrals and follow-up actions after screens are administered to participants,  
18.15 including guidance on how employment plans may be modified based upon outcomes  
18.16 of certain screens. Participants must be told of the purpose of the screens and how the  
18.17 information will be used to assist the participant in identifying and overcoming barriers to  
18.18 employment. Screening for mental and chemical health and special learning needs must  
18.19 be completed by participants ~~who are unable to find suitable employment after six weeks~~  
18.20 ~~of job search under subdivision 2, paragraph (b), and participants who are determined~~  
18.21 ~~to have barriers to employment under subdivision 2, paragraph (d) three months after~~  
18.22 development of the initial employment plan or earlier if there is a documented need.

18.23 Failure to complete the screens will result in sanction under section 256J.46; and

18.24 (4) a comprehensive review of participation and progress for participants who have  
18.25 received MFIP assistance and have not worked in unsubsidized employment during the  
18.26 past 12 months. The purpose of the review is to determine the need for additional services  
18.27 and supports, including placement in subsidized employment or unpaid work experience  
18.28 under section 256J.49, subdivision 13, or referral to family stabilization services under  
18.29 section 256J.575.

18.30 (c) Information gathered during a caregiver's participation in the diversionary work  
18.31 program under section 256J.95 must be incorporated into the assessment process.

18.32 (d) The job counselor may require the participant to complete a professional chemical  
18.33 use assessment to be performed according to the rules adopted under section 254A.03,  
18.34 subdivision 3, including provisions in the administrative rules which recognize the cultural  
18.35 background of the participant, or a professional psychological assessment as a component  
18.36 of the assessment process, when the job counselor has a reasonable belief, based on

19.1 objective evidence, that a participant's ability to obtain and retain suitable employment  
19.2 is impaired by a medical condition. The job counselor may assist the participant with  
19.3 arranging services, including child care assistance and transportation, necessary to meet  
19.4 needs identified by the assessment. Data gathered as part of a professional assessment  
19.5 must be classified and disclosed according to the provisions in section 13.46.

19.6 Sec. 17. Minnesota Statutes 2012, section 256J.521, subdivision 2, is amended to read:

19.7 Subd. 2. **Employment plan; contents.** (a) Based on the assessment under  
19.8 subdivision 1, the job counselor and the participant must develop an employment plan  
19.9 that includes participation in activities and hours that meet the requirements of section  
19.10 256J.55, subdivision 1. The purpose of the employment plan is to identify for each  
19.11 participant the most direct path to unsubsidized employment and any subsequent steps that  
19.12 support long-term economic stability. The employment plan should be developed using  
19.13 the highest level of activity appropriate for the participant. Activities must be chosen from  
19.14 clauses (1) to (6), which are listed in order of preference. Notwithstanding this order of  
19.15 preference for activities, priority must be given for activities related to a family violence  
19.16 waiver when developing the employment plan. The employment plan must also list the  
19.17 specific steps the participant will take to obtain employment, including steps necessary  
19.18 for the participant to progress from one level of activity to another, and a timetable for  
19.19 completion of each step. Levels of activity include:

19.20 (1) unsubsidized employment;  
19.21 (2) job search;  
19.22 (3) subsidized employment or unpaid work experience;  
19.23 (4) unsubsidized employment and job readiness education or job skills training;  
19.24 (5) unsubsidized employment or unpaid work experience and activities related to  
19.25 a family violence waiver or preemployment needs; and

19.26 (6) activities related to a family violence waiver or preemployment needs.

19.27 (b) Participants who are determined to possess sufficient skills such that the  
19.28 participant is likely to succeed in obtaining unsubsidized employment must job search at  
19.29 least 30 hours per week for up to ~~six weeks~~ three months and accept any offer of suitable  
19.30 employment. The remaining hours necessary to meet the requirements of section 256J.55,  
19.31 subdivision 1, may be met through participation in other work activities under section  
19.32 256J.49, subdivision 13. The participant's employment plan must specify, at a minimum:  
19.33 (1) whether the job search is ~~supervised or unsupervised~~ on site or self-directed; (2)  
19.34 support services that will be provided; and (3) how frequently the participant must report  
19.35 to the job counselor. Participants who are unable to find suitable employment after ~~six~~

20.1 ~~weeks~~ three months must meet with the job counselor to determine whether other activities  
20.2 in paragraph (a) should be incorporated into the employment plan. Job search activities  
20.3 which are continued after ~~six weeks~~ three months must be structured and supervised.

20.4 (c) Participants who are determined to have barriers to obtaining or maintaining  
20.5 suitable employment that will not be overcome during ~~six weeks~~ three months of job  
20.6 search under paragraph (b) must work with the job counselor to develop an employment  
20.7 plan that addresses those barriers by incorporating appropriate activities from paragraph  
20.8 (a), clauses (1) to (6). The employment plan must include enough hours to meet the  
20.9 participation requirements in section 256J.55, subdivision 1, unless a compelling reason to  
20.10 require fewer hours is noted in the participant's file.

20.11 (d) The job counselor and the participant must sign the employment plan to indicate  
20.12 agreement on the contents.

20.13 (e) Except as provided under paragraph (f), failure to develop or comply with  
20.14 activities in the plan, or voluntarily quitting suitable employment without good cause, will  
20.15 result in the imposition of a sanction under section 256J.46.

20.16 (f) When a participant fails to meet the agreed-upon hours of participation in paid  
20.17 employment because the participant is not eligible for holiday pay and the participant's  
20.18 place of employment is closed for a holiday, the job counselor shall not impose a sanction  
20.19 or increase the hours of participation in any other activity, including paid employment, to  
20.20 offset the hours that were missed due to the holiday.

20.21 (g) Employment plans must be reviewed at least every three months to determine  
20.22 whether activities and hourly requirements should be revised. The job counselor is  
20.23 encouraged to allow participants who are participating in at least 20 hours of work  
20.24 activities to also participate in education and training activities in order to meet the federal  
20.25 hourly participation rates.

20.26 Sec. 18. Minnesota Statutes 2012, section 256J.53, subdivision 2, is amended to read:

20.27 Subd. 2. **Approval of postsecondary education or training.** (a) In order for a  
20.28 postsecondary education or training program to be an approved activity in an employment  
20.29 plan, the plan must include additional work activities if the education and training  
20.30 activities do not meet the minimum hours required to meet the federal work participation  
20.31 rate under Code of Federal Regulations, title 45, sections 261.31 and 261.35.

20.32 (b) Participants seeking approval of a postsecondary education or training plan must  
20.33 ~~provide documentation~~ work with the job counselor to document that:

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

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

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

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

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

21.9 Sec. 19. Minnesota Statutes 2012, section 256J.53, subdivision 5, is amended to read:

21.10 Subd. 5. **Requirements after postsecondary education or training.** Upon  
21.11 completion of an approved education or training program, a participant who does not meet  
21.12 the participation requirements in section 256J.55, subdivision 1, through unsubsidized  
21.13 employment must participate in job search. If, after ~~six weeks~~ three months of job search,  
21.14 the participant does not find a full-time job consistent with the employment goal, the  
21.15 participant must accept any offer of full-time suitable employment, or meet with the job  
21.16 counselor to revise the employment plan to include additional work activities necessary to  
21.17 meet hourly requirements.

21.18 Sec. 20. Minnesota Statutes 2012, section 256J.575, subdivision 7, is amended to read:

21.19 Subd. 7. **Sanctions.** (a) The county agency or employment services provider must  
21.20 follow the requirements of this subdivision at the time the county agency or employment  
21.21 services provider has information that an MFIP recipient may meet the eligibility criteria  
21.22 in subdivision 3.

21.23 (b) The financial assistance grant of a participating family is reduced according to  
21.24 section 256J.46, if a participating adult fails without good cause to comply or continue  
21.25 to comply with the family stabilization plan requirements in this subdivision, ~~unless~~  
21.26 ~~compliance has been excused under subdivision 6, paragraph (d).~~

21.27 (c) Given the purpose of the family stabilization services in this section and the  
21.28 nature of the underlying family circumstances that act as barriers to both employment  
21.29 and full compliance with program requirements, there must be a review by the county  
21.30 agency prior to imposing a sanction to determine whether the plan was ~~appropriated~~  
21.31 appropriate to the needs of the participant and family. ~~There must be a current assessment~~  
21.32 ~~by a behavioral health or medical professional confirming that the participant in all ways~~  
21.33 ~~had the ability to comply with the plan.~~ Ability to comply with the plan is determined in  
21.34 clauses (1) to (4). For participants who meet:

22.1 (1) ill or incapacitated eligibility criteria under section 256J.425, subdivision 2,  
22.2 or hard-to-employ criteria for developmental disability, mental illness, unemployable,  
22.3 IQ below 80, or learning disability under section 256J.425, subdivision 3, paragraph  
22.4 (a), clause (1), (2), or (3), there must be a current assessment by a behavioral health or  
22.5 medical professional confirming that the participant in all ways had the ability to comply  
22.6 with the plan;

22.7 (2) family violence eligibility criteria under section 256J.425, subdivision 3,  
22.8 paragraph (a), clause (4), there must be a determination by a job counselor in consultation  
22.9 with a domestic violence advocate that the participant had the ability to comply;

22.10 (3) noncitizen eligibility criteria under subdivision 3, paragraph (a), clause (3), there  
22.11 must be a determination by a bilingual supervisor, a supervisor in consultation with a  
22.12 bilingual job counselor, or a supervisor and a job counselor if a bilingual supervisor or job  
22.13 counselor is not available, that the participant had the ability to comply; and

22.14 (4) age eligibility criteria under subdivision 3, paragraph (a), clause (4), there must  
22.15 be a determination by a supervisor that the participant had the ability to comply.

22.16 (d) Prior to the imposition of a sanction, the county agency or employment services  
22.17 provider shall review the participant's case to determine if the family stabilization plan  
22.18 is still appropriate and meet with the participant face-to-face. The county agency or  
22.19 employment services provider must inform the participant of the right to bring an advocate  
22.20 to the face-to-face meeting.

22.21 During the face-to-face meeting, the county agency shall:

22.22 (1) determine whether the continued noncompliance can be explained and mitigated  
22.23 by providing a needed family stabilization service, as defined in subdivision 2, paragraph  
22.24 (d);

22.25 (2) determine whether the participant qualifies for a good cause exception under  
22.26 section 256J.57, or if the sanction is for noncooperation with child support requirements,  
22.27 determine if the participant qualifies for a good cause exemption under section 256.741,  
22.28 subdivision 10;

22.29 (3) determine whether activities in the family stabilization plan are appropriate  
22.30 based on the family's circumstances;

22.31 (4) explain the consequences of continuing noncompliance;

22.32 (5) identify other resources that may be available to the participant to meet the  
22.33 needs of the family; and

22.34 (6) inform the participant of the right to appeal under section 256J.40.

22.35 If the lack of an identified activity or service can explain the noncompliance, the  
22.36 county shall work with the participant to provide the identified activity.

23.1 (e) If the participant fails to come to the face-to-face meeting, the case manager or a  
23.2 designee shall attempt at least one home visit. If a face-to-face meeting is not conducted,  
23.3 the county agency shall send the participant a written notice that includes the information  
23.4 under paragraph (d).

23.5 (f) After the requirements of paragraphs (d) and (e) are met and prior to imposition  
23.6 of a sanction, the county agency shall provide a notice of intent to sanction under section  
23.7 256J.57, subdivision 2, and, when applicable, a notice of adverse action under section  
23.8 256J.31.

23.9 (g) Section 256J.57 applies to this section except to the extent that it is modified  
23.10 by this subdivision.

23.11 Sec. 21. Minnesota Statutes 2012, section 256J.621, is amended to read:

23.12 **256J.621 WORK PARTICIPATION CASH BENEFITS.**

23.13 (a) ~~Effective October 1, 2009, upon exiting the diversionary work program (DWP)~~  
23.14 ~~or upon terminating~~ Within 30 days of exiting the Minnesota family investment program  
23.15 with earnings, a participant who is employed may be eligible the county must assess  
23.16 eligibility for work participation cash benefits of \$25 per month to assist in meeting the  
23.17 family's basic needs as the participant continues to move toward self-sufficiency. Payment  
23.18 begins effective the first of the month following exit or termination for MFIP and DWP  
23.19 participants.

23.20 (b) To be eligible for work participation cash benefits, the participant shall not  
23.21 receive MFIP or diversionary work program assistance during the month and the  
23.22 participant or participants must meet the following work requirements:

23.23 (1) if the participant is a single caregiver and has a child under six years of age, the  
23.24 participant must be employed at least 87 hours per month;

23.25 (2) if the participant is a single caregiver and does not have a child under six years of  
23.26 age, the participant must be employed at least 130 hours per month; or

23.27 (3) if the household is a two-parent family, at least one of the parents must be  
23.28 employed 130 hours per month.

23.29 Whenever a participant exits the diversionary work program or is terminated from  
23.30 MFIP and meets the other criteria in this section, work participation cash benefits are  
23.31 available for up to 24 consecutive months.

23.32 (c) Expenditures on the program are maintenance of effort state funds under  
23.33 a separate state program for participants under paragraph (b), clauses (1) and (2).

23.34 Expenditures for participants under paragraph (b), clause (3), are nonmaintenance of effort

24.1 funds. Months in which a participant receives work participation cash benefits under this  
24.2 section do not count toward the participant's MFIP 60-month time limit.

24.3 Sec. 22. Minnesota Statutes 2012, section 256J.626, subdivision 7, is amended to read:

24.4 Subd. 7. **Performance base funds.** (a) ~~For the purpose of this section, the following~~  
24.5 ~~terms have the meanings given:~~

24.6 (1) ~~"Caseload Reduction Credit" (CRC) means the measure of how much Minnesota~~  
24.7 ~~TANF and separate state program caseload has fallen relative to federal fiscal year 2005~~  
24.8 ~~based on caseload data from October 1 to September 30.~~

24.9 (2) ~~"TANF participation rate target" means a 50 percent participation rate reduced by~~  
24.10 ~~the CRC for the previous year.~~

24.11 ~~(b)~~ (a) For calendar year ~~2010~~ 2014 and yearly thereafter, each county and tribe will  
24.12 must be allocated 95 percent of their initial calendar year allocation. Counties and tribes  
24.13 ~~will~~ must be allocated additional funds based on performance as follows:

24.14 (1) ~~a county or tribe that achieves the TANF participation rate target or a five~~  
24.15 ~~percentage point improvement over the previous year's TANF participation rate under~~  
24.16 ~~section 256J.751, subdivision 2, clause (7), as averaged across 12 consecutive months for~~  
24.17 ~~the most recent year for which the measurements are available, will receive an additional~~  
24.18 ~~allocation equal to 2.5 percent of its initial allocation;~~

24.19 (2) (1) a county or tribe that performs within or above its range of expected  
24.20 performance on the annualized three-year self-support index under section 256J.751,  
24.21 subdivision 2, clause (6), ~~will~~ must receive an additional allocation equal to ~~2.5~~ five  
24.22 percent of its initial allocation; and

24.23 (3) ~~a county or tribe that does not achieve the TANF participation rate target or~~  
24.24 ~~a five percentage point improvement over the previous year's TANF participation rate~~  
24.25 ~~under section 256J.751, subdivision 2, clause (7), as averaged across 12 consecutive~~  
24.26 ~~months for the most recent year for which the measurements are available, will not~~  
24.27 ~~receive an additional 2.5 percent of its initial allocation until after negotiating a multiyear~~  
24.28 ~~improvement plan with the commissioner; or~~

24.29 (4) (2) a county or tribe that does not perform within or above its range of expected  
24.30 performance on the annualized three-year self-support index under section 256J.751,  
24.31 subdivision 2, clause (6), ~~will~~ must not receive an additional allocation equal to ~~2.5~~ five  
24.32 percent of its initial allocation until after negotiating a multiyear improvement plan with  
24.33 the commissioner.

24.34 (e) (b) For calendar year ~~2009~~ 2014 and yearly thereafter, performance-based funds  
24.35 for a federally approved tribal TANF program in which the state and tribe have in place a



25.1 contract under section 256.01, addressing consolidated funding, ~~will~~ must be allocated  
25.2 as follows:

25.3 ~~(1) a tribe that achieves the participation rate approved in its federal TANF plan~~  
25.4 ~~using the average of 12 consecutive months for the most recent year for which the~~  
25.5 ~~measurements are available, will receive an additional allocation equal to 2.5 percent of~~  
25.6 ~~its initial allocation; and~~

25.7 ~~(2)~~ (1) a tribe that performs within or above its range of expected performance on the  
25.8 annualized three-year self-support index under section 256J.751, subdivision 2, clause (6),  
25.9 ~~will~~ must receive an additional allocation equal to 2.5 five percent of its initial allocation; or

25.10 ~~(3) a tribe that does not achieve the participation rate approved in its federal TANF~~  
25.11 ~~plan using the average of 12 consecutive months for the most recent year for which the~~  
25.12 ~~measurements are available, will not receive an additional allocation equal to 2.5 percent~~  
25.13 ~~of its initial allocation until after negotiating a multiyear improvement plan with the~~  
25.14 ~~commissioner; or~~

25.15 ~~(4)~~ (2) a tribe that does not perform within or above its range of expected  
25.16 performance on the annualized three-year self-support index under section 256J.751,  
25.17 subdivision 2, clause (6), ~~will~~ must not receive an additional allocation equal to 2.5 five  
25.18 percent until after negotiating a multiyear improvement plan with the commissioner.

25.19 ~~(d)~~ (c) Funds remaining unallocated after the performance-based allocations in  
25.20 ~~paragraph~~ paragraphs (a) and (b) are available to the commissioner for innovation projects  
25.21 under subdivision 5.

25.22 (1) If available funds are insufficient to meet county and tribal allocations under  
25.23 ~~paragraph~~ paragraphs (a) and (b), the commissioner may make available for allocation  
25.24 funds that are unobligated and available from the innovation projects through the end  
25.25 of the current biennium.

25.26 (2) If after the application of clause (1) funds remain insufficient to meet county and  
25.27 tribal allocations under paragraph (b), the commissioner must proportionally reduce the  
25.28 allocation of each county and tribe with respect to their maximum allocation available  
25.29 under paragraph (a) or (b).

25.30 Sec. 23. Minnesota Statutes 2012, section 256J.626, subdivision 8, is amended to read:

25.31 Subd. 8. **Reporting requirement and reimbursement.** (a) The commissioner shall  
25.32 specify requirements for reporting according to section 256.01, subdivision 2, clause (17).  
25.33 Each county or tribe shall be reimbursed for eligible expenditures up to the limit of its  
25.34 allocation and subject to availability of funds.

26.1 (b) Reimbursements for county administrative-related expenditures determined  
26.2 through the income maintenance random moment time study shall be reimbursed at a  
26.3 rate of 50 percent of eligible expenditures.

26.4 (c) The commissioner of human services shall review county and tribal agency  
26.5 expenditures of the MFIP consolidated fund as appropriate and may reallocate  
26.6 unencumbered or unexpended money appropriated under this section to those county and  
26.7 tribal agencies that can demonstrate a need for additional money as follows:

26.8 ~~(1) to the extent that particular county or tribal allocations are reduced from the~~  
26.9 ~~previous year's amount due to the phase-in under subdivision 6, paragraph (b), clauses (4)~~  
26.10 ~~to (6), those tribes or counties would have first priority for reallocated funds; and~~

26.11 (2) To the extent that unexpended funds are insufficient to cover demonstrated need,  
26.12 funds ~~will~~ must be prorated to those counties and tribes in relation to demonstrated need.

26.13 Sec. 24. Minnesota Statutes 2012, section 256J.67, is amended to read:

26.14 **256J.67 COMMUNITY WORK EXPERIENCE.**

26.15 Subdivision 1. **Establishing the community work experience program.** To the  
26.16 extent of available resources, each county agency may establish and operate a community  
26.17 work experience component for MFIP caregivers who are participating in employment and  
26.18 training services. This option for county agencies supersedes the requirement in section  
26.19 402(a)(1)(B)(iv) of the Social Security Act that caregivers who have received assistance  
26.20 for two months and who are not exempt from work requirements must participate in a  
26.21 work experience program. The purpose of the community work experience component is  
26.22 to enhance the caregiver's employability and self-sufficiency and to provide meaningful,  
26.23 productive work activities. The county shall use this program for an individual after  
26.24 exhausting all other employment opportunities. The county agency shall not require a  
26.25 caregiver to participate in the community work experience program unless the caregiver  
26.26 has been given an opportunity to participate in other work activities.

26.27 Subd. 2. **Commissioner's duties.** The commissioner shall assist counties in the  
26.28 design and implementation of these components.

26.29 Subd. 3. **Employment options.** (a) Work sites developed under this section are  
26.30 limited to projects that serve a useful public service such as: health, social service,  
26.31 environmental protection, education, urban and rural development and redevelopment,  
26.32 welfare, recreation, public facilities, public safety, community service, services to aged  
26.33 or disabled citizens, and child care. To the extent possible, the prior training, skills, and  
26.34 experience of a caregiver must be considered in making appropriate work experience  
26.35 assignments.

27.1 (b) Structured, supervised ~~volunteer~~ uncompensated work with an agency or  
27.2 organization, which is monitored by the county service provider, may, with the approval  
27.3 of the county agency, be used as a community work experience placement.

27.4 (c) As a condition of placing a caregiver in a program under this section, the county  
27.5 agency shall first provide the caregiver the opportunity:

27.6 (1) for placement in suitable subsidized ~~or unsubsidized~~ employment through  
27.7 participation in a job search; or

27.8 (2) for placement in suitable employment through participation in on-the-job  
27.9 training, if such employment is available.

27.10 Subd. 4. **Employment plan.** (a) The caretaker's employment plan must include  
27.11 the length of time needed in the community work experience program, the need to  
27.12 continue job-seeking activities while participating in community work experience, and  
27.13 the caregiver's employment goals.

27.14 (b) After each six months of a caregiver's participation in a community work  
27.15 experience job placement, and at the conclusion of each community work experience  
27.16 assignment under this section, the county agency shall reassess and revise, as appropriate,  
27.17 the caregiver's employment plan.

27.18 (c) A caregiver may claim good cause under section 256J.57, subdivision 1, for  
27.19 failure to cooperate with a community work experience job placement.

27.20 (d) The county agency shall limit the maximum number of hours any participant may  
27.21 work under this section to the amount of the MFIP standard of need divided by the federal  
27.22 or applicable state minimum wage, whichever is higher. After a participant has been  
27.23 assigned to a position for nine months, the participant may not continue in that assignment  
27.24 unless the maximum number of hours a participant works is no greater than the amount of  
27.25 the MFIP standard of need divided by the rate of pay for individuals employed in the same  
27.26 or similar occupations by the same employer at the same site. This limit does not apply if  
27.27 it would prevent a participant from counting toward the federal work participation rate.

27.28 Sec. 25. Minnesota Statutes 2012, section 256J.68, subdivision 1, is amended to read:

27.29 Subdivision 1. **Applicability.** (a) This section must be used to determine payment  
27.30 of any claims resulting from an alleged injury or death of a person participating in a  
27.31 county or a tribal ~~community~~ uncompensated work experience program under section  
27.32 256J.49, subdivision 13, paragraph (a), clause (3), that is approved by the commissioner  
27.33 and is operated by:

27.34 (1) the county agency;

27.35 (2) the tribe;

28.1 (3) a ~~department of the state agency~~; or

28.2 (4) a community-based organization under contract, ~~prior to April 1, 1997~~, with  
 28.3 a tribe or county agency to provide a community an uncompensated work experience  
 28.4 program or a food stamp community work experience employment and training program;  
 28.5 ~~provided the organization has not experienced any individual injury loss or claim greater~~  
 28.6 ~~than \$1,000~~ under section 256D.051.

28.7 (b) ~~This determination method is available to the community-based organization~~  
 28.8 ~~under paragraph (a), clause (4), only for claims incurred by participants in the community~~  
 28.9 ~~work experience program or the food stamp community work experience program.~~

28.10 (e) ~~(b)~~ This determination method section applies to the community work experience  
 28.11 program under section 256J.67, the Supplemental Nutrition Assistance Program  
 28.12 uncompensated work experience programs authorized, and to other uncompensated  
 28.13 work programs approved by the commissioner for persons applying for or receiving  
 28.14 cash assistance and food stamps, and to the Minnesota parent's fair share program, in a  
 28.15 county with an approved community investment program for obligors. Uncompensated  
 28.16 work experience programs are considered to be approved by the commissioner if they  
 28.17 are included in an approved tribal or county biennial service agreement under section  
 28.18 256J.626, subdivision 4.

28.19 Sec. 26. Minnesota Statutes 2012, section 256J.68, subdivision 2, is amended to read:

28.20 Subd. 2. **Investigation of the claim.** Claims that are subject to this section  
 28.21 must be investigated by the county agency or ~~the tribal program~~ tribe responsible for  
 28.22 supervising the placing a participant in an uncompensated work experience program to  
 28.23 determine whether the claimed injury occurred, whether the claimed medical expenses  
 28.24 are reasonable, and whether the loss is covered by the claimant's insurance. If insurance  
 28.25 coverage is established, the county agency or ~~tribal program~~ tribe shall submit the claim to  
 28.26 the appropriate insurance entity for payment. The investigating county agency or ~~tribal~~  
 28.27 ~~program~~ tribe shall submit all valid remaining claims, in the amount net of any insurance  
 28.28 payments, to the Department of Human Services.

28.29 Sec. 27. Minnesota Statutes 2012, section 256J.68, subdivision 4, is amended to read:

28.30 Subd. 4. **Claims less than \$1,000.** The commissioner shall approve a claim of  
 28.31 \$1,000 or less for payment if appropriated funds are available, if the county agency  
 28.32 or ~~tribal program~~ tribe responsible for supervising the placing a participant in an  
 28.33 uncompensated work experience program has made the determinations required by this  
 28.34 section, and if the work program was operated in compliance with the safety provisions

29.1 of this section. The commissioner shall pay the portion of an approved claim of \$1,000  
29.2 or less that is not covered by the claimant's insurance within three months of the date  
29.3 of submission. On or before February 1 of each year, the commissioner shall submit  
29.4 to the appropriate committees of the senate and the house of representatives a list of  
29.5 claims of \$1,000 or less paid during the preceding calendar year and shall be reimbursed  
29.6 by legislative appropriation for any claims that exceed the original appropriation  
29.7 provided to the commissioner to operate ~~this program~~ the injury protection program for  
29.8 uncompensated work experience participants. Any unspent money from this appropriation  
29.9 shall carry over to the second year of the biennium, and any unspent money remaining at  
29.10 the end of the second year shall be returned to the state general fund.

29.11 Sec. 28. Minnesota Statutes 2012, section 256J.68, subdivision 7, is amended to read:

29.12 Subd. 7. **Exclusive procedure.** The ~~procedure~~ procedures established by this  
29.13 section ~~is~~ apply to uncompensated work experience programs under subdivision 1 and are  
29.14 exclusive of all other legal, equitable, and statutory remedies against the state, its political  
29.15 subdivisions, or employees of the state or its political subdivisions under section 13.02,  
29.16 subdivision 11. The claimant shall not be entitled to seek damages from any state, county,  
29.17 tribal, or reservation insurance policy or self-insurance program. A provider who accepts  
29.18 or agrees to accept an injury protection program payment for services provided to an  
29.19 individual must not require any payment from the individual.

29.20 Sec. 29. Minnesota Statutes 2012, section 256J.68, subdivision 8, is amended to read:

29.21 Subd. 8. **Invalid claims.** A claim is ~~not valid~~ invalid for purposes of this section  
29.22 if the county agency or tribe responsible for ~~supervising the work~~ placing a participant  
29.23 cannot verify to the commissioner:

29.24 (1) that appropriate safety training and information is provided to all persons being  
29.25 supervised by the ~~agency~~ uncompensated work experience site under this section; and

29.26 (2) that all programs ~~involving work by those persons~~ under subdivision 1 comply  
29.27 with federal Occupational Safety and Health Administration and state Department of  
29.28 Labor and Industry safety standards. ~~A claim that is not valid because of~~ An invalid claim  
29.29 due to a failure to verify safety training or compliance with safety standards will not be  
29.30 paid by the Department of Human Services or through the legislative claims process and  
29.31 must be heard, decided, and paid, if appropriate, by the local government unit county  
29.32 agency or tribal program tribe responsible for ~~supervising the work of~~ placing the claimant.

29.33 Sec. 30. Minnesota Statutes 2012, section 256J.751, subdivision 2, is amended to read:

30.1 Subd. 2. **Quarterly comparison report.** (a) The commissioner shall report  
30.2 quarterly to all counties on each county's performance on the following measures:

30.3 (1) percent of MFIP caseload working in paid employment;

30.4 (2) percent of MFIP caseload receiving only the food portion of assistance;

30.5 (3) number of MFIP cases that have left assistance;

30.6 (4) median placement wage rate;

30.7 (5) caseload by months of TANF assistance;

30.8 (6) percent of MFIP and diversionary work program (DWP) cases off cash assistance  
30.9 or working 30 or more hours per week at one-year, two-year, and three-year follow-up  
30.10 points from a baseline quarter. This measure is called the self-support index. The  
30.11 commissioner shall report quarterly an expected range of performance for each county,  
30.12 county grouping, and tribe on the self-support index. The expected range shall be derived  
30.13 by a statistical methodology developed by the commissioner in consultation with the  
30.14 counties and tribes. The statistical methodology shall control differences across counties  
30.15 in economic conditions and demographics of the MFIP and DWP case load; and

30.16 (7) the TANF work participation rate, defined as the participation requirements  
30.17 specified under Public Law 109-171, the Deficit Reduction Act of 2005.

30.18 (b) The commissioner shall not apply the limits on vocational educational training and  
30.19 education activities under Code of Federal Regulations, title 45, section 261.33(c) when  
30.20 determining TANF work participation rates for individual counties under this subdivision.

30.21 Sec. 31. Minnesota Statutes 2012, section 256K.26, subdivision 4, is amended to read:

30.22 Subd. 4. **County Eligibility.** Counties and tribes are eligible for funding under  
30.23 this section. Priority will be given to proposals submitted on behalf of multicounty and  
30.24 tribal partnerships.

30.25 Sec. 32. Minnesota Statutes 2012, section 626.556, subdivision 2, is amended to read:

30.26 Subd. 2. **Definitions.** As used in this section, the following terms have the meanings  
30.27 given them unless the specific content indicates otherwise:

30.28 (a) "Family assessment" means a comprehensive assessment of child safety, risk  
30.29 of subsequent child maltreatment, and family strengths and needs that is applied to a  
30.30 child maltreatment report that does not allege substantial child endangerment. Family  
30.31 assessment does not include a determination as to whether child maltreatment occurred  
30.32 but does determine the need for services to address the safety of family members and the  
30.33 risk of subsequent maltreatment.

(b) "Investigation" means fact gathering related to the current safety of a child and the risk of subsequent maltreatment that determines whether child maltreatment occurred and whether child protective services are needed. An investigation must be used when reports involve substantial child endangerment, and for reports of maltreatment in facilities required to be licensed under chapter 245A or 245B; under sections 144.50 to 144.58 and 241.021; in a school as defined in sections 120A.05, subdivisions 9, 11, and 13, and 124D.10; or in a nonlicensed personal care provider association as defined in sections 256B.04, subdivision 16, and 256B.0625, subdivision 19a.

(c) "Substantial child endangerment" means a person responsible for a child's care, and in the case of sexual abuse includes a person who has a significant relationship to the child as defined in section 609.341, or a person in a position of authority as defined in section 609.341, who by act or omission commits or attempts to commit an act against a child under their care that constitutes any of the following:

- (1) egregious harm as defined in section 260C.007, subdivision 14;
- (2) sexual abuse as defined in paragraph (d);
- (3) abandonment under section 260C.301, subdivision 2;
- (4) neglect as defined in paragraph (f), clause (2), that substantially endangers the child's physical or mental health, including a growth delay, which may be referred to as failure to thrive, that has been diagnosed by a physician and is due to parental neglect;
- (5) murder in the first, second, or third degree under section 609.185, 609.19, or 609.195;
- (6) manslaughter in the first or second degree under section 609.20 or 609.205;
- (7) assault in the first, second, or third degree under section 609.221, 609.222, or 609.223;
- (8) solicitation, inducement, and promotion of prostitution under section 609.322;
- (9) criminal sexual conduct under sections 609.342 to 609.3451;
- (10) solicitation of children to engage in sexual conduct under section 609.352;
- (11) malicious punishment or neglect or endangerment of a child under section 609.377 or 609.378;
- (12) use of a minor in sexual performance under section 617.246; or
- (13) parental behavior, status, or condition which mandates that the county attorney file a termination of parental rights petition under section 260C.301, subdivision 3, paragraph (a).

(d) "Sexual abuse" means the subjection of a child by a person responsible for the child's care, by a person who has a significant relationship to the child, as defined in section 609.341, or by a person in a position of authority, as defined in section 609.341,

32.1 subdivision 10, to any act which constitutes a violation of section 609.342 (criminal sexual  
32.2 conduct in the first degree), 609.343 (criminal sexual conduct in the second degree),  
32.3 609.344 (criminal sexual conduct in the third degree), 609.345 (criminal sexual conduct  
32.4 in the fourth degree), or 609.3451 (criminal sexual conduct in the fifth degree). Sexual  
32.5 abuse also includes any act which involves a minor which constitutes a violation of  
32.6 prostitution offenses under sections 609.321 to 609.324 or 617.246. Sexual abuse includes  
32.7 threatened sexual abuse which includes the status of a parent or household member  
32.8 who has committed a violation which requires registration as an offender under section  
32.9 243.166, subdivision 1b, paragraph (a) or (b), or required registration under section  
32.10 243.166, subdivision 1b, paragraph (a) or (b).

32.11 (e) "Person responsible for the child's care" means (1) an individual functioning  
32.12 within the family unit and having responsibilities for the care of the child such as a  
32.13 parent, guardian, or other person having similar care responsibilities, or (2) an individual  
32.14 functioning outside the family unit and having responsibilities for the care of the child  
32.15 such as a teacher, school administrator, other school employees or agents, or other lawful  
32.16 custodian of a child having either full-time or short-term care responsibilities including,  
32.17 but not limited to, day care, babysitting whether paid or unpaid, counseling, teaching,  
32.18 and coaching.

32.19 (f) "Neglect" means the commission or omission of any of the acts specified under  
32.20 clauses (1) to (9), other than by accidental means:

32.21 (1) failure by a person responsible for a child's care to supply a child with necessary  
32.22 food, clothing, shelter, health, medical, or other care required for the child's physical or  
32.23 mental health when reasonably able to do so;

32.24 (2) failure to protect a child from conditions or actions that seriously endanger the  
32.25 child's physical or mental health when reasonably able to do so, including a growth delay,  
32.26 which may be referred to as a failure to thrive, that has been diagnosed by a physician and  
32.27 is due to parental neglect;

32.28 (3) failure to provide for necessary supervision or child care arrangements  
32.29 appropriate for a child after considering factors as the child's age, mental ability, physical  
32.30 condition, length of absence, or environment, when the child is unable to care for the  
32.31 child's own basic needs or safety, or the basic needs or safety of another child in their care;

32.32 (4) failure to ensure that the child is educated as defined in sections 120A.22 and  
32.33 260C.163, subdivision 11, which does not include a parent's refusal to provide the parent's  
32.34 child with sympathomimetic medications, consistent with section 125A.091, subdivision 5;

32.35 (5) nothing in this section shall be construed to mean that a child is neglected solely  
32.36 because the child's parent, guardian, or other person responsible for the child's care in



33.1 good faith selects and depends upon spiritual means or prayer for treatment or care of  
33.2 disease or remedial care of the child in lieu of medical care; except that a parent, guardian,  
33.3 or caretaker, or a person mandated to report pursuant to subdivision 3, has a duty to report  
33.4 if a lack of medical care may cause serious danger to the child's health. This section does  
33.5 not impose upon persons, not otherwise legally responsible for providing a child with  
33.6 necessary food, clothing, shelter, education, or medical care, a duty to provide that care;

33.7 (6) prenatal exposure to a controlled substance, as defined in section 253B.02,  
33.8 subdivision 2, used by the mother for a nonmedical purpose, as evidenced by withdrawal  
33.9 symptoms in the child at birth, results of a toxicology test performed on the mother at  
33.10 delivery or the child at birth, medical effects or developmental delays during the child's  
33.11 first year of life that medically indicate prenatal exposure to a controlled substance, or the  
33.12 presence of a fetal alcohol spectrum disorder;

33.13 (7) "medical neglect" as defined in section 260C.007, subdivision 6, clause (5);

33.14 (8) chronic and severe use of alcohol or a controlled substance by a parent or  
33.15 person responsible for the care of the child that adversely affects the child's basic needs  
33.16 and safety; or

33.17 (9) emotional harm from a pattern of behavior which contributes to impaired  
33.18 emotional functioning of the child which may be demonstrated by a substantial and  
33.19 observable effect in the child's behavior, emotional response, or cognition that is not  
33.20 within the normal range for the child's age and stage of development, with due regard to  
33.21 the child's culture.

33.22 (g) "Physical abuse" means any physical injury, mental injury, or threatened injury,  
33.23 inflicted by a person responsible for the child's care on a child other than by accidental  
33.24 means, or any physical or mental injury that cannot reasonably be explained by the child's  
33.25 history of injuries, or any aversive or deprivation procedures, or regulated interventions,  
33.26 that have not been authorized under section 121A.67 or 245.825.

33.27 Abuse does not include reasonable and moderate physical discipline of a child  
33.28 administered by a parent or legal guardian which does not result in an injury. Abuse does  
33.29 not include the use of reasonable force by a teacher, principal, or school employee as  
33.30 allowed by section 121A.582. Actions which are not reasonable and moderate include,  
33.31 but are not limited to, any of the following that are done in anger or without regard to the  
33.32 safety of the child:

33.33 (1) throwing, kicking, burning, biting, or cutting a child;

33.34 (2) striking a child with a closed fist;

33.35 (3) shaking a child under age three;

- 34.1 (4) striking or other actions which result in any nonaccidental injury to a child  
34.2 under 18 months of age;
- 34.3 (5) unreasonable interference with a child's breathing;
- 34.4 (6) threatening a child with a weapon, as defined in section 609.02, subdivision 6;
- 34.5 (7) striking a child under age one on the face or head;
- 34.6 (8) purposely giving a child poison, alcohol, or dangerous, harmful, or controlled  
34.7 substances which were not prescribed for the child by a practitioner, in order to control or  
34.8 punish the child; or other substances that substantially affect the child's behavior, motor  
34.9 coordination, or judgment or that results in sickness or internal injury, or subjects the  
34.10 child to medical procedures that would be unnecessary if the child were not exposed  
34.11 to the substances;
- 34.12 (9) unreasonable physical confinement or restraint not permitted under section  
34.13 609.379, including but not limited to tying, caging, or chaining; or
- 34.14 (10) in a school facility or school zone, an act by a person responsible for the child's  
34.15 care that is a violation under section 121A.58.
- 34.16 (h) "Report" means any ~~report~~ statement, oral or written, received by the local  
34.17 welfare agency, police department, county sheriff, or agency responsible for assessing  
34.18 or investigating child maltreatment allegations pursuant to this section which meets the  
34.19 statutory definition of child maltreatment.
- 34.20 (i) "Facility" means:
- 34.21 (1) a licensed or unlicensed day care facility, residential facility, agency, hospital,  
34.22 sanitarium, or other facility or institution required to be licensed under sections 144.50 to  
34.23 144.58, 241.021, or 245A.01 to 245A.16, or chapter 245B;
- 34.24 (2) a school as defined in sections 120A.05, subdivisions 9, 11, and 13; and  
34.25 124D.10; or
- 34.26 (3) a nonlicensed personal care provider organization as defined in sections 256B.04,  
34.27 subdivision 16, and 256B.0625, subdivision 19a.
- 34.28 (j) "Operator" means an operator or agency as defined in section 245A.02.
- 34.29 (k) "Commissioner" means the commissioner of human services.
- 34.30 (l) "Practice of social services," for the purposes of subdivision 3, includes but is  
34.31 not limited to employee assistance counseling and the provision of guardian ad litem and  
34.32 parenting time expeditor services.
- 34.33 (m) "Mental injury" means an injury to the psychological capacity or emotional  
34.34 stability of a child as evidenced by an observable or substantial impairment in the child's  
34.35 ability to function within a normal range of performance and behavior with due regard to  
34.36 the child's culture.

(n) "Threatened injury" means a statement, overt act, condition, or status that represents a substantial risk of physical or sexual abuse or mental injury. Threatened injury includes, but is not limited to, exposing a child to a person responsible for the child's care, as defined in paragraph (e), clause (1), who has:

(1) subjected a child to, or failed to protect a child from, an overt act or condition that constitutes egregious harm, as defined in section 260C.007, subdivision 14, or a similar law of another jurisdiction;

(2) been found to be palpably unfit under section 260C.301, paragraph (b), clause (4), or a similar law of another jurisdiction;

(3) committed an act that has resulted in an involuntary termination of parental rights under section 260C.301, or a similar law of another jurisdiction; or

(4) committed an act that has resulted in the involuntary transfer of permanent legal and physical custody of a child to a relative under Minnesota Statutes 2010, section 260C.201, subdivision 11, paragraph (d), clause (1), section 260C.515, subdivision 4, or a similar law of another jurisdiction.

A child is the subject of a report of threatened injury when the responsible social services agency receives birth match data under paragraph (o) from the Department of Human Services.

(o) Upon receiving data under section 144.225, subdivision 2b, contained in a birth record or recognition of parentage identifying a child who is subject to threatened injury under paragraph (n), the Department of Human Services shall send the data to the responsible social services agency. The data is known as "birth match" data. Unless the responsible social services agency has already begun an investigation or assessment of the report due to the birth of the child or execution of the recognition of parentage and the parent's previous history with child protection, the agency shall accept the birth match data as a report under this section. The agency may use either a family assessment or investigation to determine whether the child is safe. All of the provisions of this section apply. If the child is determined to be safe, the agency shall consult with the county attorney to determine the appropriateness of filing a petition alleging the child is in need of protection or services under section 260C.007, subdivision 6, clause (16), in order to deliver needed services. If the child is determined not to be safe, the agency and the county attorney shall take appropriate action as required under section 260C.301, subdivision 3.

(p) Persons who conduct assessments or investigations under this section shall take into account accepted child-rearing practices of the culture in which a child participates and accepted teacher discipline practices, which are not injurious to the child's health, welfare, and safety.

36.1 (q) "Accidental" means a sudden, not reasonably foreseeable, and unexpected  
36.2 occurrence or event which:

36.3 (1) is not likely to occur and could not have been prevented by exercise of due  
36.4 care; and

36.5 (2) if occurring while a child is receiving services from a facility, happens when the  
36.6 facility and the employee or person providing services in the facility are in compliance  
36.7 with the laws and rules relevant to the occurrence or event.

36.8 (r) "Nonmaltreatment mistake" means:

36.9 (1) at the time of the incident, the individual was performing duties identified in the  
36.10 center's child care program plan required under Minnesota Rules, part 9503.0045;

36.11 (2) the individual has not been determined responsible for a similar incident that  
36.12 resulted in a finding of maltreatment for at least seven years;

36.13 (3) the individual has not been determined to have committed a similar  
36.14 nonmaltreatment mistake under this paragraph for at least four years;

36.15 (4) any injury to a child resulting from the incident, if treated, is treated only with  
36.16 remedies that are available over the counter, whether ordered by a medical professional or  
36.17 not; and

36.18 (5) except for the period when the incident occurred, the facility and the individual  
36.19 providing services were both in compliance with all licensing requirements relevant to the  
36.20 incident.

36.21 This definition only applies to child care centers licensed under Minnesota  
36.22 Rules, chapter 9503. If clauses (1) to (5) apply, rather than making a determination of  
36.23 substantiated maltreatment by the individual, the commissioner of human services shall  
36.24 determine that a nonmaltreatment mistake was made by the individual.

36.25 Sec. 33. Minnesota Statutes 2012, section 626.556, subdivision 7, is amended to read:

36.26 Subd. 7. **Report.** (a) An oral report shall be made immediately by telephone or  
36.27 otherwise. An oral report made by a person required under subdivision 3 to report shall be  
36.28 followed within 72 hours, exclusive of weekends and holidays, by a report in writing to  
36.29 the appropriate police department, the county sheriff, the agency responsible for assessing  
36.30 or investigating the report, or the local welfare agency, ~~unless the appropriate agency~~  
36.31 ~~has informed the reporter that the oral information does not constitute a report under~~  
36.32 ~~subdivision 10.~~ The local welfare agency shall determine if the report is accepted for an  
36.33 assessment or investigation as soon as possible but in no event longer than 24 hours  
36.34 after the report is received.

37.1 (b) Any report shall be of sufficient content to identify the child, any person believed  
37.2 to be responsible for the abuse or neglect of the child if the person is known, the nature  
37.3 and extent of the abuse or neglect and the name and address of the reporter. ~~If requested,~~  
37.4 ~~the local welfare agency or the agency responsible for assessing or investigating the report~~  
37.5 ~~shall inform the reporter within ten days after the report is made, either orally or in writing,~~  
37.6 ~~whether the report was accepted for assessment or investigation.~~ The local welfare agency,  
37.7 agency responsible for assessing or investigating the report, police department, or the  
37.8 county sheriff shall accept a report made under subdivision 3 notwithstanding refusal by a  
37.9 voluntary reporter to provide the reporter's name or address as long as the report is otherwise  
37.10 sufficient under this paragraph. Written reports received by a police department or the  
37.11 county sheriff shall be forwarded immediately to the local welfare agency or the agency  
37.12 responsible for assessing or investigating the report. The police department or the county  
37.13 sheriff may keep copies of reports received by them. Copies of written reports received by  
37.14 a local welfare department or the agency responsible for assessing or investigating the  
37.15 report shall be forwarded immediately to the local police department or the county sheriff.

37.16 (c) When requested, the agency responsible for assessing or investigating a report  
37.17 shall inform the reporter within ten days after the report was made, either orally or in  
37.18 writing, whether the report was accepted or not. If the responsible agency determines the  
37.19 report does not constitute a report under this section, the agency shall advise the reporter  
37.20 the report was screened out. A screened-out report must not be used for any purpose other  
37.21 than making an offer of social services to the subjects of the screened-out report.

37.22 ~~(b)~~ (d) Notwithstanding paragraph (a), the commissioner of education must inform  
37.23 the parent, guardian, or legal custodian of the child who is the subject of a report of  
37.24 alleged maltreatment in a school facility within ten days of receiving the report, either  
37.25 orally or in writing, whether the commissioner is assessing or investigating the report  
37.26 of alleged maltreatment.

37.27 ~~(e)~~ (e) A written copy of a report maintained by personnel of agencies, other than  
37.28 welfare or law enforcement agencies, which are subject to chapter 13 shall be confidential.  
37.29 An individual subject of the report may obtain access to the original report as provided  
37.30 by subdivision 11.

37.31 Sec. 34. Minnesota Statutes 2012, section 626.556, subdivision 11c, is amended to read:

37.32 Subd. 11c. **Welfare, court services agency, and school records maintained.**  
37.33 Notwithstanding sections 138.163 and 138.17, records maintained or records derived  
37.34 from reports of abuse by local welfare agencies, agencies responsible for assessing or

38.1 investigating the report, court services agencies, or schools under this section shall be  
38.2 destroyed as provided in paragraphs (a) to (d) by the responsible authority.

38.3 (a) For family assessment cases and cases where an investigation results in no  
38.4 determination of maltreatment or the need for child protective services, the assessment or  
38.5 investigation records must be maintained for a period of four years after the date of the final  
38.6 entry in the case record. Records under this paragraph may not be used for employment,  
38.7 background checks, or purposes other than to assist in future risk and safety assessments.

38.8 (b) All records relating to reports which, upon investigation, indicate either  
38.9 maltreatment or a need for child protective services shall be maintained for ~~at least~~ ten  
38.10 years after the date of the final entry in the case record.

38.11 (c) All records regarding a report of maltreatment, including any notification of intent  
38.12 to interview which was received by a school under subdivision 10, paragraph (d), shall be  
38.13 destroyed by the school when ordered to do so by the agency conducting the assessment or  
38.14 investigation. The agency shall order the destruction of the notification when other records  
38.15 relating to the report under investigation or assessment are destroyed under this subdivision.

38.16 (d) Private or confidential data released to a court services agency under subdivision  
38.17 10h must be destroyed by the court services agency when ordered to do so by the local  
38.18 welfare agency that released the data. The local welfare agency or agency responsible for  
38.19 assessing or investigating the report shall order destruction of the data when other records  
38.20 relating to the assessment or investigation are destroyed under this subdivision.

38.21 Sec. 35. Minnesota Statutes 2012, section 626.5561, subdivision 1, is amended to read:

38.22 Subdivision 1. **Reports required.** (a) Except as provided in paragraph (b), a person  
38.23 mandated to report under section 626.556, subdivision 3, shall immediately report to the  
38.24 local welfare agency if the person knows or has reason to believe that a woman is pregnant  
38.25 and has used a controlled substance for a nonmedical purpose during the pregnancy,  
38.26 including, but not limited to, tetrahydrocannabinol, or has consumed alcoholic beverages  
38.27 during the pregnancy in any way that is habitual or excessive.

38.28 (b) A health care professional or a social service professional who is mandated to  
38.29 report under section 626.556, subdivision 3, is exempt from reporting under paragraph  
38.30 (a) a woman's use or consumption of tetrahydrocannabinol or alcoholic beverages  
38.31 during pregnancy if the professional is providing the woman with prenatal care or other  
38.32 healthcare services.

38.33 (c) Any person may make a voluntary report if the person knows or has reason to  
38.34 believe that a woman is pregnant and has used a controlled substance for a nonmedical  
38.35 purpose during the pregnancy, including, but not limited to, tetrahydrocannabinol, or

39.1 has consumed alcoholic beverages during the pregnancy in any way that is habitual or  
39.2 excessive.

39.3 (d) An oral report shall be made immediately by telephone or otherwise. An oral  
39.4 report made by a person required to report shall be followed within 72 hours, exclusive  
39.5 of weekends and holidays, by a report in writing to the local welfare agency. Any report  
39.6 shall be of sufficient content to identify the pregnant woman, the nature and extent of the  
39.7 use, if known, and the name and address of the reporter. The local welfare agency shall  
39.8 accept a report made under paragraph (c) notwithstanding refusal by a voluntary reporter  
39.9 to provide the reporter's name or address as long as the report is otherwise sufficient.

39.10 ~~(d)~~ (e) For purposes of this section, "prenatal care" means the comprehensive  
39.11 package of medical and psychological support provided throughout the pregnancy.