

# Bulletin

October 10, 2007

Minnesota Department of Human Services P.O Box 64941 St. Paul, MN 55164-0941

**OF INTEREST TO**

- County Directors
- Income Maintenance Supervisors and Staff
- MFIP/DWP Employment Service Providers
- Child Care Assistance Workers
- Tribal Representatives

**ACTION/DUE DATE**

Implement effective  
October 1, 2007.

**EXPIRATION DATE**

This bulletin expires  
October 1, 2009.

## Effective October 1, 2007, MFIP Clock Ticks for Mandatory Unit Members with an IPV

**TOPIC**

For intentional program violation (IPV) disqualifications beginning on or after October 1, 2007, disqualified months may count towards a mandatory unit member's MFIP time limit.

**PURPOSE**

To provide counties implementation instructions for counting mandatory unit members' IPV months against their MFIP time limit.

**CONTACT**

Submit questions on income maintenance program or employment services policy through Policy Quest.

**SIGNED**

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CHARLES E. JOHNSON  
Assistant Commissioner  
Children and Family Service

## **BACKGROUND**

The Health and Human Services Omnibus Finance Bill passed in the 2007 legislative session changes how months are counted when a Minnesota Family Investment Program (MFIP) caregiver is disqualified due to an intentional program violation (IPV) but the remainder of the household continues to receive an MFIP grant. For disqualifications that take effect on or after October 1, 2007, disqualified months may count toward the caregiver's 60 month lifetime limit.

Federal rules limit MFIP eligibility for caregivers to 60 months in their lifetime. If an MFIP caregiver commits an IPV, they are disqualified from MFIP for a given period of time: 12 months for the first offense, 24 months for the second offense, and permanently for the third offense. During the disqualification period, the caregiver is technically no longer eligible for MFIP but the rest of the family may remain eligible for benefits.

Previously, if during the caregiver's period of fraud disqualification the remainder of their household continued to receive MFIP, those months did not count towards the caregiver's 60-month time limit. The result was that a family of a caregiver disqualified for fraud for 12 months could receive up to 72 months of MFIP while the family of a caregiver who complied with all program requirements could only get 60 months. Families where the caregiver was permanently disqualified could have conceivably received MFIP until the last child turned 18. The language passed in the 2007 session helps insure that caregivers disqualified due to an IPV do not gain additional MFIP months due to that disqualification.

As of July 2007, there were approximately 150 caregivers on active MFIP cases disqualified due to an IPV. Although the numbers are small, counties were concerned with the inequity in how the time limit policy impacted cases with a disqualified caregiver. This legislation addresses that concern. However, the small number of cases, automation costs and other system priorities preclude automation at this time.

## **IMPLEMENTATION**

Apply this policy change to MFIP cases with a caregiver who has a fraud disqualification begin date of October 1, 2007 or later. Do not apply this policy to cases with a caregiver disqualification begin date prior to October 1<sup>st</sup>.

### **Example**

After completing a fraud investigation of an MFIP caregiver with two children, the agency decides to pursue an IPV determination through the administrative disqualification hearing (ADH) process. The first step in the ADH process is to offer the individual an opportunity to waive the hearing and agree to a disqualification. The agency mails a waiver of ADH on September 1 and receives the signed waiver on September 12, with the caretaker agreeing to a first offense disqualification period of one year to begin October 1, 2007. If the two children remain on MFIP and the caregiver does not meet an exemption to the 60 month time limit, their

time clock will continue to run through September 2008 and count against their 60 month time limit.

### **Other MFIP Policy**

In determining whether to count a month for a disqualified caregiver, apply the same banking and exception policies that apply to active MFIP caregivers. For example, a disqualified caregiver who is age 60 or older would be marked as exempt from the 60 month time limit. Mark counted months for a caregiver disqualified due to IPV as state-funded months (WS) on the STAT/TIME panel.

Disqualified caregivers must continue to participate in Minnesota Family Investment Program-Employment Services (MFIP-ES) during the disqualification period. Refer to Combined Manual (CM) 0028 on employment services. Failure of the disqualified caregiver to comply could result in sanctioning of the MFIP grant unless good cause is determined.

Disqualified caregivers may claim good cause for not participating in MFIP-ES if child care is not available. This would include ineligibility and/or non-availability of Child Care Assistance. MFIP Child Care Assistance cannot be paid if a MFIP disqualification is in place for all caregivers. On a child only MFIP case, Basic Sliding Fee (BSF) Child Care Assistance can be used if available and the parent(s) meet BSF eligibility requirements. On a two parent case with one parent disqualified, MFIP child care can be used if the disqualified parent's employment plan meets BSF requirements.

For disqualified caregivers in two parent households, the provisions in CM 0011.33.02 (MFIP Hardship Extensions, Removing 1 Parent) do not apply. In a two parent household with one or both parents disqualified due to an IPV, the disqualification period continues to run post 60 months through the end of the disqualification period, if the household otherwise qualifies for an extension.

### **Case Processing**

As mentioned earlier, this change will not be automated on MAXIS at this time. Workers will need to manually track and update the MFIP counted months on the STAT/TIME panel for disqualified caregivers. Please see POLI/TEMP section TE02.08.169 for information on how to process these cases.

### **Notices**

Because a disqualified caregiver is ineligible for MFIP, during the disqualification period MAXIS will not automatically send the time limit notice at 48 months or the subsequent monthly reminder notices. Workers will need to TIKL the case to remind them to start manually sending the notices at 48 months. Attached are copies of the two notices for counties to use.

The penalty warnings on the Combined Application Form and the ADH and IPV notices will be updated to include language regarding this change in how months are counted for disqualified caregivers. Until the updated CAF is available, provide a copy of the attached notice to all applicants, and to recipients at recertification. DHS will notify counties when to stop providing the separate notice.

## **LEGAL AUTHORITY**

Laws of Minnesota, 2007, Chapter 147 Article 2, Section 30

## **SPECIAL NEEDS**

This information is available in other forms to persons with disabilities by calling (651) 431-3942 or contacting us through the Minnesota Relay Service at 1-800-627-3529 (TTY), 7-1-1 or 1-877-627-3848 (speech-to-speech relay service).

## **Minnesota Family Investment Program (MFIP) Time Limit Notice**

Your MFIP cash may end in 12 or fewer months. Our records show that you have received at least 48 months of cash assistance. The law limits most families to a life time total of 60 months. This includes vendor payments for rent and utilities. Cash for your entire family including your children will end after 60 months.

Your case may be extended and your MFIP may not end if you or someone in your household is on MFIP, is not being sanctioned and is:

- working and cooperating with employment services,  
or
- a victim of domestic violence who has a family violence waiver and is complying with the Employment Plan,  
or
- not able to work for more than 30 days because you are sick or hurt,  
or
- taking care of someone in the home who is ill or disabled,  
or
- unable to get or keep a job because they are mentally retarded or mentally ill, learning disabled, have an IQ below 80, or for another reason.

There may be other reasons you can get an extension that are not listed here.

Contact your financial worker:

- If you don't think you have used 48 months of MFIP.
- If you want to ask to have your case closed now or to opt out of cash and save the rest of the months on MFIP for a later time.

Your worker knows where you may get help when you are no longer on MFIP. Talk to your worker about getting help with food, child care and health care when you are no longer on MFIP.

You can also call your legal aid office to talk about your sanction or an extension. If you want to call legal aid the number is: 1-888-354- 522.

## **Minnesota Family Investment Program (MFIP) Time Limit Reminder**

### **YOU AND YOUR FAMILY MAY LOSE YOUR MFIP CASH SOON**

\_\_\_\_\_ may get only \_\_\_\_\_ more months of MFIP cash. This will close MFIP for the whole family, even the children. Your case may be extended if you or someone in your household is not being sanctioned and is:

- working and cooperating with employment services,  
or
- a victim of domestic violence who has a family violence waiver and is complying the Employment Plan,  
or
- not able to work for more than 30 days because they are sick or hurt,  
or
- taking care of someone in the home who is ill or disabled,  
or
- not able to get or keep a job because they are mentally retarded or mentally ill, have a learning disability, have an IQ below 80, or another reason.

There may be other reasons you can get an extension that are not listed here.

Call your county financial worker if you need to know what other kind of help there is for you and your family.

You can also call your legal aid office to talk about your sanction or an extension. If you want to call legal aid, the number is: 1-888-354- 5522.

## **Notice About Your MFIP Time Limit**

If you get MFIP cash, you must follow the rules. The rules are listed on the Combined Application Form (CAF).

You may be unable to get MFIP cash if you break the rules.

- 12 months for the first offense
- 24 months for the second offense
- Permanently for the third offense

Federal rules limit MFIP for adults to 60 months in their lifetime.

**Effective October 1, 2007, months you barred from MFIP for breaking the rules may count toward your 60 month lifetime limit.** In deciding whether to count a month, your worker will use the same rules that apply to adults receiving MFIP cash.

If you have questions about your MFIP time limit, contact your worker.