

Bulletin

November 17, 2006

Minnesota Department of Human Services ■ PO BOX 64951 ■ St. Paul, MN 55164-0951

OF INTEREST TO

- County Directors
- County Financial Supervisors
- County Financial Workers
- Tribal Staff
- Social Services Supervisors and Staff

ACTION

Please implement effective December 1, 2006.

EXPIRATION DATE

December 1, 2008

DHS announces the implementation of the Domestic Violence Brochure Program for Food Support

TOPIC

The Domestic Violence Brochure and Food Support.

PURPOSE

Implement the Domestic Violence Brochure Program and Categorical Eligibility for Food Support as required by new legislation.

CONTACT

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SIGNED

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I. Background

On May 21, 2006 Domestic Violence Informational Brochure legislation was passed in Minnesota Statutes, section 256.029 along with Minnesota Statutes, section 256D.0515 which changes the Asset Limitations for Food Stamp households. This legislation stipulated that the law would be effective upon federal approval of the proposal. On September 28, 2006, the Food and Nutrition Service (FNS) gave its approval. Policy changes will become effective for eligibility determinations made on or after December 1, 2006.

The Domestic Violence Informational Brochure (DHS-3477) has been redesigned to comply with the new law. It is based on the information in the previous DHS-3477 titled the "MFIP Family Violence Waiver Brochure." The brochure provides information on family violence waivers and services available to participants in DHS programs. See Attachment A for the redesigned Domestic Violence Informational Brochure. An initial supply of these brochures will be sent to all counties. Recertifications for Food Support (FS) that are mailed out in December of 2006 will have these brochures included in them. This Domestic Violence Informational Brochure (DHS-3477) is currently available for printing from eDocs at the following link:

<http://edocs.dhs.state.mn.us/lfserver/Legacy/DHS-3477-ENG>.

Food Support households that receive the Domestic Violence Informational Brochure (DHS-3477), that meet the gross income limits of 165% of the Federal Poverty Guidelines (FPG) for households with elderly or disabled members or 130% of Federal Poverty Guidelines (FPG) for all other households, **and** whose assets, excluding vehicles, are less than \$7,000 will be categorically eligible for the Food Support program.

Federal Authority for Categorical Eligibility is found in:

7 CFR 273.2(j)(1),(2),(3), & (4).

II. Policy

The following Food Support (FS) households currently categorically eligible will remain categorically eligible with no asset or income test:

- Households in which at least 1 member of the unit is receiving, is eligible to receive, or is authorized to receive benefits or services and could receive them upon request, or who have applied and been found eligible for Basic Sliding Fee Child Care and/or the Transition Year Child Care.
- Households participating in the Diversionary Work Program (DWP).
- Households composed entirely of people who receive General Assistance (GA), Minnesota Supplemental Aid (MSA), or Supplemental Security Income (SSI) in Minnesota.

Under the new law, households that are not categorically eligible under the policy above will be eligible if:

- They have received the Domestic Violence Informational Brochure (DHS-3477).
- Their income is within the current gross and net income limits of the FS program.
- Their assets, not including vehicles, total less than \$7,000.

In effect, this simply increases the asset limit of the FS program to \$7,000 and excludes all vehicles from consideration as assets. (Technically, households that meet these new requirements become “categorically eligible.”)

The current Combined Manual §0013.06 – Food Support Categorical Eligibility will be revised to reflect the Domestic Violence Brochure category, §0015.03 - Asset Limit will include the addition of the \$7,000 for the Domestic Violence Brochure program, §0005.12.12.01 Forms for New Applications to add the Domestic Violence Informational Brochure (DHS-3477), and a new section will be added to the Combined Manual §0029.36 - Domestic Violence Brochure Program.

III. General Procedures

- Make sure that all FS households are given the Domestic Violence Informational Brochure (DHS-3477) at application, recertification, or re-evaluation of eligibility beginning December 1, 2006.
- Record that the household has been given the brochure in MAXIS on the STAT/MEMI panel on the Domestic Violence Brochure Y/N field for all household members.
- Determine whether households are categorically eligible for FS because of receipt of Basic Sliding Fee Child Care and/or Transition Year Child Care, DWP, MSA, GA or SSI.
- For households who do not meet the requirements in the previous bullet, determine income and assets, not including the value of vehicles. Deny or terminate FS eligibility for households with assets above \$7,000.

Eligibility workers, Child Care workers and employment services providers should inform households of their possible eligibility for Food Support under this new policy at application and recertification for Food Support as well as when changes are reported by the household.

Once a household member receives the Domestic Violence Informational Brochure their Categorical Eligibility for Food Support continues until their income and/or assets exceed the above limits.

IV. MAXIS Procedures

Beginning December 1, 2006, the following steps should be applied in MAXIS BEFORE approval of the FS ELIG results **if** MAXIS has generated INELIGIBLE results due to excess resources:

- 1) A field has been added to STAT/MEMI – Dom Vio Broch (Y/N). If someone in the household has received the Domestic Violence Informational Brochure code this field with a ‘Y’ for **all** household members. Continue to step #2.
- 2) Review the ELIG/FS/FSB1 panel – If the Total Gross Income is less than the Maximum Gross Income, continue to step #3.
- 3) Review ELIG/FS/FSCR: Resource popup window – If the total resources, excluding cars are less than \$7,000 (\$7,000 will not be the Maximum amount that appears on the pop-up, it will be \$2,000 or \$3,000 based on case), the case will need to be FIATed for Eligibility.

NOTE: ONLY cases that fail the resource test AND have resources excluding cars/vehicles are below \$7,000 need to be FIATed

FIAT INSTRUCTIONS:

- 1) On FIAT/FFCR – The Categorical Eligibility field should equal ‘Y’.
- 2) On FIAT/FFCR review the following:

Income – Prospective and Retrospective Gross Income Tests need to be changed from Passed to NA.

Prospective and Retrospective Net Income Tests need to be changed from Passed or Failed to NA.

Resources – In the Resources pop-up window, remove the Cars Amount. Change the Resource test from Failed to NA.

Residency – Change the Residency test to NA

NOTE: There are edits in place so if a worker designates the case as Categorically Eligible, all tests noted above must be NA.

A few things to remember:

- If the household meets the criteria in the initial ELIG steps above (Steps #2 and #3), the case **ONLY** needs to be FIATed if the household fails the resource test **AND** their resources are below \$7,000 excluding vehicles/cars.
- If the household does **NOT** meet the criteria in the initial ELIG steps above (Steps #2 or Step #3) and is Ineligible for FS, enter the receipt of the brochure on STAT/MEMI- 'Dom Vio Broch Y/N' field for each household member.

Questions about these MAXIS system procedures should be directed to the TSS Help Desk. Policy questions about the Domestic Violence Informational Brochure program should be submitted through Policy Quest.

See Attachment B for some questions and answers about the Domestic Violence Brochure Program.

V. Special Needs:

This information is available in other forms to persons with disabilities by calling 1-651-431-4052 or contact us through the Minnesota Relay Service at 1 (800) 627-3529 (TTY) or 1 (877) 627-3848 (speech-to-speech relay service).

Domestic Violence Information

For domestic abuse victims

What is domestic violence?

Domestic violence is what someone says or does over and over again to make you feel afraid or to control you. The following are examples of domestic violence:

- Swearing or screaming at you
- Threatening to hurt you or others you care about
- Calling you names
- Not letting you leave your house
- Blaming you for everything that goes wrong
- Forcing you to have sex
- Choking, grabbing, punching or kicking you
- Smashing or breaking things.

What services are available to victims of domestic violence?

Toll-free Hotlines have counselors who provide services, such as:

- Crisis counseling
- Safety planning
- Assistance with finding shelter
- Referrals to other organizations such as Legal Services
- Support groups
- Advocacy with the police.

If you are in danger from domestic violence and need help, call the National Domestic Abuse hotline at (800) 799-7233, (TTY/TDD: (800) 787-3224) or the Minnesota Coalition for Battered Women at (800) 289-6177. The Minnesota Domestic Violence Crisis phone number is: (800) 223-1111.

What are domestic violence waivers?

If you are eligible for public assistance and you experience domestic violence, certain program requirements may be temporarily waived, meaning they may not apply in your situation.

Waivers are available for eligible public assistance applicants who apply for the following programs: Food Support (FS) General Assistance (GA), General Assistance Medical Care (GAMC), Minnesota Family Investment Program (MFIP), Medical Assistance (MA), and Minnesota Care (MN Care).

Waivers of Food Support Program rules

This brochure must be given to all households that apply for Food Support, whose available assets are less than \$7,000, and whose gross income is less than Food Support Program limits.

The current asset limits of the Food Support Program will not apply to households who are given this brochure.

Waivers of MFIP rules

The Minnesota Family Investment Program has a Family Violence Waiver for people who are victims of domestic violence. If you or your child is a victim of past or current domestic violence, you may be able to get a Family Violence Waiver. With this waiver, you will not have to follow these MFIP Rules:

- You may not need to follow all employment rules

- You will be exempt from the 60-month welfare time limit while you have this waiver.

To get a Family Violence Waiver you must do three things:

1. Tell your county worker you want an MFIP Family Violence Waiver.
2. Show that the violence occurred by giving your county worker any of these items:
 - Medical records
 - A statement from a battered women's advocate or a sexual assault advocate
 - A statement from a professional, like a doctor, nurse, clergy, counselor, or social worker, who told you about the abuse.
 - A statement from someone, like a neighbor, family member or a co-worker, who knows about the abuse
 - Photos of injuries or damage to your property
 - A police report
 - A copy of a restraining order, order for protection or a harassment order.

If you need help getting any of these items, talk to a domestic violence advocate or your county worker.

3. Develop and follow an employment plan that includes activities to keep you safe.

What is an employment plan?

Your employment plan is developed with a person trained in domestic violence prevention and a job counselor or a county worker. The plan will take your situation into account and include activities to help you become employed.

The plan will:

- Ensure that you and your children are safe
- Include only work and training activities if they are safe for you and your children.

Be sure you really can meet the goals in your employment plan before you agree to it.

The employment plan does not guarantee your safety. When an abuser chooses to abuse, sometimes you cannot stop the abuse, no matter what you do.

Only you know what you can do. Only you know how dangerous your abuser is. If you need to change the plan or cannot follow it, contact your county worker as soon as possible.

Other important things to know

- If you do not follow your plan, you may be sanctioned. This means your MFIP grant may be reduced or closed.
- If you have questions about the MFIP Family Violence Waiver, call the Minnesota Coalition for Battered Women at (800) 289-6177 (this is not a crisis number). If you are having a crisis, call (651) 646-0994.
- If you are denied a waiver, or if your waiver is canceled, you can appeal.

You may be able to get legal advice or help with an appeal from your local legal aid office. To contact your local legal aid office call (888) 354-5522.

How do I appeal?

If you do not agree with the action the county takes on your application, tell your county worker. Ask the worker to explain the reasons for the action.

You can see the policy manuals, rules or laws that give the reasons for the action. If you still do not agree, you can appeal. Your county worker will help you ask for an appeal hearing or you can contact:

Minnesota Department of Human Services
Appeals Office
PO Box 64941
St. Paul, MN 55164-0941
Metro: (651) 431-3600 (Voice)
Outstate: (800) 657-3510
TTY/TDD: (800) 627-35295
Fax: (651) 431-7523

Bring any facts to the hearing that will help you explain why you do not agree. You may bring a friend or a lawyer. If you want a lawyer, ask your worker for information about free legal services. You may bring people to the hearing to give information about the facts. After you and the county have talked about your case, the appeals referee will decide the case. You will get the decision in the mail.

If you are still not satisfied, you have 30 days to appeal to the state district court.

Your right to privacy

Most of the time, the facts asked for by the human services office are called “private.” This means that you can see facts about yourself, but they are not open to the public. Some other government agencies may also be allowed to see them. You have the right to question what you think is wrong in your file.

For more facts about data privacy, ask your county worker or write the Minnesota Department of Human Services.

If you have questions

For questions about the MFIP Family Violence Waiver, contact the human services office in your county.

For TTY/TDD service, call the Minnesota Relay at 711 or (800) 627-3529 and ask them to call your county human services office. For the Speech-to-Speech Relay, call (877) 627-3848.

Your right to file a complaint

If you feel the county or the Minnesota Department of Human Services treated you differently in the handling of a public assistance application or payment because of race, color, national origin, political beliefs, religion, creed, sex, sexual orientation, public assistance status, age or disability (including access to buildings or programs), you may file a complaint with one or more of these agencies:

Minnesota Department of Human Services
Office for Equal Opportunity
PO Box 64997
St. Paul, MN 55164-0997
(651) 431-3040 (Voice)
(651) 431-3041 (TTY/TDD)

Minnesota Department of Human Rights
190 East 5th Street, Suite 700
St. Paul, MN 55101
(800) 657-3704 (Voice)
(651) 296-1283 (TTY/TDD)

U.S. Department of Health and Human Services
Office for Civil Rights, Region V
233 N. Michigan Avenue, Suite 240
Chicago, IL 60601
(312) 886-2359 (Voice)
(312) 353-5693 (TTY/TDD)

U.S. Department of Agriculture
Director, Office of Civil Rights
Room 326-W, Whitten Building
1400 Independence Avenue, SW
Washington, D.C. 20250-9410
(202) 720-5964 (Voice or TTY/TDD)

agency

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Common Questions and Answers about the Domestic Violence Information Brochure program and FS Categorical Eligibility (CE):

Question:

Does this program remove/change the ABAWD requirements for Food Stamp Employment & Training (FSET) program?

Answer:

No. There are no changes to the ABAWD requirements for Food Support or the FSET program.

Question:

How does this program fit with households that are currently Categorical Eligible?

Answer: If households are currently Categorical Eligible based on the receipt of GA, MSA, DWP, SSI or Child Care (Basic Sliding Fee or Transition Year Child Care), income and asset limits do not apply. However, give or send the Domestic Violence Informational Brochure (DHS-3477) to ALL households at the time of application, recertification or if circumstances change in the household. Document that this has been done by updating the STAT/MEMI panel – Domestic Violence Brochure (Y/N) for each household member. That way if the circumstances change in the household and they are no longer Categorical Eligible based on the receipt of the programs above, they can be assessed for the Domestic Violent Information Brochure program.

Question: When an open FS case has a change in their household composition, does that change effect the FS asset and income limit?

Answer: When there are changes in household composition follow the current FS policy for changes and evaluate the new household composition, income and assets. Give the household a Domestic Violence Information Brochure (DHS-3477) and code the STAT/MEMI panel to show the receipt of this brochure. Also ensure that the previous FS household has received the Domestic Violence Waiver Brochure (DHS-3477) and code each household members STAT/MEMI panel – Domestic Violence Brochure (Y/N) field to reflect the receipt of this brochure. If the household meets the gross income requirements and assets are below the \$7,000, excluding vehicles, the household is eligible for FS under the Domestic Violence Informational Brochure Program.

Question: Do the words, “excluding vehicles” mean that no one who is FS eligible will have vehicles evaluated as part of their FS eligibility?

Answer: Yes, if the household is eligible to receive FS based on the Domestic Violence Information Brochure program do not include vehicles/cars when determining the asset limit.