
CHAPTER 498—H.F.No.2333

An act relating to welfare; providing for mandatory certification to the commissioner of employment services; amending Minnesota Statutes 1971, Section 256.736, Subdivisions 3 and 4.

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

Section 1. Minnesota Statutes 1971, Section 256.736, Subdivision 3, is amended to read:

Subd. 3. PUBLIC WELFARE; WORK INCENTIVE PROGRAM; MANDATORY CERTIFICATION; OPERATION OF PROGRAM. To determine who shall be designated as an appropriate individual for ~~referral~~certification to the commissioner of ~~manpower~~ employment services, the commissioner of public welfare shall provide standards for county welfare agencies ~~in compliance~~consistent with the standards promulgated by the secretary of health, education, and welfare. County welfare agencies shall ~~refer~~certify appropriate individuals to the ~~department~~commissioner of ~~manpower~~employment services ~~which referrals shall include:~~

(1) ~~Each appropriate relative and child who has attained age 16 and is receiving aid to families with dependent children.~~

(2) ~~Any person receiving aid under the program who, after being informed of the work incentive programs, requests referral unless the state agency determines that participation in any of the programs would be inimical to the welfare of the person or family.~~

County welfare agencies shall not refer a child, or relative, if he is:

(a) ~~a person with illness, incapacity, or advanced age,~~

(b) ~~so remote from any of the projects under the work incentive programs that he cannot effectively participate under any of the programs,~~

(c) ~~a child attending school full time, or~~

(d) ~~a person whose presence in the home on a substantially continuous basis is required because of the illness or incapacity of another member of the household. and shall require that every individual, as a condition of receiving aid to families with dependent children, register for employment services, training, and employment, unless such individual is:~~

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(1) a child who is under age 16 or attending school full time;

(2) a person who is ill, incapacitated or of advanced age;

(3) a person so remote from a work incentive project that his effective participation is precluded;

(4) a person whose presence in the home is required because of illness or incapacity of another member of the household;

(5) a mother or other relative of a child under the age of six who is caring for the child; or

(6) the mother or other female caretaker of a child if the father or another adult male relative is in the home and not excluded by clause (1), (2), (3), or (4) of this subdivision, unless he has failed to register as required by this subdivision or has been found by the commissioner of employment services to have refused without good cause to participate under a work incentive program or accept employment.

Any individual referred to in clause (5) of this subdivision shall be advised of her option to register for employment services, training, and employment if she so desires, and shall be informed of the child care services, if any, which will be available to her in the event she should decide to register.

If, after planning with a recipient, a decision is made ~~for his referral that he must register for employment services, training, and employment,~~ the county welfare department shall give notice in writing to the individual stating that he ~~has been referred to~~ must register with the department commissioner of manpower employment services for participation in a work incentive program and that he has a right to a fair hearing under section 256.77 with respect to the appropriateness of his ~~referral registration~~ .

Sec. 2. Minnesota Statutes 1971, Section 256.736, Subdivision 4, is amended to read:

Subd. 4. **CONDITIONS OF CERTIFICATION.** The commissioner of public welfare shall:

(1) Provide that any relative or child ~~referred~~ certified to the commissioner of ~~manpower employment~~ services pursuant to this section is furnished child-care services and other necessary family services ~~as necessary~~ ;

(2) Pay ~~20~~ ten percent of the cost of programs of training and employment established by the commissioner of ~~manpower employment~~ services for persons ~~referred~~ certified hereunder;

(3) Provide that in determining a recipient's needs any monthly ~~Changes~~ or additions indicated by underline deletions by ~~strikeout~~

incentive training payment made to the recipient by the department of ~~manpower-employment~~ services is disregarded and the additional expenses attributable to his participation in a program are taken into account in grant determination;

(4) Provide that, after proper notification by the commissioner of manpower services that any individual is participating in a special work project, notwithstanding the provisions of section 256.81, clause (2), the grant money payment which would otherwise be made to or on behalf of the individual, including money payments with respect to the individual's family, or 80 percent of the individual's earnings under the program, whichever is lesser, be paid to the commissioner of manpower services. The county welfare department shall supplement any earnings received by the individual by payments to the individual, which payments shall be considered aid to the extent that the payments, when added to the individual's earnings from his participation in a special work project, will be equal to the amount of the aid that would have been payable to the individual and his family had he not participated in the special work project, plus 20 percent of the individual's earnings from the special work project;

(5)-(4) Provide that when it has been certified by the commissioner of ~~manpower-employment~~ services, certification to be binding upon the commissioner of public welfare, that a relative or child referred ~~certified~~ under the work incentive program to the ~~department-commissioner of manpower-employment~~ services has been found by the commissioner of ~~manpower services~~, after a hearing conducted in the manner prescribed by section 268.10, subdivision 3, with the right of review in accordance with the provisions of section 268.10, subdivision 8, to have refused without good cause to participate under a work incentive program or ~~has to have~~ refused without good cause to accept a bona fide offer of public or other employment made through the public employment offices of the state or otherwise offered by an employer, the county welfare departments shall provide that:

(a) If the relative makes the refusal, the relative's needs shall not be taken into account in making the grant determination, and aid for any dependent child in the family will be made in the form of vendor payments.

(b) Aid with respect to a dependent child will be denied if a child who makes the refusal is the only child receiving aid in the family.

(c) If there is more than one child receiving aid in the family, aid for the child who makes the refusal will be denied and his needs will not be taken into account in making the grant determination; and

(d) Notwithstanding the other provisions of this subdivision, the county welfare department shall, for a period of 60 days, after notification of the commissioner of ~~manpower-employment~~ services' ~~decision-determination~~ of refusal without cause to participate in a program

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of training or employment, make vendor payments on behalf of the relative specified or continue aid in the case of a child specified, if during the 60 day period the child or relative accepts counseling or other services which the county welfare department shall make available to the child or relative aimed at for the purpose of assisting the child or relative to participate in a program in accordance with the determination of the commissioner of ~~manpower~~ employment services.

Sec. 3. This act is in effect the day following its final enactment.

Approved April 11, 1974.

CHAPTER 499—H.F.No.2334

An act relating to child welfare; requiring agency placement prior to adoption; amending Minnesota Statutes 1971, Section 259.22.

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

Section 1. Minnesota Statutes 1971, Section 259.22, is amended to read:

259.22 CHILD WELFARE; ADOPTION; AGENCY PLACEMENT; PETITION. Subdivision 1. Any person who has resided in the state for one year or more may petition to adopt a child or an adult, and the same petitioner may petition for the adoption of two or more persons in one petition. The provisions as to length of residence in the state may be waived by the court whenever it appears to be for the best interest of the child.

Subd. 2. No petition for adoption shall be filed unless the child sought to be adopted has been placed by the commissioner of public welfare, his agent, or a licensed child-placing agency. The provisions of this subdivision shall not apply if

(a) the child is over 14 years of age;

(b) the child is sought to be adopted by a step-parent;

(c) the child is sought to be adopted by a relative related by blood or marriage within the third degree;

(d) the child has been lawfully placed under the laws of another state while the child and petitioner resided in that other state; or

(e) the court waives the requirement of placement in the best interests of the child or petitioners.

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