**Poverty Law, Fall 2024**

**MFIP Five Year Time Limit**

Exemptions:

* the caregiver lives on an Indian reservations where at least 50% of the adults are unemployed
* The caregiver is 60 or older
* The caregiver is 18 or 19 and complying with an MFIP employment plan that includes education
* Months in which household complied with family violence waiver
* Any month the assistance unit receives a “food only grant” (no cash or HAG)

Minn. Stat. § 256J.42

 Extensions:

* A caregiver has a serious illness or injury severely limiting their ability to obtain or maintain “suitable” employment,
* A caregiver is needed in the home to care for an ill, injured, or incapacitated household member
* A caregiver or adult in the household who meet special medical criteria (qualify for home care or waiver)
* A caregiver has been granted a family violence waiver and are complying with the terms of their employment plan,
* A caregiver has an IQ below 80
* A caregiver who is assessed by a vocational specialist as “unemployable”
* A caregiver who is diagnoses with a disability that severely limits ability to maintain employment;
* For a 1 parent household, the caregiver is engaging in “work activities” at least 30 hours per week that includes least 25 hours per week of employment
* For 2-parent households, the caregiver are engaging in 55 hours of “work activities” that includes at least 45 hours of employment

Minn. Stat. § 256J.425

**Case One**

Chris has been on MFIP for fifty-eight months. He has been searching for a job. He has two children ages nine and seven. He has a hard time getting out of bed. Over the past two years Chris has had many hardships including: loss of his father, a divorce, loss of several jobs.

Chris is anxious and worried about his MFIP benefits ending. Chris does not feel he can get a job right now. Chris had a mental health counselor several years ago. Chris cannot remember the counselor’s name, or professional background. Chris wants legal advice.

**Case Two**

Pat was in special education in high school. She graduated from high school at age twenty. She struggled academically in school. Currently, Pat is thirty years old and has one child who is five years old. Pat’s unemployment ran out, she has been living on MFIP for the past 59 months. Pat is afraid she will have to give custody of her daughter to a family member. Pat would move into the homeless shelter for singles. Pat wants legal advice.

**Case Three**

Michelle’s daughter, Amy, was born with a very severe disability. Even though her daughter is six years old, she functions at the age of a six months old child. Amy has serious physical problems as well. These require several hospitalizations per year.

Michelle moved to Minnesota because of better medical care at Children’s Medical Center. These doctors specialize in Amy’s conditions. Michelle does not have family to help her. No one in the child care field will care for Amy. Amy was recently approved for “waivered services” by her developmental disabilities worker.

What are Michelle’s options?

**Case Four**

James has two teenage sons, Joe, fifteen years old and Dan, thirteen years old. James is a single parent. James held a full-time job as a sheet-rocker. Jobs are available for him, but he is having problems with Joe. Joe is constantly getting into trouble. Joe has a special education plan and has been involved in the juvenile justice system. Joe was arrested for arson and spent time in juvenile detention. Every time Joe gets out, he does another criminal act and gets put back in juvenile detention. Joe skips school regularly, and he is two years behind academically.

James stopped working to keep an eye on Joe. He is so worried that Joe is going to commit another crime and eventually get certified as an adult.

James is in his 58th month of MFIP benefits. What should James do?

**Case Five**

Mary has two children ages six and three-years-old. Max, the father of Mary’s younger child has been extremely physically abusive and threatening to Mary. Mary was working at an accounting agency. Max kept showing up to Mary’s work and threatening her and making a scene. Mary was fired from her work. Max abducted Mary and almost killed her. This is when Mary tried to leave him. Mary thought she would die. The county prosecuted Max. She received a “no contact” order through that case. Max is in jail but scheduled to get out in six months. She recently obtained a civil Order for Protection. This covers her when the criminal case is dismissed. Mary is in her 59th month of MFIP benefits.

Mary told her job counselor about this, but the job counselor never told Mary about her options. May needs more time. Mary wants to go to counseling and get counseling for the children. The children are waking up with nightmares and having problems at school.

**Case Six**

Morgan is 47 years old. He has two sons – ages twelve and fourteen He is in his 58th month of MFIP. He previously had a job at FedEx, but was laid off six moths ago. He has been looking for work ever since. He is complying with his employment plan. He is worried he won’t find a job, or a job that pays enough, to support his family after his MFIP cases closes in two months. What should Morgan do?