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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

03/04/2013 Adoption of Report: Pass as Amended and re-referred to the Committee on Health and Human Services Policy

03/11/2013 Adoption of Report: Pass as Amended and re-referred to the Committee on Civil Law

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, general assistance,
1.6 group residential housing, and reporting maltreatment; amending Minnesota
1.7 Statutes 2012, sections 13.46, subdivision 2; 119B.02, subdivision 2; 119B.09,
1.8 subdivisions 6, 13; 256D.05, by adding a subdivision; 256D.405, subdivision 1;
1.9 256E.30, by adding a subdivision; 256I.04, subdivision 1a; 256J.09, subdivision
1.10 3; 256J.20, subdivision 3; 256J.21, subdivision 2; 256J.24, subdivision 3;
1.11 256J.30, subdivisions 4, 12; 256J.32, subdivisions 6, 8; 256J.38, subdivision 6;
1.12 256J.49, subdivision 13; 256J.521, subdivisions 1, 2; 256J.53, subdivisions 2, 5;
1.13 256J.621; 256J.626, subdivisions 5, 6, 7, 8; 256J.67; 256J.68, subdivisions 1, 2,
1.14 4, 7, 8; 256J.751, subdivision 2; 256K.26, subdivision 4; 260C.503, subdivision
1.15 2; 260C.615; 626.556, subdivisions 2, 7, 11c; 626.5561, subdivision 1; proposing
1.16 coding for new law in Minnesota Statutes, chapter 260D.

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

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

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

1.22 (1) according to section 13.05;

1.23 (2) according to court order;

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

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

2.1 (5) to personnel of the welfare system who require the data to verify an individual's
2.2 identity; determine eligibility, amount of assistance, and the need to provide services to
2.3 an individual or family across programs; evaluate the effectiveness of programs; assess
2.4 parental contribution amounts; and investigate suspected fraud;

2.5 (6) to administer federal funds or programs;

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

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

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

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

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

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

2.29 (iv) to analyze public assistance employment services and program utilization,
2.30 cost, effectiveness, and outcomes as implemented under the authority established in Title
2.31 II, Sections 201-204 of the Ticket to Work and Work Incentives Improvement Act of
2.32 1999. Health records governed by sections 144.291 to 144.298 and "protected health
2.33 information" as defined in Code of Federal Regulations, title 45, section 160.103, and
2.34 governed by Code of Federal Regulations, title 45, parts 160-164, including health care
2.35 claims utilization information, must not be exchanged under this clause;

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

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

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

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

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

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

3.23 (i) the participant:

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

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

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

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

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

3.35 (17) information obtained from food support applicant or recipient households may
3.36 be disclosed to local, state, or federal law enforcement officials, upon their written request,

4.1 for the purpose of investigating an alleged violation of the Food Stamp Act, according
4.2 to Code of Federal Regulations, title 7, section 272.1 (c);

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

4.7 (i) the member:

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

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

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

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

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

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

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

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

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

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

5.1 (24) the current address and telephone number of program recipients and emergency
5.2 contacts may be released to the commissioner of health or a local board of health as
5.3 defined in section 145A.02, subdivision 2, when the commissioner or local board of health
5.4 has reason to believe that a program recipient is a disease case, carrier, suspect case, or at
5.5 risk of illness, and the data are necessary to locate the person;

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

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

5.13 (27) to monitor and evaluate the Minnesota family investment program by
5.14 exchanging data between the Departments of Human Services and Education, on
5.15 recipients and former recipients of food support, cash assistance under chapter 256, 256D,
5.16 256J, or 256K, child care assistance under chapter 119B, or medical programs under
5.17 chapter 256B, 256D, or 256L;

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

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

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

5.33 (b) Information on persons who have been treated for drug or alcohol abuse may
5.34 only be disclosed according to the requirements of Code of Federal Regulations, title
5.35 42, sections 2.1 to 2.67.

6.1 (c) Data provided to law enforcement agencies under paragraph (a), clause (15),
6.2 (16), (17), or (18), or paragraph (b), are investigative data and are confidential or protected
6.3 nonpublic while the investigation is active. The data are private after the investigation
6.4 becomes inactive under section 13.82, subdivision 5, paragraph (a) or (b).

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

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

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

6.10 Subd. 2. **Contractual agreements with tribes.** The commissioner may enter into
6.11 contractual agreements with a federally recognized Indian tribe with a reservation in
6.12 Minnesota to carry out the responsibilities of county human service agencies to the
6.13 extent necessary for the tribe to operate child care assistance programs under sections
6.14 119B.03 and 119B.05. An agreement may allow ~~for the tribe to be reimbursed~~ the state
6.15 to make payments for child care assistance services provided under section 119B.05.
6.16 The commissioner shall consult with the affected county or counties in the contractual
6.17 agreement negotiations, if the county or counties wish to be included, in order to avoid
6.18 the duplication of county and tribal child care services. Funding to support services
6.19 under section 119B.03 may be transferred to the federally recognized Indian tribe with a
6.20 reservation in Minnesota from allocations available to counties in which reservation
6.21 boundaries lie. When funding is transferred under section 119B.03, the amount shall be
6.22 commensurate to estimates of the proportion of reservation residents with characteristics
6.23 identified in section 119B.03, subdivision 6, to the total population of county residents
6.24 with those same characteristics.

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

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

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

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

6.31 (1) the child's parents have authorized activities outside of the home ~~and if;~~ or

7.1 (2) one parent in a two-parent family is in an authorized activity outside of the home
7.2 and one parent is unable to care for the child and meets the requirements in Minnesota
7.3 Rules, part 3400.0040, subpart 5.

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

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

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

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

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

7.15 Sec. 5. Minnesota Statutes 2012, section 256D.05, is amended by adding a subdivision
7.16 to read:

7.17 Subd. 9. **Personal statement.** If a county agency determines that an applicant is
7.18 ineligible due to not meeting eligibility requirements of this chapter, a county agency may
7.19 accept a signed personal statement from the applicant in lieu of documentation verifying
7.20 ineligibility.

7.21 Sec. 6. Minnesota Statutes 2012, section 256D.405, subdivision 1, is amended to read:

7.22 Subdivision 1. **Verification.** (a) The county agency shall request, and applicants
7.23 and recipients shall provide and verify, all information necessary to determine initial and
7.24 continuing eligibility and assistance payment amounts. If necessary, the county agency
7.25 shall assist the applicant or recipient in obtaining verifications. If the applicant or recipient
7.26 refuses or fails without good cause to provide the information or verification, the county
7.27 agency shall deny or terminate assistance.

7.28 (b) If a county agency determines that an applicant is ineligible due to not meeting
7.29 eligibility requirements of this chapter, a county agency may accept a signed personal
7.30 statement from the applicant in lieu of documentation verifying ineligibility.

7.31 Sec. 7. Minnesota Statutes 2012, section 256E.30, is amended by adding a subdivision
7.32 to read:

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

8.5 Sec. 8. Minnesota Statutes 2012, section 256I.04, subdivision 1a, is amended to read:

8.6 Subd. 1a. **County approval.** (a) A county agency may not approve a group
8.7 residential housing payment for an individual in any setting with a rate in excess of the
8.8 MSA equivalent rate for more than 30 days in a calendar year unless the county agency
8.9 has developed or approved a plan for the individual which specifies that:

8.10 (1) the individual has an illness or incapacity which prevents the person from living
8.11 independently in the community; and

8.12 (2) the individual's illness or incapacity requires the services which are available in
8.13 the group residence.

8.14 The plan must be signed or countersigned by any of the following employees of the
8.15 county of financial responsibility: the director of human services or a designee of the
8.16 director; a social worker; or a case aide.

8.17 (b) If a county agency determines that an applicant is ineligible due to not meeting
8.18 eligibility requirements under this section, a county agency may accept a signed personal
8.19 statement from the applicant in lieu of documentation verifying ineligibility.

8.20 Sec. 9. Minnesota Statutes 2012, section 256J.09, subdivision 3, is amended to read:

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

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

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

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

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

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

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

9.1 (7) inform a person that the next step in the application process is an interview
 9.2 and what a person must do if the application is approved including, but not limited to,
 9.3 attending orientation under section 256J.45 and complying with employment and training
 9.4 services requirements in sections 256J.515 to 256J.57;

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

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

9.9 ~~(8)~~ (10) explain the child care and transportation services that are available under
 9.10 paragraph (c) to enable caregivers to attend the interview, screening, and orientation; and

9.11 ~~(9)~~ (11) identify any language barriers and arrange for translation assistance during
 9.12 appointments, including, but not limited to, screening under subdivision 3a, orientation
 9.13 under section 256J.45, and assessment under section 256J.521.

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

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

9.28 Sec. 10. Minnesota Statutes 2012, section 256J.20, subdivision 3, is amended to read:

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

9.33 (1) a licensed vehicle up to a ~~loan~~ trade-in value of less than or equal to \$10,000.

9.34 If the assistance unit owns more than one licensed vehicle, the county agency shall
 9.35 determine the ~~loan~~ trade-in value of all additional vehicles and exclude the combined

10.1 ~~loan trade-in~~ value of less than or equal to \$7,500. The county agency shall apply any
10.2 excess ~~loan trade-in~~ value as if it were equity value to the asset limit described in this
10.3 section, excluding: (i) the value of one vehicle per physically disabled person when the
10.4 vehicle is needed to transport the disabled unit member; this exclusion does not apply to
10.5 mentally disabled people; (ii) the value of special equipment for a disabled member of
10.6 the assistance unit; and (iii) any vehicle used for long-distance travel, other than daily
10.7 commuting, for the employment of a unit member.

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

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

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

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

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

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

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

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

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

- 11.1 (10) money held in escrow to cover employee FICA, employee tax withholding,
11.2 sales tax withholding, employee worker compensation, business insurance, property rental,
11.3 property taxes, and other costs that are paid at least annually, but less often than monthly;
- 11.4 (11) monthly assistance payments for the current month's or short-term emergency
11.5 needs under section 256J.626, subdivision 2;
- 11.6 (12) the value of school loans, grants, or scholarships for the period they are
11.7 intended to cover;
- 11.8 (13) payments listed in section 256J.21, subdivision 2, clause (9), which are held in
11.9 escrow for a period not to exceed three months to replace or repair personal or real property;
- 11.10 (14) income received in a budget month through the end of the payment month;
- 11.11 (15) savings from earned income of a minor child or a minor parent that are set aside
11.12 in a separate account designated specifically for future education or employment costs;
- 11.13 (16) the federal earned income credit, Minnesota working family credit, state and
11.14 federal income tax refunds, state homeowners and renters credits under chapter 290A,
11.15 property tax rebates and other federal or state tax rebates in the month received and the
11.16 following month;
- 11.17 (17) payments excluded under federal law as long as those payments are held in a
11.18 separate account from any nonexcluded funds;
- 11.19 (18) the assets of children ineligible to receive MFIP benefits because foster care or
11.20 adoption assistance payments are made on their behalf; and
- 11.21 (19) the assets of persons whose income is excluded under section 256J.21,
11.22 subdivision 2, clause (43).

11.23 Sec. 11. Minnesota Statutes 2012, section 256J.21, subdivision 2, is amended to read:

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

- 11.26 (1) payments for basic care, difficulty of care, and clothing allowances received for
11.27 providing family foster care to children or adults under Minnesota Rules, parts 9555.5050
11.28 to 9555.6265, 9560.0521, and 9560.0650 to 9560.0655, and payments received and used
11.29 for care and maintenance of a third-party beneficiary who is not a household member;
- 11.30 (2) reimbursements for employment training received through the Workforce
11.31 Investment Act of 1998, United States Code, title 20, chapter 73, section 9201;
- 11.32 (3) reimbursement for out-of-pocket expenses incurred while performing volunteer
11.33 services, jury duty, employment, or informal carpooling arrangements directly related to
11.34 employment;

- 12.1 (4) all educational assistance, except the county agency must count graduate student
12.2 teaching assistantships, fellowships, and other similar paid work as earned income and,
12.3 after allowing deductions for any unmet and necessary educational expenses, shall
12.4 count scholarships or grants awarded to graduate students that do not require teaching
12.5 or research as unearned income;
- 12.6 (5) loans, regardless of purpose, from public or private lending institutions,
12.7 governmental lending institutions, or governmental agencies;
- 12.8 (6) loans from private individuals, regardless of purpose, provided an applicant or
12.9 participant documents that the lender expects repayment;
- 12.10 (7)(i) state income tax refunds; and
12.11 (ii) federal income tax refunds;
- 12.12 (8)(i) federal earned income credits;
12.13 (ii) Minnesota working family credits;
12.14 (iii) state homeowners and renters credits under chapter 290A; and
12.15 (iv) federal or state tax rebates;
- 12.16 (9) funds received for reimbursement, replacement, or rebate of personal or real
12.17 property when these payments are made by public agencies, awarded by a court, solicited
12.18 through public appeal, or made as a grant by a federal agency, state or local government,
12.19 or disaster assistance organizations, subsequent to a presidential declaration of disaster;
- 12.20 (10) the portion of an insurance settlement that is used to pay medical, funeral, and
12.21 burial expenses, or to repair or replace insured property;
- 12.22 (11) reimbursements for medical expenses that cannot be paid by medical assistance;
- 12.23 (12) payments by a vocational rehabilitation program administered by the state
12.24 under chapter 268A, except those payments that are for current living expenses;
- 12.25 (13) in-kind income, including any payments directly made by a third party to a
12.26 provider of goods and services;
- 12.27 (14) assistance payments to correct underpayments, but only for the month in which
12.28 the payment is received;
- 12.29 (15) payments for short-term emergency needs under section 256J.626, subdivision 2;
- 12.30 (16) funeral and cemetery payments as provided by section 256.935;
- 12.31 (17) nonrecurring cash gifts of \$30 or less, not exceeding \$30 per participant in
12.32 a calendar month;
- 12.33 (18) any form of energy assistance payment made through Public Law 97-35,
12.34 Low-Income Home Energy Assistance Act of 1981, payments made directly to energy
12.35 providers by other public and private agencies, and any form of credit or rebate payment
12.36 issued by energy providers;

- 13.1 (19) Supplemental Security Income (SSI), including retroactive SSI payments and
13.2 other income of an SSI recipient, except as described in section 256J.37, subdivision 3b;
- 13.3 (20) Minnesota supplemental aid, including retroactive payments;
- 13.4 (21) proceeds from the sale of real or personal property;
- 13.5 (22) state adoption assistance payments under ~~section 259.67~~ chapter 259A, and
13.6 ~~up to an equal amount of county adoption assistance payments~~ Minnesota Permanency
13.7 Demonstration title IV-E waiver payments under section 256.01, subdivision 14a;
- 13.8 (23) state-funded family subsidy program payments made under section 252.32 to
13.9 help families care for children with developmental disabilities, consumer support grant
13.10 funds under section 256.476, and resources and services for a disabled household member
13.11 under one of the home and community-based waiver services programs under chapter 256B;
- 13.12 (24) interest payments and dividends from property that is not excluded from and
13.13 that does not exceed the asset limit;
- 13.14 (25) rent rebates;
- 13.15 (26) income earned by a minor caregiver, minor child through age 6, or a minor
13.16 child who is at least a half-time student in an approved elementary or secondary education
13.17 program;
- 13.18 (27) income earned by a caregiver under age 20 who is at least a half-time student in
13.19 an approved elementary or secondary education program;
- 13.20 (28) MFIP child care payments under section 119B.05;
- 13.21 (29) all other payments made through MFIP to support a caregiver's pursuit of
13.22 greater economic stability;
- 13.23 (30) income a participant receives related to shared living expenses;
- 13.24 (31) reverse mortgages;
- 13.25 (32) benefits provided by the Child Nutrition Act of 1966, United States Code, title
13.26 42, chapter 13A, sections 1771 to 1790;
- 13.27 (33) benefits provided by the women, infants, and children (WIC) nutrition program,
13.28 United States Code, title 42, chapter 13A, section 1786;
- 13.29 (34) benefits from the National School Lunch Act, United States Code, title 42,
13.30 chapter 13, sections 1751 to 1769e;
- 13.31 (35) relocation assistance for displaced persons under the Uniform Relocation
13.32 Assistance and Real Property Acquisition Policies Act of 1970, United States Code, title
13.33 42, chapter 61, subchapter II, section 4636, or the National Housing Act, United States
13.34 Code, title 12, chapter 13, sections 1701 to 1750jj;
- 13.35 (36) benefits from the Trade Act of 1974, United States Code, title 19, chapter
13.36 12, part 2, sections 2271 to 2322;

- 14.1 (37) war reparations payments to Japanese Americans and Aleuts under United
14.2 States Code, title 50, sections 1989 to 1989d;
- 14.3 (38) payments to veterans or their dependents as a result of legal settlements
14.4 regarding Agent Orange or other chemical exposure under Public Law 101-239, section
14.5 10405, paragraph (a)(2)(E);
- 14.6 (39) income that is otherwise specifically excluded from MFIP consideration in
14.7 federal law, state law, or federal regulation;
- 14.8 (40) security and utility deposit refunds;
- 14.9 (41) American Indian tribal land settlements excluded under Public Laws 98-123,
14.10 98-124, and 99-377 to the Mississippi Band Chippewa Indians of White Earth, Leech
14.11 Lake, and Mille Lacs reservations and payments to members of the White Earth Band,
14.12 under United States Code, title 25, chapter 9, section 331, and chapter 16, section 1407;
- 14.13 (42) all income of the minor parent's parents and stepparents when determining the
14.14 grant for the minor parent in households that include a minor parent living with parents or
14.15 stepparents on MFIP with other children;
- 14.16 (43) income of the minor parent's parents and stepparents equal to 200 percent of the
14.17 federal poverty guideline for a family size not including the minor parent and the minor
14.18 parent's child in households that include a minor parent living with parents or stepparents
14.19 not on MFIP when determining the grant for the minor parent. The remainder of income is
14.20 deemed as specified in section 256J.37, subdivision 1b;
- 14.21 (44) payments made to children eligible for relative custody assistance under section
14.22 257.85;
- 14.23 (45) vendor payments for goods and services made on behalf of a client unless the
14.24 client has the option of receiving the payment in cash;
- 14.25 (46) the principal portion of a contract for deed payment; and
- 14.26 (47) cash payments to individuals enrolled for full-time service as a volunteer under
14.27 AmeriCorps programs including AmeriCorps VISTA, AmeriCorps State, AmeriCorps
14.28 National, and AmeriCorps NCCC.

14.29 Sec. 12. Minnesota Statutes 2012, section 256J.24, subdivision 3, is amended to read:

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

- 14.33 (1) individuals who are recipients of Supplemental Security Income or Minnesota
14.34 supplemental aid;

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

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

15.5 (4) children receiving ~~ongoing monthly~~ adoption assistance payments under section
15.6 ~~259.67~~ chapter 259A or children receiving Minnesota Permanency Demonstration title
15.7 IV-E waiver payments under section 256.01, subdivision 14a; and

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

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

15.12 Sec. 13. Minnesota Statutes 2012, section 256J.30, subdivision 4, is amended to read:

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

15.21 Sec. 14. Minnesota Statutes 2012, section 256J.30, subdivision 12, is amended to read:

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

15.31 Sec. 15. Minnesota Statutes 2012, section 256J.32, subdivision 6, is amended to read:

15.32 Subd. 6. **Recertification.** (a) The county agency shall recertify eligibility in an
15.33 annual ~~face-to-face~~ interview with the participant. ~~The county agency may waive the~~

16.1 ~~face-to-face interview and conduct a phone interview for participants who qualify under~~
 16.2 ~~paragraph (b).~~ The interview may be conducted by phone, Internet telepresence, or
 16.3 face-to-face in the county office or in another location mutually agreed upon. During the
 16.4 interview, the county agency shall verify the following:

- 16.5 (1) presence of the minor child in the home, if questionable;
- 16.6 (2) income, unless excluded, including self-employment expenses used as a
 16.7 deduction or deposits or withdrawals from business accounts;
- 16.8 (3) assets when the value is within \$200 of the asset limit;
- 16.9 (4) information to establish an exception under section 256J.24, subdivision 9, if
 16.10 questionable;
- 16.11 (5) inconsistent information, if related to eligibility; and
- 16.12 (6) whether a single caregiver household meets requirements in section 256J.575,
 16.13 subdivision 3.

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

16.19 Sec. 16. Minnesota Statutes 2012, section 256J.32, subdivision 8, is amended to read:

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

- 16.24 (1) a claim of family violence if used as a basis to qualify for the family violence
 16.25 waiver;
- 16.26 (2) information needed to establish an exception under section 256J.24, subdivision 9;
- 16.27 (3) relationship of a minor child to caregivers in the assistance unit;
- 16.28 (4) citizenship status from a noncitizen who reports to be, or is identified as, a victim
 16.29 of severe forms of trafficking in persons, if the noncitizen reports that the noncitizen's
 16.30 immigration documents are being held by an individual or group of individuals against the
 16.31 noncitizen's will. The noncitizen must follow up with the Office of Refugee Resettlement
 16.32 (ORR) to pursue certification. If verification that certification is being pursued is not
 16.33 received within 30 days, the MFIP case must be closed and the agency shall pursue
 16.34 overpayments. The ORR documents certifying the noncitizen's status as a victim of
 16.35 severe forms of trafficking in persons, or the reason for the delay in processing, must be

17.1 received within 90 days, or the MFIP case must be closed and the agency shall pursue
17.2 overpayments; and

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

17.6 (b) After meeting all requirements under section 256J.09, if a county agency
17.7 determines that an applicant is ineligible due to exceeding limits under sections 256J.20
17.8 and 256J.21, a county agency may accept a signed personal statement from the applicant
17.9 in lieu of documentation verifying ineligibility.

17.10 Sec. 17. Minnesota Statutes 2012, section 256J.38, subdivision 6, is amended to read:

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

17.16 Sec. 18. Minnesota Statutes 2012, section 256J.49, subdivision 13, is amended to read:

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

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

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

17.26 (3) ~~unpaid~~ uncompensated work experience, including community service, ~~volunteer~~
17.27 ~~work~~, the community work experience program as specified in section 256J.67, unpaid
17.28 apprenticeships or internships, and supported work when a wage subsidy is not provided.
17.29 Unpaid uncompensated work experience is only an option if the participant has been unable
17.30 to obtain or maintain paid employment in the competitive labor market, and no paid work
17.31 experience programs are available to the participant. Prior to placing a participant in ~~unpaid~~
17.32 uncompensated work, the county must inform the participant that the participant will be
17.33 notified if a paid work experience or supported work position becomes available. Unless a
17.34 participant consents in writing to participate in ~~unpaid~~ uncompensated work experience, the

18.1 participant's employment plan may only include ~~unpaid~~ uncompensated work experience if
18.2 ~~including the unpaid work experience in the plan will meet the following criteria~~ are met:

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

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

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

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

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

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

18.21 (8) activities included in the employment plan that is developed under section
18.22 256J.521, subdivision 3; and

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

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

18.28 Sec. 19. Minnesota Statutes 2012, section 256J.521, subdivision 1, is amended to read:

18.29 Subdivision 1. **Assessments.** (a) For purposes of MFIP employment services,
18.30 assessment is a continuing process of gathering information related to employability
18.31 for the purpose of identifying both participant's strengths and strategies for coping with
18.32 issues that interfere with employment. The job counselor must use information from the
18.33 assessment process to develop and update the employment plan under subdivision 2 or
18.34 3, as appropriate, to determine whether the participant qualifies for a family violence

19.1 waiver including an employment plan under subdivision 3, and to determine whether the
19.2 participant should be referred to family stabilization services under section 256J.575.

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

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

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

19.12 (3) the results of a mental and chemical health screening tool designed by the
19.13 commissioner and results of the brief screening tool for special learning needs. Screening
19.14 tools for mental and chemical health and special learning needs must be approved by the
19.15 commissioner and may only be administered by job counselors or county staff trained in
19.16 using such screening tools. ~~The commissioner shall work with county agencies to develop
19.17 protocols for referrals and follow-up actions after screens are administered to participants,
19.18 including guidance on how employment plans may be modified based upon outcomes
19.19 of certain screens.~~ Participants must be told of the purpose of the screens and how the
19.20 information will be used to assist the participant in identifying and overcoming barriers to
19.21 employment. Screening for mental and chemical health and special learning needs must
19.22 be completed by participants ~~who are unable to find suitable employment after six weeks
19.23 of job search under subdivision 2, paragraph (b), and participants who are determined
19.24 to have barriers to employment under subdivision 2, paragraph (d) three months after
19.25 development of the initial employment plan or earlier if there is a documented need.~~

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

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

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

19.35 (d) The job counselor may require the participant to complete a professional chemical
19.36 use assessment to be performed according to the rules adopted under section 254A.03,

20.1 subdivision 3, including provisions in the administrative rules which recognize the cultural
20.2 background of the participant, or a professional psychological assessment as a component
20.3 of the assessment process, when the job counselor has a reasonable belief, based on
20.4 objective evidence, that a participant's ability to obtain and retain suitable employment
20.5 is impaired by a medical condition. The job counselor may assist the participant with
20.6 arranging services, including child care assistance and transportation, necessary to meet
20.7 needs identified by the assessment. Data gathered as part of a professional assessment
20.8 must be classified and disclosed according to the provisions in section 13.46.

20.9 Sec. 20. Minnesota Statutes 2012, section 256J.521, subdivision 2, is amended to read:

20.10 Subd. 2. **Employment plan; contents.** (a) Based on the assessment under
20.11 subdivision 1, the job counselor and the participant must develop an employment plan
20.12 that includes participation in activities and hours that meet the requirements of section
20.13 256J.55, subdivision 1. The purpose of the employment plan is to identify for each
20.14 participant the most direct path to unsubsidized employment and any subsequent steps that
20.15 support long-term economic stability. The employment plan should be developed using
20.16 the highest level of activity appropriate for the participant. Activities must be chosen from
20.17 clauses (1) to (6), which are listed in order of preference. Notwithstanding this order of
20.18 preference for activities, priority must be given for activities related to a family violence
20.19 waiver when developing the employment plan. The employment plan must also list the
20.20 specific steps the participant will take to obtain employment, including steps necessary
20.21 for the participant to progress from one level of activity to another, and a timetable for
20.22 completion of each step. Levels of activity include:

- 20.23 (1) unsubsidized employment;
- 20.24 (2) job search;
- 20.25 (3) subsidized employment or unpaid work experience;
- 20.26 (4) unsubsidized employment and job readiness education or job skills training;
- 20.27 (5) unsubsidized employment or unpaid work experience and activities related to
20.28 a family violence waiver or preemployment needs; and
- 20.29 (6) activities related to a family violence waiver or preemployment needs.

20.30 (b) Participants who are determined to possess sufficient skills such that the
20.31 participant is likely to succeed in obtaining unsubsidized employment must job search at
20.32 least 30 hours per week for up to ~~six weeks~~ three months and accept any offer of suitable
20.33 employment. The remaining hours necessary to meet the requirements of section 256J.55,
20.34 subdivision 1, may be met through participation in other work activities under section
20.35 256J.49, subdivision 13. The participant's employment plan must specify, at a minimum:

21.1 (1) whether the job search is ~~supervised or unsupervised~~ on site or self-directed; (2)
21.2 support services that will be provided; and (3) how frequently the participant must report
21.3 to the job counselor. Participants who are unable to find suitable employment after ~~six~~
21.4 ~~weeks~~ three months must meet with the job counselor to determine whether other activities
21.5 in paragraph (a) should be incorporated into the employment plan. Job search activities
21.6 which are continued after ~~six weeks~~ three months must be structured and supervised.

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

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

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

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

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

21.29 Sec. 21. Minnesota Statutes 2012, section 256J.53, subdivision 2, is amended to read:

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

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

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

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

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

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

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

22.12 Sec. 22. Minnesota Statutes 2012, section 256J.53, subdivision 5, is amended to read:

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

22.21 Sec. 23. Minnesota Statutes 2012, section 256J.621, is amended to read:

22.22 **256J.621 WORK PARTICIPATION CASH BENEFITS.**

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

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

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

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

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

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

23.8 (c) Expenditures on the program are maintenance of effort state funds under
 23.9 a separate state program for participants under paragraph (b), clauses (1) and (2).
 23.10 Expenditures for participants under paragraph (b), clause (3), are nonmaintenance of effort
 23.11 funds. Months in which a participant receives work participation cash benefits under this
 23.12 section do not count toward the participant's MFIP 60-month time limit.

23.13 Sec. 24. Minnesota Statutes 2012, section 256J.626, subdivision 5, is amended to read:

23.14 Subd. 5. **Innovation projects.** Beginning January 1, 2005, no more than \$3,000,000
 23.15 of the funds annually appropriated to the commissioner for use in the consolidated fund
 23.16 shall be available to the commissioner for projects testing to reward high-performing
 23.17 counties and tribes, support promising practices, and test innovative approaches to
 23.18 improving outcomes for MFIP participants, family stabilization services participants, and
 23.19 persons at risk of receiving MFIP as detailed in subdivision 3. Projects shall be targeted to
 23.20 geographic areas with poor outcomes as specified in section 256J.751, subdivision 5, or to
 23.21 subgroups within the MFIP case load who are experiencing poor outcomes.

23.22 Sec. 25. Minnesota Statutes 2012, section 256J.626, subdivision 6, is amended to read:

23.23 Subd. 6. **Base allocation to counties and tribes; definitions.** (a) For purposes of
 23.24 this section, the following terms have the meanings given.

23.25 (1) "2002 historic spending base" means the commissioner's determination of
 23.26 the sum of the reimbursement related to fiscal year 2002 of county or tribal agency
 23.27 expenditures for the base programs listed in clause (6), items (i) through (iv), and earnings
 23.28 related to calendar year 2002 in the base program listed in clause (6), item (v), and the
 23.29 amount of spending in fiscal year 2002 in the base program listed in clause (6), item (vi),
 23.30 issued to or on behalf of persons residing in the county or tribal service delivery area.

23.31 (2) "Adjusted caseload factor" means a factor weighted:

23.32 (i) 47 percent on the MFIP cases in each county at four points in time in the most
 23.33 recent 12-month period for which data is available multiplied by the county's caseload
 23.34 difficulty factor; and

24.1 (ii) 53 percent on the count of adults on MFIP in each county and tribe at four points
24.2 in time in the most recent 12-month period for which data is available multiplied by the
24.3 county or tribe's caseload difficulty factor.

24.4 (3) "Caseload difficulty factor" means a factor determined by the commissioner for
24.5 each county and tribe based upon the self-support index described in section 256J.751,
24.6 subdivision 2, clause (6).

24.7 (4) "Initial allocation" means the amount potentially available to each county or tribe
24.8 based on the formula in paragraphs (b) through (d).

24.9 (5) "Final allocation" means the amount available to each county or tribe based on
24.10 the formula in paragraphs (b) through (d), after adjustment by subdivision 7.

24.11 (6) "Base programs" means the:

24.12 (i) MFIP employment and training services under Minnesota Statutes 2002, section
24.13 256J.62, subdivision 1, in effect June 30, 2002;

24.14 (ii) bilingual employment and training services to refugees under Minnesota Statutes
24.15 2002, section 256J.62, subdivision 6, in effect June 30, 2002;

24.16 (iii) work literacy language programs under Minnesota Statutes 2002, section
24.17 256J.62, subdivision 7, in effect June 30, 2002;

24.18 (iv) supported work program authorized in Laws 2001, First Special Session chapter
24.19 9, article 17, section 2, in effect June 30, 2002;

24.20 (v) administrative aid program under section 256J.76 in effect December 31, 2002;

24.21 and

24.22 (vi) emergency assistance program under Minnesota Statutes 2002, section 256J.48,
24.23 in effect June 30, 2002.

24.24 (b) The commissioner shall:

24.25 (1) beginning July 1, 2003, determine the initial allocation of funds available under
24.26 this section according to clause (2);

24.27 (2) allocate all of the funds available for the period beginning July 1, 2003, and
24.28 ending December 31, 2004, to each county or tribe in proportion to the county's or tribe's
24.29 share of the statewide 2002 historic spending base;

24.30 (3) determine for calendar year 2005 the initial allocation of funds to be made
24.31 available under this section in proportion to the county or tribe's initial allocation for the
24.32 period of July 1, 2003, to December 31, 2004;

24.33 (4) determine for calendar year 2006 the initial allocation of funds to be made
24.34 available under this section based 90 percent on the proportion of the county or tribe's
24.35 share of the statewide 2002 historic spending base and ten percent on the proportion of
24.36 the county or tribe's share of the adjusted caseload factor;

25.1 (5) determine for calendar year 2007 the initial allocation of funds to be made
 25.2 available under this section based 70 percent on the proportion of the county or tribe's
 25.3 share of the statewide 2002 historic spending base and 30 percent on the proportion of the
 25.4 county or tribe's share of the adjusted caseload factor; and

25.5 (6) determine for calendar year 2008 and subsequent years the initial allocation of
 25.6 funds to be made available under this section based 50 percent on the proportion of the
 25.7 county or tribe's share of the statewide 2002 historic spending base and 50 percent on the
 25.8 proportion of the county or tribe's share of the adjusted caseload factor.

25.9 (c) With the commencement of a new or expanded tribal TANF program, or for
 25.10 tribes administering TANF as authorized under Laws 2011, First Special Session chapter
 25.11 9, article 9, section 18, or an agreement under section 256.01, subdivision 2, paragraph
 25.12 (g), in which some or all of the responsibilities of particular counties under this section are
 25.13 transferred to a tribe, the commissioner shall:

25.14 (1) in the case where all responsibilities under this section are transferred to a
 25.15 tribe or tribal program, determine the percentage of the county's current caseload that is
 25.16 transferring to a tribal program and adjust the affected county's allocation and tribe's
 25.17 allocations accordingly; and

25.18 (2) in the case where a portion of the responsibilities under this section are
 25.19 transferred to a tribe or tribal program, the commissioner shall consult with the affected
 25.20 county or counties to determine an appropriate adjustment to the allocation.

25.21 (d) Effective January 1, 2005, counties and tribes will have their final allocations
 25.22 adjusted based on the performance provisions of subdivision 7.

25.23 Sec. 26. Minnesota Statutes 2012, section 256J.626, subdivision 7, is amended to read:

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

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

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

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

25.34 (1) ~~a county or tribe that achieves the TANF participation rate target or a five~~
 25.35 ~~percentage point improvement over the previous year's TANF participation rate under~~

26.1 ~~section 256J.751, subdivision 2, clause (7), as averaged across 12 consecutive months for~~
26.2 ~~the most recent year for which the measurements are available, will receive an additional~~
26.3 ~~allocation equal to 2.5 percent of its initial allocation;~~

26.4 ~~(2) (1) a county or tribe that performs within or above its range of expected~~
26.5 ~~performance on the annualized three-year self-support index under section 256J.751,~~
26.6 ~~subdivision 2, clause (6), will must receive an additional allocation equal to 2.5 five~~
26.7 ~~percent of its initial allocation; and~~

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

26.14 ~~(4) (2) a county or tribe that does not perform within or above its range of expected~~
26.15 ~~performance on the annualized three-year self-support index under section 256J.751,~~
26.16 ~~subdivision 2, clause (6), will must not receive an additional allocation equal to 2.5 five~~
26.17 ~~percent of its initial allocation until after negotiating a multiyear improvement plan with~~
26.18 ~~the commissioner.~~

26.19 ~~(e) (b) For calendar year 2009 2014 and yearly thereafter, performance-based funds~~
26.20 ~~for a federally approved tribal TANF program in which the state and tribe have in place a~~
26.21 ~~contract under section 256.01, addressing consolidated funding, will must be allocated~~
26.22 ~~as follows:~~

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

26.27 ~~(2) (1) a tribe that performs within or above its range of expected performance on the~~
26.28 ~~annualized three-year self-support index under section 256J.751, subdivision 2, clause (6),~~
26.29 ~~will must receive an additional allocation equal to 2.5 five percent of its initial allocation; or~~

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

26.35 ~~(4) (2) a tribe that does not perform within or above its range of expected~~
26.36 ~~performance on the annualized three-year self-support index under section 256J.751,~~

27.1 subdivision 2, clause (6), ~~will~~ must not receive an additional allocation equal to ~~2.5~~ five
 27.2 percent until after negotiating a multiyear improvement plan with the commissioner.

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

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

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

27.14 Sec. 27. Minnesota Statutes 2012, section 256J.626, subdivision 8, is amended to read:

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

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

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

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

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

27.31 Sec. 28. Minnesota Statutes 2012, section 256J.67, is amended to read:

27.32 **256J.67 COMMUNITY WORK EXPERIENCE.**

27.33 Subdivision 1. **Establishing the community work experience program.** To the
 27.34 extent of available resources, each county agency may establish and operate a community

28.1 work experience component for MFIP caregivers who are participating in employment and
28.2 training services. This option for county agencies supersedes the requirement in section
28.3 402(a)(1)(B)(iv) of the Social Security Act that caregivers who have received assistance
28.4 for two months and who are not exempt from work requirements must participate in a
28.5 work experience program. The purpose of the community work experience component is
28.6 to enhance the caregiver's employability and self-sufficiency and to provide meaningful,
28.7 productive work activities. The county shall use this program for an individual after
28.8 exhausting all other employment opportunities. The county agency shall not require a
28.9 caregiver to participate in the community work experience program unless the caregiver
28.10 has been given an opportunity to participate in other work activities.

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

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

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

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

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

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

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

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

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

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

29.11 Sec. 29. Minnesota Statutes 2012, section 256J.68, subdivision 1, is amended to read:

29.12 Subdivision 1. **Applicability.** (a) This section must be used to determine payment
29.13 of any claims resulting from an alleged injury or death of a person participating in a
29.14 county or a tribal ~~community~~ uncompensated work experience program under section
29.15 256J.49, subdivision 13, paragraph (a), clause (3), that is approved by the commissioner
29.16 and is operated by:

29.17 (1) the county agency;

29.18 (2) the tribe;

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

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

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

29.28 (e) (b) ~~This determination method~~ section applies to the community work experience
29.29 program under section 256J.67, the Supplemental Nutrition Assistance Program
29.30 uncompensated work experience programs ~~authorized,~~ and to other uncompensated
29.31 work programs approved by the commissioner for persons applying for or receiving
29.32 cash assistance and food stamps, ~~and to the Minnesota parent's fair share program, in a~~
29.33 ~~county with an approved community investment program for obligors.~~ Uncompensated
29.34 work experience programs are considered to be approved by the commissioner if they

30.1 are included in an approved tribal or county biennial service agreement under section
30.2 256J.626, subdivision 4.

30.3 Sec. 30. Minnesota Statutes 2012, section 256J.68, subdivision 2, is amended to read:

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

30.13 Sec. 31. Minnesota Statutes 2012, section 256J.68, subdivision 4, is amended to read:

30.14 Subd. 4. **Claims less than \$1,000.** The commissioner shall approve a claim of
30.15 \$1,000 or less for payment if appropriated funds are available, if the county agency
30.16 or ~~tribal program~~ tribe responsible for ~~supervising the~~ placing a participant in an
30.17 uncompensated work experience program has made the determinations required by this
30.18 section, and if the work program was operated in compliance with the safety provisions
30.19 of this section. The commissioner shall pay the portion of an approved claim of \$1,000
30.20 or less that is not covered by the claimant's insurance within three months of the date
30.21 of submission. On or before February 1 of each year, the commissioner shall submit
30.22 to the appropriate committees of the senate and the house of representatives a list of
30.23 claims of \$1,000 or less paid during the preceding calendar year and shall be reimbursed
30.24 by legislative appropriation for any claims that exceed the original appropriation
30.25 provided to the commissioner to operate ~~this program~~ the injury protection program for
30.26 uncompensated work experience participants. Any unspent money from this appropriation
30.27 shall carry over to the second year of the biennium, and any unspent money remaining at
30.28 the end of the second year shall be returned to the state general fund.

30.29 Sec. 32. Minnesota Statutes 2012, section 256J.68, subdivision 7, is amended to read:

30.30 Subd. 7. **Exclusive procedure.** The ~~procedure~~ procedures established by this
30.31 section ~~is~~ apply to uncompensated work experience programs under subdivision 1 and are
30.32 exclusive of all other legal, equitable, and statutory remedies against the state, its political
30.33 subdivisions, or employees of the state or its political subdivisions under section 13.02,

31.1 subdivision 11. The claimant shall not be entitled to seek damages from any state, county,
 31.2 tribal, or reservation insurance policy or self-insurance program. A provider who accepts
 31.3 or agrees to accept an injury protection program payment for services provided to an
 31.4 individual must not require any payment from the individual.

31.5 Sec. 33. Minnesota Statutes 2012, section 256J.68, subdivision 8, is amended to read:

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

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

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

31.18 Sec. 34. Minnesota Statutes 2012, section 256J.751, subdivision 2, is amended to read:

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

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

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

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

31.24 (4) median placement wage rate;

31.25 (5) caseload by months of TANF assistance;

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

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

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

32.6 Sec. 35. Minnesota Statutes 2012, section 256K.26, subdivision 4, is amended to read:

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

32.10 Sec. 36. Minnesota Statutes 2012, section 260C.503, subdivision 2, is amended to read:

32.11 Subd. 2. **Termination of parental rights.** (a) The responsible social services
32.12 agency must ask the county attorney to immediately file a termination of parental rights
32.13 petition when:

32.14 (1) the child has been subjected to egregious harm as defined in section 260C.007,
32.15 subdivision 14;

32.16 (2) the child is determined to be the sibling of a child who was subjected to
32.17 egregious harm;

32.18 (3) the child is an abandoned infant as defined in section 260C.301, subdivision 3,
32.19 paragraph (b), clause (2);

32.20 (4) the child's parent has lost parental rights to another child through an order
32.21 involuntarily terminating the parent's rights;

32.22 (5) the parent has committed sexual abuse as defined in section 626.556, subdivision
32.23 2, against the child or another child of the parent; or

32.24 ~~(6) the parent has committed an offense that requires registration as a predatory~~
32.25 ~~offender under section 243.166, subdivision 1b, paragraph (a) or (b); or~~

32.26 ~~(7)~~ (6) another child of the parent is the subject of an order involuntarily transferring
32.27 permanent legal and physical custody of the child to a relative under this chapter or a
32.28 similar law of another jurisdiction; ;

32.29 The county attorney shall file a termination of parental rights petition unless the conditions
32.30 of paragraph (d) are met.

32.31 (b) When the termination of parental rights petition is filed under this subdivision,
32.32 the responsible social services agency shall identify, recruit, and approve an adoptive
32.33 family for the child. If a termination of parental rights petition has been filed by another
32.34 party, the responsible social services agency shall be joined as a party to the petition.

33.1 (c) If criminal charges have been filed against a parent arising out of the conduct
 33.2 alleged to constitute egregious harm, the county attorney shall determine which matter
 33.3 should proceed to trial first, consistent with the best interests of the child and subject
 33.4 to the defendant's right to a speedy trial.

33.5 (d) The requirement of paragraph (a) does not apply if the responsible social services
 33.6 agency and the county attorney determine and file with the court:

33.7 (1) a petition for transfer of permanent legal and physical custody to a relative under
 33.8 sections 260C.505 and 260C.515, subdivision 3, including a determination that adoption
 33.9 is not in the child's best interests and that transfer of permanent legal and physical custody
 33.10 is in the child's best interests; or

33.11 (2) a petition under section 260C.141 alleging the child, and where appropriate,
 33.12 the child's siblings, to be in need of protection or services accompanied by a case plan
 33.13 prepared by the responsible social services agency documenting a compelling reason why
 33.14 filing a termination of parental rights petition would not be in the best interests of the child.

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

33.16 Sec. 37. Minnesota Statutes 2012, section 260C.615, is amended to read:

33.17 **260C.615 DUTIES OF COMMISSIONER.**

33.18 Subdivision 1. **Duties Exclusive right to consent.** (a) For any child who is under
 33.19 the guardianship of the commissioner, the commissioner has the exclusive ~~rights~~ right
 33.20 to consent to:

33.21 (1) the medical care plan for the treatment of a child who is at imminent risk of death
 33.22 or who has a chronic disease that, in a physician's judgment, will result in the child's death
 33.23 in the near future including a physician's order not to resuscitate or intubate the child; and:

33.24 (i) a responsible social services agency requesting the commissioner's consent for a
 33.25 physician's order not to resuscitate or intubate or for an order for other end-of-life care
 33.26 must submit the request according to procedures established by the commissioner;

33.27 (ii) the commissioner may require consultation regarding the child's medical care
 33.28 with an ethics expert prior to responding to the request;

33.29 (iii) an ethics expert is a staff member who provides consultation on ethics issues or
 33.30 coordinates ethics reviews and is employed by or associated with a hospital designated
 33.31 by the commissioner; and

33.32 (iv) no individual or entity, including a hospital, providing ethics consultation to the
 33.33 commissioner under this subdivision incurs any civil or criminal liability for advice or

34.1 opinions given regarding the care of the child, if the individual or entity acts in good faith
 34.2 and in accordance with applicable medical standards of care; and

34.3 (2) the child donating a part of the child's body to another person while the child is
 34.4 living; the decision to donate a body part under this clause shall take into consideration
 34.5 the child's wishes and the child's culture.

34.6 Subd. 1a. **Other duties.** (b) In addition to the exclusive rights under paragraph (a)
 34.7 subdivision 1, for children under guardianship of the commissioner, the commissioner
 34.8 has a duty to:

34.9 (1) process any complete and accurate request for home study and placement
 34.10 through the Interstate Compact on the Placement of Children under section 260.851;

34.11 (2) process any complete and accurate application for adoption assistance forwarded
 34.12 by the responsible social services agency according to chapter 259A;

34.13 (3) complete the execution of an adoption placement agreement forwarded to the
 34.14 commissioner by the responsible social services agency and return it to the agency in a
 34.15 timely fashion; and

34.16 (4) maintain records as required in chapter 259.

34.17 **Subd. 2. Duties not reserved.** All duties, obligations, and consents not specifically
 34.18 reserved to the commissioner in this section are delegated to the responsible social
 34.19 services agency.

34.20 **Sec. 38. [260D.12] TRIAL HOME VISITS; VOLUNTARY FOSTER CARE FOR**
 34.21 **TREATMENT.**

34.22 When a child is in foster care for treatment under this chapter, the child's parent and
 34.23 the responsible social services agency may agree that the child is returned to the care of a
 34.24 parent on a trial home visit. The purpose of the trial home visit is to provide sufficient
 34.25 planning for supports and services to the child and family to meet the child's needs
 34.26 following treatment so that the child can return to and remain in the parent's home. During
 34.27 the period of the trial home visit, the agency has placement and care responsibility for the
 34.28 child. The trial home visit shall not exceed six months and may be terminated by either
 34.29 the parent or the agency within ten days' written notice.

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

34.31 **Sec. 39.** Minnesota Statutes 2012, section 626.556, subdivision 2, is amended to read:

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

35.1 (a) "Family assessment" means a comprehensive assessment of child safety, risk
35.2 of subsequent child maltreatment, and family strengths and needs that is applied to a
35.3 child maltreatment report that does not allege substantial child endangerment. Family
35.4 assessment does not include a determination as to whether child maltreatment occurred
35.5 but does determine the need for services to address the safety of family members and the
35.6 risk of subsequent maltreatment.

35.7 (b) "Investigation" means fact gathering related to the current safety of a child
35.8 and the risk of subsequent maltreatment that determines whether child maltreatment
35.9 occurred and whether child protective services are needed. An investigation must be used
35.10 when reports involve substantial child endangerment, and for reports of maltreatment in
35.11 facilities required to be licensed under chapter 245A or 245B; under sections 144.50 to
35.12 144.58 and 241.021; in a school as defined in sections 120A.05, subdivisions 9, 11, and
35.13 13, and 124D.10; or in a nonlicensed personal care provider association as defined in
35.14 sections 256B.04, subdivision 16, and 256B.0625, subdivision 19a.

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

35.20 (1) egregious harm as defined in section 260C.007, subdivision 14;

35.21 (2) sexual abuse as defined in paragraph (d);

35.22 (3) abandonment under section 260C.301, subdivision 2;

35.23 (4) neglect as defined in paragraph (f), clause (2), that substantially endangers the
35.24 child's physical or mental health, including a growth delay, which may be referred to as
35.25 failure to thrive, that has been diagnosed by a physician and is due to parental neglect;

35.26 (5) murder in the first, second, or third degree under section 609.185, 609.19, or
35.27 609.195;

35.28 (6) manslaughter in the first or second degree under section 609.20 or 609.205;

35.29 (7) assault in the first, second, or third degree under section 609.221, 609.222, or
35.30 609.223;

35.31 (8) solicitation, inducement, and promotion of prostitution under section 609.322;

35.32 (9) criminal sexual conduct under sections 609.342 to 609.3451;

35.33 (10) solicitation of children to engage in sexual conduct under section 609.352;

35.34 (11) malicious punishment or neglect or endangerment of a child under section
35.35 609.377 or 609.378;

35.36 (12) use of a minor in sexual performance under section 617.246; or

36.1 (13) parental behavior, status, or condition which mandates that the county attorney
36.2 file a termination of parental rights petition under section 260C.301, subdivision 3,
36.3 paragraph (a).

36.4 (d) "Sexual abuse" means the subjection of a child by a person responsible for the
36.5 child's care, by a person who has a significant relationship to the child, as defined in
36.6 section 609.341, or by a person in a position of authority, as defined in section 609.341,
36.7 subdivision 10, to any act which constitutes a violation of section 609.342 (criminal sexual
36.8 conduct in the first degree), 609.343 (criminal sexual conduct in the second degree),
36.9 609.344 (criminal sexual conduct in the third degree), 609.345 (criminal sexual conduct
36.10 in the fourth degree), or 609.3451 (criminal sexual conduct in the fifth degree). Sexual
36.11 abuse also includes any act which involves a minor which constitutes a violation of
36.12 prostitution offenses under sections 609.321 to 609.324 or 617.246. ~~Sexual abuse includes~~
36.13 ~~threatened sexual abuse which includes the status of a parent or household member~~
36.14 ~~who has committed a violation which requires registration as an offender under section~~
36.15 ~~243.166, subdivision 1b, paragraph (a) or (b), or required registration under section~~
36.16 ~~243.166, subdivision 1b, paragraph (a) or (b).~~

36.17 (e) "Person responsible for the child's care" means (1) an individual functioning
36.18 within the family unit and having responsibilities for the care of the child such as a
36.19 parent, guardian, or other person having similar care responsibilities, or (2) an individual
36.20 functioning outside the family unit and having responsibilities for the care of the child
36.21 such as a teacher, school administrator, other school employees or agents, or other lawful
36.22 custodian of a child having either full-time or short-term care responsibilities including,
36.23 but not limited to, day care, babysitting whether paid or unpaid, counseling, teaching,
36.24 and coaching.

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

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

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

36.34 (3) failure to provide for necessary supervision or child care arrangements
36.35 appropriate for a child after considering factors as the child's age, mental ability, physical

37.1 condition, length of absence, or environment, when the child is unable to care for the
37.2 child's own basic needs or safety, or the basic needs or safety of another child in their care;

37.3 (4) failure to ensure that the child is educated as defined in sections 120A.22 and
37.4 260C.163, subdivision 11, which does not include a parent's refusal to provide the parent's
37.5 child with sympathomimetic medications, consistent with section 125A.091, subdivision 5;

37.6 (5) nothing in this section shall be construed to mean that a child is neglected solely
37.7 because the child's parent, guardian, or other person responsible for the child's care in
37.8 good faith selects and depends upon spiritual means or prayer for treatment or care of
37.9 disease or remedial care of the child in lieu of medical care; except that a parent, guardian,
37.10 or caretaker, or a person mandated to report pursuant to subdivision 3, has a duty to report
37.11 if a lack of medical care may cause serious danger to the child's health. This section does
37.12 not impose upon persons, not otherwise legally responsible for providing a child with
37.13 necessary food, clothing, shelter, education, or medical care, a duty to provide that care;

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

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

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

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

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

37.34 Abuse does not include reasonable and moderate physical discipline of a child
37.35 administered by a parent or legal guardian which does not result in an injury. Abuse does
37.36 not include the use of reasonable force by a teacher, principal, or school employee as

38.1 allowed by section 121A.582. Actions which are not reasonable and moderate include,
38.2 but are not limited to, any of the following that are done in anger or without regard to the
38.3 safety of the child:

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

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

38.6 (3) shaking a child under age three;

38.7 (4) striking or other actions which result in any nonaccidental injury to a child
38.8 under 18 months of age;

38.9 (5) unreasonable interference with a child's breathing;

38.10 (6) threatening a child with a weapon, as defined in section 609.02, subdivision 6;

38.11 (7) striking a child under age one on the face or head;

38.12 (8) purposely giving a child poison, alcohol, or dangerous, harmful, or controlled
38.13 substances which were not prescribed for the child by a practitioner, in order to control or
38.14 punish the child; or other substances that substantially affect the child's behavior, motor
38.15 coordination, or judgment or that results in sickness or internal injury, or subjects the
38.16 child to medical procedures that would be unnecessary if the child were not exposed
38.17 to the substances;

38.18 (9) unreasonable physical confinement or restraint not permitted under section
38.19 609.379, including but not limited to tying, caging, or chaining; or

38.20 (10) in a school facility or school zone, an act by a person responsible for the child's
38.21 care that is a violation under section 121A.58.

38.22 (h) "Report" means any ~~report~~ statement, oral or written, received by the local
38.23 welfare agency, police department, county sheriff, or agency responsible for assessing
38.24 or investigating child maltreatment allegations pursuant to this section which meets the
38.25 statutory definition of child maltreatment.

38.26 (i) "Facility" means:

38.27 (1) a licensed or unlicensed day care facility, residential facility, agency, hospital,
38.28 sanitarium, or other facility or institution required to be licensed under sections 144.50 to
38.29 144.58, 241.021, or 245A.01 to 245A.16, or chapter 245B;

38.30 (2) a school as defined in sections 120A.05, subdivisions 9, 11, and 13; and
38.31 124D.10; or

38.32 (3) a nonlicensed personal care provider organization as defined in sections 256B.04,
38.33 subdivision 16, and 256B.0625, subdivision 19a.

38.34 (j) "Operator" means an operator or agency as defined in section 245A.02.

38.35 (k) "Commissioner" means the commissioner of human services.

39.1 (l) "Practice of social services," for the purposes of subdivision 3, includes but is
39.2 not limited to employee assistance counseling and the provision of guardian ad litem and
39.3 parenting time expeditor services.

39.4 (m) "Mental injury" means an injury to the psychological capacity or emotional
39.5 stability of a child as evidenced by an observable or substantial impairment in the child's
39.6 ability to function within a normal range of performance and behavior with due regard to
39.7 the child's culture.

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

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

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

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

39.19 (4) committed an act that has resulted in the involuntary transfer of permanent
39.20 legal and physical custody of a child to a relative under Minnesota Statutes 2010, section
39.21 260C.201, subdivision 11, paragraph (d), clause (1), section 260C.515, subdivision 4, or a
39.22 similar law of another jurisdiction.

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

39.26 (o) Upon receiving data under section 144.225, subdivision 2b, contained in a
39.27 birth record or recognition of parentage identifying a child who is subject to threatened
39.28 injury under paragraph (n), the Department of Human Services shall send the data to the
39.29 responsible social services agency. The data is known as "birth match" data. Unless the
39.30 responsible social services agency has already begun an investigation or assessment of the
39.31 report due to the birth of the child or execution of the recognition of parentage and the
39.32 parent's previous history with child protection, the agency shall accept the birth match
39.33 data as a report under this section. The agency may use either a family assessment or
39.34 investigation to determine whether the child is safe. All of the provisions of this section
39.35 apply. If the child is determined to be safe, the agency shall consult with the county
39.36 attorney to determine the appropriateness of filing a petition alleging the child is in need

40.1 of protection or services under section 260C.007, subdivision 6, clause (16), in order to
40.2 deliver needed services. If the child is determined not to be safe, the agency and the county
40.3 attorney shall take appropriate action as required under section 260C.301, subdivision 3.

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

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

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

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

40.15 (r) "Nonmaltreatment mistake" means:

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

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

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

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

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

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

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

40.33 Sec. 40. Minnesota Statutes 2012, section 626.556, subdivision 7, is amended to read:

40.34 Subd. 7. **Report.** (a) An oral report shall be made immediately by telephone or
40.35 otherwise. An oral report made by a person required under subdivision 3 to report shall be

41.1 followed within 72 hours, exclusive of weekends and holidays, by a report in writing to
41.2 the appropriate police department, the county sheriff, the agency responsible for assessing
41.3 or investigating the report, or the local welfare agency, ~~unless the appropriate agency~~
41.4 ~~has informed the reporter that the oral information does not constitute a report under~~
41.5 ~~subdivision 10.~~ The local welfare agency shall determine if the report is accepted for an
41.6 assessment or investigation as soon as possible but in no event longer than 24 hours
41.7 after the report is received.

41.8 (b) Any report shall be of sufficient content to identify the child, any person believed
41.9 to be responsible for the abuse or neglect of the child if the person is known, the nature
41.10 and extent of the abuse or neglect and the name and address of the reporter. ~~If requested,~~
41.11 ~~the local welfare agency or the agency responsible for assessing or investigating the report~~
41.12 ~~shall inform the reporter within ten days after the report is made, either orally or in writing,~~
41.13 ~~whether the report was accepted for assessment or investigation.~~ The local welfare
41.14 agency, agency responsible for assessing or investigating the report, police department, or
41.15 the county sheriff shall accept a report made under subdivision 3 notwithstanding refusal
41.16 by a reporter to provide the reporter's name or address as long as the report is otherwise
41.17 sufficient under this paragraph. Written reports received by a police department or the
41.18 county sheriff shall be forwarded immediately to the local welfare agency or the agency
41.19 responsible for assessing or investigating the report. The police department or the county
41.20 sheriff may keep copies of reports received by them. Copies of written reports received by
41.21 a local welfare department or the agency responsible for assessing or investigating the
41.22 report shall be forwarded immediately to the local police department or the county sheriff.

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

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

41.34 ~~(e)~~ (e) A written copy of a report maintained by personnel of agencies, other than
41.35 welfare or law enforcement agencies, which are subject to chapter 13 shall be confidential.

42.1 An individual subject of the report may obtain access to the original report as provided
42.2 by subdivision 11.

42.3 Sec. 41. Minnesota Statutes 2012, section 626.556, subdivision 11c, is amended to read:

42.4 Subd. 11c. **Welfare, court services agency, and school records maintained.**

42.5 Notwithstanding sections 138.163 and 138.17, records maintained or records derived
42.6 from reports of abuse by local welfare agencies, agencies responsible for assessing or
42.7 investigating the report, court services agencies, or schools under this section shall be
42.8 destroyed as provided in paragraphs (a) to (d) by the responsible authority.

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

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

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

42.22 (d) Private or confidential data released to a court services agency under subdivision
42.23 10h must be destroyed by the court services agency when ordered to do so by the local
42.24 welfare agency that released the data. The local welfare agency or agency responsible for
42.25 assessing or investigating the report shall order destruction of the data when other records
42.26 relating to the assessment or investigation are destroyed under this subdivision.

42.27 Sec. 42. Minnesota Statutes 2012, section 626.5561, subdivision 1, is amended to read:

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

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

43.6 (c) Any person may make a voluntary report if the person knows or has reason to
43.7 believe that a woman is pregnant and has used a controlled substance for a nonmedical
43.8 purpose during the pregnancy, including, but not limited to, tetrahydrocannabinol, or
43.9 has consumed alcoholic beverages during the pregnancy in any way that is habitual or
43.10 excessive.

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

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