

Minnesota Family Investment Program (MFIP)

Poverty Law, UMN Law, Fall 2024
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What is MFIP?

- *MFIP* = Minnesota Family Investment Program
- Minnesota's TANF program
 - TANF = Temporary Assistance for Needy Families
- Provides cash and food assistance for families with minor children
- Benefits deposited onto an EBT card
- Administered by the Minnesota Department of Human Services, via individual counties
- Minn. Stat. § 256J

MFIP Applications

- Applications are received and processed by county agencies
Applicants apply by completing the Combined Application Form (CAF)
- Applications must be processed within 30 days
 - Minn. Stat. §256J.09, subd. 5.
- Benefits are retroactive to the date of application
 - Minn. Stat. § 256J.35(b).

MFIP Benefit Amounts (2024)

Eligible Household Members	Cash Amount	Food Portion
1	\$419	\$242
2	\$642	\$445
3	\$756	\$638
4	\$861	\$814
5	\$952	\$981
6	\$1043	\$1195

MFIP Benefit Amounts – A History

- Since 2017, most MFIP households receive a **Housing Assistant Grant (HAG)**, a monthly \$110 cash supplement with no restrictions on its use.
- In February 2020 the State Legislature increased the MFIP cash portion by \$100 per month per household. The change was the first cash increase since 1986! Minn. Stat. § 256J.24, subd. 5(b).
- Starting October 2021, MFIP cash grants and the HAG are now adjusted annually for inflation based on the Consumer Price Index of the prior calendar year

Categorical Eligibility



Categorical Eligibility Requirements

- Citizenship, Qualified Non-Citizen, or Lawfully Residing in US
- Minnesota Residency
- Minor Child with a Caregiver (or Pregnant Woman)
- Unit Composition

MFIP Eligibility: Immigration Status

- “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 256J.08, or a noncitizen who is otherwise residing lawfully in the United States.” Minn. Stat. § 265J.11, subd. 1
- Most noncitizens residing lawfully and permanently in the U.S. are eligible for MFIP whether “qualified” or not
 - Must take “steps” towards obtaining citizenship unless: have lived in the U.S. for less than 4 years; are 70 or older; or live in a nursing home or similar facility
 - “Steps” include taking citizenship, literacy, or ESL classes (or being on a waitlist); filing a citizenship application and waiting for approval; or failing the citizenship test 1-2 times

MFIP Eligibility: Residency

- 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. Minn. Stat. § 256J.12, subd 1a.
- The 30 day residency requirement can be waived for “unusual hardship” Minn. Stat. § 256J.12, subd 2(a).

MFIP Eligibility: Minor Child with a Caregiver (or Pregnant Woman)

- The assistance unit must include at least one minor child or a pregnant woman. Minn. Stat. § 265J.13, subd. 1
- The minor child and caregiver must live together. Minn. Stat. § 265J.13, subd. 2
 - Exceptions when minor child is away from the home for required education; or when minor child or caregiver is away from the home due to illness, hospitalization, or temporary absence (but certain conditions must be met) Minn. Stat. § 265J.13, subd. 2(a)-(c)

Minor Child

Minor Child is defined in Minn. Stat. 265J.08, subd 60 defined as:

A child who is living in the same home of a parent or other caregiver, is not the parent of a child in the home, and is either less than 18 years of age or is under the age of 19 years and is a full-time student in a secondary school or pursuing a full-time secondary level course of vocational or technical training designed to fit students for gainful employment.

Caregiver

"Caregiver" is defined in Minn. Stat. § 256J.08, subd. 11.

It includes a minor child's:

- Birth parent
- Adoptive parent
- Parent and stepparent

who live in the home with the minor child.

Caregiver

If the minor child's birth or adoptive parent does not live in the same home, caregiver includes:

- Legal custodian or guardian,
- Grandparent
- Sibling, half sibling, step sibling
- Uncle or aunt
- First cousin or first cousin once removed
- Nephew or niece,
- or a spouse of any person named above even after the marriage ends by death or divorce.

who live with and provide care and support to a minor child.

Proving Minor/Caregiver Relationship

Applicants can use a personal statement to establish the relationship if the information is otherwise unobtainable. Minn. Stat. § 256P.04, subd. 15(2)

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. Minn. Stat. § 256J.24, subd. 1.

MN DHS Combined Manual: 0014.03.03 - DETERMINING THE CASH ASSISTANCE UNIT

Mandatory Unit Members

Minnesota has a mandatory assistance unit composition requirement. If the following individuals live together, they must be included in the unit:

- a minor child, including a pregnant minor;
- the minor child's minor siblings, minor half siblings, and minor stepsiblings;
- the minor child's birth parents, adoptive parents, and stepparents; and
- the spouse of a pregnant woman.

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

Minn. Stat. § 256J.24, subd. 2.

Voluntary Unit Members

The minor child's eligible caregiver may choose to be in the assistance unit, if the caregiver is not a mandatory assistance member under § 256J.24, subd. 2.

Minn. Stat. § 256J.24, subd. 4.

Exclusion from MFIP Unit

The following mandatory household members are ineligible to receive MFIP and must be excluded from the unit:

- Individuals who are recipients of SSI or Minnesota Supplemental Aid;
- Individuals disqualified from SNAP or MFIP, until the disqualification ends;
- Children receiving federal, state or local foster care payments
- Children receiving ongoing Northstar kinship or adoption assistance payments
- Individuals who fail to provide an SSN
- Parole violators; fleeing felons
- Individuals with ineligible immigration status

Minn. Stat. § 256J.24, subd. 3.

MN DHS Combined Manual 0014.06

Deemed Income

The income of excluded ineligible mandatory assistance unit members must be deemed to the household. Minn. Stat. 256J. 37

- Exception: The income of SSI and MSA recipients

The income of optional caregivers who choose not to be / are disqualified from being in the unit is not deemed.

MN DHS Combined Manual 0016 - INCOME FROM PEOPLE NOT IN THE UNIT

Determining the Assistance Unit

Molly is a single mother of a three-year-old son. She receives \$700.00 per month in Social Security Disability Insurance (SSDI) based on her disability.

What would be the size of her assistance unit?

Determining the Assistance Unit

Molly is a single mother of a three-year-old son. She receives monthly SSI benefits based on her disability.

What would be the size of her assistance unit?

Determining the Assistance Unit

Molly is a single mother of a three-year-old son. She receives \$700.00 per month in Social Security Disability Insurance (SSDI) based on her disability. She has been disqualified from the SNAP program.

What would be the size of her assistance unit?

Will her SSDI benefit be deemed to the household?

Determining the Assistance Unit

Ellie is a foster parent of two children. She receives \$1200.00 per month for the care of these two foster children. Ellie is also the single parent of two minor children.

She wants to know if she is eligible for MFIP? Who must be included in her assistance unit?

Will the foster care payments reduce her MFIP benefits?

Review Minn. Stat. 256J.24 and Minn. Stat. 256J.37

Small Groups

- MFIP Assistance Units

Financial Eligibility and Calculating Benefits



Income



Common Legal Issues

1. Whose income is it?
2. Is the income properly characterized (unearned, earned, in-kind)?
3. Is the income countable? Does it count towards eligibility or assistance payment amount?

Types of Income

- Earned Income
- Unearned Income
- In-Kind Income

Income Disregards

Income (earned, unearned, in-kind) that is **not** taken into consideration when determination eligibility or assistance payments.

Earned Income

Income in return for or as a result of employment

Must be a legal activity

Minn. Stat. § 256P.01, subd. 3, Minn. Stat. § 256J.08, subd. 26

Earned Income

Does include wages, salary, commissions, bonuses, tips, gratuities, profit from employment activities, net profit from self-employment activities, payments made for regularly accrued vacation or sick leave, severance pay based on accrued leave time, royalties, and honoraria

Does not include work related to student financial assistance (work study), rehabilitation programs, student programs, or services programs (AmeriCorp)

Minn. Stat. § 256P.01, subd. 3

Earned Income Disregards

The first \$65 + one-half of the remaining earned income

Applies anytime **earned income** is considered in determining MFIP eligibility **or** assistance payments

Minn. Stat. 256P.03, Minn. Stat. 256J.21, subd (a)(1)

Example

Mike works and earns \$2300 per month at his job.

Applying the earned income disregard, how much of his wages will count toward determining his families eligibility for MFIP?

Step 1: $\$2300$ (total wages) - $\$65$ = $\$2235$

Step 2: $\$2235/2$ = $\$1117.50$

Total counted earned income = **$\$1117.50$**

Unearned Income

Unearned income is income that **does not** result from work, employment or labor.

Minn. Stat. 256P.01, subd. 8; Minn. Stat. 256P.06, subd. 3, cause (2)

Unearned Income Examples

- Interest and dividends from investments and savings
- Capital Gains
- Cash prizes and winnings
- RSDI
- MSA and GA
- Child support payments received
- Workers Compensation
- Spouse support received
- Housing Subsidies
- Unemployment Insurance
- Retirement benefits (pension)

Minn. Stat. 256P.06, subd. 3(2)

Unearned Income Exclusions: Housing Subsidies

First \$50 of a housing subsidy funded through the US Department of Housing and Urban Development **is counted**, and the rest is excluded

If subsidy is less than \$50 the full amount of the subsidy is counted

Minn. Stat. 256J.37 Subd. 3a

Unearned Income Exclusions: Housing Subsidies

The entire housing subsidy is excluded when:

- Assistance unit includes a participant over the age of 60
- Assistance unit includes a caregiver who receives SSI
- Assistance unit includes a caregiver who is **suffering from an illness, injury, or incapacity**, or caregiver's **presence in the home is required due to the illness or incapacity of another member**, 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

Minn. Stat. 256J.37, subd. 3a

Unearned Income Exclusions

Child Support

- Disregard the first \$100 **received** for assistance units with 1 child
- Disregard the first \$200 **received** for assistance units with 2+ children

Minn. Stat. § 256P.06, subd. 3(xiii)

Unemployment Benefits received by

- a minor, or
- adult 18 years of age and enrolled in a secondary school; or
- adult 18 or 19 years of age, a caregiver, and is enrolled in school at least half-time;

Minn. Stat. § 256P.06, subd. 3(vii)

Unearned Income Exclusions: RSDI

Retirement, survivors, and disability insurance payments that **are at or below the applicable monthly federal maximum Supplemental Security Income payment level (\$943 in 2024)** are excluded

Non-Recurring Income

- Non-recurring income is income the unit will not receive more than once
- May be earned or unearned.
- Non-recurring unearned income is not counted unless identified as an included unearned income source in Minn. Stat. 256P.06 subd. 3(2).
 - If it is not listed there, or is excluded, it does not count
- Earned non-recurring income is counted
 - Example: Bonus
- Counted as income in the month it is received

Whose income does not count?

Earned income received by

- Children under 6 years old
- Caregivers under 20 years of age enrolled at least half-time in school
- Minors enrolled in school full time

Minn.Stat. 256P.06, subd. 2(a)

Earned income + Unearned Income of a **new spouse** for 12 consecutive months from the date of a marriage

- Combined household income cannot exceed 275% of FPG
- Applies even when both spouses are already members of the assistance unit

Minn. Stat. §§ 256J.45, subd. 2(14), and 256P.06, subd. 2(b)

Earned income + Unearned Income of an **SSI recipient**

Minn. Stat. § 256J. 37, subd. 1

In-Kind Income

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.

Minn. Stat. § 256J. 08 Subd. 49

In-kind income is always excluded for MFIP when determining eligibility and assistance payment.

MN DHS Combined Manual 0017.15.24 - IN-KIND INCOME

Transitional Standard and Family Wage Level

Transitional Standard

Basic benefit amount (food + cash) for a family without earned income

Minn. Stat. 256J.08, subd. 85

Family Wage Level

110% of the transitional standard

Minn. Stat. 256J.08, subd. 35

[DHS CM 0020.09](#)

1	\$727
2	\$1196
3	\$1533
4	\$1843
5	\$2126

Budget Cycles

Prospective Budgeting = Estimating the amount of monthly income that an assistance unit will have in the payment month.

Retrospective Budgeting = Use income received in a past month to determine the assistance unit payment for the current month

Beginning 2025, almost all MFIP cases will be moved to “prospective budgeting” for both eligibility and monthly benefit determinations. Cases will be on a six-month budget cycle and income will be reviewed every six months. No requirement to report changes in income during the six-month period.

Prospective Budgeting

- An agency must take into account the income already received by the assistance unit during or anticipated to be received during the application period (six months)
- Income anticipated to be received only in the initial month of eligibility must only be counted in the initial month
- Count only anticipated income when the participant and the agency are reasonably certain of the amount of the payment and the month in which the payment will be received. If the exact amount of the income is not known, the agency shall consider only the amounts that can be anticipated as income.

Minn. Stat. 256P.09

Initial Eligibility Income Test

“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...must be below the **family wage** level...for that size assistance unit.”

Minn. Stat. 256J.21, subd. 3

Income Disregards

Must disregard:

- Earned income disregard (\$65 + one half)
- Disregarded from **earned income**, dependent care costs made
 - Up to \$200 per month for children less than 2 years of age
 - Up to \$175 per month for children 2 year of age or older
- Court ordered child support or spousal support payments made are disregarded from the **earned and unearned income** of the person with the legal obligation to pay
- An allocation for the unmet need of an ineligible spouse or an ineligible child under the age of 21 who lives with the caregiver **and** whom the caregiver is financially responsible will be deducted from the caregivers **earned or unearned income**

Assistance Payment Calculation

Household with Only Earned Income

1. Apply earned income disregards and exclusions
2. Subtract the remaining balance 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 transitional standard
 - If the difference is less than the MFIP transitional standard, the assistance payment is equal to the amount of the difference (must be at least \$1 to be eligible for payment)

Minn. Stat. 256J.21, subd. 4

MN DHS CM 0022.12 - HOW TO CALC. BENEFIT LEVEL - MFIP/DWP/GA

Assistance Payment Income Test

Household with No Earned Income

1. Apply unearned income disregards and exclusions
2. Subtract the resulting unearned income from the MFIP transitional standard to determine the assistance amount

Minn. Stat. 256J.21, subd. 4

Assistance Payment Income Test

Household with Earned Income and Unearned Income

1. Determine the assistance payment using only countable earned income first
2. After determining the amount of the assistance payment using only earned income, countable unearned income must be subtracted from that amount dollar for dollar to determine the assistance payment amount

Minn. Stat. 256J.21, subd. 4

Hypo

Molly is a single mother of a three year old son. She receives \$500 per month from a part time job. She also receives \$700.00 per month in RSDI benefits based on her disability. She wants to know if she is eligible for MFIP, and if yes, how much she will get?

Hypo

- 1) Determine assistance amount used earned income
 - a) Calculate countable earned income
 - i) $(500-65) / 2 = 217.5$
 - b) Subtract countable earned income from family wage level
 - i) $1196 - 217.5 = 978.5$
 - c) Compare with assistance amount
 - i) 1087 v. 978.5 >> assistance level will be 978.5
- 2) Subtract countable unearned income from assistance level
 - a) No countable unearned income - all RSDI below SSI FBR ($\$943$) is excluded
- 3) **Total Assistance Payment = \$978.5**
 - a) **Food Portion = \$445**
 - b) **Cash Portion = \$533.5**

Income Changes During Budget Cycle

An increase in income shall not affect an assistance unit's eligibility or benefit amount until the next review... A decrease in income shall be effective on the date that the change occurs if the change is reported by the tenth of the month following the month when the change occurred. If the assistance unit does not report the change in income by the tenth of the month following the month when the change occurred, the change in income shall be effective on the date that the change was reported.

Minn. Stat. 256P.09, subd. 5

Assets



Assets and Impact on MFIP

The agency must use the equity value of legally available personal property to determine whether an applicant or participant is eligible for assistance.

All real property is excluded.

Assets are only used to determine eligibility for budget cycle, not monthly benefit amount.

Minn. Stat. 256P.02

Legally Available

The property is presumed to be legally available to the applicant or participant unless the applicant or participant documents that the property is not legally available.

Minn. Stat. 256P.02, subd. 1(c)

Jointly Owned

When personal property is jointly owned by two or more persons, the agency shall assume that each person owns an equal share, except that either person owns the entire sum of a joint personal checking or savings account. When an applicant or participant documents greater or lesser ownership, the agency must use that greater or lesser share to determine the equity value held by the applicant or participant. Other types of ownership must be evaluated according to law.

Minn. Stat. 256P.02, subd. 1(b)

Personal Property Limitations

The equity value of an assistance unit's personal property listed in clauses (1) to (5) must not exceed \$10,000 for applicants and participants. For purposes of this subdivision, personal property is limited to:

(1) cash;

(2) bank accounts;

(3) liquid stocks and bonds that can be readily accessed without a financial penalty;

(4) vehicles not excluded under subdivision 3; and

(5) the full value of business accounts used to pay expenses not related to the business.

Minn. Stat. § 256P.02, subd. 2.

MFIP Excluded Personal Property

- Liquid stocks and bonds that have financial penalties
- 1 motor vehicle per assistance unit member aged 16 or older, regardless of its value. Additional vehicles are assessed by trade-in value.

Minn. Stat. § 256P.02, subd. 4.

Equity Value

“Equity value means the amount of equity in personal property owned by a person and is determined by subtracting any outstanding encumbrances from the fair market value of the personal property.”

Minn. Stat. § 256P.01, Subd. 5.

MFIP Assets: Equity Value

Motor Boat

- Fair Market Value: \$5,000
- Loan Balance: \$2,000

- Equity Value is \$3,000

Hypo

Alisha owns a home worth \$ 75,000. Will this impact her eligibility for MFIP?

Hypo

Marie and Donald have a car with a \$ 9500.00 trade-in value. They also have a second car with a \$ 5,000 trade-in value. Their assistance unit consists of Marie, age 25 and Donald age 24 and Sandy age 1.

How will the second car impact eligibility for MFIP?

Hypo

Jean has a joint checking account with her elderly mother. There is \$2,000 in the account. Jean is a MFIP recipient. How will the county view this account?

Work (and Other) Requirements



“Universal Participation”

- Federal TANF law includes mandates that recipients “work” or try to work. 42 U.S.C. §§ 602(a)(1)(A) (ii), (iii); 607; Minn. Stat. § 256J.55, subd. 1
- A state’s TANFS program success is measured by the “participation rate,” the number of participants who work a particular number of hours per week, on average. 42 U.S.C. § 607.
- Participation rates are tied directly to federal funding.
- States face a financial penalty if their participation rates drop below 50% of single parents and 90% of 2-parent families.

Approved Employment Plan

- All caregivers must work with employment services to develop and comply with an “**employment plan**” that identifies the activities the participant is required to participate in and the required hours of participation (may not always be work). Minn. Stat. § 256J.561 Subd. 2
- Employment services = organizations that contract with or are approved by the county to provide job counselors to MFIP caregivers
- **Exemption:** A once-in-a-lifetime work exemption is available to parents with a child under 12 months of age. In 2-parent families, only 1 parent can claim the exemption in a given month. Minn. Stat. § 256J.561, subd. 3.

What is an Employment Plan?

A Employment Plan is:

- developed by the job counselor and the participant,
- using the highest level of activity appropriate for the participant,
- includes participation in approved activities and hours,
- identifies the participant's most direct path to ***unsubsidized employment***,
- lists the specific steps that the caregiver will take on that path,
- a timetable for the completion of each step,
- subsequent steps that support long-term economic stability

Minn. Stat. 256J.521, subd. 2

Approved Activities

From highest to lowest preference:

- (1) Unsubsidized employment;
- (2) Job search;
- (3) Subsidized employment or unpaid work experience;
- (4) Unsubsidized employment and job readiness education or job skills trainings;
- (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

Minn. Stat. 256J.521, subd. 2

Approved Hours

Required hours of work activities:

- Single Parent Families
 - 130 hours per month if no children under six years of age (~30 hours per week)
 - 87 hours per month if any children under six years of age (~20 hours per week)
- Two-parent families
 - A combined total of at least 55 hours per week of work activities

Minn. Stat. 256J.55, subd. 1(c)(1) - (3)

Family Violence Waiver

TANF regulations give each state the authority to waive normal program requirements for persons who are experiencing or have experienced domestic violence and for whom program requirements would be made more difficult because of domestic violence.

45 C.F.R. § 260.52 (c); 45 C.F.R. § 260.54; and 45 C.F.R. § 260.55.

Family Violence Waiver

- Under a family violence waiver, activities likely to **assist a participant and the participant's family be safer** are written into the plan.
- The hours a participant is working on safety activities (that are written into the employment plan) are credited towards participation hours.
 - Despite the order of preference for approved activities, priority must be given for activities related to a family violence waiver when developing the employment plan
- A participant cannot be required to move to a different household than the abuser, take legal action, seeking counseling, or pursue employment

DHS MFIP Employment Services Manual, sect. 8

To create safety	To access support services	To further the participant's economic stability
<ul style="list-style-type: none"> -Check-in with a family violence advocate. -Carry a cell phone. -Change phone numbers. -Change locks and improve security at home. -Investigate the possibility of court action, such as an Order for Protection or criminal prosecution Domestic Assault No Contact Order. -Assure that the children's school or child care provider is aware of the current situation and that the abuser is not authorized to pick up the children. -Set up code words or arrangements at work to call police if necessary. -Make a police report. -Register with Safe at Home 	<ul style="list-style-type: none"> -Have children work with a children's advocate from the community or family violence program. -Attend counseling. -Participate in support groups. 	<ul style="list-style-type: none"> -Do independent or group job search activities. -Volunteer in the community or at the children's school. -Continue work, if the employer follows safety precautions. -Change job sites or duties. -Change jobs to a place unknown by the abuser.

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:

- police, government agency, or court records;
- a statement from a battered women's shelter staff with knowledge of the circumstances;
- a statement from a sexual assault or domestic violence advocate with knowledge of the circumstances; or
- a statement from professionals from whom the applicant or recipient has sought assistance for the abuse.
- 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.

Minn. Stat. 256J.545

Sanctions: Employment

- Participants who fails to development of an employment plan or follow a prescribed employment plan will receive a **financial sanction** via reduction of cash portion of benefit
- County must provide notice of intent to sanction
- The sanction is imposed the first month following the month in which notice was given (unless the participant comes into compliance before effective date of sanction)
 - 1st-6th month = 5% grant reduction
 - 7th month = case is closed and moved to SNAP
- If back in compliance by the 15th of the month, benefit restored (and paid)
- Once back in compliance, sanction count reset to zero
- If the case closes, it must be closed for 1 month. Before the case can reopen the household must be in compliance for 30 days

Minn. Stat. 256J.46

Good Cause Exception (Employment)

Sanction will not be imposed if “**good cause**” exists. Good cause includes the following:

- appropriate child care is not available;
- the job does not meet the definition of suitable employment;
- the participant is ill or injured;
- 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;
- the participant is unable to secure necessary transportation;
- the participant is in an emergency situation that prevents compliance with the employment plan;
- the schedule of compliance with the employment plan conflicts with judicial proceedings;
- 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;
- the participant is already participating in acceptable work activities;
- the employment plan requires an educational program for a caregiver under age 20, but the educational program is not available;
- activities identified in the employment plan are not available;
- the participant is willing to accept suitable employment, but suitable employment is not available;
- the participant documents other verifiable impediments to compliance with the employment plan beyond the participant's control

Hypo

Sam receives MFIP. Her employment plan requires her to look for work and turn in a job search log to her employment counselor by the first of each month for the previous month.

Sam received a letter stating that she failed to comply with her employment plan because she did not turn in job search log for September by October 1st.

The notice said her benefits will be reduced starting with her November benefit check. It is October 20th.

What should she do?

Sanctions: Child Support Cooperation

- MFIP participants must comply with child support enforcement from non-custodial parent. Minn. Stat. §256J.46, subd. 2
- Refusing to cooperate will result in a **financial sanction** via reduction of cash portion of benefit
 - 1st-6th month = 25% grant reduction
 - 7th month = case is closed
- Everything else the same as employment sanctions
- Dual sanctions – 25% reduction applies

Minn. Stat. 256J.46, subd. 2 and 2a

Good Cause Exception (Child Support)

Good Cause for non-cooperation exists when:

- Caregiver participates in **Safe at Home**
- The mother conceived the child as a result of **rape or incest**
- Adoption proceedings are pending
- Cooperation will result in **physical or emotional harm to the child** for whom support is sought;
- Cooperation will result in **physical harm to the parent or caregiver** with whom the child is living that would reduce the ability to adequately care for the child

Can be claimed at any time by completing a form; eligible while pending review

MN DHS Combined Manual 0012.21.06

Time Limits



TANF Lifetime Limits

- Federal law requires states to impose a lifetime limit of 24 to 60 months on the receipt of family cash assistance for adult caregivers (18 and older). 42 U.S.C. § 608(a)(7)
- Minnesota has the maximum limit of 60-month. Minn. Stat. § 256J.42, subd. 1.
 - Months of TANF received in other states count as months used in Minnesota.
 - Months do not need to be consecutive.

Exemptions vs. Extensions

Exemptions = a month a household receives MFIP cash assistance that does not count towards the 60 month limit

Extensions = extra months of cash assistance that a household receives beyond the 60 month limit (state-funded)

Exemptions

Exemptions include any month when:

- 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

MN DHS Combined Manual 0014.03.03.03

Hardship Extensions

MFIP Extensions are available when:

- 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

Small Groups

- Minn. Stat. 256J.425 - Hardship Extensions

Housing Assistance Grant



Housing Assistance Grant (HAG)

- A monthly \$110 cash supplement with no restrictions on its use
- Available to families without regard to whether they are homeless, doubled up, or living in shelters
- HAG is not subject to sanctions

Housing Assistance Grant (HAG)

The following households are not eligible for the HAG:

- Households subject to the ***Housing Subsidy*** unearned disregard of \$50 under Minn. Stat. 256J.37 Subd. 3a
- Households where the caregiver is not a mandatory unit member, *and*
 - Is ineligible for MFIP, *or*
 - opts to be off the grant

Minn. Stat. 256J.354