CHAPTER 142G

MINNESOTA FAMILY INVESTMENT PROGRAM

142G.01 ESTABLISHING MINNESOTA FAMILY INVESTMENT PROGRAM.
142G.02 DEFINITIONS.
142G.03 FEDERAL TANF BLOCK GRANT.
142G.04 SEPARATE STATE PROGRAM FOR USE OF STATE MONEY.
142G.05 APPLYING FOR ASSISTANCE.
142G.10 MFIP ELIGIBILITY REQUIREMENTS.
142G.11 ELIGIBILITY; CITIZENSHIP.
142G.12 ELIGIBILITY; MINNESOTA RESIDENCE.
142G.13 ELIGIBILITY; MINOR CHILD IN ASSISTANCE UNIT; PHYSICAL PRESENCE.
142G.14 ELIGIBILITY; PARENTING OR PREGNANT MINORS.
142G.15 OTHER ELIGIBILITY CONDITIONS.
142G.16 INCOME LIMITATIONS.
142G.17 FAMILY COMPOSITION; ASSISTANCE STANDARDS; EXIT LEVEL.
142G.18 PERSONS INELIGIBLE; VENDOR PAYMENTS.
142G.19 SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.
142G.20 APPLICANT AND PARTICIPANT REQUIREMENTS AND RESPONSIBILITIES.
142G.21 APPLICANT AND PARTICIPANT RIGHTS; COUNTY AGENCY DUTY.
142G.22 PROSPECTIVE MFIP ELIGIBILITY.
142G.25 REPORTING REQUIREMENTS.
142G.26 RELATIONSHIP TO OTHER PROGRAMS.
142G.27 ORIENTATION.
142G.31 TREATMENT OF INCOME.
142G.32 AMOUNT OF ASSISTANCE PAYMENT.
142G.33 ALLOCATION FOR UNMET NEED OF OTHER HOUSEHOLD MEMBERS.
142G.34 SUPPORT FROM PARENTS OF MINOR CAREGIVERS LIVING APART.
142G.35 PAYMENT PROVISIONS; VENDOR PAYMENTS.
142G.36 VENDOR PAYMENT OF SHELTER COSTS AND UTILITIES.
142G.37 WORK PARTICIPATION CASH BENEFITS.
142G.38 AGING OF CASH BENEFITS.
142G.40 60-MONTH TIME LIMIT; EXEMPTIONS.
142G.41 NOTICE OF 12 MONTHS OF TANF ASSISTANCE REMAINING.
142G.42 60-MONTH TIME LIMIT; HARDSHIP EXTENSIONS.
142G.45 FAIR HEARINGS.
142G.50 EMPLOYMENT AND TRAINING SERVICES; DEFINITIONS.
142G.51 EMPLOYMENT AND TRAINING; PARTICIPANT.
142G.52 UNIVERSAL PARTICIPATION REQUIRED.
142G.53 FAMILY VIOLENCE WAIVER CRITERIA.
142G.54 EMPLOYMENT AND TRAINING; COUNTY DUTIES.
142G.55 OVERVIEW OF EMPLOYMENT AND TRAINING SERVICES.
142G.56 ASSESSMENT; EMPLOYMENT PLANS.
142G.57 MINOR PARENTS; EMPLOYMENT PLAN.
142G.58 POSTSECONDARY EDUCATION AS APPROVED WORK ACTIVITY.
142G.59 BASIC EDUCATION; ENGLISH AS A SECOND LANGUAGE.
142G.60 ON-THE-JOB TRAINING.
142G.61 COMMUNITY WORK EXPERIENCE.
142G.62 INJURY PROTECTION FOR WORK EXPERIENCE PARTICIPANTS.
142G.63 NONDISPLACEMENT IN WORK ACTIVITIES.
142G.64 EMPLOYMENT AND TRAINING; GRANT DIVERSION.
142G.65 EMPLOYMENT AND TRAINING SERVICE PROVIDER APPEAL.
142G.70 SANCTIONS.
142G.71 GOOD CAUSE EXEMPTION FROM SANCTION.
142G.75 FAMILY STABILIZATION SERVICES.
142G.76 MFIP CONSOLIDATED FUND.
142G.77 INDIAN TRIBE MFIP EMPLOYMENT SERVICES.
142G.78 COUNTY OF FINANCIAL RESPONSIBILITY POLICIES.
142G.79 COUNTY PERFORMANCE MANAGEMENT.
142G.85 TANF DEMONSTRATION PROJECTS OR WAIVER FROM FEDERAL RULES AND REGULATIONS.
142G.90 DIVERSIONARY WORK PROGRAM.
142G.95 FUNERAL EXPENSES, PAYMENT BY COUNTY AGENCY.

142G.01 ESTABLISHING MINNESOTA FAMILY INVESTMENT PROGRAM.

Subdivision 1. **Implementation of Minnesota family investment program (MFIP).** This chapter and chapter 256K may be cited as the Minnesota family investment program (MFIP). MFIP is the statewide implementation of components of the Minnesota family investment plan (MFIP) authorized and formerly codified in section 256.031 and Minnesota family investment plan-Ramsey County (MFIP-R) formerly codified in section 256.047.

Subd. 2. **Implementation of temporary assistance for needy families (TANF).** The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, eliminates the entitlement program of aid to families with dependent children (AFDC) and replaces it with block grants to states for temporary assistance for needy families (TANF). TANF provides cash assistance for a limited time to families with children and to pregnant women. Minnesota's TANF assistance will be provided through a statewide expansion of MFIP. The modifications specified in this chapter are necessary to comply with the new federal law and to improve MFIP. Eligible applicants and recipients of AFDC, family general assistance, and the Supplemental Nutrition Assistance Program (SNAP) benefits will be converted to the MFIP program. Any new application received for family cash assistance will be processed under the rules of this chapter.

Subd. 3. **Relationship to other statutes and rules.** MFIP replaces eligibility for families with children and pregnant women under the general assistance program, governed by sections 256D.01 to 256D.17 and Minnesota Rules, parts 9500.1200 to 9500.1261.

Subd. 4. **Changes to waivers.** The commissioner of children, youth, and families may negotiate and obtain changes in the federal waivers and terms and conditions contained in MFIP. The commissioner may also terminate federal waivers by directing so in the applicable state plan.

Subd. 5. **Legislative approval to move programs or activities.** The commissioner shall not move programs or activities funded with MFIP or TANF maintenance of effort funds to other funding sources without legislative approval.

Subd. 6. **Community involvement.** The MFIP program must be administered in a way that, in addition to the county agency, other sectors in the community such as employers from the public and private sectors, not-for-profit organizations, educational and social service agencies, program participants, labor unions, and neighborhood associations are involved.

Subd. 7. **County and Tribal cooperation.** The county agency must cooperate with Tribal governments in the implementation of MFIP to ensure that the program meets the special needs of persons living on Indian reservations. This cooperation must include, but is not limited to, the sharing of MFIP duties including initial screening, orientation, assessments, and provision of employment and training services. The county agency shall encourage Tribal governments to assume duties related to MFIP and shall work cooperatively with Tribes that have assumed responsibility for a portion of the MFIP program to expand Tribal responsibilities, if that expansion is requested by the Tribe.

Subd. 8. **Child-only TANF program.** Children who receive assistance under this chapter, in which the assistance unit does not include a caregiver, but only includes a minor child, shall become part of the program established under this chapter.

History: *1997 c 85 art 1 s 1,3,20; 1999 c 159 s 77; 2000 c 488 art 10 s 24; 1Sp2001 c 9 art 10 s 66; 1Sp2003 c 14 art 1 s 8,106; 2004 c 288 art 4 s 28; 2006 c 212 art 3 s 22; 2007 c 147 art 2 s 22; 2016 c 158 art 2 s 105; 2017 c 40 art 1 s 85; 1Sp2019 c 9 art 1 s 42; 2023 c 70 art 10 s 38; 2024 c 80 art 7 s 1,12; art 8 s 70; 2025 c 20 s 115,116; 2026 c 88 art 1 s 58*

142G.02 DEFINITIONS.

Subdivision 1. **Scope of definitions.** The terms used in this chapter have the following meanings unless otherwise provided for by text.

Subd. 2. **Absent parent.** "Absent parent" means a minor child's parent who does not live in the same home as the child.

Subd. 3. **Agency.** "Agency" has the meaning given in section 256P.01, subdivision 2.

Subd. 4. **Agency error.** "Agency error" means an error that results in an overpayment or underpayment to an assistance unit and is not caused by an applicant's or participant's failure to provide adequate, correct, or timely information about income, property, household composition, or other circumstances.

Subd. 5. **Appeal.** "Appeal" means a written statement from an applicant or participant who requests a hearing under section 142G.21.

Subd. 6. **Applicant.** "Applicant" means a person who has submitted to a county agency an application and whose application has not been acted upon, denied, or voluntarily withdrawn.

Subd. 7. **Application.** "Application" means the submission by or on behalf of a family to a county agency of a completed, signed, and dated form, prescribed by the commissioner, that indicates the desire to receive assistance.

Subd. 8. **Assistance unit or MFIP assistance unit.** "Assistance unit" or "MFIP assistance unit" means a group of mandatory or optional people receiving or applying for MFIP benefits together.

Subd. 9. **Authorized representative.** "Authorized representative" means a person who is authorized, in writing, by an applicant or participant to act on the applicant's or participant's behalf in matters involving the application for assistance or participation in MFIP.

Subd. 10. **Basic needs.** "Basic needs" means the minimum personal requirements of subsistence and is restricted to food, clothing, shelter, utilities, and other items for which the loss, or lack of basic needs, is determined by the county agency to pose a direct, immediate threat to the physical health or safety of the applicant or participant.

Subd. 11. MS 2024 [Repealed, 2023 c 70 art 10 s 98]

Subd. 12. **Caregiver.** "Caregiver" means a minor child's birth or adoptive parent or parents and stepparent who live in the home with the minor child. For purposes of determining eligibility for this program, caregiver also means any of the following individuals, if adults, who live with and provide care and support to a minor child when the minor child's birth or adoptive parent or parents or stepparents do not reside in the same home: legal custodian or guardian, grandfather, grandmother, brother, sister, half brother, half sister, stepbrother, stepsister, uncle, aunt, first cousin or first cousin once removed, nephew, niece, person of preceding generation as denoted by prefixes of "great," "great-great," or "great-great-great," or a spouse of any person named in the above groups even after the marriage ends by death or divorce.

Subd. 13. **Child only case.** "Child only case" means a case that would be part of the child only TANF program under section 142G.01, subdivision 8.

Subd. 14. **Client error.** "Client error" means an error that results in an overpayment or underpayment and is due to an applicant's or participant's failure to provide adequate, correct, or timely information concerning income, property, household composition, or other circumstances.

Subd. 15. **Commissioner.** "Commissioner" means the commissioner of children, youth, and families or the commissioner's designated representative.

Subd. 16. **Commissioner of education-selected high school equivalency.** "Commissioner of education-selected high school equivalency" means the high school equivalency certification issued by the commissioner of education as an equivalent to a secondary school diploma under section 124D.549.

Subd. 17. **Corrective payment.** "Corrective payment" means an assistance payment that is made to correct an underpayment.

Subd. 18. **Countable income.** "Countable income" means earned and unearned income that is described in section 256P.06, subdivision 3, or disregarded under section 142G.16, subdivision 1, or section 256P.03.

Subd. 19. **Counted earnings.** "Counted earnings" means the earned income that remains after applicable disregards under section 142G.16, subdivision 2, have been subtracted from gross earned income.

Subd. 20. **County agency.** "County agency" means the agency designated by the county board to implement financial assistance for current programs and for MFIP and the agency responsible for enforcement of child support collection, and a county or multicounty agency that is authorized under sections 393.01, subdivision 7, and 393.07, subdivision 2, to administer MFIP.

Subd. 21. **County board.** "County board" means a board of commissioners, a local services agency as defined in chapter 393, a board established under the Joint Powers Act, section 471.59, or a human services board under chapter 402.

Subd. 22. **County of financial responsibility.** "County of financial responsibility" means the county that has financial responsibility for providing public assistance as specified in chapter 256G.

Subd. 23. **County of residence.** "County of residence" means the county where the caregiver has established a home.

Subd. 24. **Date of application.** "Date of application" has the meaning given in section 256P.01, subdivision 2b.

Subd. 25. **Deem.** "Deem" means to treat all or part of the income of an individual who is not in the assistance unit, but who is financially responsible for members of the assistance unit, as if it were income available to the assistance unit.

Subd. 26. **Department.** "Department" means the Minnesota Department of Children, Youth, and Families.

Subd. 27. **Disqualified.** "Disqualified" means being ineligible to receive MFIP due to noncooperation with program requirements. Except for persons whose disqualification is based on fraud, a disqualified person can take action to correct the reason for ineligibility.

Subd. 28. MS 2024 [Repealed, 2023 c 70 art 10 s 98]

Subd. 29. **Documentation.** "Documentation" means a written statement or record that substantiates or validates an assertion made by a person or an action taken by a person, agency, or entity.

Subd. 30. **Earned income.** "Earned income" has the meaning given in section 256P.01, subdivision 3.

Subd. 31. **Earned income tax credit.** "Earned income tax credit" means the payment which can be obtained by a qualified person from an employer or from the Internal Revenue Service as provided by section 290.0671 and United States Code, title 26, subtitle A, chapter 1, subchapter A, part 4, subpart C, section 32.

Subd. 32. **Encumbrance.** "Encumbrance" means a legal claim against real or personal property that is payable upon the sale of that property.

Subd. 33. **Employable.** "Employable" means a person is capable of performing existing positions in the local labor market, regardless of the current availability of openings for those positions.

Subd. 34. **Equity value.** "Equity value" means the amount of equity in real or personal property owned by a person and is determined by subtracting any outstanding encumbrances from the fair market value.

Subd. 35. **Excluded time.** "Excluded time" has the meaning given in section 256G.02.

Subd. 36. **Expedited issuance of the SNAP benefit portion.** "Expedited issuance of the SNAP benefit portion" means the issuance of the SNAP benefit portion to eligible assistance units on the day of application as provided in section 393.07, subdivision 10a.

Subd. 37. **Fair hearing or hearing.** "Fair hearing" or "hearing" means the evidentiary hearing conducted by the department human services judge to resolve disputes as specified in section 142G.45, or if not applicable, section 142A.20.

Subd. 38. **Fair market value.** "Fair market value" means the price that an item of a particular make, model, size, material, or condition would sell for on the open market in the particular geographic area.

Subd. 39. **Family.** "Family" includes:

(1) the following individuals who live together: a minor child or a group of minor children related to each other as siblings, half siblings, stepsiblings, or adoptive siblings, together with their natural, adoptive parents, stepparents, or caregiver as defined in subdivision 12; and

(2) a pregnant woman with no other children.

Subd. 40. **Family violence.** (a) "Family violence" means the following, if committed against a family or household member by a family or household member:

(1) physical harm, bodily injury, or assault;

(2) the infliction of fear of physical harm, bodily injury, or assault; or

(3) terroristic threats, within the meaning of section 609.713, subdivision 1; criminal sexual conduct, within the meaning of section 609.342, 609.343, 609.344, 609.345, or 609.3451; or interference with an emergency call within the meaning of section 609.78, subdivision 2.

(b) For the purposes of family violence, "family or household member" means:

(1) spouses and former spouses;

(2) parents and children;

(3) persons related by blood;

(4) persons who are residing together or who have resided together in the past;

(5) persons who have a child in common regardless of whether they have been married or have lived together at any time;

(6) a man and woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at anytime; and

(7) persons involved in a current or past significant romantic or sexual relationship.

Subd. 41. **Family violence waiver.** "Family violence waiver" means a waiver of the 60-month time limit for victims of family violence who meet the criteria in section 142G.53 and are complying with an employment plan in section 142G.56, subdivision 3.

Subd. 42. **Family wage level.** "Family wage level" means 110 percent of the transitional standard as specified in section 142G.17, subdivision 7.

Subd. 43. **Federal Insurance Contribution Act or FICA.** "Federal Insurance Contribution Act" or "FICA" means the federal law under United States Code, title 26, subtitle C, chapter 21, subchapter A, sections 3101 to 3126, that requires withholding or direct payment from earned income.

Subd. 44. **Financial case record.** "Financial case record" means an assistance unit's financial eligibility file.

Subd. 45. **Full-time student.** "Full-time student" means a person who is enrolled in a graded or ungraded primary, intermediate, secondary, commissioner of education-selected high school equivalency preparatory, trade, technical, vocational, or postsecondary school, and who meets the school's standard for full-time attendance.

Subd. 46. **Gross earned income.** "Gross earned income" means earned income from employment before mandatory and voluntary payroll deductions. Gross earned income includes salaries, wages, tips, gratuities, commissions, incentive payments from work or training programs, payments made by an employer for regularly accrued vacation or sick leave, and profits from other activity earned by an individual's effort or labor. Gross earned income includes uniform and meal allowances if federal income tax is deducted from the allowance. Gross earned income includes flexible work benefits received from an employer if the employee has the option of receiving the benefit or benefits in cash. For self-employment, gross earned income is the nonexcluded income minus expenses for the business.

Subd. 47. **Gross income.** "Gross income" is the sum of gross earned income and unearned income.

Subd. 48. **Half-time student.** "Half-time student" means a person who is enrolled in a graded or ungraded primary, intermediate, secondary, commissioner of education-selected high school equivalency preparatory, trade, technical, vocational, or postsecondary school, and who meets the school's standard of half-time attendance.

Subd. 49. **Home.** "Home" means the primary place of residence used by a person as the base for day-to-day living and does not include locations used as mail drops.

Subd. 50. **Homestead.** "Homestead" means the home that is owned by, and is the usual residence of, the assistance unit together with the surrounding property which is not separated from the home by intervening property owned by others. Public rights-of-way, such as roads which run through the surrounding property and separate it from the home, do not affect the exemption of the property. Homestead includes an asset that is not real property that the assistance unit uses as a home, such as a vehicle.

Subd. 51. **Household.** "Household" means a group of persons who live together.

Subd. 52. **Income.** "Income" means cash or in-kind benefit, whether earned or unearned, received by or available to an applicant or participant that is not property under section 256P.02.

Subd. 53. **Initial eligibility.** "Initial eligibility" means the determination of eligibility for an MFIP applicant.

Subd. 54. **In-kind income.** "In-kind income" means income, benefits, or payments which are provided in a form other than money or liquid assets, including the forms of goods, produce, services, privileges, or payments made on behalf of an applicant or participant by a third party.

Subd. 55. **Inquiry.** "Inquiry" means a communication to a county agency through mail, telephone, or in person, by which a person or authorized representative requests information about public assistance. The county agency shall also treat as an inquiry any communication in which a person requesting assistance offers information about the person's family circumstances that indicates that eligibility for public assistance may exist.

Subd. 56. **Learning disabled.** "Learning disabled," for purposes of an extension to the 60-month time limit under section 142G.42, subdivision 4, clause (3), means the person has a disorder in one or more of the psychological processes involved in perceiving, understanding, or using concepts through verbal language or nonverbal means. Learning disabled does not include learning problems that are primarily the result of visual, hearing, or motor disabilities; developmental disability; or mental illness or due to environmental, cultural, or economic disadvantage.

Subd. 57. **Legal custodian.** "Legal custodian" means any person who is under a legal obligation to provide care for a minor and who is in fact providing care for a minor. For an Indian child, "custodian" means any Indian person who has legal custody of an Indian child under Tribal law or custom, under state law, or to whom temporary physical care, custody, and control has been transferred by the parent of the child, as provided in section 260.755, subdivision 10.

Subd. 58. **Legally available.** "Legally available" means a person's right under the law to secure, possess, dispose of, or control income or property.

Subd. 59. **Low-income home energy assistance program or LIHEAP.** "Low-income home energy assistance program" or "LIHEAP" means the program authorized under United States Code, title 42, chapter 94, subchapter II, sections 8621 to 8629, and administered by the Minnesota Department of Commerce.

Subd. 60. **Medical assistance.** "Medical assistance" means the program established under chapter 256B and Title XIX of the Social Security Act.

Subd. 61. **MFIP household report form.** "MFIP household report form" means a form prescribed by the commissioner that a participant uses to report information to a county agency about changes in income and other circumstances.

Subd. 62. **Migrant worker.** "Migrant worker" means a person who travels away from home on a regular basis, usually with a group of other laborers, to seek employment in an agriculturally related activity.

Subd. 63. **Minnesota family investment program or MFIP.** "Minnesota family investment program" or "MFIP" means the assistance program authorized in this chapter.

Subd. 64. **Minnesota supplemental aid or MSA.** "Minnesota supplemental aid" or "MSA" means the program established under sections 256D.33 to 256D.54.

Subd. 65. **Minor caregiver.** "Minor caregiver" means a person who:

(1) is under the age of 18;

(2) has never been married or otherwise legally emancipated; and

(3) is either the natural parent of a minor child living in the same household or is eligible for assistance paid to a pregnant woman.

Subd. 66. MS 2024 [Repealed, 2023 c 70 art 10 s 98]

Subd. 67. **Monthly income test.** "Monthly income test" means the test used to determine ongoing eligibility and the assistance payment amount according to section 142G.16.

Subd. 68. **Noncustodial parent.** "Noncustodial parent" means a minor child's parent who does not live in the same home as the child.

Subd. 69. **Overpayment.** "Overpayment" means the portion of an assistance payment issued by the county agency that is greater than the amount for which the assistance unit is eligible.

Subd. 70. **Parent.** "Parent" means a child's biological or adoptive parent who is legally obligated to support that child.

Subd. 71. **Participant.** (a) "Participant" includes any of the following:

(1) a person who is currently receiving cash assistance or the food portion available through MFIP;

(2) a person who withdraws a cash or food assistance payment by electronic transfer or receives and cashes an MFIP assistance check or food coupons and is subsequently determined to be ineligible for assistance for that period of time is a participant, regardless whether that assistance is repaid;

(3) the caregiver relative and the minor child whose needs are included in the assistance payment;

(4) a person in an assistance unit who does not receive a cash and food assistance payment because the case has been suspended from MFIP; and

(5) a person who receives cash payments under family stabilization services under section 142G.75.

(b) "Participant" does not include a person who fails to withdraw or access electronically any portion of the person's cash and food assistance payment by the end of the payment month, who makes a written request for closure before the first of a payment month and repays cash and food assistance electronically issued for that payment month within that payment month, or who returns any uncashed assistance check and food coupons and withdraws from the program.

Subd. 72. **Participation requirements of TANF.** "Participation requirements of TANF" means activities and hourly requirements allowed under title IV-A of the federal Social Security Act.

Subd. 73. **Payee.** "Payee" means a person to whom an assistance payment is made payable.

Subd. 74. **Payment month.** "Payment month" means the calendar month for which the assistance payment is paid.

Subd. 75. **Person trained in domestic violence.** "Person trained in domestic violence" means an individual who works for an organization that is designated by the Minnesota Center for Crime Victims Services as providing services to victims of domestic violence, or a county staff person who has received similar specialized training, and includes any other person or organization designated by a qualifying organization under this section.

Subd. 76. **Personal property.** "Personal property" means an item of value that is not real property, including the value of a contract for deed held by a seller, assets held in trust on behalf of members of an

assistance unit, value of a prepaid burial, savings account, value of stocks and bonds, and value of retirement accounts.

Subd. 77. **Probable fraud.** "Probable fraud" means the level of evidence that, if proven as fact, would establish that assistance has been wrongfully obtained.

Subd. 78. **Prospective budgeting.** "Prospective budgeting" has the meaning given in section 256P.01, subdivision 9.

Subd. 79. **Protective payee.** "Protective payee" means a person other than the caregiver of an assistance unit who receives the monthly assistance payment on behalf of an assistance unit and is responsible to provide for the basic needs of the assistance unit to the extent of that payment.

Subd. 80. **Qualified noncitizen.** "Qualified noncitizen" means a person:

(1) who was lawfully admitted for permanent residence according to United States Code, title 8;

(2) who was admitted to the United States as a refugee according to United States Code, title 8; section 1157;

(3) whose deportation is being withheld according to United States Code, title 8, sections 1231(b)(3), 1253(h), and 1641(b)(5);

(4) who was paroled for a period of at least one year according to United States Code, title 8, section 1182(d)(5);

(5) who was granted conditional entry according to United States Code, title 8, section 1153(a)(7);

(6) who is a Cuban or Haitian entrant as defined in section 501(e) of the Refugee Education Assistance Act of 1980, United States Code, title 8, section 1641(b)(7);

(7) who was granted asylum according to United States Code, title 8, section 1158;

(8) who is a battered noncitizen according to United States Code, title 8, section 1641(c); or

(9) who is a parent or child of a battered noncitizen according to United States Code, title 8, section 1641(c).

Subd. 81. **Qualified professional.** "Qualified professional" means an individual as defined in section 256P.01, subdivision 6a.

Subd. 82. **Real property.** "Real property" means land and all buildings, structures, and improvements, or other fixtures on the land, belonging or appertaining to the land, and all mines, minerals, fossils, and trees on or under the land.

Subd. 83. **Reasonable compensation.** "Reasonable compensation" means the value received in exchange for property transferred to another owner that is consistent with fair market value and equals or exceeds the seller's equity in the property, reduced by costs incurred in the sale.

Subd. 84. **Recertification.** "Recertification" means the periodic review of eligibility factors to determine an assistance unit's continued eligibility.

Subd. 85. **Recoupment.** "Recoupment" means the action of the county agency to reduce a family's monthly assistance payment to recover overpayments caused by client or agency error and overpayments received while an appeal is pending.

Subd. 86. **Recovery.** "Recovery" means actions taken by a county agency to reclaim the value of overpayments through voluntary repayment, recoupment from the assistance payment, court action, revenue recapture, or federal tax refund offset program (FTROP).

Subd. 87. MS 2024 [Repealed, 2023 c 70 art 10 s 98]

Subd. 88. **Retrospective budgeting.** "Retrospective budgeting" means a method of determining the amount of the assistance payment in which the payment month is the second month after the budget month.

Subd. 89. **Sanction.** "Sanction" means the reduction of a family's assistance payment by a specified percentage of the MFIP standard of need because: a nonexempt participant fails to comply with the requirements of sections 142G.51 to 142G.53, 142G.55 to 142G.59, and 142G.71; a parental caregiver fails without good cause to cooperate with the child support enforcement requirements; or a participant fails to comply with other requirements of this chapter.

Subd. 90. **Severe forms of trafficking in persons.** "Severe forms of trafficking in persons" means: (1) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform the act has not attained 18 years of age; or (2) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services through the use of force, fraud, or coercion for the purposes of subjection to involuntary servitude, peonage, debt bondage, or slavery.

Subd. 91. MS 2024 [Repealed, 2023 c 70 art 10 s 98]

Subd. 92. **Significant change.** "Significant change" means a decline in gross income of the amount of the disregard as defined in section 256P.03 or more from the income used to determine the grant for the current month.

Subd. 93. **Supplemental Security Income or SSI.** "Supplemental Security Income" or "SSI" means the program authorized under title XVI of the Social Security Act.

Subd. 94. **SSI recipient.** "SSI recipient" means a person who receives at least $1 in SSI benefits, or who is not receiving an SSI benefit due to recoupment or a one-month suspension by the Social Security Administration due to excess income.

Subd. 95. **Transitional standard.** "Transitional standard" means the basic standard for a family without earned income and is a combination of the cash portion and food portion as specified in section 142G.17, subdivision 5.

Subd. 96. **Unearned income.** "Unearned income" has the meaning given in section 256P.01, subdivision 8.

Subd. 97. **Unemployment benefits.** "Unemployment benefits" means the insurance benefit paid to an unemployed worker under sections 268.03 to 268.23.

Subd. 98. **Unrelated member.** "Unrelated member" means an individual in the household who does not meet the definition of an eligible caregiver.

Subd. 99. **Vendor.** "Vendor" means a provider of goods or services.

Subd. 100. **Vendor payment.** "Vendor payment" means a payment authorized by a county agency to a vendor.

Subd. 101. **Verification.** "Verification" means the process a county agency uses to establish the accuracy or completeness of information from an applicant, participant, third party, or other source as that information relates to program eligibility or an assistance payment.

History: *1986 c 444; 1997 c 85 art 1 s 4; 1998 c 398 art 5 s 55; 1998 c 407 art 6 s 20-34; 1999 c 107 s 66; 1999 c 139 art 4 s 2; 1999 c 245 art 6 s 6-13; 2000 c 343 s 4; 2000 c 488 art 10 s 7; 1Sp2001 c 9 art 10 s 6,7,66; 2002 c 379 art 1 s 113; 2003 c 130 s 12; 1Sp2003 c 14 art 1 s 11-24; 2004 c 206 s 37; 2004 c 288 art 4 s 29,30; 2005 c 56 s 1; 2005 c 147 art 1 s 68; 2007 c 147 art 2 s 26; 2009 c 79 art 7 s 24; 2012 c 216 art 8 s 1; 2013 c 107 art 1 s 9; 2013 c 108 art 3 s 24; 2014 c 291 art 4 s 58; 2014 c 312 art 28 s 14-17; 2015 c 71 art 5 s 15,16,35; 2016 c 158 art 1 s 146; 1Sp2017 c 5 art 10 s 4,5,7; 1Sp2019 c 9 art 1 s 42; 2020 c 115 art 4 s 131; 1Sp2020 c 2 art 5 s 58; 2021 c 30 art 7 s 1; 1Sp2021 c 7 art 7 s 8,9; 2023 c 70 art 10 s 40-42; art 17 s 55; 2024 c 80 art 1 s 96; art 7 s 3,12; art 8 s 70; 2024 c 115 art 16 s 47; art 18 s 13; 2025 c 38 art 8 s 6*

142G.03 FEDERAL TANF BLOCK GRANT.

Subdivision 1. **Commissioner's authority to administer block grant funds.** The commissioner of children, youth, and families is authorized to receive, administer, and expend funds available under the TANF block grant authorized under title I of Public Law 104-193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, and under Public Law 109-171, the Deficit Reduction Act of 2005.

Subd. 2. **Use of money.** State money appropriated for purposes of this section and TANF block grant money must be used for:

(1) financial assistance to or on behalf of any minor child who is a resident of this state under section 142G.12;

(2) the health care and human services training and retention program under chapter 116L, for costs associated with families with children with incomes below 200 percent of the federal poverty guidelines;

(3) the pathways program under section 116L.04, subdivision 1a;

(4) welfare to work transportation authorized under Public Law 105-178;

(5) reimbursements for the federal share of child support collections passed through to the custodial parent;

(6) program administration under this chapter;

(7) the MFIP consolidated fund under section 142G.76; and

(8) the Minnesota Department of Health consolidated fund under Laws 2001, First Special Session chapter 9, article 17, section 3, subdivision 2.

Subd. 3. **Authority to transfer.** Subject to limitations of title I of Public Law 104-193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended, and under Public Law 109-171, the Deficit Reduction Act of 2005, the legislature may transfer money from the TANF block grant to the child care fund under chapter 142E, or the Title XX block grant.

Subd. 4. **Indirect cost liability.** Notwithstanding the provisions of section 16A.127, the statewide and agency indirect cost liability identified as part of the TANF grant for any current fiscal year shall be limited to no more than the amount received in fiscal year 1996.

Subd. 5. **TANF funds appropriated to other entities.** Any expenditures from the TANF block grant shall be expended in accordance with the requirements and limitations of part A of Title IV of the Social Security Act, as amended, and any other applicable federal requirement or limitation. Prior to any expenditure of these funds, the commissioner shall ensure that funds are expended in compliance with the requirements and limitations of federal law and that any reporting requirements of federal law are met. It shall be the responsibility of any entity to which these funds are appropriated to implement a memorandum of understanding with the commissioner that provides the necessary assurance of compliance prior to any expenditure of funds. The commissioner shall receipt TANF funds appropriated to other state agencies and coordinate all related interagency accounting transactions necessary to implement these appropriations. Unexpended TANF funds appropriated to any state, local, or nonprofit entity cancel at the end of the state fiscal year unless appropriating or statutory language permits otherwise.

History: *1997 c 85 art 1 s 2; 1998 c 407 art 6 s 18; 1999 c 245 art 6 s 5; 2000 c 488 art 10 s 6; 1Sp2003 c 14 art 1 s 9; art 11 s 11; 2007 c 147 art 2 s 23,24; art 19 s 17; 1Sp2019 c 6 art 2 s 8; 2023 c 70 art 10 s 39; 2024 c 80 art 4 s 26; art 5 s 7; art 7 s 12; art 8 s 70; 2024 c 115 art 16 s 42*

142G.04 SEPARATE STATE PROGRAM FOR USE OF STATE MONEY.

(a) Families receiving assistance under this section shall comply with all applicable requirements in this chapter.

(b) The commissioner must treat MFIP expenditures made to or on behalf of any minor child under section 142G.03, subdivision 2, clause (1), who is part of a two-parent household, as expenditures under a separately funded state program. These expenditures shall not count toward the state's maintenance of effort (MOE) requirements under the federal Temporary Assistance to Needy Families (TANF) program.

(c) The commissioner shall treat MFIP expenditures made to or on behalf of any minor child who is part of a household that meets criteria in section 142G.75, subdivision 3, as expenditures under a separately funded state program under section 142G.75, subdivision 7.

History: *1Sp2001 c 9 art 10 s 5; 2002 c 379 art 1 s 113; 1Sp2003 c 14 art 1 s 10; 2006 c 282 art 18 s 1; 2007 c 147 art 2 s 25; 2024 c 80 art 7 s 2,12*

142G.05 APPLYING FOR ASSISTANCE.

Subdivision 1. **Where to apply.** To apply for assistance a person must submit a signed application to the county agency in the county where that person lives.

Subd. 2. **County agency responsibility to provide information.** When a person inquires about assistance, a county agency must:

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

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

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

(1) inform the person that assistance begins on the date of application or on the date that all eligibility criteria are met, whichever is later;

(2) inform a person that the person may submit the application by telephone or through Internet telepresence;

(3) inform a person of the application submission requirements in section 256P.04, subdivision 1a;

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

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

(6) explain the information that will be verified during the application process by the county agency as provided in section 142G.10, subdivision 2;

(7) inform a person about the county agency's average application processing time and explain how the application will be processed under subdivision 7;

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

(9) inform a person that the next step in the application process is an interview and what a person must do if the application is approved including, but not limited to, attending orientation under section 142G.27 and complying with employment and training services requirements in sections 142G.51 to 142G.53, 142G.55 to 142G.59, and 142G.71;

(10) inform the person that an interview must be conducted. The interview may be conducted face-to-face in the county office or at a location mutually agreed upon, through Internet telepresence, or by telephone;

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

(12) identify any language barriers and arrange for translation assistance during appointments, including, but not limited to, screening under subdivision 4, orientation under section 142G.27, and assessment under section 142G.56.

(b) Upon receipt of a signed application, the county agency must stamp the date of receipt on the face of the application. The county agency must process the application within the time period required under subdivision 7. An applicant may withdraw the application at any time by giving written or oral notice to the county agency. The county agency must issue a written notice confirming the withdrawal. The notice must inform the applicant of the county agency's understanding that the applicant has withdrawn the application and no longer wants to pursue it. When, within ten days of the date of the agency's notice, an applicant informs a county agency, in writing, that the applicant does not wish to withdraw the application, the county agency must reinstate the application and finish processing the application.

(c) Upon a participant's request, the county agency must arrange for transportation and child care or reimburse the participant for transportation and child care expenses necessary to enable participants to attend the screening under subdivision 4 and orientation under section 142G.27.

Subd. 4. **Screening.** The county agency, or at county option, the county's employment and training service provider as defined in section 142G.50, must screen each applicant to determine immediate needs and to determine if the applicant may be eligible for another program that is not partially funded through the federal temporary assistance to needy families block grant under Title I of Public Law 104-193, including the expedited issuance of the Supplemental Nutrition Assistance Program (SNAP) benefits under section

142G.19, subdivision 1. If the applicant appears eligible for another program, including any program funded by the MFIP consolidated fund, the county must make a referral to the appropriate program.

Subd. 5. **Interview to determine referrals and services.** If the applicant is not diverted from applying for MFIP, and if the applicant meets the MFIP eligibility requirements, then a county agency must:

(1) identify an applicant who is under the age of 20 without a high school diploma or its equivalent and explain to the applicant the assessment procedures and employment plan requirements under section 142G.57;

(2) explain to the applicant the eligibility criteria in section 142G.53 for the family violence waiver, and what an applicant should do to develop an employment plan;

(3) explain that the activities and hourly requirements of the employment plan may be adjusted to accommodate the personal and family circumstances of applicants who meet the criteria in section 142G.52, subdivision 1, paragraph (d), explain how a person should report to the county agency any status changes, and explain that an applicant who is not required to participate in employment services under section 142G.52 may volunteer to participate in employment and training services;

(4) for applicants who are not exempt from the requirement to attend orientation, arrange for an orientation under section 142G.27 and an assessment under section 142G.56;

(5) inform an applicant who is not exempt from the requirement to attend orientation that failure to attend the orientation is considered an occurrence of noncompliance with program requirements and will result in an imposition of a sanction under section 142G.70; and

(6) explain how to contact the county agency if an applicant has questions about compliance with program requirements.

Subd. 6. **Verification of information on application.** A county agency must verify information provided by an applicant as required in section 142G.10, subdivision 2.

Subd. 7. **Processing applications.** Upon receiving an application, a county agency must determine the applicant's eligibility, approve or deny the application, inform the applicant of its decision according to the notice provisions in section 142G.21, and, if eligible, issue the assistance payment to the applicant. When a county agency is unable to process an application within 30 days, the county agency must inform the applicant of the reason for the delay in writing. When an applicant establishes the inability to provide required verification within the 30-day processing period, the county agency may not use the expiration of that period as the basis for denial.

Subd. 8. **Invalid reason for delay.** A county agency must not delay a decision on eligibility or delay issuing the assistance payment except to establish state residence as provided in section 142G.12 by:

(1) treating the 30-day processing period as a waiting period;

(2) delaying approval or issuance of the assistance payment pending the decision of the county board; or

(3) awaiting the result of a referral to a county agency in another county when the county receiving the application does not believe it is the county of financial responsibility.

Subd. 9. **Changes in residence during application.** The requirements in subdivisions 7 and 8 apply without regard to the length of time that an applicant remains, or intends to remain, a resident of the county in which the application is made. When an applicant leaves the county where application was made but

remains in the state, section 142G.78 applies and the county agency may request additional information from the applicant about changes in circumstances related to the move.

Subd. 10. **Additional applications.** Until a county agency issues notice of approval or denial, additional applications submitted by an applicant are void. However, an application for monthly assistance or other benefits funded under section 142G.76 and an application for emergency general assistance may exist concurrently. More than one application for monthly assistance or emergency general assistance may exist concurrently when the county agency decisions on one or more earlier applications have been appealed to the commissioner, and the applicant asserts that a change in circumstances has occurred that would allow eligibility. A county agency must require additional application forms or supplemental forms as prescribed by the commissioner when a payee's name changes, or when a caregiver requests the addition of another person to the assistance unit.

Subd. 11. **Addendum to an existing application.** (a) An addendum to an existing application must be used to add persons to an assistance unit regardless of whether the persons being added are required to be in the assistance unit. When a person is added by addendum to an assistance unit, eligibility for that person begins on the first of the month the addendum was filed except as provided in section 142G.26, subdivision 2, clause (1).

(b) An overpayment must be determined when a change in household composition is not reported within the deadlines in section 142G.20, subdivision 8. Any overpayment must be calculated from the month of the change including the needs, income, and assets of any individual who is required to be included in the assistance unit under section 142G.17, subdivision 2. Individuals not included in the assistance unit who are identified in section 142G.31, subdivisions 1 to 4, must have their income and assets considered when determining the amount of the overpayment.

Subd. 12. **Ineligibility for MFIP.** When an applicant is not eligible for MFIP because the applicant does not meet eligibility requirements, the county agency must determine whether the applicant is eligible for SNAP or health care programs. The county must also inform applicants about resources available through the county or other agencies to meet short-term emergency needs.

Subd. 13. **Domestic violence informational brochure.** (a) The commissioner shall provide a domestic violence informational brochure that provides information about the existence of domestic violence waivers to all MFIP applicants. The brochure must explain that eligible applicants may be temporarily waived from certain program requirements due to domestic violence. The brochure must provide information about services and other programs to help victims of domestic violence.

(b) The brochure must be funded with TANF funds.

(c) The commissioner must work with the commissioner of human services to create a brochure that meets the requirements of this section and section 256.029.

History: *1997 c 85 art 1 s 5; 1998 c 407 art 6 s 35,36; 1Sp2001 c 9 art 10 s 8-12,66; 2002 c 379 art 1 s 113; 1Sp2003 c 14 art 1 s 25-30,106; 2004 c 288 art 4 s 31; 2014 c 291 art 11 s 9; 1Sp2019 c 9 art 1 s 42; 2021 c 30 art 7 s 2; 2023 c 70 art 10 s 43; art 17 s 56; 2024 c 80 art 7 s 4,12; 2024 c 115 art 16 s 44*

142G.10 MFIP ELIGIBILITY REQUIREMENTS.

Subdivision 1. **MFIP eligibility requirements.** To be eligible for MFIP, applicants must meet the general eligibility requirements in sections 142G.11 to 142G.15, the property limitations in section 256P.02, and the income limitations in sections 142G.16 and 256P.06.

Subd. 2. **Verification of information.** An agency must apply section 256P.04 when documenting, verifying, and recertifying MFIP eligibility. An agency must only require verification of information necessary to determine MFIP eligibility and the amount of the assistance payment.

History: *1997 c 85 art 1 s 6; 1Sp2001 c 9 art 10 s 66; 2014 c 312 art 28 s 18; 1Sp2021 c 7 art 7 s 10; 2024 c 80 art 7 s 12*

142G.11 ELIGIBILITY; CITIZENSHIP.

Subdivision 1. **General citizenship requirements.** (a) To be eligible for MFIP, a member of the assistance unit must be a citizen of the United States, a qualified noncitizen as defined in section 142G.02, or a noncitizen who is otherwise residing lawfully in the United States.

(b) A qualified noncitizen who entered the United States on or after August 22, 1996, is eligible for MFIP. However, TANF dollars cannot be used to fund the MFIP benefits for an individual under this paragraph for a period of five years after the date of entry unless the qualified noncitizen meets one of the following criteria:

(1) was admitted to the United States as a refugee under United States Code, title 8, section 1157;

(2) was granted asylum under United States Code, title 8, section 1158;

(3) was granted withholding of deportation under the United States Code, title 8, section 1253(h);

(4) is a veteran of the United States armed forces with an honorable discharge for a reason other than noncitizen status, or is a spouse or unmarried minor dependent child of the same; or

(5) is an individual on active duty in the United States armed forces, other than for training, or is a spouse or unmarried minor dependent child of the same.

(c) A person who is not a qualified noncitizen but who is otherwise residing lawfully in the United States is eligible for MFIP. However, TANF dollars cannot be used to fund the MFIP benefits for an individual under this paragraph.

(d) For purposes of this subdivision, a nonimmigrant in one or more of the classes listed in United States Code, title 8, section 1101(a)(15) (A)-(S) and (V), or an undocumented immigrant who resides in the United States without the approval or acquiescence of the United States Citizenship and Immigration Services, is not eligible for MFIP.

Subd. 2. **Noncitizens; food portion.** State dollars shall fund the food portion of a noncitizen's MFIP benefits when federal Supplemental Nutrition Assistance Program (SNAP) dollars cannot be used to fund those benefits. The assistance provided under this subdivision, which is designated as a supplement to replace lost benefits under the federal SNAP, must be disregarded as income in all programs that do not count SNAP benefits as income where the commissioner has the authority to make the income disregard determination for the program.

Subd. 3. **Benefits funded with state money.** Legal adult noncitizens who have resided in the country for four years or more as a lawful permanent resident, whose benefits are funded entirely with state money, and who are under 70 years of age, must, as a condition of eligibility:

(1) be enrolled in a literacy class, English as a second language class, or a citizen class;

(2) be applying for admission to a literacy class, English as a second language class, and is on a waiting list;

(3) be in the process of applying for a waiver from the United States Citizenship and Immigration Services of the English language or civics requirements of the citizenship test;

(4) have submitted an application for citizenship to the United States Citizenship and Immigration Services and is waiting for a testing date or a subsequent swearing in ceremony; or

(5) have been denied citizenship due to a failure to pass the test after two attempts or because of an inability to understand the rights and responsibilities of becoming a United States citizen, as documented by the United States Citizenship and Immigration Services or the county.

If the county social service agency determines that a legal noncitizen subject to the requirements of this subdivision will require more than one year of English language training, then the requirements of clause (1) or (2) shall be imposed after the legal noncitizen has resided in the country for three years. Individuals who reside in a facility licensed under chapter 142B, 144A, 144G, or 256I are exempt from the requirements of this subdivision.

History: *1997 c 85 art 1 s 7; 1997 c 203 art 12 s 7; 3Sp1997 c 1 s 1; 1998 c 407 art 6 s 37; 1999 c 159 s 78,79; 1999 c 245 art 6 s 14,15; 1Sp2001 c 9 art 10 s 66; 2002 c 379 art 1 s 114; 1Sp2003 c 14 art 1 s 106; 2007 c 13 art 1 s 25; 1Sp2019 c 9 art 1 s 42; 7Sp2020 c 1 art 6 s 25; 2023 c 70 art 10 s 44; 2024 c 80 art 2 s 70,74; art 7 s 12; 2024 c 115 art 16 s 41*

142G.12 ELIGIBILITY; MINNESOTA RESIDENCE.

Subdivision 1. **Simple residency.** To be eligible for MFIP, an assistance unit must have established residency in this state which means the assistance unit is present in the state and intends to remain here. A person who lives in this state and who entered this state with a job commitment or to seek employment in this state, whether or not that person is currently employed, meets the criteria in this subdivision.

Subd. 2. **30-day residency requirement.** An assistance unit is considered to have established residency in this state only when a child or caregiver has resided in this state for at least 30 consecutive days with the intention of making the person's home here and not for any temporary purpose. The birth of a child in Minnesota to a member of the assistance unit does not automatically establish the residency in this state under this subdivision of the other members of the assistance unit. Time spent in a shelter for domestic abuse victims shall count toward satisfying the 30-day residency requirement.

Subd. 3. **Exceptions.** (a) A county shall waive the 30-day residency requirement where unusual hardship would result from denial of assistance.

(b) For purposes of this section, unusual hardship means an assistance unit:

(1) is without alternative shelter; or

(2) is without available resources for food.

(c) For purposes of this subdivision, the following definitions apply (1) "metropolitan statistical area" is as defined by the U.S. Census Bureau; (2) "alternative shelter" includes any shelter that is located within the metropolitan statistical area containing the county and for which the family is eligible, provided the assistance unit does not have to travel more than 20 miles to reach the shelter and has access to transportation to the shelter. Clause (2) does not apply to counties in the Minneapolis-St. Paul metropolitan statistical area.

(d) Applicants are considered to meet the residency requirement under subdivision 2 if they once resided in Minnesota and:

(1) joined the United States armed services, returned to Minnesota within 30 days of leaving the armed services, and intend to remain in Minnesota; or

(2) left to attend school in another state, paid nonresident tuition or Minnesota tuition rates under a reciprocity agreement, and returned to Minnesota within 30 days of graduation with the intent to remain in Minnesota.

(e) The 30-day residence requirement is met when:

(1) a minor child or a minor caregiver moves from another state to the residence of a relative caregiver; and

(2) the relative caregiver has resided in Minnesota for at least 30 consecutive days and:

(i) the minor caregiver applies for and receives MFIP; or

(ii) the relative caregiver applies for assistance for the minor child but does not choose to be a member of the MFIP assistance unit.

Subd. 4. **Migrant workers.** Migrant workers, as defined in section 142G.02, and their immediate families are exempt from the requirements of subdivisions 1 and 2, provided the migrant worker provides verification that the migrant family worked in this state within the last 12 months and earned at least $1,000 in gross wages during the time the migrant worker worked in this state.

Subd. 5. **Severability clause.** If any subdivision in this section is enjoined from implementation or found unconstitutional by any court of competent jurisdiction, the remaining subdivisions shall remain valid and shall be given full effect.

History: *1997 c 85 art 1 s 8; 1997 c 203 art 12 s 8; 1998 c 407 art 6 s 38; 1999 c 159 s 80; 1999 c 245 art 6 s 16,17; 2024 c 80 art 7 s 12; 2026 c 97 art 1 s 8*

142G.13 ELIGIBILITY; MINOR CHILD IN ASSISTANCE UNIT; PHYSICAL PRESENCE.

Subdivision 1. **Minor child or pregnant woman.** The assistance unit must include at least one minor child or a pregnant woman. If a minor child is a recipient of Supplemental Security Income or Minnesota supplemental aid, the assistance unit is eligible for MFIP, but the needs of the minor child receiving Supplemental Security Income or Minnesota supplemental aid must not be taken into account when the county agency determines the amount of the assistance payment to be paid to the assistance unit.

Subd. 2. **Physical presence.** A minor child and a caregiver must live together except as provided in the following paragraphs.

(a) The physical presence requirement is met when a minor child is required to live away from the caregiver's home to meet the need for educational curricula that cannot be met by, but is approved by, the local public school district, the home is maintained for the minor child's return during periodic school vacations, and the caregiver continues to maintain responsibility for the support and care of the minor child.

(b) The physical presence requirement is met when an applicant caregiver or applicant minor child is away from the home due to illness or hospitalization, when the home is maintained for the return of the

absent family member, the absence is not expected to last more than six months beyond the month of departure, and the conditions of clause (1), (2), or (3) apply:

(1) when the minor child and caregiver lived together immediately prior to the absence, the caregiver continues to maintain responsibility for the support and care of the minor child, and the absence is reported at the time of application;

(2) when the pregnant mother is hospitalized or out of the home due to the pregnancy; or

(3) when the newborn child and mother are hospitalized at the time of birth.

(c) The absence of a caregiver or minor child does not affect eligibility for the month of departure when the caregiver or minor child received assistance for that month and lived together immediately prior to the absence. Eligibility also exists in the following month when the absence ends on or before the tenth day of that month. A temporary absence of a caregiver or a minor child which continues beyond the month of departure must not affect eligibility when the home is maintained for the return of the absent family member, the caregiver continues to maintain responsibility for the support and care of the minor child, and one of clauses (1) to (7) applies:

(1) a participant caregiver or participant child is absent due to illness or hospitalization, and the absence is expected to last no more than six months beyond the month of departure;

(2) a participant child is out of the home due to placement in foster care as defined in sections 260B.007, subdivision 7, and 260C.007, subdivision 18, when the placement will not be paid under title IV-E of the Social Security Act, and when the absence is expected to last no more than six months beyond the month of departure;

(3) a participant minor child is out of the home for a vacation, the vacation is not with an absent parent, and the absence is expected to last no more than two months beyond the month of departure;

(4) a participant minor child is out of the home due to a visit or vacation with an absent parent, the home of the minor child remains with the caregiver, the absence meets the conditions of this paragraph and the absence is expected to last no more than two months beyond the month of departure;

(5) a participant caregiver is out of the home due to a death or illness of a relative, incarceration, training, or employment search and suitable arrangements have been made for the care of the minor child, or a participant minor child is out of the home due to incarceration, and the absence is expected to last no more than two months beyond the month of departure;

(6) a participant caregiver and a participant minor child are both absent from Minnesota due to a situation described in clause (5), except for incarceration, and the absence is expected to last no more than one month beyond the month of the departure; or

(7) a participant minor child has run away from home, and another person has not made application for that minor child, assistance must continue for no more than two months following the month of departure.

History: *1997 c 85 art 1 s 9; 1999 c 139 art 4 s 2; 2001 c 178 art 1 s 44; 1Sp2001 c 9 art 10 s 66; 2005 c 98 art 1 s 11; 2024 c 80 art 7 s 12*

142G.14 ELIGIBILITY; PARENTING OR PREGNANT MINORS.

(a) The definitions in this paragraph only apply to this section.

(1) "Household of a parent, legal guardian, or other adult relative" means the place of residence of:

(i) a natural or adoptive parent;

(ii) a legal guardian according to appointment or acceptance under sections 260C.325 or 524.5-201 to 524.5-317, and related laws;

(iii) a caregiver as defined in section 142G.02, subdivision 12; or

(iv) an appropriate adult relative designated by a county agency.

(2) "Adult supervised supportive living arrangement" means a private family setting which assumes responsibility for the care and control of the minor parent and minor child, or other living arrangement, not including a public institution, licensed by the commissioner of human services which ensures that the minor parent receives adult supervision and supportive services, such as counseling, guidance, independent living skills training, or supervision.

(b) A minor parent and the minor child who is in the care of the minor parent must reside in the household of a parent, legal guardian, other adult relative, or in an adult supervised supportive living arrangement in order to receive MFIP unless:

(1) the minor parent has no living parent, other adult relative, or legal guardian whose whereabouts is known;

(2) no living parent, other adult relative, or legal guardian of the minor parent allows the minor parent to live in the parent's, other adult relative's, or legal guardian's home;

(3) the minor parent lived apart from the minor parent's own parent or legal guardian for a period of at least one year before either the birth of the minor child or the minor parent's application for MFIP;

(4) the physical or emotional health or safety of the minor parent or minor child would be jeopardized if the minor parent and the minor child resided in the same residence with the minor parent's parent, other adult relative, or legal guardian; or

(5) an adult supervised supportive living arrangement is not available for the minor parent and child in the county in which the minor parent and child currently reside. If an adult supervised supportive living arrangement becomes available within the county, the minor parent and child must reside in that arrangement.

(c) The county agency shall inform minor applicants both orally and in writing about the eligibility requirements, their rights and obligations under the MFIP program, and any other applicable orientation information. The county must advise the minor of the possible exemptions under section 142G.57, subdivision 5, and specifically ask whether one or more of these exemptions is applicable. If the minor alleges one or more of these exemptions, then the county must assist the minor in obtaining the necessary verifications to determine whether or not these exemptions apply.

(d) If the county worker has reason to suspect that the physical or emotional health or safety of the minor parent or minor child would be jeopardized if they resided with the minor parent's parent, other adult relative, or legal guardian, then the county worker must make a referral to child protective services to determine if paragraph (b), clause (4), applies. A new determination by the county worker is not necessary if one has been made within the last six months, unless there has been a significant change in circumstances which justifies a new referral and determination.

(e) If a minor parent is not living with a parent, legal guardian, or other adult relative due to paragraph (b), clause (1), (2), or (4), the minor parent must reside, when possible, in a living arrangement that meets the standards of paragraph (a), clause (2).

(f) Regardless of living arrangement, MFIP must be paid, when possible, in the form of a protective payment on behalf of the minor parent and minor child according to section 142G.35, subdivisions 2 to 4.

History: *1997 c 85 art 1 s 10; 1998 c 407 art 6 s 39; 1999 c 139 art 4 s 2; 1999 c 245 art 6 s 18; 1Sp2003 c 14 art 1 s 31; 2004 c 146 art 3 s 26; 2015 c 21 art 1 s 59; 2024 c 80 art 7 s 12*

142G.15 OTHER ELIGIBILITY CONDITIONS.

Subdivision 1. **Eligibility when there is court-ordered custody.** The language of a court order that specifies joint legal or physical custody does not preclude a determination that a parent is absent. Absence must be determined based on the actual facts of the absence according to paragraphs (a) to (c).

(a) When a minor child spends time in each of the parents' homes within a payment month, the minor child's home shall be considered the home in which the majority of the minor child's time is spent. When this time is exactly equal within a payment month, or when the parents alternately live in the minor child's home within a payment month, the minor child's home shall be with that parent who is applying for MFIP, unless the minor child's needs for the full payment month have already been met through the provision of assistance to the other parent for that month.

(b) When the physical custody of a minor child alternates between parents for periods of at least one payment month, each parent shall be eligible for assistance for any full payment months the minor child's home is with that parent, except under the conditions in paragraph (c).

(c) When a minor child's home is with one parent for the majority of time in each month for at least nine consecutive calendar months, and that minor child visits or vacations with the other parent under section 142G.13, the minor child's home remains with the first parent even when the stay with the second parent is for all or the majority of the months in the period of the temporary absence.

Subd. 2. **Eligibility during labor disputes.** To receive assistance when a member of an assistance unit is on strike, or when an individual identified under section 142G.31, subdivisions 1 to 4, whose income and assets must be considered when determining the unit's eligibility is on strike, the assistance unit must have been receiving MFIP or have been eligible for MFIP on the day before the strike.

The county agency must count the striker's prestrike earnings as current earnings. A significant change cannot be invoked when a member of an assistance unit, or an individual identified under section 142G.31, subdivisions 1 to 4, is on strike. A member of an assistance unit, or an individual identified under section 142G.31, subdivisions 1 to 4, is not considered a striker when that person is not in the bargaining unit that voted for the strike and does not cross the picket line for fear of personal injury.

History: *1997 c 85 art 1 s 11; 1998 c 407 art 6 s 40; 1Sp2001 c 9 art 10 s 66; 2024 c 80 art 7 s 12*

142G.16 INCOME LIMITATIONS.

Subdivision 1. **Initial income test.** (a) The agency shall determine initial eligibility by considering all earned and unearned income as defined in section 256P.06. To be eligible for MFIP, the assistance unit's countable income minus the earned income disregards in paragraph (a) and section 256P.03 must be below the family wage level according to section 142G.17, subdivision 7, for that size assistance unit.

(b) The initial eligibility determination must disregard the following items:

(1) the earned income disregard as determined in section 256P.03;

(2) dependent care costs must be deducted from gross earned income for the actual amount paid for dependent care up to a maximum of $200 per month for each child less than two years of age, and $175 per month for each child two years of age and older;

(3) all payments made according to a court order for spousal support or the support of children not living in the assistance unit's household shall be disregarded from the income of the person with the legal obligation to pay support; and

(4) an allocation for the unmet need of an ineligible spouse or an ineligible child under the age of 21 for whom the caregiver is financially responsible and who lives with the caregiver according to section 142G.33.

(c) The income test is for a six-month period. The assistance payment calculation is based on prospective budgeting according to section 256P.09.

Subd. 2. **Income test and determination of assistance payment.** To be eligible for MFIP, the result of the computations in paragraphs (a) to (e) applied to prospective budgeting must be at least $1.

(a) Apply an income disregard as defined in section 256P.03, to gross earnings and subtract this amount from the family wage level. If the difference is equal to or greater than the MFIP transitional standard, the assistance payment is equal to the MFIP transitional standard. If the difference is less than the MFIP transitional standard, the assistance payment is equal to the difference. The earned income disregard in this paragraph must be deducted every month there is earned income.

(b) All payments made according to a court order for spousal support or the support of children not living in the assistance unit's household must be disregarded from the income of the person with the legal obligation to pay support.

(c) An allocation for the unmet need of an ineligible spouse or an ineligible child under the age of 21 for whom the caregiver is financially responsible and who lives with the caregiver must be made according to section 142G.33.

(d) Subtract unearned income dollar for dollar from the MFIP transitional standard to determine the assistance payment amount.

(e) When income is both earned and unearned, the amount of the assistance payment must be determined by first treating gross earned income as specified in paragraph (a). After determining the amount of the assistance payment under paragraph (a), unearned income must be subtracted from that amount dollar for dollar to determine the assistance payment amount.

Subd. 3. **Distribution of income.** (a) The income of all members of the assistance unit must be counted. Income may also be deemed from ineligible persons to the assistance unit. Income must be attributed to the person who earns it or to the assistance unit according to paragraphs (b) and (c).

(b) Income from jointly owned property must be divided equally among property owners unless the terms of ownership provide for a different distribution.

(c) Deductions are not allowed from the gross income of a financially responsible household member or by the members of an assistance unit to meet a current or prior debt.

History: *1997 c 85 art 1 s 13; 1998 c 407 art 6 s 43; 1999 c 159 s 81; 1999 c 245 art 6 s 20-22; 2000 c 488 art 10 s 8; 1Sp2001 c 9 art 10 s 13,66; 2002 c 379 art 1 s 113; 1Sp2003 c 14 art 1 s 33,34; 2004 c 288 art 4 s 32,33; 2005 c 56 s 1; 2005 c 98 art 1 s 12; 2007 c 147 art 2 s 28; 2013 c 108 art 3 s 25,26; 2013 c 125 art 1 s 48; 2014 c 262 art 5 s 6; 2014 c 291 art 11 s 11; 2014 c 312 art 28 s 19,20; 2015 c 21 art 1 s 60; 2015 c 71 art 1 s 41; 1Sp2015 c 6 s 5; 2017 c 40 art 1 s 86; 1Sp2021 c 7 art 7 s 11,12; 2023 c 70 art 10 s 45,46; 2024 c 80 art 7 s 12*

142G.17 FAMILY COMPOSITION; ASSISTANCE STANDARDS; EXIT LEVEL.

Subdivision 1. **MFIP assistance unit.** An MFIP assistance unit is either a group of individuals with at least one minor child who live together whose needs, assets, and income are considered together and who receive MFIP assistance, or a pregnant woman and her spouse who receive MFIP assistance.

Individuals identified in subdivision 2 must be included in the MFIP assistance unit. Individuals identified in subdivision 3 are ineligible to receive MFIP. Individuals identified in subdivision 4 may be included in the assistance unit at their option. Individuals not included in the assistance unit who are identified in section 142G.31, subdivisions 1 to 4, must have their income and assets considered when determining eligibility and benefits for an MFIP assistance unit. All assistance unit members, whether mandatory or elective, who live together and for whom one caregiver or two caregivers apply must be included in a single assistance unit.

Subd. 2. **Mandatory assistance unit composition.** Except for minor caregivers and their children who must be in a separate assistance unit from the other persons in the household, when the following individuals live together, they must be included in the assistance unit:

(1) a minor child, including a pregnant minor;

(2) the minor child's minor siblings, minor half siblings, and minor stepsiblings;

(3) the minor child's birth parents, adoptive parents, and stepparents; and

(4) the spouse of a pregnant woman.

A minor child must have a caregiver for the child to be included in the assistance unit.

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

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

(2) individuals disqualified from the Supplemental Nutrition Assistance Program (SNAP) or MFIP, until the disqualification ends;

(3) children on whose behalf federal, state or local foster care payments are made, except as provided in sections 142G.13, subdivision 2, and 142G.26, subdivision 2;

(4) children receiving ongoing Northstar kinship assistance payments under sections 142A.60 to 142A.612;

(5) children receiving ongoing monthly adoption assistance payments under sections 142A.60 to 142A.612; or 259A; and

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

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

Subd. 4. **Individuals who may elect to be included in the assistance unit.** (a) The minor child's eligible caregiver may choose to be in the assistance unit, if the caregiver is not required to be in the assistance unit under subdivision 2. If the eligible caregiver chooses to be in the assistance unit, that person's spouse must also be in the unit.

(b) Any minor child not related as a sibling, stepsibling, or adopted sibling to the minor child in the unit, but for whom there is an eligible caregiver may elect to be in the unit.

(c) A foster care provider of a minor child who is receiving federal, state, or local foster care maintenance payments may elect to receive MFIP if the provider meets the definition of caregiver under section 142G.02, subdivision 12. If the provider chooses to receive MFIP, the spouse of the provider must also be included in the assistance unit with the provider. The provider and spouse are eligible for assistance even if the only minor child living in the provider's home is receiving foster care maintenance payments.

(d) The adult caregiver or caregivers of a minor parent are eligible to be a separate assistance unit from the minor parent and the minor parent's child when:

(1) the adult caregiver or caregivers have no other minor children in the household;

(2) the minor parent and the minor parent's child are living together with the adult caregiver or caregivers; and

(3) the minor parent and the minor parent's child receive MFIP, or would be eligible to receive MFIP, if they were not receiving SSI benefits.

Subd. 5. **MFIP transitional standard.** (a) The MFIP transitional standard is based on the number of persons in the assistance unit eligible for both food and cash assistance. The amount of the transitional standard is published annually by the Department of Children, Youth, and Families.

(b) The amount of the MFIP cash assistance portion of the transitional standard is increased $100 per month per household. This increase shall be reflected in the MFIP cash assistance portion of the transitional standard published annually by the commissioner.

(c) On October 1 of each year, the commissioner of children, youth, and families shall adjust the cash assistance portion under paragraph (a) for inflation based on the CPI-U for the prior calendar year.

Subd. 6. **Food portion of MFIP transitional standard.** The commissioner shall adjust the food portion of the MFIP transitional standard as needed to reflect adjustments to the Supplemental Nutrition Assistance Program and maintain compliance with federal waivers related to the Supplemental Nutrition Assistance Program under the United States Department of Agriculture. The commissioner shall publish the transitional standard including a breakdown of the cash and food portions for an assistance unit of sizes one to ten in the State Register whenever an adjustment is made.

Subd. 7. **Family wage level.** The family wage level is 110 percent of the transitional standard under subdivision 5. If there is earned income in the assistance unit, earned income is subtracted from the family

wage level to determine the amount of the assistance payment, as specified in section 142G.16. The assistance payment may not exceed the transitional standard under subdivision 5 for the assistance unit.

History: *1997 c 85 art 1 s 14; 1998 c 407 art 6 s 44-51; 1999 c 245 art 6 s 23-28; 1Sp2001 c 9 art 10 s 14-16,66; 2002 c 379 art 1 s 113; 1Sp2003 c 14 art 1 s 35-39,106; 2004 c 288 art 4 s 34; 2005 c 98 art 1 s 13; 2008 c 361 art 4 s 2; 2009 c 79 art 2 s 13; 2010 c 301 art 1 s 4-7; 1Sp2010 c 1 art 18 s 3; 2012 c 216 art 1 s 5; art 8 s 2; 2013 c 108 art 3 s 27,28,48; 2013 c 125 art 1 s 49; 2014 c 291 art 11 s 12; 2014 c 312 art 25 s 34; 2015 c 71 art 1 s 42; 2016 c 158 art 1 s 147; 1Sp2019 c 9 art 1 s 20,42; 1Sp2021 c 7 art 7 s 13; 2024 c 80 art 1 s 96; art 7 s 12; art 8 s 70; 2024 c 115 art 16 s 34*

142G.18 PERSONS INELIGIBLE; VENDOR PAYMENTS.

Subdivision 1. **Person convicted of drug offenses.** (a) An individual who has been convicted of a felony level drug offense during the previous ten years from the date of application or recertification is subject to the following:

(1) Benefits for the entire assistance unit must be paid in vendor form for shelter and utilities during any time the applicant is part of the assistance unit.

(2) The convicted applicant or participant may be subject to random drug testing. Following any positive test for an illegal controlled substance, the county must provide information about substance use disorder treatment programs to the applicant or participant.

(b) Applicants requesting only SNAP benefits or participants receiving only SNAP benefits, who have been convicted of a felony-level drug offense during the previous ten years from the date of application or recertification may, if otherwise eligible, receive SNAP benefits. The convicted applicant or participant may be subject to random drug testing. Following a positive test for an illegal controlled substance, the county must provide information about substance use disorder treatment programs to the applicant or participant.

(c) For the purposes of this subdivision, "drug offense" means a conviction that occurred during the previous ten years from the date of application or recertification of sections 152.021 to 152.025, 152.0261, 152.0262, 152.096, or 152.137. Drug offense also means a conviction in another jurisdiction of the possession, use, or distribution of a controlled substance, or conspiracy to commit any of these offenses, if the conviction occurred during the previous ten years from the date of application or recertification and the conviction is for a crime that would be a felony if committed in Minnesota.

(d) This subdivision does not apply for convictions or positive test results related to cannabis, marijuana, or tetrahydrocannabinols.

Subd. 2. **Parole violators.** An individual violating a condition of probation or parole or supervised release imposed under federal law or the law of any state is disqualified from receiving MFIP.

Subd. 3. **Fleeing felons.** An individual who is fleeing to avoid prosecution, or custody, or confinement after conviction for a crime that would be a felony if committed in Minnesota, is disqualified from receiving MFIP.

Subd. 4. **Disqualification for fraudulently misrepresenting residency.** An individual who is convicted in federal or state court of having made a fraudulent statement or representation with respect to the place of residence of the individual in order to receive assistance simultaneously from two or more states is disqualified from receiving MFIP for ten years beginning on the date of the conviction.

Subd. 5. **Vendor payment; uninhabitable units.** Upon discovery by the county that a unit has been deemed uninhabitable under section 504B.131, the county shall immediately notify the landlord to return the vendor-paid rent under this section for the month in which the discovery occurred. The county shall cease future rent payments for the uninhabitable housing units until the landlord demonstrates the premises are fit for the intended use. A landlord who is required to return vendor-paid rent or is prohibited from receiving future rent under this subdivision may not take an eviction action against anyone in the assistance unit.

History: *1997 c 85 art 1 s 16; 1997 c 203 art 12 s 10; 1997 c 245 art 4 s 1; 1998 c 407 art 6 s 52-55; 1999 c 159 s 82-85; 1999 c 245 art 6 s 29; 1Sp2001 c 9 art 10 s 17; 2002 c 379 art 1 s 113; 1Sp2003 c 14 art 1 s 106; 2005 c 136 art 7 s 21; 2012 c 247 art 3 s 16,17; 1Sp2019 c 9 art 1 s 42; 2023 c 63 art 6 s 48,49; 2023 c 70 art 10 s 47; 2024 c 80 art 7 s 12*

142G.19 SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.

Subdivision 1. **Expedited issuance of the Supplemental Nutrition Assistance Program (SNAP) benefits.** For any month an individual receives expedited SNAP benefits, the individual is not eligible for the MFIP food portion of assistance.

Subd. 2. **SNAP benefits for household members not in assistance unit.** (a) For household members who purchase and prepare food with the MFIP assistance unit but are not part of the assistance unit, the county agency must determine a separate SNAP benefit based on regulations agreed upon with the United States Department of Agriculture.

(b) Fair hearing requirements for persons who receive SNAP benefits under this subdivision are governed by section 142A.20, and Code of Federal Regulations, title 7, subtitle B, chapter II, part 273, section 273.15.

Subd. 3. **Income disregard: food assistance portion of assistance payment.** The portion of the MFIP assistance payment that is designated by the commissioner as the food assistance portion of the assistance payment must be disregarded as income in the following programs:

(1) housing subsidy programs;

(2) low-income home energy assistance program;

(3) Supplemental Security Income, when determining interim assistance amount; and

(4) other programs that do not count SNAP benefits as income.

For the purposes of this subdivision, the food assistance portion of the assistance payment means a predetermined portion of the MFIP assistance payment that may be received in point-of-purchase sites or as SNAP benefits. The predetermined portion of the assistance payment will vary by family profile, which is based on family size.

Subd. 4. **SNAP benefits for persons residing in a shelter for domestic abuse victims.** Members of an MFIP assistance unit residing in a shelter for domestic abuse victims may receive SNAP benefits or the food portion twice in a month if the unit that initially received the SNAP benefits or food portion included the alleged abuser.

History: *1997 c 85 art 1 s 17; 1998 c 407 art 6 s 56-58; 1Sp2001 c 9 art 10 s 66; 1Sp2019 c 9 art 1 s 42; 2024 c 80 art 1 s 96; art 7 s 12; 2024 c 115 art 18 s 14; 2026 c 97 art 1 s 33*

142G.20 APPLICANT AND PARTICIPANT REQUIREMENTS AND RESPONSIBILITIES.

Subdivision 1. **Applicant reporting requirements.** An applicant must provide information on an application form and supplemental forms about the applicant's circumstances according to section 256P.07.

Subd. 2. **Requirement to apply for other benefits.** An applicant or participant must apply for, accept if eligible, and follow through with appealing any denials of eligibility for benefits from other programs for which the applicant or participant is potentially eligible and which would, if received, offset assistance payments. An applicant's or participant's failure to complete application for these benefits without good cause results in denial or termination of assistance. Good cause for failure to apply for these benefits is allowed when circumstances beyond the control of the applicant or participant prevent the applicant or participant from making an application.

Subd. 3. **Responsibility to inquire.** An applicant or participant who does not know or is unsure whether a given change in circumstances will affect the applicant's or participant's MFIP eligibility or assistance payment must contact the county agency for information.

Subd. 4. **Participant's completion of recertification of eligibility form.** A participant must complete forms prescribed by the commissioner which are required for recertification of eligibility according to section 256P.04, subdivisions 8 and 9. A county agency must end benefits when the participant fails to submit the recertification form and verifications and complete the interview process before the end of the certification period. If the participant submits the recertification form by the last day of the certification period, benefits may be reinstated back to the date of closing when the recertification process is completed during the first month after benefits ended.

Subd. 5. MS 2024 [Repealed, 2023 c 70 art 10 s 98]

Subd. 6. MS 2024 [Repealed, 2023 c 70 art 10 s 98]

Subd. 7. MS 2024 [Repealed, 2023 c 70 art 10 s 98]

Subd. 8. **Changes that must be reported.** A caregiver must report changes as specified under section 256P.07.

Subd. 9. **Requirement to assign support and maintenance rights.** An assistance unit is ineligible for MFIP unless the caregiver assigns all rights to child support and spousal maintenance benefits according to section 518A.81.

Subd. 10. **Requirement to provide Social Security numbers.** Each member of the assistance unit must provide the member's Social Security number to the county agency, except for members in the assistance unit who are qualified noncitizens who are victims of domestic violence as defined under section 142G.02, subdivision 80, clauses (8) and (9). When a Social Security number is not provided to the county agency for verification, this requirement is satisfied when each member of the assistance unit cooperates with the procedures for verification of numbers, issuance of duplicate cards, and issuance of new numbers which have been established jointly between the Social Security Administration and the commissioner.

History: *1997 c 85 art 1 s 18; 1998 c 407 art 6 s 59,60; 1999 c 245 art 6 s 30-33; 1Sp2001 c 9 art 10 s 66; 1Sp2003 c 14 art 1 s 40; 2008 c 277 art 1 s 40; 2013 c 107 art 4 s 13,14; 2014 c 291 art 11 s 13,14; 2014 c 312 art 28 s 21,22; 2015 c 71 art 5 s 17,18,35; 2021 c 30 art 8 s 2; 2024 c 80 art 7 s 12; art 8 s 68*

142G.21 APPLICANT AND PARTICIPANT RIGHTS; COUNTY AGENCY DUTY.

Subdivision 1. **Right to information.** An applicant or participant has the right to obtain from the county agency information about the benefits, requirements, restrictions, and appeal provisions of public assistance programs.

Subd. 2. **Right to authorized representative.** An applicant or participant has the right to designate an authorized representative to act on the applicant's or participant's behalf. An applicant or participant has the right to be assisted or represented by an authorized representative in eligibility determinations, recertification, conciliation conferences, the fair hearing process, and any other contacts with the county agency or the department. When a county agency determines that it is necessary for a person to assist an applicant or participant, the county agency must designate a staff member to assist the applicant or participant. Upon a request from an applicant or participant, a county agency must provide addresses and telephone numbers of organizations that provide legal services at low cost or no cost to low-income persons.

Subd. 3. **Right of applicant to notice.** A county agency must notify an applicant of the disposition of the applicant's application. The notice must be in writing and on forms prescribed by the commissioner. The county agency must mail the notice to the last known mailing address provided by the applicant. When an application is denied, the county agency must notify the applicant in writing of the reasons for the denial, of the right to appeal, and of the right to reapply for assistance.

Subd. 4. **Participant's right to notice.** A county agency must give a participant written notice of all adverse actions affecting the participant including payment reductions, suspensions, terminations, and use of protective, vendor, or two-party payments. The notice of adverse action must be on a form prescribed or approved by the commissioner, must be understandable at a seventh grade reading level, and must be mailed to the last known mailing address provided by the participant. A notice written in English must include the Department of Children, Youth, and Families language block and must be sent to every applicable participant. The county agency must state on the notice of adverse action the action it intends to take, the reasons for the action, the participant's right to appeal the action, the conditions under which assistance can be continued pending an appeal decision, and the related consequences of the action.

Subd. 5. **Mailing of notice.** The notice of adverse action shall be issued according to paragraphs (a) to (d).

(a) A notice of adverse action must be mailed at least ten days before the effective date of the adverse action, except as provided in paragraphs (b) to (d).

(b) A notice of adverse action must be mailed no later than four working days before the end of the month when the county agency:

(1) is informed of the death of the only caregiver or payee in an assistance unit;

(2) receives a signed statement from the caregiver that assistance is no longer wanted;

(3) has factual information to reduce, suspend, or terminate assistance based on the failure to timely report changes;

(4) verifies that a member of the assistance unit has entered a regional treatment center or a licensed residential facility for medical or psychological treatment or rehabilitation;

(5) verifies that a member of an assistance unit has been removed from the home as a result of a judicial determination or placed in foster care, and the provisions of section 142G.13, subdivision 2, paragraph (c), clause (2), do not apply; or

(6) cannot locate a caregiver.

(c) A notice of adverse action must be mailed for a payment month when the caregiver makes a written request for closure before the first of that payment month.

(d) A notice of adverse action must be mailed before the effective date of the adverse action when the county agency receives the caregiver's signed and completed MFIP household report form or recertification form that includes information that requires payment reduction, suspension, or termination.

Subd. 6. **Appeal rights.** An applicant, participant, or former participant has the right to request a fair hearing when aggrieved by an action or inaction of a county agency. A request for a fair hearing and rights pending a fair hearing are set as specified in section 142G.45.

Subd. 7. **Case records available.** A county agency must make financial case records available to the participant or former participant as soon as possible but no later than the fifth business day following the date of the request. When the participant or former participant asks for photocopies of material from the financial case record, the county agency must provide one copy of each page at no cost.

Subd. 8. **Right to manage affairs.** Except for protective payment provisions authorized under section 142G.35, participants have the right to manage their own affairs.

Subd. 9. **Right to protection.** Minor caregivers have the right to protection. The county agency must refer a minor caregiver to the social service unit within 30 days of the date the application is approved. The social service unit must assist the caregiver who is less than 18 years of age to develop a plan as specified in section 142G.57.

Subd. 10. **Protection from garnishment.** MFIP grants or earnings of a caregiver shall be protected from garnishment. This protection for earnings shall extend for a period of six months from the date of termination from MFIP.

Subd. 11. **Responsibility to retain case records.** The county agency must retain financial case records and employment and training service records for MFIP cases according to chapter 13.

Subd. 12. **Right to discontinue cash assistance.** A participant who is not in vendor payment status may discontinue receipt of the cash assistance portion of the MFIP assistance grant and retain eligibility for child care assistance under section 142E.08. For the months a participant chooses to discontinue the receipt of the cash portion of the MFIP grant, the assistance unit accrues months of eligibility to be applied toward eligibility for child care under section 142E.08.

History: *1997 c 85 art 1 s 19; 1998 c 407 art 6 s 61-63; 1999 c 245 art 6 s 34,35; 1Sp2001 c 9 art 2 s 57; art 10 s 18,66; 2002 c 379 art 1 s 113; 2024 c 80 art 5 s7; art 7 s 12; art 8 s 70*

142G.22 PROSPECTIVE MFIP ELIGIBILITY.

Subdivision 1. **Determination of eligibility.** (a) A county agency must determine MFIP eligibility prospectively based on assessing income and the county agency's best estimate of the circumstances that will exist in the payment month.

(b) A county agency must calculate the amount of the assistance payment using prospective budgeting. To determine MFIP eligibility and the assistance payment amount, a county agency must apply countable income, described in sections 142G.31, subdivisions 5 to 12, and 256P.06, received by members of an assistance unit or by other persons whose income is counted for the assistance unit, described under sections 142G.31, subdivisions 1 to 4, and 256P.06, subdivision 1.

(c) This income must be applied to the MFIP standard of need or family wage level subject to this section and sections 142G.32 and 142G.33. Countable income as described in section 256P.06, subdivision 3, received must be applied to the needs of an assistance unit.

(d) An assistance unit is not eligible when the countable income equals or exceeds the MFIP standard of need or the family wage level for the assistance unit.

Subd. 2. **Prospective eligibility.** An agency must determine whether the eligibility requirements that pertain to an assistance unit, including those in sections 142G.11 to 142G.15 and 256P.02, will be met prospectively for the payment period. The income test will be applied prospectively.

Subd. 3. MS 2024 [Repealed, 2023 c 70 art 10 s 98]

Subd. 4. MS 2024 [Repealed, 2023 c 70 art 10 s 98]

Subd. 5. MS 2024 [Repealed, 2023 c 70 art 10 s 98]

History: *1997 c 85 art 1 s 22; 1998 c 407 art 6 s 67,68; 1999 c 245 art 6 s 38; 2000 c 488 art 10 s 10; 2014 c 312 art 28 s 24; 2015 c 71 art 1 s 43; 1Sp2015 c 6 s 5; 1Sp2021 c 7 art 7 s 14,15; 2023 c 70 art 10 s 48,49; 2024 c 80 art 7 s 12; 2026 c 88 art 1 s 59*

142G.25 REPORTING REQUIREMENTS.

The commissioner of children, youth, and families, in cooperation with the commissioner of employment and economic development, shall develop reporting requirements for county agencies and employment and training service providers according to section 256.01, subdivision 2, paragraph (o). Reporting requirements must, to the extent possible, use existing client tracking systems and must be within the limits of funds available. The requirements must include summary information necessary for state agencies and the legislature to evaluate the effectiveness of the services.

History: *1997 c 85 art 1 s 49; 2004 c 206 s 52; 2015 c 21 art 1 s 61; 2024 c 80 art 7 s 12; art 8 s 70; 2026 c 88 art 1 s 60*

142G.26 RELATIONSHIP TO OTHER PROGRAMS.

Subdivision 1. **Social services.** The county agency shall refer a participant for social services that are offered in the county of financial responsibility according to the criteria established by that county agency. A payment issued from federal funds under title XX of the Social Security Act, state funds under the Vulnerable Children and Adults Act, federal or state child welfare funds, or county funds in a payment month must not restrict MFIP eligibility or reduce the monthly assistance payment for that participant.

Subd. 2. **Concurrent eligibility, limitations.** (a) An individual whose needs have been otherwise provided for in another state, in whole or in part by county, state, or federal dollars during a month, is ineligible to receive MFIP for the month.

(b) A county agency must not count an applicant or participant as a member of more than one assistance unit in this state in a given payment month, except as provided in clauses (1) and (2).

(1) A participant who is a member of an assistance unit is eligible to be included in a second assistance unit the month after the month the participant joins the second unit.

(2) An applicant whose needs are met through federal, state, or local foster care payments for the first part of an application month is eligible to receive assistance for the remaining part of the month in which the applicant returns home. Foster care payments must be considered prorated payments rather than a duplication of MFIP need.

Subd. 3. **SNAP.** For any month an individual receives Supplemental Nutrition Assistance Program (SNAP) benefits, the individual is not eligible for the MFIP food portion of assistance, except as provided under section 142G.19, subdivision 4.

History: *1997 c 85 art 1 s 58; 1998 c 407 art 6 s 106,107; 1999 c 245 art 6 s 79; 1Sp2001 c 9 art 10 s 66; 2005 c 98 art 1 s 15; 1Sp2011 c 9 art 1 s 20; 1Sp2019 c 9 art 1 s 42; 2024 c 80 art 7 s 12*

142G.27 ORIENTATION.

Subdivision 1. **County agency to provide orientation.** A county agency must provide an orientation to each MFIP caregiver unless the caregiver is:

(1) a single parent, or one parent in a two-parent family, employed at least 35 hours per week; or

(2) a second parent in a two-parent family who is employed for 20 or more hours per week provided the first parent is employed at least 35 hours per week.

The county agency must inform caregivers who are not exempt under clause (1) or (2) that failure to attend the orientation is considered an occurrence of noncompliance with program requirements, and will result in the imposition of a sanction under section 142G.70. If the client complies with the orientation requirement prior to the first day of the month in which the grant reduction is proposed to occur, the orientation sanction shall be lifted.

Subd. 2. **Pregnant and parenting minors.** Pregnant and parenting minors who are complying with the provisions of section 142G.57 are exempt from the requirement under subdivision 1, however, the county agency must provide information to the minor as required under section 142G.14.

Subd. 3. **General information.** The MFIP orientation must consist of a presentation that informs caregivers of:

(1) the necessity to obtain immediate employment;

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

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

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

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

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

(7) the availability and the benefits of the early childhood health and developmental screening under sections 123B.02, subdivision 16; 123B.10; and 142D.09 to 142D.093;

(8) the caregiver's eligibility for transition year child care assistance under section 142E.08;

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

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

(11) the caregiver's option to request approval of an education and training plan according to section 142G.58;

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

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

(14) information about the income exclusions under section 256P.06, subdivision 2.

Subd. 4. **Good cause exemptions for not attending orientation.** (a) The county agency shall not impose the sanction under section 142G.70 if it determines that the participant has good cause for failing to attend orientation. Good cause exists when:

(1) appropriate child care is not available;

(2) the participant is ill or injured;

(3) a family member is ill and needs care by the participant that prevents the participant from attending orientation. For a caregiver with a child or adult in the household who meets the disability or medical criteria for home care services under section 256B.0659, or a home and community-based waiver services program under chapter 256B, or meets the criteria for serious mental illness under section 245.4871, subdivision 6, or for serious and persistent mental illness under section 245.462, subdivision 20, paragraph (c), good cause also exists when an interruption in the provision of those services occurs which prevents the participant from attending orientation;

(4) the caregiver is unable to secure necessary transportation;

(5) the caregiver is in an emergency situation that prevents orientation attendance;

(6) the orientation conflicts with the caregiver's work, training, or school schedule; or

(7) the caregiver documents other verifiable impediments to orientation attendance beyond the caregiver's control.

(b) Counties must work with clients to provide child care and transportation necessary to ensure a caregiver has every opportunity to attend orientation.

History: *1997 c 85 art 1 s 35; 1998 c 397 art 11 s 3; 1998 c 407 art 6 s 81-83; 1999 c 86 art 1 s 59; 1999 c 245 art 6 s 53,54; 2000 c 488 art 10 s 14; 1Sp2001 c 9 art 10 s 29,30; 2002 c 379 art 1 s 113; 1Sp2003 c 14 art 1 s 61; 2009 c 79 art 6 s 17; 1Sp2017 c 6 art 7 s 27; 2021 c 30 art 7 s 3; 2024 c 80 art 5 s 7; art 7 s 12; 2025 c 38 art 8 s 7*

142G.30 Subdivision 1. MS 2024 [Repealed, 2023 c 70 art 10 s 98]

Subd. 2. MS 2024 [Repealed, 2023 c 70 art 10 s 98]

Subd. 3. MS 2024 [Repealed, 2023 c 70 art 10 s 98]

Subd. 4. MS 2024 [Repealed, 2023 c 70 art 10 s 98]

142G.31 TREATMENT OF INCOME.

Subdivision 1. **Deemed income from ineligible assistance unit members.** The income of ineligible assistance unit members, except individuals identified in section 142G.17, subdivision 3, paragraph (a), clause (1), must be deemed after allowing the following disregards:

(1) an earned income disregard as determined under section 256P.03;

(2) all payments made by the ineligible person according to a court order for spousal support or the support of children not living in the assistance unit's household; and

(3) an amount for the unmet needs of the ineligible persons who live in the household who, if eligible, would be assistance unit members under section 142G.17, subdivision 2 or 4, paragraph (b). This amount is equal to the difference between the MFIP transitional standard when the ineligible persons are included in the assistance unit and the MFIP transitional standard when the ineligible persons are not included in the assistance unit.

Subd. 2. **Deemed income from disqualified assistance unit members.** The income of disqualified members must be deemed after allowing the following disregards:

(1) an earned income disregard as determined under section 256P.03;

(2) all payments made by the disqualified member according to a court order for spousal support or the support of children not living in the assistance unit's household; and

(3) an amount for the unmet needs of other ineligible persons who live in the household who, if eligible, would be assistance unit members under section 142G.17, subdivision 2 or 4, paragraph (b). This amount is equal to the difference between the MFIP transitional standard when the ineligible persons are included in the assistance unit and the MFIP transitional standard when the ineligible persons are not included in the assistance unit. An amount shall not be allowed for the needs of disqualified members.

Subd. 3. **Deemed income from parents of minor caregivers.** In households where minor caregivers live with a parent or parents or a stepparent who do not receive MFIP for themselves or their minor children, the income of the parents or a stepparent must be deemed after allowing the following disregards:

(1) income of the parents equal to 200 percent of the federal poverty guideline for a family size not including the minor parent and the minor parent's child in the household; and

(2) all payments made by parents according to a court order for spousal support or the support of children not living in the parent's household.

Subd. 4. **Deemed income and assets of sponsor of noncitizens.** (a) If a noncitizen applies for or receives MFIP, the agency must deem the income and assets of the noncitizen's sponsor and the sponsor's spouse as provided in this paragraph and paragraph (b) or (c), whichever is applicable. The deemed income of a sponsor and the sponsor's spouse is considered unearned income of the noncitizen. The deemed assets of a sponsor and the sponsor's spouse are considered available assets of the noncitizen.

(b) The income and assets of a sponsor who signed an affidavit of support under title IV, sections 421, 422, and 423, of Public Law 104-193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, and the income and assets of the sponsor's spouse, must be deemed to the noncitizen to the extent required by those sections of Public Law 104-193.

(c) The income and assets of a sponsor and the sponsor's spouse to whom the provisions of paragraph (b) do not apply must be deemed to the noncitizen to the full extent allowed under title V, section 5505, of Public Law 105-33, the Balanced Budget Act of 1997.

Subd. 5. **Earned income of wage, salary, and contractual employees.** The agency must include gross earned income less any disregards in the initial income test. Gross earned income received by persons employed on a contractual basis must be prorated over the period covered by the contract even when payments are received over a lesser period of time.

Subd. 6. **Rental subsidies; unearned income.** (a) The agency shall count $50 of the value of public and assisted rental subsidies provided through the Department of Housing and Urban Development (HUD) as unearned income to the cash portion of the MFIP grant. The full amount of the subsidy must be counted as unearned income when the subsidy is less than $50. The income from this subsidy shall be budgeted according to section 256P.09.

(b) The provisions of this subdivision shall not apply to an MFIP assistance unit which includes a participant who is:

(1) age 60 or older;

(2) a caregiver who is suffering from an illness, injury, or incapacity that has been certified by a qualified professional when the illness, injury, or incapacity is expected to continue for more than 30 days and severely limits the person's ability to obtain or maintain suitable employment; or

(3) a caregiver whose presence in the home is required due to the illness or incapacity of another member in the assistance unit, a relative in the household, or a foster child in the household when the illness or incapacity and the need for the participant's presence in the home has been certified by a qualified professional and is expected to continue for more than 30 days.

(c) The provisions of this subdivision shall not apply to an MFIP assistance unit where the parental caregiver is an SSI participant.

Subd. 7. **Self-employment.** Self-employment has the meaning given in section 256P.01, subdivision 7.

Subd. 8. **Self-employment earnings.** The agency must determine self-employment income according to section 256P.05, subdivision 2.

Subd. 9. **Self-employment budget period.** The agency must budget self-employment earned income according to section 256P.05, subdivision 3.

Subd. 10. **Farm income.** Farm income shall be treated as self-employment income under section 256P.05, subdivision 2. The agency must budget farm income as self-employment earned income according to section 256P.05, subdivision 3.

Subd. 11. **Rental income.** Rental income is subject to the requirements of section 256P.05.

Subd. 12. **Unearned income.** (a) The agency must apply unearned income to the MFIP transitional standard. When determining the amount of unearned income, the agency must deduct the costs necessary

to secure payments of unearned income. These costs include legal fees, medical fees, and mandatory deductions such as federal and state income taxes.

(b) The agency must convert unearned income received on a periodic basis to monthly amounts by prorating the income over the number of months represented by the frequency of the payments. The agency must begin counting the monthly amount in the month the periodic payment is received and budget it according to the assistance unit's budget cycle.

History: *1997 c 85 art 1 s 26; 1997 c 203 art 12 s 11; 1998 c 407 art 6 s 71-75; 1999 c 107 s 66; 1999 c 245 art 6 s 44-48; 2000 c 343 s 4; 2000 c 488 art 10 s 13; 1Sp2001 c 9 art 10 s 21,66; 2002 c 379 art 1 s 113; 1Sp2003 c 14 art 1 s 45-47; 2004 c 288 art 4 s 37; 1Sp2005 c 4 art 3 s 14; 2010 c 301 art 1 s 8; 2013 c 107 art 4 s 15; 2014 c 312 art 28 s 25; 1Sp2021 c 7 art 7 s 16,17; 2023 c 70 art 10 s 51,52; 2024 c 80 art 7 s 7,12*

142G.32 AMOUNT OF ASSISTANCE PAYMENT.

Subdivision 1. **Amount of assistance payment.** Except as provided in paragraphs (a) to (e), the amount of an assistance payment is equal to the difference between the MFIP standard of need or the Minnesota family wage level in section 142G.17 and countable income.

(a) MFIP assistance units are eligible for an MFIP housing assistance grant of $110 per month, unless:

(1) the housing assistance unit is currently receiving public and assisted rental subsidies provided through the Department of Housing and Urban Development (HUD) and is subject to section 142G.31, subdivision 6; or

(2) the assistance unit is a child-only case under section 142G.01, subdivision 8.

(b) On October 1 of each year, the commissioner shall adjust the MFIP housing assistance grant in paragraph (a) for inflation based on the CPI-U for the prior calendar year.

(c) When MFIP eligibility exists for the month of application, the amount of the assistance payment for the month of application must be prorated from the date of application or the date all other eligibility factors are met for that applicant, whichever is later. This provision applies when an applicant loses at least one day of MFIP eligibility.

(d) MFIP overpayments to an assistance unit must be recouped according to section 256P.08, subdivision 6.

(e) An initial assistance payment must not be made to an applicant who is not eligible on the date payment is made.

Subd. 2. **Housing assistance grants; forecasted program.** Housing assistance grants under subdivision 1, paragraph (a), must be a forecasted program and the commissioner, with the approval of the commissioner of management and budget, may transfer unencumbered appropriation balances within fiscal years of each biennium with other forecasted programs of the department. The commissioner shall inform the chairs and ranking minority members of the house of representatives and senate committees and divisions with primary jurisdiction over the housing assistance grants quarterly about transfers made under this provision.

History: *1997 c 85 art 1 s 24; 1998 c 407 art 6 s 69; 1999 c 245 art 6 s 42; 2013 c 108 art 3 s 29,46; 2015 c 71 art 5 s 19,35; 2023 c 70 art 10 s 50; 2024 c 80 art 7 s 5,6,12*

142G.33 ALLOCATION FOR UNMET NEED OF OTHER HOUSEHOLD MEMBERS.

Except as prohibited in paragraphs (a) and (b), an allocation of income is allowed from the caregiver's income to meet the unmet need of an ineligible spouse or an ineligible child under the age of 21 for whom the caregiver is financially responsible who also lives with the caregiver. That allocation is allowed in an amount up to the difference between the MFIP standard of need for the assistance unit when that ineligible person is included in the assistance unit and the MFIP standard of need for the assistance unit when the ineligible person is not included in the assistance unit. These allocations must be deducted from the caregiver's counted earnings and from unearned income subject to paragraphs (a) and (b).

(a) Income of a minor child in the assistance unit must not be allocated to meet the need of an ineligible person, including the child's parent, even when that parent is the payee of the child's income.

(b) Income of a caregiver must not be allocated to meet the needs of a disqualified person.

History: *1997 c 85 art 1 s 25; 1998 c 407 art 6 s 70; 1999 c 245 art 6 s 43; 2024 c 80 art 7 s 12*

142G.34 SUPPORT FROM PARENTS OF MINOR CAREGIVERS LIVING APART.

Subdivision 1. **General provisions.** A minor caregiver and the minor's dependent child living outside of the home of the adult parent must meet the criteria in section 142G.14, to be eligible for assistance in the MFIP program. A parent who lives outside the home of a minor child who is an unemancipated minor caregiver of an assistance unit is financially responsible for that minor caregiver unless the parent is a recipient of public assistance, SSI, MSA, medical assistance, or general assistance, and a court order does not otherwise provide a support obligation.

Subd. 2. **Amount of support payment.** The amount of support to be paid by a parent, except a parent specified in subdivision 4, must be determined according to paragraphs (a) to (f).

(a) A minor caregiver must provide information required by the county agency to identify the whereabouts of the minor caregiver's absent parent or parents.

(b) A county agency must notify an absent parent of the parent's legal responsibility to support a minor caregiver and shall request that the absent parent provide the following:

(1) the amount of the parent's earned and unearned income for the previous tax year;

(2) the amount of the parent's earned and unearned income for the current month;

(3) the number and names of dependents who are claimed or could be claimed by the parent on federal income tax forms;

(4) the amount of annual medical bills paid by the parent;

(5) the amount of annual housing costs paid by the parent;

(6) the costs for utilities and repairs to the home which are paid by the parent; and

(7) the amount of annual educational costs for family members paid by the parent.

(c) When a parent of a minor caregiver does not provide the information requested under paragraph (b), the county agency must refer the matter to the county attorney. Assistance to the minor caregiver must not be denied, delayed, reduced, or ended because of the lack of cooperation of the minor caregiver's parent.

(d) When the information requested under paragraph (b) is received by a county agency, the county agency must compare the parent's income against the scale set forth below using the conditions and procedures specified in paragraph (e).

Size of Family	Federal Poverty Guideline
1	$ 9,288
2	12,432
3	15,576
4	18,720
5	21,864

For each additional family member add $3,144.

(e) The parent's income is the parent's gross earned income plus unearned income, determined by the methods in section 142G.16. To determine family size, each person claimed or who could be claimed by a parent as a dependent on federal income tax forms, exclusive of the minor caregiver, must be included. A deduction from income must be allowed for the amount that medical, educational, and housing costs together exceed 30 percent of the parent's income. When the amount of income, after the allowable deduction, exceeds the annual income level in paragraph (d), a parent is liable to pay one-third of the excess for the annual support of the minor caregiver. These payments must be paid monthly to the minor caregiver or to the county agency on behalf of the minor caregiver.

(f) A county agency must notify the parents of the minor caregiver that they are liable for the amount of support determined by the county agency as specified in paragraph (e). When the support payment is received by the minor caregiver, it must be treated as unearned income of the assistance unit. When the support payment is not received, or a lesser amount is received in any payment month, the county agency must refer the matter to the county attorney.

Subd. 3. **Reviews.** A county agency must review financial responsibility every 12 months until minor caregivers reach the age of 18 or are otherwise emancipated. When a parent reports a change in circumstances, the county agency must review the required amount of payment within ten calendar days.

Subd. 4. **Parents under court order for support.** A parent who is required under an existing court order issued under some other authority in state or federal law to pay child support for a minor caregiver is subject to the conditions of that order in lieu of the requirements and contribution levels in subdivision 2.

History: *1997 c 85 art 1 s 30; 1Sp2001 c 9 art 10 s 66; 2016 c 158 art 2 s 106; 2024 c 80 art 7 s 12*

142G.35 PAYMENT PROVISIONS; VENDOR PAYMENTS.

Subdivision 1. **Payment policy.** The following policies apply to monthly assistance payments and corrective payments:

(1) grant payments may be issued in the form of warrants immediately redeemable in cash, electronic benefits transfer, or by direct deposit into the recipient's account in a financial institution;

(2) the commissioner shall mail assistance payment checks to the address where a caregiver lives unless the county agency approves an alternate arrangement;

(3) the commissioner shall mail monthly assistance payment checks within time to allow postal service delivery to occur no later than the first day of each month. Monthly assistance payment checks must be dated the first day of the month. The commissioner shall issue electronic benefits transfer payments so that caregivers have access to the payments no later than the first of the month;

(4) the commissioner shall issue replacement checks promptly, but no later than seven calendar days after the provisions of sections 16A.46; 142A.03, subdivision 5; and 471.415 have been met; and

(5) the commissioner, with the advance approval of the commissioner of management and budget, may issue cash assistance grant payments up to three days before the first day of each month, including three days before the start of each state fiscal year. Of the money appropriated for cash assistance grant payments for each fiscal year, up to three percent of the annual state appropriation is available to the commissioner in the previous fiscal year. If that amount is insufficient for the costs incurred, an additional amount of the appropriation as needed may be transferred with the advance approval of the commissioner of management and budget.

Subd. 2. **Protective and vendor payments.** Alternatives to paying assistance directly to a participant may be used when:

(1) a county agency determines that a vendor payment is the most effective way to resolve an emergency situation pertaining to basic needs;

(2) a caregiver makes a written request to the county agency asking that part or all of the assistance payment be issued by protective or vendor payments for shelter and utility service only. The caregiver may withdraw this request in writing at any time;

(3) the vendor payment is part of a sanction under section 142G.70;

(4) the vendor payment is required under section 142G.18;

(5) protective payments are required for minor parents under section 142G.14; or

(6) a caregiver has exhibited a continuing pattern of mismanaging funds as determined by the county agency.

The director of a county agency, or the director's designee, must approve a proposal for protective or vendor payment for money mismanagement when there is a pattern of mismanagement under clause (6). During the time a protective or vendor payment is being made, the county agency must provide services designed to alleviate the causes of the mismanagement.

The continuing need for and method of payment must be documented and reviewed every 12 months. The director of a county agency or the director's designee must approve the continuation of protective or vendor payments. When it appears that the need for protective or vendor payments will continue or is likely to continue beyond two years because the county agency's efforts have not resulted in sufficiently improved use of assistance on behalf of the minor child, judicial appointment of a legal guardian or other legal representative must be sought by the county agency.

Subd. 3. **Choosing payees for protective or vendor payments.** A county agency shall consult with a caregiver regarding the selection of the form of payment, the selection of a protective payee, and the distribution of the assistance payment to meet the various costs incurred by the assistance unit. When choosing a protective payee, the county agency shall notify the caregiver of a consultation date. If the caregiver fails to respond to the county agency's request for consultation by the effective date on the notice, the county

agency must choose a protective payee for that payment month and subsequent payment months until the caregiver responds to the agency's request for consultation. The county agency must notify the caregiver of the right to appeal the determination that a protective or vendor payment should be made or continued and to appeal the selection of the payee. If a county agency is not able to find another protective payee, a county agency staff member may serve as a protective payee. The following persons may not serve as protective payees: a member of the county board of commissioners; the county agency staff member determining financial eligibility for the family; special investigative or resource staff; the staff member handling accounting or fiscal processes related to the participant; or a landlord, grocer, or other vendor dealing directly with the participant.

Subd. 4. **Discontinuing protective or vendor payments.** A county agency shall discontinue protective or vendor payments in two years or in the month following the county agency's failure to grant six-month approval to a money management plan, whichever occurs first. At least once every 12 months, a county agency shall review the performance of a protective payee acting under subdivision 2, clause (3), to determine whether a new payee should be selected. When a participant complains about the performance of a protective payee, a review shall occur within 30 calendar days.

History: *1997 c 85 art 1 s 28; 1998 c 407 art 6 s 77; 1999 c 245 art 1 s 19; 1Sp2001 c 9 art 10 s 22; 2002 c 379 art 1 s 113; 1Sp2003 c 14 art 1 s 106; 2009 c 101 art 2 s 109; 2024 c 80 art 1 s 96; art 7 s 12*

142G.36 VENDOR PAYMENT OF SHELTER COSTS AND UTILITIES.

Subdivision 1. **Vendor payment.** (a) When a county is required to provide assistance to a participant in vendor form for shelter costs and utilities under this chapter or chapter 256D, the cost of utilities for a given family may be assumed to be:

(1) the average of the actual monthly cost of utilities for that family for the prior 12 months at the family's current residence, if applicable;

(2) the monthly plan amount, if any, set by the local utilities for that family at the family's current residence; or

(3) the estimated monthly utility costs for the dwelling in which the family currently resides.

(b) For purposes of this section, "utility" means any of the following: municipal water and sewer service; electric, gas, or heating fuel service; or wood, if that is the heating source.

(c) In any instance where a vendor payment for rent is directed to a landlord not legally entitled to the payment, the county social services agency shall immediately institute proceedings to collect the amount of the vendored rent payment, which shall be considered a debt under section 270A.03, subdivision 5.

Subd. 2. **Vendor payment notification.** (a) When a county agency is required to provide assistance to a participant in vendor payment form for shelter costs or utilities under subdivision 1, and the participant does not give the agency the information needed to pay the vendor, the county agency shall notify the participant of the intent to terminate assistance by mail at least ten days before the effective date of the adverse action.

(b) The notice of action shall include a request for information about:

(1) the amount of the participant's shelter costs or utilities;

(2) the due date of the shelter costs or utilities; and

(3) the name and address of the landlord, contract for deed holder, mortgage company, and utility vendor.

(c) If the participant fails to provide the requested information by the effective date of the adverse action, the county must terminate the MFIP grant. If the applicant or participant verifies they do not have shelter costs or utility obligations, the county shall not terminate assistance if the assistance unit is otherwise eligible.

Subd. 3. **Discontinuing vendor payments due to dispute with landlord.** The county agency shall discontinue vendor payments for shelter costs imposed under this chapter when the vendor payment interferes with the participant's right to withhold rent due to a dispute with the participant's landlord in accordance with federal, state, or local housing laws.

History: *1997 c 85 art 1 s 29; 1998 c 407 art 6 s 78; 1Sp2001 c 9 art 10 s 66; 2013 c 107 art 4 s 16; 2024 c 80 art 7 s 8,12*

142G.37 WORK PARTICIPATION CASH BENEFITS.

Subdivision 1. **Program characteristics.** (a) Within 30 days of exiting the Minnesota family investment program with earnings, the county must assess eligibility for work participation cash benefits of $25 per month to assist in meeting the family's basic needs as the participant continues to move toward self-sufficiency. Payment begins effective the first of the month following exit or termination for MFIP participants.

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

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

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

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

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

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

Subd. 2. **Program suspension.** (a) Effective December 1, 2014, the work participation cash benefits program shall be suspended.

(b) The commissioner of children, youth, and families may reinstate the work participation cash benefits program if the United States Department of Human Services determines that the state of Minnesota did not meet the federal TANF work participation rate and sends a notice of penalty to reduce Minnesota's federal TANF block grant authorized under title I of Public Law 104-193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, and under Public Law 109-171, the Deficit Reduction Act of 2005.

(c) The commissioner shall notify the chairs and ranking minority members of the legislative committees with jurisdiction over human services policy and finance of the potential penalty and the commissioner's

plans to reinstate the work participation cash benefit program within 30 days of the date the commissioner receives notification that the state failed to meet the federal work participation rate.

History: *2007 c 147 art 2 s 38; 2008 c 363 art 16 s 5; 2009 c 79 art 2 s 27; 1Sp2010 c 1 art 18 s 5; 2012 c 216 art 8 s 4; 2013 c 108 art 3 s 30; 2014 c 291 art 11 s 23; 2023 c 70 art 10 s 65; 2024 c 80 art 7 s 12; art 8 s 70*

142G.38 AGING OF CASH BENEFITS.

Cash benefits under chapters 142F, 142G, and 256K, except Supplemental Nutrition Assistance Program (SNAP) benefits under chapter 142F, by warrants or electronic benefit transfer that have not been accessed within 90 days of issuance shall be canceled. Cash benefits may be replaced after they are canceled, for up to one year after the date of issuance, if failure to do so would place the client or family at risk. For purposes of this section, "accessed" means cashing a warrant or making at least one withdrawal from benefits deposited in an electronic benefit account.

History: *1998 c 407 art 6 s 108; 2007 c 147 art 19 s 18; 1Sp2019 c 9 art 1 s 42; 2024 c 80 art 6 s 4; art 7 s 12; 2024 c 115 art 16 s 43; 2025 c 20 s 117*

142G.40 60-MONTH TIME LIMIT; EXEMPTIONS.

Subdivision 1. **Time limit.** (a) Except as otherwise provided for in this section, an assistance unit in which any adult caregiver has received 60 months of cash assistance funded in whole or in part by the TANF block grant in this or any other state or United States territory, or from a Tribal TANF program, MFIP, the AFDC program formerly codified in sections 256.72 to 256.87, or the family general assistance program formerly codified in sections 256D.01 to 256D.17, funded in whole or in part by state appropriations, is ineligible to receive MFIP. Any cash assistance funded with TANF dollars in this or any other state or United States territory, or from a Tribal TANF program, or MFIP assistance funded in whole or in part by state appropriations, that was received by the unit on or after the date TANF was implemented, including any assistance received in states or United States territories of prior residence, counts toward the 60-month limitation. Months during which any cash assistance is received by an assistance unit with a mandatory member who is disqualified for wrongfully obtaining public assistance under section 256.98, subdivision 8, counts toward the time limit for the disqualified member. The 60-month limit applies to a minor caregiver except under subdivision 4. The 60-month time period does not need to be consecutive months for this provision to apply.

(b) The months before July 1998 in which individuals received assistance as part of the field trials as an MFIP, MFIP-R, or MFIP or MFIP-R comparison group family are not included in the 60-month time limit.

Subd. 2. **Adults living in Indian country.** In determining the number of months for which an adult has received assistance under MFIP, the county agency must disregard any month during which the adult lived in Indian country if during the month at least 50 percent of the adults living in Indian country were not employed.

Subd. 3. **Exempt cash assistance.** Any cash assistance received by an assistance unit in a month when a caregiver complied with a safety plan, an alternative employment plan, or an employment plan under section 142G.56, subdivision 3, does not count toward the 60-month limitation on assistance.

Subd. 4. **Exemption for certain families.** (a) Any cash assistance received by an assistance unit does not count toward the 60-month limit on assistance during a month in which the caregiver is age 60 or older.

(b) From July 1, 1997, until the date MFIP is operative in the caregiver's county of financial responsibility, any cash assistance received by a caregiver who is complying with Minnesota Statutes 1996, section 256.73, subdivision 5a, and Minnesota Statutes 1998, section 256.736, if applicable, does not count toward the 60-month limit on assistance. Thereafter, any cash assistance received by a minor caregiver who is complying with the requirements of sections 142G.14 and 142G.57, if applicable, does not count towards the 60-month limit on assistance.

(c) Any diversionary assistance or emergency assistance received prior to July 1, 2003, does not count toward the 60-month limit.

(d) Any cash assistance received by an 18- or 19-year-old caregiver who is complying with an employment plan that includes an education option under section 142G.57 does not count toward the 60-month limit.

(e) Payments provided to meet short-term emergency needs under section 142G.76 do not count toward the 60-month time limit.

Subd. 5. **Case review.** (a) Within 180 days, but not less than 60 days, before the end of the participant's 60th month on assistance, the county agency or job counselor must review the participant's case to determine if the employment plan is still appropriate and attempt to meet with the participant face-to-face.

(b) During the face-to-face meeting, a county agency or the job counselor must:

(1) inform the participant how many months of counted assistance the participant has accrued and when the participant is expected to reach the 60th month;

(2) explain the hardship extension criteria under section 142G.42 and what the participant should do if the participant thinks a hardship extension applies;

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

(4) inform the participant of the right to appeal the case closure under section 142G.45.

(c) If a face-to-face meeting is not possible, the county agency must send the participant a notice of adverse action as provided in section 142G.21, subdivisions 4 and 5.

(d) Before a participant's case is closed under this section, the county must ensure that:

(1) the case has been reviewed by the job counselor's supervisor or the review team designated by the county to determine if the criteria for a hardship extension, if requested, were applied appropriately; and

(2) the county agency or the job counselor attempted to meet with the participant face-to-face.

History: *1997 c 85 art 1 s 32; 1997 c 203 art 12 s 12; 1998 c 407 art 6 s 79; 1999 c 159 s 86,87; 1999 c 245 art 6 s 50,51; 2000 c 260 s 88; 1Sp2001 c 9 art 10 s 24-27,66; 2002 c 379 art 1 s 113; 1Sp2003 c 14 art 1 s 51-53; 2007 c 147 art 2 s 30; 2008 c 277 art 1 s 42,43; 2023 c 70 art 10 s 54; 2024 c 80 art 7 s 12; 2026 c 88 art 1 s 61*

142G.41 NOTICE OF 12 MONTHS OF TANF ASSISTANCE REMAINING.

(a) The county agency shall mail a notice to each assistance unit when the assistance unit has 12 months of TANF assistance remaining and each month thereafter until the 60-month limit has expired. The notice must be developed by the commissioner of children, youth, and families and must contain information about the 60-month limit, the number of months the participant has remaining, the hardship extension policy, and

any other information that the commissioner deems pertinent to an assistance unit nearing the 60-month limit.

(b) For applicants who have less than 12 months remaining in the 60-month time limit because the unit previously received TANF assistance in Minnesota or another state, the county agency shall notify the applicant of the number of months of TANF remaining when the application is approved and begin the process required in paragraph (a).

History: *1Sp2001 c 9 art 10 s 23; 2002 c 379 art 1 s 113; 2004 c 288 art 4 s 38; 2024 c 80 art 7 s 12; art 8 s 70*

142G.42 60-MONTH TIME LIMIT; HARDSHIP EXTENSIONS.

Subdivision 1. **Eligibility.** (a) To be eligible for a hardship extension, a participant in an assistance unit subject to the time limit under section 142G.40, subdivision 1, must develop and comply with either an employment plan or a family stabilization services plan, whichever is appropriate.

(b) If one participant in a two-parent assistance unit is determined to be ineligible for a hardship extension, the county shall give the assistance unit the option of disqualifying the ineligible participant from MFIP. In that case, the assistance unit shall be treated as a one-parent assistance unit.

Subd. 2. **Review.** If a county grants a hardship extension under this section, a county agency shall review the case every six or 12 months, whichever is appropriate based on the participant's circumstances and the extension category. More frequent reviews shall be required if eligibility for an extension is based on a condition that is subject to change in less than six months.

Subd. 3. **Ill or incapacitated.** (a) An assistance unit subject to the time limit in section 142G.40, subdivision 1, is eligible to receive months of assistance under a hardship extension if the participant who reached the time limit belongs to any of the following groups:

(1) participants who are suffering from an illness, injury, or incapacity which has been certified by a qualified professional when the illness, injury, or incapacity is expected to continue for more than 30 days and severely limits the person's ability to obtain or maintain suitable employment. These participants must follow the treatment recommendations of the qualified professional certifying the illness, injury, or incapacity;

(2) participants whose presence in the home is required as a caregiver because of the illness, injury, or incapacity of another member in the assistance unit, a relative in the household, or a foster child in the household when the illness or incapacity and the need for a person to provide assistance in the home has been certified by a qualified professional and is expected to continue for more than 30 days; or

(3) caregivers with a child or an adult in the household who meets the disability or medical criteria for home care services under section 256B.0651, subdivision 1, paragraph (c), or a home and community-based waiver services program under chapter 256B, or meets the criteria for serious mental illness under section 245.4871, subdivision 6, or for serious and persistent mental illness under section 245.462, subdivision 20, paragraph (c). Caregivers in this category are presumed to be prevented from obtaining or maintaining suitable employment.

(b) An assistance unit receiving assistance under a hardship extension under this subdivision may continue to receive assistance as long as the participant meets the criteria in paragraph (a), clause (1), (2), or (3).

Subd. 4. **Hard-to-employ participants.** (a) An assistance unit subject to the time limit in section 142G.40, subdivision 1, is eligible to receive months of assistance under a hardship extension if the participant who reached the time limit belongs to any of the following groups:

(1) a person who is diagnosed by a licensed physician, psychological practitioner, or other qualified professional, as developmentally disabled or mentally ill, and the condition severely limits the person's ability to obtain or maintain suitable employment;

(2) a person who:

(i) has been assessed by a vocational specialist or the county agency to be unemployable for purposes of this subdivision; or

(ii) has an IQ below 80 who has been assessed by a vocational specialist or a county agency to be employable, but the condition severely limits the person's ability to obtain or maintain suitable employment. The determination of IQ level must be made by a qualified professional. In the case of a non-English-speaking person: (A) the determination must be made by a qualified professional with experience conducting culturally appropriate assessments, whenever possible; (B) the county may accept reports that identify an IQ range as opposed to a specific score; (C) these reports must include a statement of confidence in the results;

(3) a person who is determined by a qualified professional to be learning disabled, and the condition severely limits the person's ability to obtain or maintain suitable employment. For purposes of the initial approval of a learning disability extension, the determination must have been made or confirmed within the previous 12 months. In the case of a non-English-speaking person: (i) the determination must be made by a qualified professional with experience conducting culturally appropriate assessments, whenever possible; and (ii) these reports must include a statement of confidence in the results. If a rehabilitation plan for a participant extended as learning disabled is developed or approved by the county agency, the plan must be incorporated into the employment plan. However, a rehabilitation plan does not replace the requirement to develop and comply with an employment plan under section 142G.56; or

(4) a person who has been granted a family violence waiver, and who is complying with an employment plan under section 142G.56, subdivision 3.

(b) For purposes of this chapter, "severely limits the person's ability to obtain or maintain suitable employment" means:

(1) that a qualified professional has determined that the person's condition prevents the person from working 20 or more hours per week; or

(2) for a person who meets the requirements of paragraph (a), clause (2), item (ii), or clause (3), a qualified professional has determined the person's condition:

(i) significantly restricts the range of employment that the person is able to perform; or

(ii) significantly interferes with the person's ability to obtain or maintain suitable employment for 20 or more hours per week.

Subd. 5. **Employed participants.** (a) An assistance unit subject to the time limit under section 142G.40, subdivision 1, is eligible to receive assistance under a hardship extension if the participant who reached the time limit belongs to:

(1) a one-parent assistance unit in which the participant is participating in work activities for at least 30 hours per week, of which an average of at least 25 hours per week every month are spent participating in employment;

(2) a two-parent assistance unit in which the participants are participating in work activities for at least 55 hours per week, of which an average of at least 45 hours per week every month are spent participating in employment; or

(3) an assistance unit in which a participant is participating in employment for fewer hours than those specified in clause (1), and the participant submits verification from a qualified professional, in a form acceptable to the commissioner, stating that the number of hours the participant may work is limited due to illness or disability, as long as the participant is participating in employment for at least the number of hours specified by the qualified professional. The participant must be following the treatment recommendations of the qualified professional providing the verification. The commissioner shall develop a form to be completed and signed by the qualified professional, documenting the diagnosis and any additional information necessary to document the functional limitations of the participant that limit work hours. If the participant is part of a two-parent assistance unit, the other parent must be treated as a one-parent assistance unit for purposes of meeting the work requirements under this subdivision.

(b) For purposes of this section, employment means:

(1) unsubsidized employment under section 142G.50, subdivision 11, paragraph (a), clause (1);

(2) subsidized employment under section 142G.50, subdivision 11, paragraph (a), clause (2);

(3) on-the-job training under section 142G.50, subdivision 11, paragraph (a), clause (2);

(4) an apprenticeship under section 142G.50, subdivision 11, paragraph (a), clause (1);

(5) supported work under section 142G.50, subdivision 11, paragraph (a), clause (2);

(6) a combination of clauses (1) to (5); or

(7) child care under section 142G.50, subdivision 11, paragraph (a), clause (7), if it is in combination with paid employment.

(c) If a participant is complying with a child protection plan under chapter 260C, the number of hours required under the child protection plan count toward the number of hours required under this subdivision.

(d) The county shall provide the opportunity for subsidized employment to participants needing that type of employment within available appropriations.

(e) The employment plan developed under section 142G.56, subdivision 2, for participants under this subdivision must contain at least the minimum number of hours specified in paragraph (a) for the purpose of meeting the requirements for an extension under this subdivision. The job counselor and the participant must sign the employment plan to indicate agreement between the job counselor and the participant on the contents of the plan.

(f) Participants who fail to meet the requirements in paragraph (a), without eligibility for another hardship extension or good cause under section 142G.71, shall be subject to sanction or case closure. Participants must meet all remaining requirements in the approved employment plan or be subject to sanction or case closure.

(g) If the noncompliance with an employment plan is due to the involuntary loss of employment, the participant is exempt from the hourly employment requirement under this subdivision for one month. Participants must meet all remaining requirements in the approved employment plan or be subject to sanction or case closure if ineligible for another hardship extension.

Subd. 6. **Hardship extension pending documentation.** If the documentation needed to determine if a participant is eligible for a hardship extension under subdivision 3 or 4 is not available by the 60th month, the county agency may extend the participant pending receipt of the documentation if the county believes the participant is likely to qualify for a hardship extension and the participant is cooperating with efforts to obtain the documentation. If the participant is found to be not eligible for an extension, the participant may be responsible for an overpayment.

Subd. 7. **Accrual of certain exempt months.** (a) Participants who are not eligible for assistance under a hardship extension under this section shall be eligible for a hardship extension for a period of time equal to the number of months that were counted toward the 60-month time limit while the participant was a caregiver with a child or an adult in the household who meets the disability or medical criteria for home care services under section 256B.0651, subdivision 1, paragraph (c), or a home and community-based waiver services program under chapter 256B, or meets the criteria for serious mental illness under section 245.4871, subdivision 6, or for serious and persistent mental illness under section 245.462, subdivision 20, paragraph (c), and who was subject to the requirements in section 142G.52, subdivision 1.

(b) A participant who received MFIP assistance that counted toward the 60-month time limit while the participant met the state time limit exemption criteria under section 142G.40, subdivision 3 or 4, is eligible for assistance under a hardship extension for a period of time equal to the number of months that were counted toward the 60-month time limit while the participant met the state time limit exemption criteria under section 142G.40, subdivision 3 or 4.

(c) After the accrued months have been exhausted, the county agency must determine if the assistance unit is eligible for an extension under another extension category in subdivision 3, 4, or 5.

(d) At the time of the case review, a county agency must explain to the participant the basis for receiving a hardship extension based on the accrual of exempt months. The participant must provide documentation necessary to enable the county agency to determine whether the participant is eligible to receive a hardship extension based on the accrual of exempt months or authorize a county agency to verify the information.

Subd. 8. MS 2024 [Repealed, 2023 c 70 art 10 s 98]

Subd. 9. **Status of closed cases.** (a) An assistance unit that has its case closed under section 142G.70 may be approved for MFIP if the participant complies with MFIP program requirements and demonstrates compliance for up to one month. No assistance shall be paid during this period.

(b) An assistance unit that has its case closed under section 142G.70 and that reapplies under paragraph (a) is subject to sanction under section 142G.70, subdivision 1, paragraph (c).

(c) Prior to a case closure under this subdivision, a county agency must review the participant's case to determine if the employment plan is still appropriate and attempt to meet with the participant face-to-face. If a face-to-face meeting is not conducted, the county agency must send the participant a notice of adverse action as provided in section 142G.21. During the face-to-face meeting, the county agency must:

(1) determine whether the continued noncompliance can be explained and mitigated by providing a needed preemployment activity, as defined in section 142G.50, subdivision 11, paragraph (a), clause (9);

(2) determine whether the participant qualifies for a good cause exception under section 142G.71;

(3) inform the participant of the family violence waiver criteria and make appropriate referrals if the waiver is requested;

(4) inform the participant of the participant's sanction status and explain the consequences of continuing noncompliance;

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

(6) inform the participant of the right to appeal under section 142G.45.

Subd. 10. **County extension request.** A county may make a request to the commissioner, and the commissioner may grant, an extension for a category of participants that are not extended under this section, provided the new category of participants is consistent with the existing extension policy in which an extension is provided to participants whose MFIP requirements conflict with other statutory requirements or obligations. By January 15 of each year, the commissioner must report to the chairs and ranking minority members of the senate and house of representatives committees having jurisdiction over children, youth, and families the extensions that were granted under this section during the previous calendar year. The legislature must act in order for the extensions to continue. If the legislature fails to act by the end of the legislative session in which the extensions were reported, the extensions granted under this section during the previous calendar year expire on June 30 of that year.

History: *1Sp2001 c 9 art 10 s 28; 2002 c 374 art 10 s 9-12; 2002 c 379 art 1 s 113; 1Sp2003 c 14 art 1 s 54-60; 2004 c 288 art 4 s 39-42; 2005 c 56 s 1; 2008 c 277 art 1 s 44,45; 2008 c 361 art 1 s 3; 2009 c 79 art 2 s 14,15; 2010 c 301 art 1 s 9,10; 1Sp2010 c 1 art 18 s 4; 2014 c 262 art 1 s 8; 2014 c 312 art 28 s 26,27; 2023 c 70 art 10 s 55-58; 2024 c 80 art 7 s 10,12; 2025 c 38 art 8 s 8; 1Sp2025 c 9 art 9 s 6*

142G.45 FAIR HEARINGS.

Caregivers receiving a notice of intent to sanction or a notice of adverse action that includes a sanction, reduction in benefits, suspension of benefits, denial of benefits, or termination of benefits may request a fair hearing. A request for a fair hearing must be submitted in writing to the county agency or to the commissioner and must be mailed within 30 days after a participant or former participant receives written notice of the agency's action or within 90 days when a participant or former participant shows good cause for not submitting the request within 30 days. A former participant who receives a notice of adverse action due to an overpayment may appeal the adverse action according to the requirements in this section. Issues that may be appealed are:

(1) the amount of the assistance payment;

(2) a suspension, reduction, denial, or termination of assistance;

(3) the basis for an overpayment, the calculated amount of an overpayment, and the level of recoupment;

(4) the eligibility for an assistance payment; and

(5) the use of protective or vendor payments under section 142G.35, subdivision 2, clauses (1) to (3).

A county agency must not reduce, suspend, or terminate payment when an aggrieved participant requests a fair hearing prior to the effective date of the adverse action or within ten days of the mailing of the notice of adverse action, whichever is later, unless the participant requests in writing not to receive continued assistance pending a hearing decision. Assistance issued pending a fair hearing is subject to recovery under

section 256P.08 when as a result of the fair hearing decision the participant is determined ineligible for assistance or the amount of the assistance received. A county agency may increase or reduce an assistance payment while an appeal is pending when the circumstances of the participant change and are not related to the issue on appeal. The commissioner's order is binding on a county agency. No additional notice is required to enforce the commissioner's order.

A county agency shall reimburse appellants for reasonable and necessary expenses of attendance at the hearing, such as child care and transportation costs and for the transportation expenses of the appellant's witnesses and representatives to and from the hearing. Reasonable and necessary expenses do not include legal fees. Fair hearings must be conducted at a reasonable time and date by an impartial human services judge employed by the department. The hearing may be conducted by telephone or at a site that is readily accessible to persons with disabilities.

The appellant may introduce new or additional evidence relevant to the issues on appeal. Recommendations of the human services judge and decisions of the commissioner must be based on evidence in the hearing record and are not limited to a review of the county agency action.

History: *1997 c 85 art 1 s 31; 1Sp2003 c 14 art 1 s 50; 2013 c 107 art 1 s 9; 2015 c 71 art 5 s 20,35; 2023 c 70 art 10 s 53; 2024 c 80 art 7 s 9,12; 2024 c 115 art 16 s 47*

142G.50 EMPLOYMENT AND TRAINING SERVICES; DEFINITIONS.

Subdivision 1. **Scope.** The terms used in sections 142G.25, 142G.27, 142G.37, 142G.42, 142G.50 to 142G.65, 142G.70, 142G.71, and 142G.75 to 142G.77 have the meanings given them in this section.

Subd. 2. **Employment and training services.** "Employment and training services" means programs, activities and services that are designed to assist participants in obtaining and retaining employment.

Subd. 3. **Employment and training service provider.** "Employment and training service provider" means:

(1) a public, private, or nonprofit agency with which a county has contracted to provide employment and training services and which is included in the county's service agreement submitted under section 142G.76, subdivision 4;

(2) a county agency, if the county has opted to provide employment and training services and the county has indicated that fact in the service agreement submitted under section 142G.76, subdivision 4; or

(3) a local public health department under section 145A.17, subdivision 4a, that a county has designated to provide employment and training services and is included in the county's service agreement submitted under section 142G.76, subdivision 4.

An employment and training services provider meeting this definition may deliver employment and training services under this chapter.

Subd. 4. **Employment plan.** "Employment plan" means a plan developed by the job counselor and the participant which identifies the participant's most direct path to unsubsidized employment, lists the specific steps that the caregiver will take on that path, and includes a timetable for the completion of each step. The plan should also identify any subsequent steps that support long-term economic stability. For participants who request and qualify for a family violence waiver, an employment plan must be developed by the job counselor and the participant, and in consultation with a person trained in domestic violence and follow the employment plan provisions in section 142G.56, subdivision 3.

Subd. 5. **Functional work literacy.** "Functional work literacy" means an intensive English as a second language program that is work focused and offers at least 20 hours of class time per week.

Subd. 6. **Job counselor.** "Job counselor" means a staff person employed by or under contract with the employment and training services provider who delivers services as specified in sections 142G.51, 142G.53 to 142G.59, and 142G.65.

Subd. 7. **Participant.** "Participant" means a recipient of MFIP assistance who participates or is required to participate in employment and training services under sections 142G.51 to 142G.53, 142G.55 to 142G.59, and 142G.71.

Subd. 8. **Provider.** "Provider" means an employment and training service provider.

Subd. 9. **Suitable employment.** "Suitable employment" means employment that:

(1) is within the participant's physical and mental abilities;

(2) pays hourly gross wages of not less than the applicable state or federal minimum wage;

(3) meets health and safety standards set by federal, state and county agencies; and

(4) complies with federal, state, and local antidiscrimination laws.

Subd. 10. **Supported work.** "Supported work" means a subsidized or unsubsidized work experience placement with a public or private sector employer, which may include services such as individualized supervision and job coaching to support the participant on the job.

Subd. 11. **Work activity.** (a) "Work activity" means any activity in a participant's approved employment plan that leads to employment. For purposes of the MFIP program, this includes activities that meet the definition of work activity under the participation requirements of TANF. Work activity includes:

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

(2) subsidized private sector or public sector employment, including grant diversion as specified in section 142G.64, on-the-job training as specified in section 142G.60, paid work experience, and supported work when a wage subsidy is provided;

(3) uncompensated work experience, including community service, the community work experience program as specified in section 142G.61, unpaid apprenticeships or internships, and supported work when a wage subsidy is not provided. Uncompensated work experience is only an option if the participant has been unable to obtain or maintain paid employment in the competitive labor market, and no paid work experience programs are available to the participant. Prior to placing a participant in uncompensated work, the county must inform the participant that the participant will be notified if a paid work experience or supported work position becomes available. Unless a participant consents in writing to participate in uncompensated work experience, the participant's employment plan may only include uncompensated work experience if the following criteria are met:

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

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

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

(5) job readiness education, including English as a second language (ESL) or functional work literacy classes, commissioner of education-selected high school equivalency or adult high school diploma course work, high school completion, and adult basic education;

(6) job skills training directly related to employment, including postsecondary education and training that can reasonably be expected to lead to employment;

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

(8) activities included in the employment plan that is developed under section 142G.56, subdivision 3; and

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

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

History: *1997 c 85 art 1 s 39; 1997 c 200 art 6 s 1 1998 c 407 art 6 s 90; 2000 c 488 art 10 s 16; 1Sp2001 c 9 art 10 s 35-37,66; 2002 c 379 art 1 s 113; 1Sp2003 c 14 art 1 s 65-70; 2004 c 206 s 52; 2004 c 288 art 4 s 44; 2007 c 147 art 2 s 32; 2008 c 277 art 1 s 47; 2008 c 326 art 3 s 1; 2009 c 79 art 2 s 16,17; 1Sp2011 c 9 art 1 s 19; 2012 c 187 art 1 s 41; 2014 c 271 art 2 s 7; 2014 c 291 art 11 s 18; 2014 c 312 art 25 s 8; 1Sp2017 c 5 art 10 s 7; 2023 c 70 art 10 s 62; 2024 c 80 art 7 s 12*

142G.51 EMPLOYMENT AND TRAINING; PARTICIPANT.

Subdivision 1. **Participation requirements.** (a) All caregivers must participate in employment services under sections 142G.51 to 142G.53, 142G.55 to 142G.59, and 142G.71 concurrent with receipt of MFIP assistance.

(b) Participants under paragraph (a) must develop and comply with an employment plan under section 142G.56 or section 142G.57 in the case of a participant under the age of 20 who has not obtained a high school diploma or its equivalent.

(c) With the exception of participants under the age of 20 who must meet the education requirements of section 142G.57, all participants must meet the hourly participation requirements of TANF or the hourly requirements listed in clauses (1) to (3), whichever is higher.

(1) In single-parent families with no children under six years of age, the job counselor and the caregiver must develop an employment plan that includes 130 hours per month of work activities.

(2) In single-parent families with a child under six years of age, the job counselor and the caregiver must develop an employment plan that includes 87 hours per month of work activities.

(3) In two-parent families, the job counselor and the caregivers must develop employment plans which result in a combined total of at least 55 hours per week of work activities.

(d) Failure to participate in employment services, including the requirement to develop and comply with an employment plan, including hourly requirements, without good cause under section 142G.71, shall result in the imposition of a sanction under section 142G.70.

Subd. 2. **Duty to report.** The participant must inform the job counselor within ten working days regarding any changes related to the participant's employment status.

Subd. 3. **Move to a different county.** MFIP applicants or recipients who move to a different county in Minnesota and are required to participate in employment and training services are subject to the requirements of the destination county. An employment plan that was developed in the county of origin may be continued in the destination county if both the destination county and the participant agree to do so.

Subd. 4. **Choice of provider.** MFIP caregivers must be able to choose from at least two employment and training service providers, unless the county has demonstrated to the commissioner that the provision of multiple employment and training service providers would result in financial hardship for the county, or the county is utilizing a workforce center as specified in section 142G.54, subdivision 4. Both parents in a two-parent family must choose the same employment and training service provider unless a special need, such as bilingual services, is identified but not available through one service provider.

History: *1997 c 85 art 1 s 46; 1998 c 407 art 6 s 102; 1999 c 245 art 6 s 69; 1Sp2001 c 9 art 10 s 66; 1Sp2003 c 14 art 1 s 88,89; 2007 c 147 art 2 s 36; 2008 c 277 art 1 s 51; 2024 c 80 art 7 s 12*

142G.52 UNIVERSAL PARTICIPATION REQUIRED.

Subdivision 1. **Participation requirements.** (a) All MFIP caregivers, except caregivers who meet the criteria in subdivision 2, must develop an individualized employment plan that identifies the activities the participant is required to participate in and the required hours of participation.

(b) Participants who meet the eligibility requirements in section 142G.75, subdivision 3, must develop a family stabilization services plan that meets the requirements in section 142G.75, subdivision 4.

(c) Minor caregivers and caregivers who are less than age 20 who have not completed high school or obtained a commissioner of education-selected high school equivalency certification must develop an education plan that meets the requirements in section 142G.57.

(d) Participants with a family violence waiver must develop an employment plan that meets the requirements in section 142G.56, which cover the provisions in section 142G.75, subdivision 4.

(e) All other participants must develop an employment plan that meets the requirements of section 142G.56, subdivision 2, and contains allowable work activities, as defined in section 142G.50, subdivision 11. The employment plan must include, at a minimum, the number of participation hours required under section 142G.51, subdivision 1.

Subd. 2. **Child under 12 months of age.** (a) A participant who has a natural born child who is less than 12 months of age who meets the criteria in this subdivision is not required to participate in employment services until the child reaches 12 months of age. To be eligible for this exemption, the assistance unit must not have already used a total of 12 months under the previously allowed "child under 12 weeks" or "child under age one" exemptions. The 12 months of exemption are available only once in a caregiver's lifetime. In a two-parent household, only one parent is allowed to claim this exemption in any one month.

(b) The provision in paragraph (a) ends the first full month after the child reaches 12 months of age. The participant must meet with an employment services job counselor the month after the month the child reaches 12 months of age.

Subd. 3. **Parents receiving family and medical leave benefits.** A parent who meets the criteria under subdivision 1 and who receives benefits under chapter 268B is not required to participate in employment services.

History: *1Sp2003 c 14 art 1 s 91; 2005 c 98 art 1 s 14; 2009 c 79 art 2 s 20,21; 2010 c 301 art 1 s 12; 1Sp2017 c 5 art 10 s 7; 2023 c 59 art 2 s 2; 2024 c 80 art 7 s 12*

142G.53 FAMILY VIOLENCE WAIVER CRITERIA.

(a) In order to qualify for a family violence waiver, an individual must provide documentation of past or current family violence which may prevent the individual from participating in certain employment activities.

(b) The following items may be considered acceptable documentation or verification of family violence:

(1) police, government agency, or court records;

(2) a statement from domestic abuse shelter staff with knowledge of the circumstances;

(3) a statement from a sexual assault or domestic violence advocate with knowledge of the circumstances; or

(4) a statement from professionals from whom the applicant or recipient has sought assistance for the abuse.

(c) A claim of family violence may also be documented by a sworn statement from the applicant or participant and a sworn statement from any other person with knowledge of the circumstances or credible evidence that supports the client's statement.

History: *1Sp2003 c 14 art 1 s 87; 2008 c 361 art 4 s 6; 2009 c 79 art 2 s 19; 2024 c 80 art 7 s 12; 2026 c 97 art 1 s 9*

142G.54 EMPLOYMENT AND TRAINING; COUNTY DUTIES.

Subdivision 1. **Employment and training services component of MFIP.** (a) Each county must develop and provide an employment and training services component which is designed to put participants on the most direct path to unsubsidized employment. Participation in these services is mandatory for all MFIP caregivers.

(b) A county must provide employment and training services under sections 142G.25, 142G.26, 142G.37, 142G.51 to 142G.53, 142G.55 to 142G.64, 142G.71, and 142G.75 to 142G.77 within 30 days after the caregiver is determined eligible for MFIP.

Subd. 2. **Service providing agencies.** Unless the provisions of subdivision 4 apply, a county must select at least two employment and training service providers. A county may opt to provide services on its own as one of these providers.

Subd. 3. **Explanatory materials required.** The county must:

(1) explain to applicants and recipients and provide explanatory materials regarding the relationship between the 60-month time limit on assistance funded with TANF dollars and the receipt of various benefits, including cash assistance, Supplemental Nutrition Assistance Program (SNAP) benefits, medical assistance, and child care assistance; and

(2) provide assistance to applicants and recipients to enable them to minimize the use of their 60 allowable months of TANF-funded assistance.

Subd. 4. **County duty to ensure employment and training choices for participants.** Each county, or group of counties working cooperatively, shall make available to participants the choice of at least two employment and training service providers as defined under section 142G.50, subdivision 3, except in counties utilizing workforce centers that use multiple employment and training services, offer multiple services options under a collaborative effort and can document that participants have choice among employment and training services designed to meet specialized needs.

Subd. 5. **Exception; financial hardship.** Notwithstanding subdivision 4, a county that explains in the service agreement required under section 142G.76, subdivision 4, that the provision of alternative employment and training service providers would result in financial hardship for the county is not required to make available more than one employment and training provider.

Subd. 6. **Required notification to victims of family violence.** (a) County agencies and their contractors must provide universal notification to all applicants and recipients of MFIP that:

(1) referrals to counseling and supportive services are available for victims of family violence;

(2) nonpermanent resident battered individuals married to United States citizens or permanent residents may be eligible to petition for permanent residency under the federal Violence Against Women Act, and that referrals to appropriate legal services are available;

(3) victims of family violence are exempt from the 60-month limit on assistance if they are complying with an employment plan under section 142G.56, subdivision 3; and

(4) victims of family violence may choose to have regular work requirements waived while the individual is complying with an employment plan under section 142G.56, subdivision 3.

(b) If an employment plan under section 142G.56, subdivision 3, is denied, the county or a job counselor must provide reasons why the plan is not approved and document how the denial of the plan does not interfere with the safety of the participant or children.

Notification must be in writing and orally at the time of application and recertification, when the individual is referred to the title IV-D child support agency, and at the beginning of any job training or work placement assistance program.

Subd. 7. **Coordination.** The county agency and the county agency's employment and training providers must consult and coordinate with other providers of employment and training services to identify existing resources, in order to prevent duplication of services, to assure that other programs' services are available to enable participants to achieve self-sufficiency, and to assure that costs for these other services for which participants are eligible are not incurred by MFIP. At a minimum, the county agency and its providers must coordinate with Jobs Training and Partnership Act providers and with any other relevant employment, training, and education programs in the county.

Subd. 8. **Access to persons trained in domestic violence.** In a county where there is no staff person who is trained in domestic violence, as that term is defined in section 142G.02, subdivision 75, the county must work with the nearest organization that is designated as providing services to victims of domestic violence to develop a process, which ensures that domestic violence victims have access to a person trained in domestic violence.

History: *1997 c 85 art 1 s 40; 1998 c 407 art 6 s 91-93; 1999 c 159 s 89; 1999 c 245 art 6 s 61; 2000 c 488 art 10 s 17,18; 1Sp2001 c 9 art 10 s 38-41,66; 2002 c 379 art 1 s 113; 1Sp2003 c 14 art 1 s 71-73,106; 2008 c 277 art 1 s 48; 1Sp2019 c 9 art 1 s 42; 2023 c 70 art 10 s 63; 2024 c 80 art 7 s 12*

142G.55 OVERVIEW OF EMPLOYMENT AND TRAINING SERVICES.

During the first meeting with participants, job counselors must ensure that an overview of employment and training services is provided that:

(1) stresses the necessity and opportunity of immediate employment;

(2) outlines the job search resources offered;

(3) outlines education or training opportunities available;

(4) describes the range of work activities, including activities under section 142G.50, subdivision 11, paragraph (a), that are allowable under MFIP to meet the individual needs of participants;

(5) explains the requirements to comply with an employment plan;

(6) explains the consequences for failing to comply;

(7) explains the services that are available to support job search and work and education;

(8) provides referral information about shelters and programs for victims of family violence and the time limit exemption for family violence victims; and

(9) explains the probationary employment periods new employees may serve after being hired and any assistance with job retention services that may be available.

Failure to attend the overview of employment and training services without good cause results in the imposition of a sanction under section 142G.70.

An applicant who requests and qualifies for a family violence waiver is exempt from attending a group overview. Information usually presented in an overview must be covered during the development of an employment plan under section 142G.56, subdivision 3.

History: *1997 c 85 art 1 s 42; 1998 c 407 art 6 s 94; 1999 c 245 art 6 s 62; 1Sp2001 c 9 art 10 s 42; 2002 c 379 art 1 s 113; 1Sp2003 c 14 art 1 s 106; 2004 c 288 art 4 s 45; 1Sp2005 c 4 art 3 s 15; 2017 c 40 art 1 s 87; 2024 c 80 art 7 s 12*

142G.56 ASSESSMENT; EMPLOYMENT PLANS.

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

an employment plan under subdivision 3, and to determine whether the participant should be referred to family stabilization services under section 142G.75.

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

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

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

(3) the results of a mental and chemical health screening tool designed by the commissioner and results of the brief screening tool for special learning needs. Screening tools for mental and chemical health and special learning needs must be approved by the commissioner and may only be administered by job counselors or county staff trained in using such screening tools. Participants must be told of the purpose of the screens and how the information will be used to assist the participant in identifying and overcoming barriers to employment. Screening for mental and chemical health and special learning needs must be completed by participants three months after development of the initial employment plan or earlier if there is a documented need. Failure to complete the screens will result in sanction under section 142G.70; and

(4) a comprehensive review of participation and progress for participants who have received MFIP assistance and have not worked in unsubsidized employment during the past 12 months. The purpose of the review is to determine the need for additional services and supports, including placement in subsidized employment or unpaid work experience under section 142G.50, subdivision 11, or referral to family stabilization services under section 142G.75.

(c) The job counselor may require the participant to complete a professional chemical use assessment to be performed according to the rules adopted under section 254A.03, subdivision 3, including provisions in the administrative rules which recognize the cultural background of the participant, or a professional psychological assessment as a component of the assessment process, when the job counselor has a reasonable belief, based on objective evidence, that a participant's ability to obtain and retain suitable employment is impaired by a medical condition. The job counselor may assist the participant with arranging services, including child care assistance and transportation, necessary to meet needs identified by the assessment. Data gathered as part of a professional assessment must be classified and disclosed according to the provisions in section 13.46.

Subd. 2. **Employment plan; contents.** (a) Based on the assessment under subdivision 1, the job counselor and the participant must develop an employment plan that includes participation in activities and hours that meet the requirements of section 142G.51, subdivision 1. The purpose of the employment plan is to identify for each participant the most direct path to unsubsidized employment and any subsequent steps that support long-term economic stability. The employment plan should be developed using the highest level of activity appropriate for the participant. Activities must be chosen from clauses (1) to (6), which are listed in order of preference. Notwithstanding this order of preference for activities, priority must be given for activities related to a family violence waiver when developing the employment plan. The employment plan must also list the specific steps the participant will take to obtain employment, including steps necessary for the participant to progress from one level of activity to another, and a timetable for completion of each step. Levels of activity include:

(1) unsubsidized employment;

(2) job search;

(3) subsidized employment or unpaid work experience;

(4) unsubsidized employment and job readiness education or job skills training;

(5) unsubsidized employment or unpaid work experience and activities related to a family violence waiver or preemployment needs; and

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

(b) Participants who are determined to possess sufficient skills such that the participant is likely to succeed in obtaining unsubsidized employment must job search at least 30 hours per week for up to three months and accept any offer of suitable employment. The remaining hours necessary to meet the requirements of section 142G.51, subdivision 1, may be met through participation in other work activities under section 142G.50, subdivision 11. The participant's employment plan must specify, at a minimum: (1) whether the job search is on site or self-directed; (2) support services that will be provided; and (3) how frequently the participant must report to the job counselor. Participants who are unable to find suitable employment after three months must meet with the job counselor to determine whether other activities in paragraph (a) should be incorporated into the employment plan. Job search activities which are continued after three months must be structured and supervised.

(c) Participants who are determined to have barriers to obtaining or maintaining suitable employment that will not be overcome during three months of job search under paragraph (b) must work with the job counselor to develop an employment plan that addresses those barriers by incorporating appropriate activities from paragraph (a), clauses (1) to (6). The employment plan must include enough hours to meet the participation requirements in section 142G.51, subdivision 1, unless a compelling reason to require fewer hours is noted in the participant's file.

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

(e) Except as provided under paragraph (f), failure to develop or comply with activities in the plan, or voluntarily quitting suitable employment without good cause, will result in the imposition of a sanction under section 142G.70.

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

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

Subd. 3. **Employment plan; family violence waiver.** (a) A participant who requests and qualifies for a family violence waiver shall develop or revise the employment plan as specified in this subdivision with a job counselor or county, and a person trained in domestic violence. The revised or new employment plan must be approved by the county or the job counselor. The plan may address safety, legal, or emotional issues, and other demands on the family as a result of the family violence. Information in section 142G.55, clauses (1) to (8), must be included as part of the development of the plan.

(b) The primary goal of an employment plan developed under this subdivision is to ensure the safety of the caregiver and children. To the extent it is consistent with ensuring safety, the plan shall also include activities that are designed to lead to economic stability. An activity is inconsistent with ensuring safety if, in the opinion of a person trained in domestic violence, the activity would endanger the safety of the participant or children. A plan under this subdivision may not automatically include a provision that requires a participant to obtain an order for protection or to attend counseling.

(c) If at any time there is a disagreement over whether the activities in the plan are appropriate or the participant is not complying with activities in the plan under this subdivision, the participant must receive the assistance of a person trained in domestic violence to help resolve the disagreement or noncompliance with the county or job counselor. If the person trained in domestic violence recommends that the activities are still appropriate, the county or a job counselor must approve the activities in the plan or provide written reasons why activities in the plan are not approved and document how denial of the activities does not endanger the safety of the participant or children.

Subd. 4. **Self-employment.** (a) Self-employment activities may be included in an employment plan contingent on the development of a business plan which establishes a timetable and earning goals that will result in the participant exiting MFIP assistance. Business plans must be developed with assistance from an individual or organization with expertise in small business as approved by the job counselor.

(b) Participants with an approved plan that includes self-employment must meet the participation requirements in section 142G.51, subdivision 1. Only hours where the participant earns at least minimum wage shall be counted toward the requirement. Additional activities and hours necessary to meet the participation requirements in section 142G.51, subdivision 1, must be included in the employment plan.

(c) Employment plans which include self-employment activities must be reviewed every three months. Participants who fail, without good cause, to make satisfactory progress as established in the business plan must revise the employment plan to replace the self-employment with other approved work activities.

Subd. 5. **Transition from the diversionary work program.** Participants who become eligible for MFIP assistance after completing the diversionary work program under section 142G.90 must comply with all requirements of subdivisions 1 and 2. Participants who become eligible for MFIP assistance after being determined unable to benefit from the diversionary work program must comply with the requirements of subdivisions 1 and 2, with the exception of subdivision 2, paragraph (b).

Subd. 6. **Loss of employment.** Participants who are laid off, quit with good cause, or are terminated from employment through no fault of their own must meet with the job counselor within ten working days to ascertain the reason for the job loss and to revise the employment plan as necessary to address the problem.

History: *1Sp2003 c 14 art 1 s 78; 2004 c 288 art 4 s 46,47; 2007 c 147 art 2 s 33,34; 2008 c 277 art 1 s 49; 2008 c 361 art 4 s 3; 2009 c 79 art 2 s 18; 2010 c 301 art 1 s 11; 2014 c 291 art 11 s 19,20; 2023 c 70 art 10 s 64; 2024 c 80 art 7 s 12*

142G.57 MINOR PARENTS; EMPLOYMENT PLAN.

Subdivision 1. **Assessment of educational progress and needs.** (a) The county agency must document the educational level of each MFIP caregiver who is under the age of 20 and determine if the caregiver has obtained a high school diploma or its equivalent. If the caregiver has not obtained a high school diploma or its equivalent, the county agency must complete an individual assessment for the caregiver unless the caregiver is exempt from the requirement to attend school under subdivision 5 or has chosen to have an employment plan under section 142G.56, subdivision 2, as allowed in paragraph (b). The assessment must

be performed as soon as possible but within 30 days of determining MFIP eligibility for the caregiver. The assessment must provide an initial examination of the caregiver's educational progress and needs, literacy level, child care and supportive service needs, family circumstances, skills, and work experience. In the case of a caregiver under the age of 18, the assessment must also consider the results of either the caregiver's or the caregiver's minor child's child and teen checkup under section 256B.0625, subdivision 58, if available, and the effect of a child's development and educational needs on the caregiver's ability to participate in the program. The county agency must advise the caregiver that the caregiver's first goal must be to complete an appropriate education option if one is identified for the caregiver through the assessment and, in consultation with educational agencies, must review the various school completion options with the caregiver and assist in selecting the most appropriate option.

(b) The county agency must give a caregiver, who is age 18 or 19 and has not obtained a high school diploma or its equivalent, the option to choose an employment plan with an education option under subdivision 3 or an employment plan under section 142G.56, subdivision 2.

Subd. 2. **Responsibility for assessment and employment plan.** For caregivers who are under age 18 without a high school diploma or its equivalent, the assessment under subdivision 1 and the employment plan under subdivision 3 must be completed by the social services agency under section 142A.03, subdivision 34. For caregivers who are age 18 or 19 without a high school diploma or its equivalent who choose to have an employment plan with an education option under subdivision 3, the assessment under subdivision 1 and the employment plan under subdivision 3 must be completed by the job counselor or, at county option, by the social services agency under section 142A.03, subdivision 34. Upon reaching age 18 or 19 a caregiver who received social services under section 142A.03, subdivision 34, and is without a high school diploma or its equivalent has the option to choose whether to continue receiving services under the caregiver's plan from the social services agency or to utilize an MFIP employment and training service provider. The social services agency or the job counselor shall consult with the participant's school in developing the educational plan.

Subd. 3. **Education option developed.** If the job counselor or county social services agency identifies an appropriate education option for a minor caregiver without a high school diploma or its equivalent, or a caregiver age 18 or 19 without a high school diploma or its equivalent who chooses an employment plan with an education option, the job counselor or agency must develop an employment plan which reflects the identified option. The plan must specify that participation in an educational activity is required, what school or educational program is most appropriate, the services that will be provided, the activities the caregiver will take part in, including child care and supportive services, the consequences to the caregiver for failing to participate or comply with the specified requirements, and the right to appeal any adverse action. The employment plan must, to the extent possible, reflect the preferences of the caregiver.

Subd. 4. **No appropriate educational option.** If the job counselor determines that there is no appropriate educational option for a caregiver who is age 18 or 19 without a high school diploma or its equivalent, the job counselor must develop an employment plan, as defined in section 142G.50, subdivision 4, for the caregiver. If the county social services agency determines that school attendance is not appropriate for a caregiver under age 18 without a high school diploma or its equivalent, the county agency shall refer the caregiver to social services for services as provided in section 142A.03, subdivision 34.

Subd. 5. **School attendance required.** (a) Minor parents, or 18- or 19-year-old parents without a high school diploma or its equivalent who choose an employment plan with an education option must attend school unless:

(1) transportation services needed to enable the caregiver to attend school are not available;

(2) appropriate child care services needed to enable the caregiver to attend school are not available;

(3) the caregiver is ill or incapacitated seriously enough to prevent attendance at school; or

(4) the caregiver is needed in the home because of the illness or incapacity of another member of the household. This includes a caregiver of a child who is younger than six weeks of age.

(b) The caregiver must be enrolled in a secondary school and meeting the school's attendance requirements. The county, social service agency, or job counselor must verify at least once per quarter that the caregiver is meeting the school's attendance requirements. An enrolled caregiver is considered to be meeting the attendance requirements when the school is not in regular session, including during holiday and summer breaks.

History: *1997 c 85 art 1 s 45; 1998 c 397 art 11 s 3; 1998 c 407 art 6 s 98-101; 1999 c 245 art 6 s 68; 1Sp2001 c 9 art 10 s 66; 1Sp2003 c 14 art 1 s 83-86; 2008 c 277 art 1 s 50; 2008 c 361 art 4 s 4,5; 2023 c 25 s 147; 2024 c 80 art 7 s 12; 2026 c 88 art 1 s 62,63*

142G.58 POSTSECONDARY EDUCATION AS APPROVED WORK ACTIVITY.

Subdivision 1. **Length of program.** (a) In order for a postsecondary education or training program to be an approved work activity as defined in section 142G.50, subdivision 11, paragraph (a), clause (6), it must be a program lasting four years or less, and the participant must meet the requirements of subdivisions 2, 3, and 4.

(b) Participants with a high school diploma, commissioner of education-selected high school equivalency certification, or an adult high school diploma must be informed of the opportunity to participate in postsecondary education or training while in the Minnesota family investment program.

Subd. 2. **Postsecondary education or training.** (a) Participants who are interested in participating in postsecondary education or training as part of their employment plan must discuss their education plans with their job counselor. Job counselors will work with participants to evaluate the options by:

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

(2) assisting the participant in exploring whether the participant can meet the requirements for admission into the program; and

(3) discussing the participant's strengths and challenges based on the participant's MFIP assessment, previous education, training, and work history.

(b) The requirements of this subdivision do not apply to participants who are in:

(1) a recognized career pathway program that leads to stackable credentials;

(2) a training program lasting 12 weeks or fewer; or

(3) the final year of a multiyear postsecondary education or training program.

Subd. 3. **Satisfactory progress required.** In order for a postsecondary education or training program to be an approved activity in a participant's employment plan, the participant must maintain satisfactory progress in the program. "Satisfactory progress" in an education or training program means (1) the participant remains in good standing while the participant is enrolled in the program, as defined by the education or

training institution, or (2) the participant makes satisfactory progress as the term is defined in the participant's employment plan.

Subd. 4. **Requirements after postsecondary education or training.** Upon completion of an approved education or training program, a participant who does not meet the participation requirements in section 142G.51, subdivision 1, through unsubsidized employment must participate in job search. If, after three months of job search, the participant does not find a full-time job consistent with the employment goal, the participant must accept any offer of full-time suitable employment, or meet with the job counselor to revise the employment plan to include additional work activities necessary to meet hourly requirements.

History: *1997 c 85 art 1 s 44; 1Sp2001 c 9 art 10 s 45,66; 2002 c 379 art 1 s 113; 1Sp2003 c 14 art 1 s 79-81; 2004 c 288 art 4 s 48; 2007 c 147 art 2 s 35; 2014 c 291 art 11 s 21,22; 2014 c 312 art 25 s 9-11; 2015 c 21 art 1 s 110; 1Sp2017 c 5 art 10 s 7; 2024 c 80 art 7 s 12*

142G.59 BASIC EDUCATION; ENGLISH AS A SECOND LANGUAGE.

Subdivision 1. **Approval of adult basic education.** A participant who lacks a high school diploma, commissioner of education-selected high school equivalency certification, or an adult high school diploma must be allowed to pursue these credentials as an approved work activity, provided that the participant is making satisfactory progress. Participants eligible to pursue a commissioner of education-selected high school equivalency certification or adult high school diploma under this subdivision must be informed of the opportunity to participate while in the Minnesota family investment program.

Subd. 2. **Approval of English as a second language.** In order for English as a second language (ESL) classes to be an approved work activity in an employment plan, a participant must be below a spoken language proficiency level of SPL6 or its equivalent, as measured by a nationally recognized test. In approving ESL as a work activity, the job counselor must give preference to enrollment in a functional work literacy program, if one is available, over a regular ESL program.

History: *1Sp2003 c 14 art 1 s 82; 2014 c 312 art 25 s 12; 1Sp2017 c 5 art 10 s 7; 2024 c 80 art 7 s 12*

142G.60 ON-THE-JOB TRAINING.

Subdivision 1. **Establishing the on-the-job training program.** (a) County agencies may develop on-the-job training programs for MFIP caregivers who are participating in employment and training services. A county agency that chooses to provide on-the-job training may make payments to employers for on-the-job training costs that, during the period of the training, must not exceed 50 percent of the wages paid by the employer to the participant. The payments are deemed to be in compensation for the extraordinary costs associated with training participants under this section and in compensation for the costs associated with the lower productivity of the participants during training.

(b) Employers must compensate participants in on-the-job training at the same rates, including periodic increases, as similarly situated employees or trainees and in accordance with applicable law, but in no event less than the federal or applicable state minimum wage, whichever is higher.

Subd. 2. **Training and placement.** (a) County agencies shall limit the length of training based on the complexity of the job and the caregiver's previous experience and training. Placement in an on-the-job training position with an employer is for the purpose of training and employment with the same employer who has agreed to retain the person upon satisfactory completion of training.

(b) Placement of any participant in an on-the-job training position must be compatible with the participant's assessment and employment plan under section 142G.56.

History: *1997 c 85 art 1 s 53; 1Sp2001 c 9 art 10 s 66; 1Sp2003 c 14 art 1 s 96; 2009 c 78 art 2 s 38; 2010 c 301 art 1 s 13; 2024 c 80 art 7 s 12*

142G.61 COMMUNITY WORK EXPERIENCE.

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

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

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

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

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

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

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

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

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

(c) A caregiver may claim good cause under section 142G.71, subdivision 1, for failure to cooperate with a community work experience job placement.

(d) The county agency shall limit the maximum number of hours any participant may work under this section to the amount of the MFIP standard of need divided by the federal or applicable state minimum

wage, whichever is higher. After a participant has been assigned to a position for nine months, the participant may not continue in that assignment unless the maximum number of hours a participant works is no greater than the amount of the MFIP standard of need divided by the rate of pay for individuals employed in the same or similar occupations by the same employer at the same site. This limit does not apply if it would prevent a participant from counting toward the federal work participation rate.

History: *1997 c 85 art 1 s 54; 1999 c 245 art 6 s 78; 1Sp2001 c 9 art 10 s 66; 2014 c 291 art 11 s 27; 2017 c 40 art 1 s 121; 2024 c 80 art 7 s 12*

142G.62 INJURY PROTECTION FOR WORK EXPERIENCE PARTICIPANTS.

Subdivision 1. **Applicability.** (a) This section must be used to determine payment of any claims resulting from an alleged injury or death of a person participating in a county or a Tribal uncompensated work experience program under section 142G.50, subdivision 11, paragraph (a), clause (3), that is approved by the commissioner and is operated by:

(1) the county agency;

(2) the Tribe;

(3) a state agency; or

(4) a community-based organization under contract with a Tribe or county agency to provide an uncompensated work experience program or the Supplemental Nutrition Assistance Program (SNAP) employment and training program under section 142F.10.

(b) This section applies to the community work experience program under section 142G.61, the Supplemental Nutrition Assistance Program uncompensated work experience programs, and other uncompensated work programs approved by the commissioner for persons applying for or receiving cash assistance. Uncompensated work experience programs are considered to be approved by the commissioner if they are included in an approved Tribal or county biennial service agreement under section 142G.76, subdivision 4.

Subd. 2. **Investigation of the claim.** Claims that are subject to this section must be investigated by the county agency or Tribe responsible for placing a participant in an uncompensated work experience program to determine whether the claimed injury occurred, whether the claimed medical expenses are reasonable, and whether the loss is covered by the claimant's insurance. If insurance coverage is established, the county agency or Tribe shall submit the claim to the appropriate insurance entity for payment. The investigating county agency or Tribe shall submit all remaining claims, in the amount net of any insurance payments, to the Department of Children, Youth, and Families.

Subd. 3. **Submission of claim.** The commissioner shall submit all claims for permanent partial disability compensation to the commissioner of labor and industry. The commissioner of labor and industry shall review all submitted claims and recommend to the Department of Children, Youth, and Families an amount of compensation comparable to that which would be provided under the permanent partial disability compensation schedule of section 176.101, subdivision 2a.

Subd. 4. **Claims less than $1,000.** The commissioner shall approve a claim of $1,000 or less for payment if appropriated funds are available, if the county agency or Tribe responsible for placing a participant in an uncompensated work experience program has made the determinations required by this section, and if the work program was operated in compliance with the safety provisions of this section. The commissioner shall pay the portion of an approved claim of $1,000 or less that is not covered by the claimant's insurance

within three months of the date of submission. On or before February 1 of each year, the commissioner shall submit to the appropriate committees of the senate and the house of representatives a list of claims of $1,000 or less paid during the preceding calendar year and shall be reimbursed by legislative appropriation for any claims that exceed the original appropriation provided to the commissioner to operate the injury protection program for uncompensated work experience participants. Any unspent money from this appropriation shall carry over to the second year of the biennium, and any unspent money remaining at the end of the second year shall be returned to the state general fund.

Subd. 5. **Claims more than $1,000.** On or before February 1 of each year, the commissioner shall submit to the appropriate committees of the senate and the house of representatives a list of claims in excess of $1,000 and a list of claims of $1,000 or less that were submitted to but not paid by the commissioner, together with any recommendations of appropriate compensation. These claims shall be heard and determined by the appropriate committees of the senate and house of representatives and, if approved, must be paid under the legislative claims procedure.

Subd. 6. **Compensation for certain costs.** Compensation paid under this section is limited to reimbursement for reasonable medical expenses and permanent partial disability compensation for disability in like amounts as allowed in section 176.101, subdivision 2a. Compensation for injuries resulting in death shall include reasonable medical expenses and burial expenses in addition to payment to the participant's estate in an amount up to $200,000. No compensation shall be paid under this section for pain and suffering, lost wages, or other benefits provided in chapter 176. Payments made under this section shall be reduced by any proceeds received by the claimant from any insurance policy covering the loss. For the purposes of this section, "insurance policy" does not include the medical assistance program authorized under chapter 256B.

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

Subd. 8. **Invalid claims.** A claim is invalid for purposes of this section if the county agency or Tribe responsible for placing a participant cannot verify to the commissioner:

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

(2) that all programs under subdivision 1 comply with federal Occupational Safety and Health Administration and state Department of Labor and Industry safety standards. An invalid claim due to a failure to verify safety training or compliance with safety standards will not be paid by the Department of Children, Youth, and Families or through the legislative claims process and must be heard, decided, and paid, if appropriate, by the county agency or Tribe responsible for placing the claimant.

History: *1997 c 85 art 1 s 55; 2007 c 13 art 3 s 15; 2012 c 216 art 8 s 5; 2014 c 291 art 11 s 28-32; 2016 c 158 art 2 s 107; 1Sp2019 c 9 art 1 s 42; 2024 c 80 art 6 s 4; art 7 s 12; art 8 s 70; 2024 c 115 art 16 s 43*

142G.63 NONDISPLACEMENT IN WORK ACTIVITIES.

Subdivision 1. **Nondisplacement protection.** For job assignments under jobs programs established under this chapter or chapter 256 or 256D, the county agency must provide written notification to and obtain the written concurrence of the appropriate exclusive bargaining representatives with respect to job duties covered under collective bargaining agreements and ensure that no work assignment under this chapter or chapter 256 or 256D results in:

(1) termination, layoff, or reduction of the work hours of an employee for the purpose of hiring an individual under this section;

(2) the hiring of an individual if any other person is on layoff, including seasonal layoff, from the same or a substantially equivalent job;

(3) any infringement of the promotional opportunities of any currently employed individual;

(4) the impairment of existing contract for services of collective bargaining agreements; or

(5) a participant filling an established unfilled position vacancy, except for on-the-job training.

The written notification must be provided to the appropriate exclusive bargaining representatives at least 14 days in advance of placing recipients in temporary public service employment. The notice must include the number of individuals involved, their work locations and anticipated hours of work, a summary of the tasks to be performed, and a description of how the individuals will be trained and supervised.

Subd. 2. **Dispute resolution.** (a) If there is a dispute between an exclusive bargaining representative and a county provider or employer over whether job duties are within the scope of a collective bargaining unit, the exclusive bargaining representative, the county, the provider, or the employer may petition the Bureau of Mediation Services to determine if the job duties are within the scope of a collective bargaining unit, and the bureau shall render a binding decision.

(b) In the event of a dispute under this section, the parties may:

(1) use a grievance and arbitration procedure of an existing collective bargaining agreement to process a dispute over whether a violation of the nondisplacement provisions has occurred; or

(2) if no grievance and arbitration procedure is in place, either party may submit the dispute to the bureau. The commissioner of the Bureau of Mediation Services shall establish a procedure for a neutral, binding resolution of the dispute.

Subd. 3. **Status of participant.** A participant may not work in a temporary public service or community service job for a public employer for more than 67 working days or 536 hours, whichever is greater, as part of a work program established under this chapter or chapter 256 or 256D. A participant who exceeds the time limits in this subdivision is a public employee, as that term is used in chapter 179A. Upon the written request of the exclusive bargaining representative, a county or public service employer shall make available to the affected exclusive bargaining representative a report of hours worked by participants in temporary public service or community service jobs.

History: *1997 c 85 art 1 s 57; 2013 c 107 art 4 s 20,21; 2024 c 80 art 7 s 12*

142G.64 EMPLOYMENT AND TRAINING; GRANT DIVERSION.

Subdivision 1. **Establishing the grant diversion program.** (a) County agencies may develop grant diversion programs for MFIP participants participating in employment and training services. A county agency that chooses to provide grant diversion may divert to an employer part or all of the MFIP cash payment for the participant's assistance unit, in compliance with federal regulations and laws. Such payments to an employer are to subsidize employment for MFIP participants as an alternative to public assistance payments.

(b) In addition to diverting the MFIP grant to the employer, employment and training funds may be used to subsidize the grant diversion placement.

(c) Participants in grant diversion shall be compensated by the employer at the same rates, including periodic increases, as similarly situated employees or trainees and in accordance with applicable law, but in no event less than the federal or applicable state minimum wage, whichever is higher.

Subd. 2. **Training and placement.** (a) County agencies shall limit the length of training to nine months. Placement in a grant diversion training position with an employer is for the purpose of training and employment with the same employer who has agreed to retain the person upon satisfactory completion of training.

(b) Placement of any participant in a grant diversion subsidized training position must be compatible with the assessment and employment plan or employability development plan established for the recipient under section 142G.56.

History: *1997 c 85 art 1 s 56; 1Sp2001 c 9 art 10 s 66; 1Sp2003 c 14 art 1 s 97; 2024 c 80 art 7 s 12*

142G.65 EMPLOYMENT AND TRAINING SERVICE PROVIDER APPEAL.

Subdivision 1. **Provider application.** An employment and training service provider that is not included in a county's service agreement under section 142G.76, subdivision 4, because the county has demonstrated financial hardship under section 142G.54, subdivision 5, may appeal its exclusion to the commissioner of employment and economic development under this section.

Subd. 2. **Appeal; alternate approval.** An employment and training service provider that is not included by a county agency in the service agreement under section 142G.76, subdivision 4, and that meets the criteria in paragraph (b), may appeal its exclusion to the commissioner of employment and economic development, and may request alternative approval by the commissioner of employment and economic development to provide services in the county.

Subd. 3. **Commissioner's review.** (a) The commissioner must act on a request for alternative approval under this section within 30 days of the receipt of the request. If after reviewing the provider's request, and the county's service agreement submitted under section 142G.76, subdivision 4, the commissioner determines that the provider meets the criteria under subdivision 2, paragraph (b), and that approval of the provider would not cause financial hardship to the county, the county must submit a revised service agreement under subdivision 4 that includes the approved provider.

(b) If the commissioner determines that the approval of the provider would cause financial hardship to the county, the commissioner must notify the provider and the county of this determination. The alternate approval process under this section shall be closed to other requests for alternate approval to provide employment and training services in the county for up to 12 months from the date that the commissioner makes a determination under this paragraph.

Subd. 4. **Revised service agreement required.** The commissioner of employment and economic development must notify the county agency when the commissioner grants an alternative approval to an employment and training service provider under subdivision 2. Upon receipt of the notice, the county agency must submit a revised service agreement under section 142G.76, subdivision 4, that includes the approved provider. The county has 90 days from the receipt of the commissioner's notice to submit the revised service agreement.

Subd. 5. **Review not required.** Notwithstanding subdivision 3, once a county meets the requirements of section 142G.54, subdivision 4, the commissioner may, but is not required to, act on a request by an employment and training services provider for alternative approval in that county.

History: *1997 c 85 art 1 s 41; 1Sp2003 c 14 art 1 s 74-77; 2004 c 206 s 52; 2014 c 271 art 2 s 8; 2024 c 80 art 7 s 12*

142G.70 SANCTIONS.

Subdivision 1. **Participants not complying with program requirements.** (a) A participant who fails without good cause under section 142G.71 to comply with the requirements for orientation under section 142G.27, or employment and training services under sections 142G.51 to 142G.53, 142G.55 to 142G.59, and 142G.71, and who is not subject to a sanction under subdivision 2, shall be subject to a sanction or case closure as provided in this section. Good cause may only be granted for the month for which the good cause reason applies. Prior to the imposition of a sanction, a county agency shall provide a notice of intent to sanction under section 142G.71, subdivision 2, and, when applicable, a notice of adverse action as provided in section 142G.21, subdivision 5.

(b) A sanction under this subdivision becomes effective the month following the month in which a required notice is given. A sanction must not be imposed when a participant comes into compliance prior to the effective date of the sanction. For purposes of this subdivision, each month that a participant fails to comply with a requirement of this chapter shall be considered a separate occurrence of noncompliance. If both participants in a two-parent assistance unit are out of compliance at the same time, it is considered one occurrence of noncompliance.

(c) Sanctions for noncompliance for the first, second, third, fourth, fifth, or sixth consecutive occurrence of noncompliance by a participant in an assistance unit are equal to a reduction of five percent of the cash portion of the MFIP grant received by the assistance unit. The reduction in the grant amount must be in effect for a minimum of one month and shall be removed in the month following the month that the participant in a one-parent assistance unit returns to compliance, unless the requirements in paragraph (h) are met. In a two-parent assistance unit, the grant reduction must be in effect for a minimum of one month and shall be removed in the month following the month both participants return to compliance, unless the requirements in paragraph (h) are met. When an assistance unit comes into compliance with the requirements in section 518A.81, or shows good cause under section 518A.81, subdivision 10, or 142G.71, the sanction occurrences for that assistance unit shall be equal to zero sanctions. If an assistance unit is sanctioned under this clause, the participant's case file must be reviewed to determine if the employment plan is still appropriate.

(d) For a seventh consecutive occurrence of noncompliance by a participant in an assistance unit, the county agency shall close the MFIP assistance unit's financial assistance case, including the cash and food portions, and redetermine the family's eligibility for Supplemental Nutrition Assistance Program (SNAP) payments. The MFIP case must remain closed for a minimum of one full month. Before the case is closed, the county agency must review the participant's case to determine if the employment plan is still appropriate and attempt to meet with the participant face-to-face. The participant may bring an advocate to the face-to-face

meeting. If a face-to-face meeting is not conducted, the county agency must send the participant a written notice that includes the information required under clause (1).

(1) During the face-to-face meeting, the county agency must:

(i) determine whether the continued noncompliance can be explained and mitigated by providing a needed preemployment activity, as defined in section 142G.50, subdivision 11, paragraph (a), clause (9);

(ii) determine whether the participant qualifies for a good cause exception under section 142G.71, or if the sanction is for noncooperation with child support requirements, determine if the participant qualifies for a good cause exemption under section 518A.81, subdivision 10;

(iii) determine whether the work activities in the employment plan are appropriate based on the criteria in section 142G.56, subdivision 2 or 3;

(iv) determine whether the participant qualifies for the family violence waiver;

(v) inform the participant of the participant's sanction status and explain the consequences of continuing noncompliance;

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

(vii) inform the participant of the right to appeal under section 142G.45.

(2) If the lack of an identified activity or service can explain the noncompliance, the county must work with the participant to provide the identified activity.

(3) The grant must be restored to the full amount for which the assistance unit is eligible retroactively to the first day of the month in which the participant was found to lack preemployment activities or to qualify for a family violence waiver or for a good cause exemption under section 518A.81, subdivision 10, or 142G.71.

(e) For the purpose of applying sanctions under this section, only consecutive occurrences of noncompliance that occur on or after May 1, 2026, shall be considered when counting the number of sanction occurrences under this subdivision. Active cases under sanction on May 1, 2026, shall be considered to have one sanction occurrence. If the participant comes into compliance, the assistance unit is considered to have zero sanctions.

(f) An assistance unit whose case is closed under paragraph (d) or (g), may reapply for MFIP using a form prescribed by the commissioner and shall be eligible if the participant complies with MFIP program requirements and demonstrates compliance for up to one month. No assistance shall be paid during this period. The county agency shall not start a new certification period for a participant who has submitted the reapplication form within 30 calendar days of case closure. The county agency must process the form according to section 256P.04, except that the county agency shall not require additional verification of information in the case file unless the information is inaccurate, questionable, or no longer current. If a participant does not reapply for MFIP within 30 calendar days of case closure, a new application must be completed.

(g) An assistance unit whose case has been closed for noncompliance that reapplies under paragraph (f) is subject to sanction under paragraph (c) and case closure under paragraph (d).

(h) If an assistance unit is in compliance by the 15th of the month in which the assistance unit has a sanction imposed, the reduction to the assistance unit's cash grant shall be restored retroactively for the current month and the sanction occurrences shall be equal to zero.

Subd. 2. **Sanctions for refusal to cooperate with support requirements.** The grant of an MFIP caregiver who refuses to cooperate, as determined by the child support enforcement agency, with support requirements under section 518A.81, shall be subject to sanction as specified in this subdivision and subdivision 1, paragraphs (b) to (h), except the assistance unit's cash portion of the grant must be reduced by 25 percent of the MFIP cash received by the assistance unit. The residual amount of the grant, if any, must be paid to the caregiver. A sanction under this subdivision becomes effective the first month following the month in which a required notice is given. A sanction must not be imposed when a caregiver comes into compliance with the requirements under section 518A.81 prior to the effective date of the sanction. The sanction shall be removed in the month following the month that the caregiver cooperates with the support requirements, unless the requirements in subdivision 1, paragraph (h), are met. Each month that an MFIP caregiver fails to comply with the requirements of section 518A.81 must be considered a separate occurrence of noncompliance for the purpose of applying sanctions under subdivision 1, paragraphs (c) and (d).

Subd. 3. **Dual sanctions.** (a) Notwithstanding the provisions of subdivisions 1 and 2, for a participant subject to a sanction for refusal to comply with child support requirements under subdivision 2 and subject to a concurrent sanction for refusal to cooperate with other program requirements under subdivision 1, sanctions shall be imposed in the manner prescribed in this subdivision.

(b) A participant who becomes subject to sanction under both subdivisions 1 and 2 in the same month is subject to sanction as follows:

(1) in the first month of noncompliance and noncooperation, the participant's cash portion of the grant must be reduced by 25 percent of the MFIP cash received by the assistance unit, with any residual amount paid to the participant;

(2) in the second and subsequent months of noncompliance and noncooperation, the participant shall be subject to the applicable level of sanction under subdivision 2.

The requirement that the county conduct a review as specified in subdivision 1, paragraph (d), remains in effect.

(c) A participant remains subject to sanction under subdivision 2 if the participant:

(1) returns to compliance and is no longer subject to sanction for noncompliance with section 142G.27 or sections 142G.51 to 142G.53, 142G.55 to 142G.59, and 142G.71; or

(2) has the sanction for noncompliance with section 142G.27 or sections 142G.51 to 142G.53, 142G.55 to 142G.59, and 142G.71 removed upon completion of the review under subdivision 1, paragraph (d).

A participant remains subject to the applicable level of sanction under subdivision 1 if the participant cooperates and is no longer subject to sanction under subdivision 2.

Subd. 4. **Restrictions on sanctions.** A participant shall not be sanctioned for failure to meet the agreed-upon hours in a participant's employment plan under section 142G.56, subdivision 2, when the

participant fails to meet the agreed-upon hours of participation in paid employment because the participant is not eligible for holiday pay and the participant's place of employment is closed for a holiday.

History: *1997 c 85 art 1 s 36; 1997 c 245 art 4 s 2; 1998 c 407 art 6 s 84-86; 1999 c 245 art 6 s 55-57; 1Sp2001 c 9 art 10 s 31,32; 2002 c 379 art 1 s 113; 1Sp2003 c 14 art 1 s 62-64,106; 2004 c 288 art 4 s 43; 2007 c 147 art 2 s 31; 2008 c 277 art 1 s 46; 1Sp2019 c 9 art 1 s 42; 2023 c 70 art 10 s 59-61; 2024 c 80 art 7 s 12; art 8 s 68*

142G.71 GOOD CAUSE EXEMPTION FROM SANCTION.

Subdivision 1. **Good cause for failure to comply.** The county agency shall not impose the sanction under section 142G.70 if it determines that the participant has good cause for failing to comply with the requirements of sections 142G.51 to 142G.53, 142G.55 to 142G.59, and 142G.71. Good cause exists when:

(1) appropriate child care is not available;

(2) the job does not meet the definition of suitable employment;

(3) the participant is ill or injured;

(4) a member of the assistance unit, a relative in the household, or a foster child in the household is ill and needs care by the participant that prevents the participant from complying with the employment plan;

(5) the participant is unable to secure necessary transportation;

(6) the participant is in an emergency situation that prevents compliance with the employment plan;

(7) the schedule of compliance with the employment plan conflicts with judicial proceedings;

(8) a mandatory MFIP meeting is scheduled during a time that conflicts with a judicial proceeding or a meeting related to a juvenile court matter, or a participant's work schedule;

(9) the participant is already participating in acceptable work activities;

(10) the employment plan requires an educational program for a caregiver under age 20, but the educational program is not available;

(11) activities identified in the employment plan are not available;

(12) the participant is willing to accept suitable employment, but suitable employment is not available;

(13) the participant documents other verifiable impediments to compliance with the employment plan beyond the participant's control; or

(14) the documentation needed to determine if a participant is eligible for family stabilization services is not available, but there is information that the participant may qualify and the participant is cooperating with the county or employment service provider's efforts to obtain the documentation necessary to determine eligibility.

The job counselor shall work with the participant to reschedule mandatory meetings for individuals who fall under clauses (1), (3), (4), (5), (6), (7), and (8).

Subd. 2. **Notice of intent to sanction.** (a) When a participant fails without good cause to comply with the requirements of sections 142G.51 to 142G.53, 142G.55 to 142G.59, and 142G.71, the job counselor or the county agency must provide a notice of intent to sanction to the participant specifying the program

requirements that were not complied with, informing the participant that the county agency will impose the sanctions specified in section 142G.70, and informing the participant of the opportunity to request a conciliation conference as specified in paragraph (b). The notice must also state that the participant's continuing noncompliance with the specified requirements will result in additional sanctions under section 142G.70, without the need for additional notices or conciliation conferences under this subdivision. The notice, written in English, must include the Department of Children, Youth, and Families language block, and must be sent to every applicable participant. If the participant does not request a conciliation conference within ten calendar days of the mailing of the notice of intent to sanction, the job counselor must notify the county agency that the assistance payment should be reduced. The county must then send a notice of adverse action to the participant informing the participant of the sanction that will be imposed, the reasons for the sanction, the effective date of the sanction, and the participant's right to have a fair hearing under section 142G.45.

(b) The participant may request a conciliation conference by sending a written request, by making a telephone request, or by making an in-person request. The request must be received within ten calendar days of the date the county agency mailed the ten-day notice of intent to sanction. If a timely request for a conciliation is received, the county agency's service provider must conduct the conference within five days of the request. The job counselor's supervisor, or a designee of the supervisor, must review the outcome of the conciliation conference. If the conciliation conference resolves the noncompliance, the job counselor must promptly inform the county agency and request withdrawal of the sanction notice.

(c) Upon receiving a sanction notice, the participant may request a fair hearing under section 142G.45, without exercising the option of a conciliation conference. In such cases, the county agency shall not require the participant to engage in a conciliation conference prior to the fair hearing.

(d) If the participant requests a fair hearing or a conciliation conference, sanctions will not be imposed until there is a determination of noncompliance. Sanctions must be imposed as provided in section 142G.70.

History: *1997 c 85 art 1 s 48; 1998 c 407 art 6 s 104; 1999 c 245 art 6 s 71; 1Sp2001 c 9 art 10 s 47; 2002 c 379 art 1 s 113; 1Sp2003 c 14 art 1 s 92; 2004 c 288 art 4 s 50; 2009 c 79 art 2 s 22; 2024 c 80 art 7 s 12; art 8 s 70*

142G.75 FAMILY STABILIZATION SERVICES.

Subdivision 1. **Purpose.** Family stabilization services serve families who are not making significant progress within the regular employment and training services track of the Minnesota family investment program (MFIP) due to a variety of barriers to employment.

Subd. 2. **Definitions.** The terms used in this section have the meanings given them in paragraphs (a) and (b).

(a) "Family stabilization services" means programs, activities, and services provided by or through the county agency or through the employment services agency to participating families. Services include, but are not limited to, assessment as defined in section 142G.56, subdivision 1, referrals, and assistance in the preparation and implementation of a family stabilization plan under subdivision 4.

(b) "Family stabilization plan" means a plan developed with the participant, which identifies the participant's most appropriate path to unsubsidized employment, family stability, and barrier reduction, taking into account the family's circumstances.

Subd. 3. **Eligibility.** (a) The following MFIP participants are eligible for the services under this section:

(1) a participant who meets the requirements for or has been granted a hardship extension under section 142G.42, subdivision 3 or 4, except that it is not necessary for the participant to have reached or be approaching 60 months of eligibility for this section to apply;

(2) a participant who is applying for Supplemental Security Income or Social Security disability insurance;

(3) a participant who is a noncitizen who has been in the United States for 12 or fewer months; and

(4) a participant who is age 60 or older.

(b) A participant under paragraph (a), clause (3), must be provided with English as a second language opportunities and skills training for up to 12 months. After 12 months, the case manager and participant must determine whether the participant should continue with English as a second language classes or skills training, or both, and continue to receive family stabilization services.

(c) If a county agency or employment services provider has information that an MFIP participant may meet the eligibility criteria set forth in this subdivision, the county agency or employment services provider must assist the participant in obtaining the documentation necessary to determine eligibility.

Subd. 4. **Family stabilization plans; services.** (a) The county agency or employment services provider shall provide a family stabilization plan for each participating family. Once a participant has been determined eligible for family stabilization services, the county agency or employment services provider must attempt to meet with the participant to develop a plan within 30 days.

(b) If a participant is already assigned to a county case manager or a county-designated case manager in social services, disability services, or housing services that case manager already assigned may be the case manager for purposes of these services.

(c) Participants determined eligible for family stabilization services must have access to employment and training services under this section and sections 142G.51 to 142G.53, 142G.55 to 142G.59, 142G.71, to the extent these services are available to other MFIP participants.

Subd. 5. **Cooperation with services requirements.** A participant who is eligible for family stabilization services shall engage in family stabilization services for the appropriate number of hours per week based on the needs of the participant and the participant's family, unless good cause exists for not doing so, as defined in section 142G.71, subdivision 1. The county agency or employment services agency shall review the participant's progress toward the goals in the family stabilization plan every six months to determine whether conditions have changed, including whether revisions to the plan are needed.

Subd. 6. **Sanctions.** (a) The county agency or employment services provider must follow the requirements of this subdivision at the time the county agency or employment services provider has information that an MFIP recipient may meet the eligibility criteria in subdivision 3.

(b) The financial assistance grant of a participating family is reduced according to section 142G.70, if a participating adult fails without good cause to comply or continue to comply with the family stabilization plan requirements in this subdivision, unless compliance has been excused under subdivision 5, paragraph (d).

(c) Given the purpose of the family stabilization services in this section and the nature of the underlying family circumstances that act as barriers to both employment and full compliance with program requirements, there must be a review by the county agency prior to imposing a sanction to determine whether the plan was appropriated to the needs of the participant and family. There must be a current assessment by a behavioral

health or medical professional confirming that the participant in all ways had the ability to comply with the plan.

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

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

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

(2) determine whether the participant qualifies for a good cause exception under section 142G.71, or if the sanction is for noncooperation with child support requirements, determine if the participant qualifies for a good cause exemption under section 518A.81, subdivision 10;

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

(4) explain the consequences of continuing noncompliance;

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

(6) inform the participant of the right to appeal under section 142G.45.

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

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

(f) After the requirements of paragraphs (d) and (e) are met and prior to imposition of a sanction, the county agency shall provide a notice of intent to sanction under section 142G.71, subdivision 2, and, when applicable, a notice of adverse action under section 142G.21.

(g) Section 142G.71 applies to this section except to the extent that it is modified by this subdivision.

Subd. 7. **Funding.** (a) The commissioner of children, youth, and families shall treat MFIP expenditures made to or on behalf of any minor child under this section, who is part of a household that meets criteria in subdivision 3, as expenditures under a separately funded state program. These expenditures shall not count toward the state's maintenance of effort requirements under the federal TANF program.

(b) A family is no longer part of a separately funded program under this section if the caregiver no longer meets the criteria for family stabilization services in subdivision 3.

History: *2007 c 147 art 2 s 37; 2009 c 79 art 2 s 23-26; 2009 c 173 art 1 s 34; 2012 c 247 art 3 s 18-22; 2012 c 253 art 2 s 2-6; 2013 c 107 art 4 s 17; 2024 c 80 art 7 s 12; art 8 s 68,70*

142G.76 MFIP CONSOLIDATED FUND.

Subdivision 1. **Consolidated fund.** The consolidated fund is established to support counties and Tribes in meeting their duties under this chapter. Counties and Tribes must use funds from the consolidated fund

to develop programs and services that are designed to improve participant outcomes as measured in section 142G.79, subdivision 2. Counties and Tribes that administer MFIP eligibility may use the funds for any allowable expenditures under subdivision 2, including case management. Tribes that do not administer MFIP eligibility may use the funds for any allowable expenditures under subdivision 2, including case management, except those in subdivision 2, paragraph (a), clauses (1) and (6). All payments made through the MFIP consolidated fund to support a caregiver's pursuit of greater economic stability does not count when determining a family's available income.

Subd. 2. **Allowable expenditures.** (a) The commissioner must restrict expenditures under the consolidated fund to benefits and services allowed under title IV-A of the federal Social Security Act. Allowable expenditures under the consolidated fund may include, but are not limited to:

(1) short-term, nonrecurring shelter and utility needs that are excluded from the definition of assistance under Code of Federal Regulations, title 45, section 260.31, for families who meet the residency requirement in section 142G.12, subdivisions 1 and 1a. Payments under this subdivision are not considered TANF cash assistance and are not counted towards the 60-month time limit;

(2) transportation needed to obtain or retain employment or to participate in other approved work activities or activities under a family stabilization plan;

(3) direct and administrative costs of staff to deliver employment services for MFIP or family stabilization services; to administer financial assistance; and to provide specialized services intended to assist hard-to-employ participants to transition to work or transition from family stabilization services to MFIP;

(4) costs of education and training including functional work literacy and English as a second language;

(5) cost of work supports including tools, clothing, boots, telephone service, and other work-related expenses;

(6) county administrative expenses as defined in Code of Federal Regulations, title 45, section 260(b);

(7) services to parenting and pregnant teens;

(8) supported work;

(9) wage subsidies;

(10) child care needed for MFIP or family stabilization services participants to participate in social services;

(11) child care to ensure that families leaving MFIP will continue to receive child care assistance from the time the family no longer qualifies for transition year child care until an opening occurs under the basic sliding fee child care program;

(12) services to help noncustodial parents who live in Minnesota and have minor children receiving MFIP assistance, but do not live in the same household as the child, obtain or retain employment; and

(13) services to help families participating in family stabilization services achieve the greatest possible degree of self-sufficiency.

(b) Administrative costs that are not matched with county funds as provided in subdivision 8 may not exceed 7.5 percent of a county's or 15 percent of a Tribe's allocation under this section. The commissioner shall define administrative costs for purposes of this subdivision.

(c) The commissioner may waive the cap on administrative costs for a county or Tribe that elects to provide an approved supported employment, unpaid work, or community work experience program for a major segment of the county's or Tribe's MFIP population. The county or Tribe must apply for the waiver on forms provided by the commissioner. In no case shall total administrative costs exceed the TANF limits.

Subd. 3. **Eligibility for services.** Families with a minor child, a pregnant woman, or a noncustodial parent of a minor child receiving assistance, with incomes below 200 percent of the federal poverty guideline for a family of the applicable size, are eligible for services funded under the consolidated fund. Counties and Tribes must give priority to families currently receiving MFIP or family stabilization services and families at risk of receiving MFIP. A county or Tribe shall not impose a residency requirement on families, except for the residency requirement under section 142G.12.

Subd. 4. **County and Tribal biennial service agreements.** (a) Effective January 1, 2004, and each two-year period thereafter, each county and Tribe must have in place an approved biennial service agreement related to the services and programs in this chapter. In counties with a city of the first class with a population over 300,000, the county must consider a service agreement that includes a jointly developed plan for the delivery of employment services with the city. Counties may collaborate to develop multicounty, multitribal, or regional service agreements.

(b) The service agreements will be completed in a form prescribed by the commissioner. The agreement must include:

(1) a statement of the needs of the service population and strengths and resources in the community;

(2) numerical goals for participant outcomes measures to be accomplished during the biennial period. The commissioner may identify outcomes from section 142G.79, subdivision 2, as core outcomes for all counties and Tribes;

(3) strategies the county or Tribe will pursue to achieve the outcome targets. Strategies must include specification of how funds under this section will be used and may include community partnerships that will be established or strengthened;

(4) strategies the county or Tribe will pursue under family stabilization services; and

(5) other items prescribed by the commissioner in consultation with counties and Tribes.

(c) The commissioner shall provide each county and Tribe with information needed to complete an agreement, including: (1) information on MFIP cases in the county or Tribe; (2) comparisons with the rest of the state; (3) baseline performance on outcome measures; and (4) promising program practices.

(d) The service agreement must be submitted to the commissioner by October 15, 2003, and October 15 of each second year thereafter. The county or Tribe must allow a period of not less than 30 days prior to the submission of the agreement to solicit comments from the public on the contents of the agreement.

(e) The commissioner must, within 60 days of receiving each county or Tribal service agreement, inform the county or Tribe if the service agreement is approved. If the service agreement is not approved, the commissioner must inform the county or Tribe of any revisions needed prior to approval.

Subd. 5. **Innovation projects.** Beginning January 1, 2005, no more than $3,000,000 of the funds annually appropriated to the commissioner for use in the consolidated fund shall be available to the commissioner to reward high-performing counties and Tribes, support promising practices, and test innovative approaches to improving outcomes for MFIP participants, family stabilization services participants, and persons at risk

of receiving MFIP as detailed in subdivision 3. Project funds may be targeted to geographic areas with poor outcomes as specified in section 142G.79, subdivision 3, or to subgroups within the MFIP case load who are experiencing poor outcomes.

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

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

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

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

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

(3) "Caseload difficulty factor" means a factor determined by the commissioner for each county and Tribe based upon the self-support index described in section 142G.79, subdivision 2, clause (6).

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

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

(6) "Base programs" means the:

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

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

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

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

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

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

(b) The commissioner shall determine for calendar year 2008 and subsequent years the initial allocation of funds to be made available under this section based 50 percent on the proportion of the county or Tribe's

share of the statewide 2002 historic spending base and 50 percent on the proportion of the county or Tribe's share of the adjusted caseload factor.

(c) With the commencement of a new or expanded Tribal TANF program, or for Tribes administering TANF as authorized under Laws 2011, First Special Session chapter 9, article 9, section 18, or an agreement under section 142A.03, subdivision 2, paragraph (e), clause (7), in which some or all of the responsibilities of particular counties under this section are transferred to a Tribe, the commissioner shall:

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

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

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

Subd. 7. **Performance base funds.** (a) For calendar year 2016 and yearly thereafter, each county and Tribe must be allocated 100 percent of their initial calendar year allocation. Allocations for counties and Tribes must be adjusted based on performance as follows:

(1) a county or Tribe that performs above its range of expected performance on the annualized three-year self-support index under section 142G.79, subdivision 2, clause (6), must receive an additional allocation equal to 2.5 percent of its initial allocation; and

(2) a county or Tribe that performs below its range of expected performance on the annualized three-year self-support index under section 142G.79, subdivision 2, clause (6), for two consecutive years must negotiate a multiyear improvement plan with the commissioner. If no improvement is shown by the end of the multiyear plan, the county's or Tribe's allocation must be decreased by 2.5 percent. The decrease must remain in effect until the county or Tribe performs within or above its range of expected performance.

(b) For calendar year 2016 and yearly thereafter, performance-based funds for a federally approved Tribal TANF program in which the state and Tribe have in place a contract under section 142A.03, addressing consolidated funding, must be allocated as follows:

(1) a Tribe that performs above its range of expected performance on the annualized three-year self-support index under section 142G.79, subdivision 2, clause (6), must receive an additional allocation equal to 2.5 percent of its initial allocation; or

(2) a Tribe that performs below its range of expected performance on the annualized three-year self-support index under section 142G.79, subdivision 2, clause (6), for two consecutive years must negotiate a multiyear improvement plan with the commissioner. If no improvement is shown by the end of the multiyear plan, the Tribe's allocation must be decreased by 2.5 percent. The decrease must remain in effect until the Tribe performs within or above its range of expected performance.

(c) Funds remaining unallocated after the performance-based allocations in paragraph (a) are available to the commissioner for innovation projects under subdivision 5.

(d) If available funds are insufficient to meet county and Tribal allocations under paragraphs (a) and (b), the commissioner shall proportionally prorate funds to counties and Tribes that qualify for a bonus under paragraphs (a), clause (1), and (b), clause (2).

Subd. 8. **Reporting requirement and reimbursement.** (a) The commissioner shall specify requirements for reporting according to section 142A.03, subdivision 2, paragraph (o). Each county or Tribe shall be reimbursed for eligible expenditures up to the limit of its allocation and subject to availability of funds.

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

(c) The commissioner of children, youth, and families shall review county and Tribal agency expenditures of the MFIP consolidated fund as appropriate and may reallocate unencumbered or unexpended money appropriated under this section to those county and Tribal agencies that can demonstrate a need for additional money. To the extent that unexpended funds are insufficient to cover demonstrated need, funds must be prorated to those counties and Tribes in relation to demonstrated need.

Subd. 9. [Repealed, 2007 c 147 art 2 s 63]

History: *1Sp2003 c 14 art 1 s 94,106; 2004 c 206 s 52; 2004 c 288 art 4 s 51-53; 2005 c 159 art 5 s 7-9; 2006 c 282 art 18 s 2; 2007 c 147 art 2 s 39-45; 2008 c 361 art 1 s 4,5; 2009 c 78 art 2 s 37; 2009 c 79 art 2 s 28; 2013 c 107 art 4 s 18,19; 2013 c 108 art 3 s 31; 2014 c 262 art 1 s 11; 2014 c 275 art 1 s 139; 2014 c 291 art 11 s 24-26; 2015 c 78 art 4 s 61; 2021 c 30 art 8 s 3; 2023 c 70 art 10 s 66,67; 2024 c 80 art 1 s 96; art 7 s 12; art 8 s 70*

142G.77 INDIAN TRIBE MFIP EMPLOYMENT SERVICES.

Subdivision 1. **Authorization to enter into agreements.** The commissioner may enter into agreements with federally recognized Indian Tribes with a reservation in the state to provide MFIP employment services to members of the Indian Tribe and to other caregivers who are a part of the Tribal member's MFIP assistance unit. For purposes of this section, "Indian Tribe" means a Tribe, Band, nation, or other federally recognized group or community of Indians. The commissioner may also enter into an agreement with a consortium of Indian Tribes providing the governing body of each Indian Tribe in the consortium complies with the provisions of this section.

Subd. 2. **Tribal requirements.** The Indian Tribe must:

(1) agree to fulfill the responsibilities provided under the employment services component of MFIP regarding operation of MFIP employment services, as designated by the commissioner;

(2) operate its employment services program within a geographic service area not to exceed the counties within which a border of the reservation falls;

(3) operate its program in conformity with section 13.46 and any applicable federal regulations in the use of data about MFIP recipients;

(4) coordinate operation of its program with the county agency, Workforce Investment Act programs, and other support services or employment-related programs in the counties in which the Tribal unit's program operates;

(5) provide financial and program participant activity record keeping and reporting in the manner and using the forms and procedures specified by the commissioner and permit inspection of its program and records by representatives of the state; and

(6) have the Indian Tribe's employment service provider certified by the commissioner of employment and economic development, or approved by the county.

Subd. 3. **Funding.** If the commissioner and an Indian Tribe are parties to an agreement under this subdivision, the agreement shall annually provide to the Indian Tribe the funding allocated in section 142G.76.

Subd. 4. **County agency requirement.** Indian Tribal members receiving MFIP benefits and residing in the service area of an Indian Tribe operating employment services under an agreement with the commissioner must be referred by county agencies in the service area to the Indian Tribe for employment services.

History: *1997 c 85 art 1 s 51; 1998 c 407 art 6 s 105; 1Sp2001 c 9 art 10 s 53; 2002 c 379 art 1 s 113; 1Sp2003 c 14 art 1 s 95; 2004 c 206 s 52; 2024 c 80 art 7 s 11,12*

142G.78 COUNTY OF FINANCIAL RESPONSIBILITY POLICIES.

Subdivision 1. **County of financial responsibility.** The county of financial responsibility is the county in which a minor child or pregnant woman lives on the date the application is signed, unless subdivision 4 applies. When more than one county is financially responsible for the members of an assistance unit, financial responsibility must be assigned to a single county beginning the first day of the calendar month after the assistance unit members are required to be in a single assistance unit. Financial responsibility must be assigned to the county that was initially responsible for the assistance unit member with the earliest date of application. The county in which the assistance unit is currently residing becomes financially responsible for the entire assistance unit beginning two full calendar months after the month in which financial responsibility was consolidated in one county.

Subd. 2. **Change in residence.** (a) When an assistance unit moves from one county to another and continues to receive assistance, the new county of residence becomes the county of financial responsibility when that assistance unit has lived in that county in nonexcluded status for two full calendar months. "Nonexcluded status" means the period of residence that is not considered excluded time under section 256G.02, subdivision 6. When a minor child moves from one county to another to reside with a different caregiver, the caregiver in the former county is eligible to receive assistance for that child only through the last day of the month of the move. The caregiver in the new county becomes eligible to receive assistance for the child the first day of the month following the move or the date of application, whichever is later.

(b) When an applicant moves from one county to another while the application is pending, the county where application first occurred is the county of financial responsibility until the applicant has lived in the new county for two full calendar months, unless the applicant's move is covered under section 256G.02, subdivision 6.

Subd. 3. **Responsibility for incorrect assistance payments.** A county of residence, when different from the county of financial responsibility, will be charged by the commissioner for the value of incorrect assistance payments paid to or on behalf of a person who was not eligible to receive that amount. Incorrect payments include payments to an ineligible person or family resulting from decisions, failures to act, miscalculations, or overdue recertification. However, financial responsibility does not accrue for a county when the recertification is overdue at the time the referral is received by the county of residence or when the county of financial responsibility does not act on the recommendation of the county of residence.

Subd. 4. **Excluded time.** When an applicant or participant resides in an excluded time facility as described in section 256G.02, subdivision 6, the county that is financially responsible for the applicant or participant is the county in which the applicant or participant last resided outside such a facility immediately before entering the facility. When an applicant or participant has not resided in this state for any time other than

excluded time as defined in section 256G.02, subdivision 6, the county that is financially responsible for the applicant or participant is the county in which the applicant or participant resides on the date the application is signed.

History: *1997 c 85 art 1 s 59; 1Sp2003 c 14 art 1 s 98; 2024 c 80 art 7 s 12*

142G.79 COUNTY PERFORMANCE MANAGEMENT.

Subdivision 1. **Monthly county caseload report.** The commissioner shall report monthly to each county the following caseload information:

(1) total number of cases receiving MFIP, and subtotals of cases with one eligible parent, two eligible parents, and an eligible caregiver who is not a parent;

(2) total number of child only assistance cases;

(3) total number of eligible adults and children receiving an MFIP grant, and subtotals for cases with one eligible parent, two eligible parents, an eligible caregiver who is not a parent, and child only cases;

(4) number of cases with an exemption from the 60-month time limit based on a family violence waiver;

(5) number of MFIP cases with work hours, and subtotals for cases with one eligible parent, two eligible parents, and an eligible caregiver who is not a parent;

(6) number of employed MFIP cases, and subtotals for cases with one eligible parent, two eligible parents, and an eligible caregiver who is not a parent;

(7) average monthly gross earnings, and averages for subgroups of cases with one eligible parent, two eligible parents, and an eligible caregiver who is not a parent;

(8) number of employed cases receiving only the food portion of assistance;

(9) number of parents or caregivers exempt from work activity requirements, with subtotals for each exemption type; and

(10) number of cases with a sanction, with subtotals by level of sanction for cases with one eligible parent, two eligible parents, and an eligible caregiver who is not a parent.

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

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

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

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

(4) median placement wage rate;

(5) caseload by months of TANF assistance;

(6) percent of MFIP cases off cash assistance or working 30 or more hours per week at one-year, two-year, and three-year follow-up points from a baseline quarter. This measure is called the self-support index. The commissioner shall report quarterly an expected range of performance for each county, county grouping, and Tribe on the self-support index. The expected range shall be derived by a statistical methodology

developed by the commissioner in consultation with the counties and Tribes. The statistical methodology shall control differences across counties in economic conditions and demographics of the MFIP case load; and

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

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

Subd. 3. **Failure to meet federal performance standards.** (a) If sanctions occur for failure to meet the performance standards specified in title 1 of Public Law 104-193 of the Personal Responsibility and Work Opportunity Act of 1996, and under Public Law 109-171, the Deficit Reduction Act of 2005, the state shall pay 88 percent of the sanction. The remaining 12 percent of the sanction will be paid by the counties. The county portion of the sanction will be distributed across all counties in proportion to each county's percentage of the MFIP average monthly caseload during the period for which the sanction was applied.

(b) If a county fails to meet the performance standards specified in title 1 of Public Law 104-193 of the Personal Responsibility and Work Opportunity Act of 1996, and Public Law 109-171, the Deficit Reduction Act of 2005, for any year, the commissioner shall work with counties to organize a joint state-county technical assistance team to work with the county. The commissioner shall coordinate any technical assistance with other departments and agencies including the Departments of Employment and Economic Development and Education as necessary to achieve the purpose of this paragraph.

(c) For state performance measures, a low-performing county is one that:

(1) performs below the bottom of their expected range for the measure in subdivision 2, clause (6), in an annualized measurement reported in October of each year; or

(2) performs below 40 percent for the measure in subdivision 2, clause (7), as averaged across the four quarterly measurements for the year, or the ten counties with the lowest rates if more than ten are below 40 percent.

(d) Low-performing counties under paragraph (c) must engage in corrective action planning as defined by the commissioner. The commissioner may coordinate technical assistance as specified in paragraph (b) for low-performing counties under paragraph (c).

History: *1999 c 245 art 6 s 80; 1Sp2001 c 9 art 10 s 54; 2002 c 379 art 1 s 113; 2003 c 130 s 12; 1Sp2003 c 14 art 1 s 99-101; 2004 c 206 s 52; 2004 c 288 art 4 s 54; 2005 c 98 art 1 s 16; 2005 c 159 art 5 s 10,11; 2007 c 147 art 2 s 46,47; 2014 c 291 art 11 s 33; 2023 c 70 art 10 s 68; 2024 c 80 art 7 s 12*

142G.85 TANF DEMONSTRATION PROJECTS OR WAIVER FROM FEDERAL RULES AND REGULATIONS.

Subdivision 1. **Duties of the commissioner.** The commissioner of children, youth, and families may pursue TANF demonstration projects or waivers of TANF requirements from the United States Department of Health and Human Services as needed to allow the state to build a more results-oriented Minnesota Family Investment Program to better meet the needs of Minnesota families.

Subd. 2. **Purpose.** The purpose of the TANF demonstration projects or waivers is to:

(1) replace the federal TANF process measure and its complex administrative requirements with state-developed outcomes measures that track adult employment and exits from MFIP cash assistance;

(2) simplify programmatic and administrative requirements; and

(3) make other policy or programmatic changes that improve the performance of the program and the outcomes for participants.

History: *2013 c 108 art 3 s 32; 2024 c 80 art 7 s 12; art 8 s 70*

142G.90 DIVERSIONARY WORK PROGRAM.

Subdivision 1. MS 2024 [Repealed, 2023 c 70 art 10 s 98]

Subd. 2. MS 2024 [Repealed, 2023 c 70 art 10 s 98]

Subd. 3. MS 2024 [Repealed, 2023 c 70 art 10 s 98]

Subd. 4. MS 2024 [Repealed, 2023 c 70 art 10 s 98]

Subd. 5. MS 2024 [Repealed, 2023 c 70 art 10 s 98]

Subd. 6. MS 2024 [Repealed, 2023 c 70 art 10 s 98]

Subd. 7. MS 2024 [Repealed, 2023 c 70 art 10 s 98]

Subd. 8. MS 2024 [Repealed, 2023 c 70 art 10 s 98]

Subd. 9. MS 2024 [Repealed, 2023 c 70 art 10 s 98]

Subd. 10. MS 2024 [Repealed, 2023 c 70 art 10 s 98]

Subd. 11. MS 2024 [Repealed, 2023 c 70 art 10 s 98]

Subd. 12. MS 2024 [Repealed, 2023 c 70 art 10 s 98]

Subd. 13. MS 2024 [Repealed, 2023 c 70 art 10 s 98]

Subd. 14. MS 2024 [Repealed, 2023 c 70 art 10 s 98]

Subd. 15. MS 2024 [Repealed, 2023 c 70 art 10 s 98]

Subd. 16. MS 2024 [Repealed, 2023 c 70 art 10 s 98]

Subd. 17. MS 2024 [Repealed, 2023 c 70 art 10 s 98]

Subd. 18. MS 2024 [Repealed, 2023 c 70 art 10 s 98]

Subd. 19. MS 2024 [Repealed, 2023 c 70 art 10 s 98]

142G.95 FUNERAL EXPENSES, PAYMENT BY COUNTY AGENCY.

On the death of any person receiving public assistance through MFIP, the county agency shall attempt to contact the decedent's spouse or next of kin. If the agency is not able to contact a spouse or next of kin and the personal preferences of the decedent or the practices of the decedent's faith tradition are not known, the agency shall pay for cremation of the person's remains and the burial or interment if the spouse or next of kin does not want to take possession of the ashes. If the county agency contacts the decedent's spouse or

next of kin and it is determined that cremation is not in accordance with the decedent's personal preferences or the practices of the decedent's faith tradition or the personal preferences of the decedent's spouse or the decedent's next of kin, the county agency shall pay an amount for funeral expenses including the transportation of the body into or out of the community in which the deceased resided not exceeding the amount paid for comparable services under section 261.035 plus actual cemetery charges. No cremation, burial, or funeral expenses shall be paid if the estate of the deceased is sufficient to pay such expenses or if the spouse, who was legally responsible for the support of the deceased while living, is able to pay such expenses. Freedom of choice in the selection of a funeral director shall be granted to persons lawfully authorized to make arrangements for the cremation or burial of any such deceased recipient. In determining the sufficiency of such estate, due regard shall be had for the nature and marketability of the assets of the estate. The county agency may grant cremation, burial, or funeral expenses where the sale would cause undue loss to the estate. Any amount paid for cremation, burial, or funeral expenses shall be a prior claim against the estate, as provided in section 524.3-805, and any amount recovered shall be reimbursed to the agency which paid the expenses. The commissioner shall specify requirements for reports, including fiscal reports, according to section 142A.03, subdivision 2, paragraph (o). The state share shall pay the entire amount of county agency expenditures. Benefits shall be issued to recipients by the state or county subject to provisions of section 142A.10.

History: *Ex1971 c 16 s 4,5; 1973 c 717 s 15; 1976 c 239 s 81; 1986 c 444; 1988 c 719 art 8 s 9; 1989 c 89 s 9; 1Sp1989 c 1 art 16 s 5; 1990 c 568 art 4 s 84; 1991 c 292 art 5 s 25; 1992 c 513 art 8 s 13; 1997 c 85 art 4 s 13; 1997 c 203 art 11 s 5; 1999 c 159 s 45; 2009 c 174 art 1 s 4; 2024 c 80 art 1 s 96; art 7 s 12*