

Minnesota Attorney General: Administrative Rules Proceedings

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EXHIBIT A

y below is hereby roved as to form and ality. Michael R. Sawyer (Special) (Assistant) Attorney General July 21, 1976 te of Approval	Copy below is hereby certified to be a true and correct copy of a document issued, prescribed or promulgated by: _____ (Agency) Date of Adoption: _____ By: _____ Title: _____ (Exec. Officer, Chairman or Sec.)	Dept of Public Welfare Name of Submitting Agency Income Maintenance Name of Agency Subdivision AFDC (AID TO FAMILIES WITH DEPENDENT CHILDREN) Short Title List of Affected Rules _____

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Minn. Rule DPW 44: Aid to Families With Dependent Children (AFDC)

A. Introduction

1. This rule governs administration of the Aid to Families with Dependent Children (AFDC) program in Minnesota. The provisions of this rule are to be read in conjunction with Title IV-A of the Federal Social Security Act, Title 45 of The Code of Federal Regulations, Minnesota Statutes - Chapter 256, and other rules of the Department of Public Welfare pertaining to public assistance and the administration of Minnesota's state and local welfare departments. (Local welfare department or agency means the county welfare department or those multi-county welfare agencies established under Minnesota Statutes 393.01 or Minnesota Statutes 402). The Commissioner of Public Welfare may issue instructions, bulletins, and manuals to the local welfare agencies to clarify the provisions of this rule (Rule 44 takes precedence over such documents) and may prescribe forms and procedures to be used in administration of this program.

2. The Commissioner shall cooperate with the federal government and its public welfare agencies in any reasonable matter that will be necessary to qualify for AFDC. Notwithstanding any provisions of this rule, administration of the AFDC program is subject to changes in federal or state law. The Commissioner will notify the local welfare agencies of such changes as they occur.

3. The AFDC program shall be administered to provide qualifying needy families with the resources necessary to sustain a reasonable subsistence compatible with decency and health, according to this rule. The AFDC program will not be administered to deny applicants and recipients their individual and civil rights, nor to obtain or disclose information regarding them except as provided by DPW Rules.

4. The Commissioner shall supervise AFDC program on a state-wide basis in accordance with equitable standards for assistance and administration which shall be mandatory on all political subdivisions.

Applications for Assistance

1. Any person may apply for AFDC to the local welfare agency in the county in which he/she resides, and the local agency shall promptly advise him/her of the program's eligibility requirements. The application form shall be signed by the applicant, his/her parent, eligible caretaker relative, legal guardian, an authorized representative of the applicant, or if the application is for AFDC-FC, the agency director or designee. (See Part H, 3 below).

2. As soon as possible, but no later than 45 days from the date of request for assistance, the local agency shall determine the applicant's eligibility for assistance. All eligibility conditions must be met within this 45-day limit. Assistance may be issued before the eligibility process is completed, but if the applicant is found not eligible, no federal or state financial participation may be claimed for this assistance.

3. The applicant must be notified in writing that his/her application has been approved or denied, unless the applicant dies or cannot be located. If the application is denied, the recipient must be notified in writing of the reasons for denial and of his/her right to appeal.

4. Any person has the right to reapply for assistance. New applications must be taken whenever a previous application has been denied or withdrawn, or a grant has been cancelled, or the payee has been changed, or the county of financial responsibility has been changed. An approved application shall be addended for the purpose of adding additional eligible persons or when the payee has changed his/her name.

5. Eligibility shall be redetermined at least semi-annually. When the local income maintenance unit receives information about a change in case facts, eligibility shall be reviewed within 30 days. Eligibility for AFDC-UF cases shall be redetermined

every three months. The recipient shall furnish such correct information and reports as required by the agency to assure eligibility and payments.

6. The local agency shall verify the information contained in the application from the applicant or other persons or agencies only with the applicant's signed permission; blanket consents may be used only for groups of related agencies (such as banks, insurance agencies, etc.). If the applicant refuses to cooperate with the county agency in verifying the needed information, the application must be denied.

7. The following information shall be verified:

a. Social Security numbers of all individuals applying for or receiving assistance and parents of dependent children;

b. Incapacity of a parent or unemployment of a father if such is the basis of eligibility; and

c. The applicant's income and acknowledged property.

Any other factor of eligibility may be verified depending on the circumstances of the case.

C. Financial Responsibility and Residence

1. "Residence" or "abode" means where a person lives and intends to remain; the "county of financial responsibility" or "county of settlement" means the county which is liable for a person's public assistance.

2. Minnesota residence is an eligibility requirement for AFDC, but no length of residence is required. A person loses Minnesota residence when he/she leaves the state with the intent to establish a home elsewhere; evidence of intent under this rule is not simply the person's stated intentions, but includes consideration of

objective criteria associated with the move (e.g., movement of possessions, rent payments, changes in voter or driver's license registrations).

3. The county of financial responsibility for an AFDC grant is the county of the longest period of residence of the dependent child during the year preceding application, free of "excluded time". "Excluded time" is the period the child resides in a licensed hospital, detention home, county jail, licensed foster home, or public or private child care institution; if the child has always resided in places of excluded time, the county of financial responsibility is the county of the child's longest residence during the year preceding application.

4. For purposes of AFDC-UB (See D, 1), an unborn's residence begins on the estimated date of conception. If more than one county is financially responsible for the children in one AFDC grant, the caretaker's needs are assigned to the county having the responsibility for the most children, or the county responsible for the oldest child if each county is responsible for the same number of children.

5. If a child moves from one county to another and continues to receive AFDC, the county of financial responsibility transfers to his/her county of residence when he/she has resided in that county for one year, free of excluded time. However, the county of the child's residence is always the county which services his/her AFDC grant, whether or not it is the county of financial responsibility; moreover, whenever the county of financial responsibility and county of residence have policies which conflict, the latter takes precedence.

6. If counties disagree as to which is the county of financial responsibility, the following procedures apply:

a. The county of residence shall grant AFDC to the applicant (if eligible) while it refers the case to the alleged county of financial responsibility;

b. The alleged county of financial responsibility shall promptly decide if the applicant is eligible for AFDC and if it is the county of financial responsibility;

c. If the alleged county of financial responsibility denies eligibility or financial responsibility for the applicant, the county of residence may accept financial responsibility or may refer the matter to the Commissioner of Welfare;

d. The Commissioner of Welfare shall review the matter and provide both counties with the opportunity to state their position (by formal hearing or otherwise) and decide which county is financially responsible; the Commissioner's determination is binding on both counties unless it is appealed to and reversed by the courts according to law;

e. The county determined to be financially responsible shall reimburse any other county for any costs the other county previously paid on the grant; if eligibility is denied, the county of residence is responsible for costs previously paid.

D. Eligibility Factors

Child Status

1. Age

a. Children under the age of 18 are eligible for AFDC; children age 18 - 19 are eligible if they are full-time students attending a high school, college, university, vocational or technical training institute.

b. Unborn are eligible for AFDC during the last three months of the mother's pregnancy (as medically certified). AFDC grants for unborn are referred to as "AFDC-UB".

2. Eligible Relatives

a. Parents, grandparents, brothers, sisters, uncles, aunts, great grandparents, great uncles, great aunts, nephews, nieces, first cousins, stepparents, stepbrothers, and stepsisters, and spouses of these persons, are eligible to be the caretaker of a child receiving AFDC.

b. The caretaker must meet all eligibility requirements to be included in the child's AFDC grant.

3. Physical Presence in the Home

a. A child must reside in the same home with an eligible caretaker to be eligible for AFDC unless he/she has special educational needs which require that he/she reside away from home.

b. If an emergency exists that deprives the child of the care of the relative through whom he has been receiving aid, temporary absences of the caretaker or the child from the home will not defeat AFDC eligibility, for a temporary period necessary to make and carry out plans for the child's continuing care and support. No absence may exceed six months and all absences of more than three months shall be referred to the Commissioner for a determination of continued eligibility.

4. Guardianship of a child does not affect AFDC eligibility, but if the child does not reside with an eligible caretaker, he/she must meet the requirements of AFDC-FC (See H, 3).

5. If a child dies (or if an unborn is stillborn), the AFDC grant shall be paid for the entire month in which death occurs.

Parental Status

6. To be eligible for AFDC a child must be deprived of parental support or care due to the death, incapacity or continued absence of a parent from the home, or due to

unemployment of the father. This rule applies to natural and adoptive parents; the term "parental support or care" means financial maintenance, training, supervision, housekeeping and feeding normally given to children by their parents.

7. Death of a parent must be verified by official records (death certificates, military records, etc.).

8. Incapacitated Parents

a. A parent is incapacitated if he/she has a physical or mental defect, illness, or inpairment which makes him/her unable to care for the child or substantially reduces or eliminates the ability to support the child. The incapacity must be expected to last at least 30 days from its onset. Budget deficiency alone does not establish need in incapacity cases; the physical or mental handicap must cause the budget deficiency.

b. The incapacitated parent, and caretaker relative, are to be included in the AFDC grant if need exists.

c. The incapacitated parent who is exempt from WIN registration (See H, 1) must be referred to the Department of Vocational Rehabilitation.

9. Continued Absence

a. A parent is continually absent from the home if he/she is physically absent from the home and if this absence interrupts or makes uncertain his/her parental support or care; there is no minimum time period used to establish continued absence.

b. Upon an absent parent's return to the home, AFDC shall continue, if need exists, for one month following the month of his/her return.

c. Where continued absence exists:

(1) The applicant/recipient must assign his/her rights to any child support which accrues or has accrued during a time when the child or other person with respect to whom support is due was a recipient of AFDC. The assignment does not give

to the state the right to agree to a reduction in the support being assigned or to a lump sum compromise or settlement of support due in the future.

(2) The applicant/recipient must be referred to the Child Support Unit.

(3) The applicant/recipient must cooperate in establishing paternity or obtaining support.

The Child Support Unit shall not attempt to establish paternity in cases involving incest or forcible rape, or in any case in which legal proceedings for adoption are pending; if, in the opinion of the Child Support Unit, it would not be in the best interest of the child.

(4) If an applicant or recipient fails to assign rights to support or to cooperate in establishing paternity or obtaining support, an AFDC grant will be provided only for the children and through protective or vendor payments.

The needs of the caretaker shall not be deleted, nor protective or vendor payments instituted, if the caretaker demonstrates "good cause" that establishes paternity or obtaining support are not in the best interest of the child. The conditions of "good cause" as stated in federal regulation shall be applied.

10. Unemployed Fathers (AFDC-UF)

a. An unemployed father is a father:

(1) whose family is in need;

(2) who is not unemployed due to a labor dispute;

(3) who works less than 100 hours per month;

(4) who has not been fully employed for 30 days prior to the receipt of AFDC-UF;

(5) who has not refused or quit employment except for good cause, within 30 days prior to the receipt of AFDC-UF;

(6) who has not been fired from his job within 30 days prior to the receipt of AFDC-UF;

(7) who is currently registered with the local Department of Employment Services and is available for training and/or employment;

(8) who has:

(a) worked at least six quarters during any 13 calendar quarter ending one year prior to the date of application; at least $50 per quarter must have been earned during this period or the father must have been in an approved work-and-training program.

(b) received or could have qualified for Unemployment Compensation during the year prior to application for AFDC-UF.

b. To refuse or quit employment or training except for good cause means that an individual refused, or quit employment or training, or the offer of employment or training, which he was physically and technically able to perform, which was not excessively hazardous, for which transportation was available, and which paid the prevailing wage in community for that type of work (but not less than the minimum wage).

c. An unemployed father may receive either Unemployment Compensation or AFDC-UF, but not concurrently.

d. To continue AFDC-UF eligibility in non-WIN counties, the father must re-register with the local Department of Employment Services every 30 days, and actively seek employment or enroll in a work training program; in WIN counties he must register for WIN (See H, 1).

e. If the father refuses or quits an offer of employment or training without good cause, he is no longer eligible for AFDC-UF; his needs will not be included in the AFDC grant, protective or vendor payments will be used for the needs of other eligible family members, and his income will be attributed first to his own needs and then to the needs of the members of his family still receiving AFDC. In WIN counties, a father who refuses or quits an offer of employment or training is subject to sanctions

following a WIN project determination of refusal to participate without good cause. Part of the adjudication process attendant on such a determination includes 60 days of counseling. If he accepts this, his needs may be included in the grant for the duration of the counseling period, but protective or vendor payments will continue. If the father accepts training or employment after having refused or quit such (without good cause) protective or vendor payments will stop, but the father's needs will not be included in the grant until 90 days have elapsed; if this happens a second time, the waiting period shall be six months.

11. Stepparents

a. A stepparent is a potential resource for the support of his/her stepchildren, but cannot be required to support them. If a stepparent chooses to support a stepchild, that stepchild's needs must be removed from the grant.

b. A stepparent is legally responsible for the support of his/her spouse; if the stepparent is unable to support the spouse (and can document that fact), the spouse's needs may be included in his/her children's AFDC grant, assuming other eligibility conditions are met. To determine if the stepparent is unable to support his/her spouse, compare the amount of the stepparent's income (determined in the same way that an AFDC recipient's income is determined under D., 13. with the SSI payment level for one person; if the stepparent's income does not exceed this level, the spouse may be included in the AFDC grant, but any excess income is considered available for the support of the spouse.

Income and Resources

12. Property

a. Types of Ownership. The owner of property in joint tenancy shall be considered as owning one-half of the value of such property, but the county or the joint tenant may establish legal interest of a greater or lesser amount. An owner of property as a tenant-in-common owns his/her pro-rata share of the property's value. All

other types of ownership shall be evaluated according to the law.

b. Transfers of Property. The transfer of real or personal property to establish or continue AFDC eligibility is contrary to public policy. Under this provision:

(1) each AFDC applicant shall be required to disclose whether he/she has transferred any property within the last year worth more than $500 for which a reasonable consideration was not received; this disclosure requirement applies to all AFDC recipients upon a redetermination of their eligibility;

(2) any property so transferred is a potential resource for the applicant or recipient, and the transferer must disclose the property's description and value, the names of the transferees, and the circumstances of the transfer;

(3) the applicant or recipient must cooperate with the local agency in reasonable efforts to re-acquire the property or its value;

(4) If the property cannot be re-acquired, the matter must be referred to the county attorney for possible civil and criminal prosecution; the fact of transfer in itself will not defeat AFDC eligibility.

c. Real Estate

(1) No AFDC recipient may own an equity in real property used as a home (or in a mobile home) which exceeds $7,500, unless the local welfare board waives such excess equity; the amount of equity is the difference between the recipient's share of the property's market value and encumbrances on the property.

(2) No AFDC recipient may own real property not used as a home (including mobile homes and properties being sold for contract for deed) unless the local welfare agency determines that the property produces income or that no market or a reasonable price exists for its sale. To determine income from such property, taxes and maintenance expenses (but not principal payments or costs of improvement) are deducted from the gross income of the property.

(3) In deciding if the property limits of part c. 1. of this section should be waived, the local welfare board should determine if the excess equity can be converted to cash for the family's support. If not, then the excess should be waived.

(4) The total real property (except for that used as a home and that which is income producing) plus all excluded and non-excluded personal property (except the earnings of a child being saved for educational needs) shall not exceed the limits established in federal regulations.

d. Personal Property

(1) No AFDC recipient may own personal property the value of which is more than $300 if one child is included in the grant, or $500 if more than one child is included in the grant.

(2) The provisions of part (1) do not apply to household goods, furniture, clothing, burial lots, mobile homes used as a home, or personal items; the limits of part (1) may be exceeded where the excess is: (a) derived from a child's earnings and is designated for specific educational needs of the child, and is in an amount reasonable for that need, and is held in a separate account, (b) is designated for a specific purpose (such as real estate taxes or other large expenses), will be eliminated yearly, and does not exceed $500, (c) is a legislatively disregarded payment (such as some Indian tribal payments).

(3) A recipient may build his/her personal property to limits set forth in part (1) as long as all his/her non-exempt income has been reported and counted in determining the amount of his/her grant.

(4) Income-producing personal property is exempt from the limits of part (1). This includes tools, domestic animals, implements, and one automobile used to transport the recipient to work or a work training program, or for transportation in actively seeking employment. Automobiles are not otherwise excluded from this rule;

an automobile's value shall be its current NADA average trade-in value minus encumbrances, unless the recipient can demonstrate that its value is less than the NADA average.

e. Life Insurance and Trust Funds

(1) A recipient unit may retain life insurance policies with total cash surrender values of not more than $500 without defeating AFDC eligibility;

(2) A trust fund whose beneficiary is a dependent child is subject to the property limits of this rule unless it can be demonstrated that the fund cannot be made available for the child's support.

f. Prepaid Burials. An AFDC recipient may have a prepaid burial contract which does not exceed $750 for each family member plus $200 in accrued interest. The funeral director must be the trustee of any such burial contract and a recipient must be the beneficiary, or a trust account specifically designated for funeral costs may be established by the funeral director and recipient jointly.

g. Personal property which has increased in value beyond the limits of this rule must be reported to the agency. Such property will not defeat AFDC eligibility if the applicant/recipient within 15 days of notice by the county agency:

(1) converts the excess to an excluded type of property;

(2) uses the excess to repay the county for assistance already received;

(3) uses the excess to reduce his/her grant for one month; or

(4) uses the excess to meet all his/her needs for up to three months (thereby suspending his grant for those months).

h. The resources of an SSI recipient are exempt in determining AFDC eligibility.

13. Income

a. Generally, "income" is any benefit received by and available to an AFDC recipient as earnings or otherwise. Income may be earned or unearned. In family groups living together, the income of a spouse is considered available to his/her children under age 21. All income, except non-cash items provided free of cost and

other items specifically disregarded in this rule, must be evaluated in determining the need of AFDC recipients. Real or personal property which has been converted to cash is treated within the property standards, stated in part D, 5, not as newly received income.

b. Exclusions. The following income is not considered a resource for AFDC purposes:

(1) inconsequential income(amounts up to $30 per month providing such amount is less than the grant);

(2) reimbursement for the maintenance costs incurred in providing foster care;

(3) WIN work and training allowances;

(4) Non-WIN training allowances received as a social service expense;

(5) Food Stamp bonuses;

(6) Comprehensive Employment and Training Act incentive payments;

(7) home-produced food used in the home;

(8) reimbursement for out-of-pocket expense incurred for volunteer work;

(9) corrective payments from the local agency;

(10) assistance under the Uniform Relocation Act of 1970;

(11) Indian tribal payments specifically exempted by Congress;

(12) loans and grants, such as scholarships, obtained and used under conditions that preclude their use for current living costs;

(13) any grant or loan to any undergraduate student for educational purposes made or insured under any programs administered by the United States Commissioner of Education;

(14) Vietnam Veteran's Bonuses authorized by law;

(15) benefits under Titles VI or VII or the Older Americans Act of 1965;

(16) Minnesota tax refunds for senior citizens and disabled persons;

(17) Federal payments for presidentially declared disaster areas when specifically identified in federal law;

(18) volunteer payments under Title II and III of the Domestic Service Act of 1973;

(19) assistance through the National School Lunch and Child Nutrition Act amendments of 1973;

(20) up to $20 per month in child support (Title IV-D) bonus payments;

(21) allowances and expenses paid by Vocational Rehabilitation;

(22) other income disregards as mandated by federal or state law.

c. Allocation of Income

(1) All income received must be reported promptly but no later than the 5th day of the month following the month of receipt. For current recipients, the local agency will use this report to determine the amount of the grant for the month in which the report is submitted;

(2) Before applying income to need, income may be allocated from spouse to spouse and from parents to children under age 21 if such person resides with the AFDC recipient and is in need;

(3) The income and resources of an SSI recipient are not counted in determining the AFDC recipient's income;

(4) Trust funds for a particular person or purpose cannot be allocated to the family until that person's needs or the particular purpose are met; only legally restricted trust funds are excluded;

(5) RSDI payments are considered family income unless they are paid for a child who is excluded from the grant;

(6) Income from jointly-held property is allocated according to the share of ownership and availability to AFDC recipients.

d. Income cannot be allocated to meet past obligations. See DPW Rule 53.

e. During the period of eligibility, the county can determine income and work expenses monthly or average it over a three-month period.

f. All unexcluded unearned income and earned income minus allowable deductions must be applied against the AFDC Family Allowance Standards.

g. Income averaging involves dividing total income for the past three months by three; actual income variations are ignored when income averaging is used unless a significant change requires a stop in the averaging cycle; weekly income should be multiplied by 4.3, bi-weekly income by 2.16, and semi-monthly income by 2, to determine monthly income.

Significant changes are:

- A change in net income totalling more than $50 in a given month.
- A decrease in total income (disregard, available income and grant) to less than the need standard.
- An increase in net income which would result in ineligibility.
- The recipient's employment ends.

h. Earned Income

(1) Generally, earned income includes any compensation from employment or self-employment (wages, salary tips, commissions, profits, etc.), plus training incentive payments and work allowances under the Equal Opportunity Act and Title I of the Elementary and Secondary Education Act.

(a) $30, plus one-third of the remainder of the family's total earned income is to be disregarded unless a family member has terminated or refused employment within the preceding 30 days (in which case the disregard is not applied for one month to the earnings of that individual); this disregard does not apply to income from WIN public service employment;

(b) The earned income of a child under age 14 shall be excluded;

(c) The earned income of a child over age 14 who is a full or part time student (but not employed full time) in a high school, college, university, vocational or technical courses, shall be excluded; if the money is set aside for

specified educational goals, the amount may exceed the personal property maximum; the earnings of the student are considered in determining initial eligibility and afterward, excluded;

(d) In new applications, the $30 and 1/3 earned income disregard is not applied to earned income unless the applicants' needs were met, whole or in part, by AFDC in any of the four months preceding the month of application.

(2) The following employment expenses are to be deducted in determining net earned income, if incurred, necessary, and reasonable:

(a) mandatory retirement fund deductions;

(b) transportation costs to and from work based on the actual cost of public transportation or car pool payments, or 13¢ per mile for the actual number of miles driven, not to exceed 100 miles per day of employment (unless the recipient can establish higher transportation costs that are both necessary and reasonable); cost of no fault insurance is included in the 13¢ per mile;

(c) cost of work uniforms;

(d) FICA and SMI payments;

(e) Federal and state income taxes withheld;

(f) Union dues;

(g) professional association dues required for employment;

(h) child care costs unless these are paid as a social service, or paid to a relative included in the AFDC grant, or paid to a relative who is financially responsible for the family and able to contribute to it;

(i) health insurance premiums;

(j) cost of tools and equipment used on the job;

(k) one dollar per day for the cost of meals eaten during employment hours (unless the recipient can establish actual higher meal costs that are both necessary and reasonable);

(l) public liability insurance required by the employer when an automobile is used in employment and the cost is not compensated for by the employer;

(m) business expenses (except depreciation) as recognized by the federal and state tax authorities.

(3) Income from small businesses is the difference between gross receipts and business costs. (Capital expenditures and depreciation are not a business cost).

(4) Farm income is the difference between gross receipt (sales, rents, soil conservation payments) and operating expenses. Home-produced foods for sale are included. (Capital expenditures are not included as an operating expense).

(5) Income from child care in the home is the difference between gross receipts and the expenses allowed by IRS Schedule C; the cost of meals shall be 60¢ per meal per child, unless the actual reasonable cost exceeds this amount.

(6) Income from roomers and boarders is computed by allowing $53 per month (for each boarder), $42 per month (for each roomer), or $95 per month (for each roomer and boarder), as the expenses of producing this income.

(7) Unearned income is not the direct result of labor performed by the recipient as an employee. Receipt of SSI is a bar to receipt of AFDC, but not AFDC-FC. Serviceperson's income shall be counted after deducting the amount needed for the serviceperson's clothing, personal needs, and transportation, but cannot be greater than the amount actually received by the family.

i. Special Situations

(1) Rental income is unearned income unless there is labor expended in obtaining the income from rental property. Deduct $60 per year or two percent of market value (whichever is less) for upkeep and repairs, and deduct taxes, insurance, utilities and principal payments if the recipient lives on the property. Where the recipient lives on the property, these expenses shall be allocated according to the number of rooms.

(2) Unless otherwise excepted, lump sum payments and windfalls are unearned income in the month received and are considered property thereafter.

(3) Income tax refunds except those based on pre-AFDC earnings do not qualify for the $30 and 1/3 disregard. If a refund is received for the income of a recipient and non-recipient, it shall be allocated according to the gross income of each. Recipients must be notified of the status of income tax refunds each January and April. Income tax refunds are counted as income.

14. An AFDC recipient must be a U. S. Citizen, an alien lawfully admitted for permanent residence, or a continuous U. S. resident since July, 1948.

15. Social Security numbers of all applicants and recipients must be provided to the county agency as a condition of eligibility (but assistance shall not be denied where a number has been requested from the Social Security Administration, but not received).

E. AFDC Family Allowance

1. Standards of Need

   a. The need standards set forth in this section are to be used to determine the grant for every AFDC family in Minnesota (except AFDC-FC).

   b. Definitions

      (1) An "eligible person" is one who is eligible for and receives AFDC; in most circumstances it means one caretaker relative and the dependent children he/she cares for (more than one caretaker may be included when eligibility is based on parental incapacity or unemployment of the father). All "eligible persons" receiving one AFDC grant constitute one "recipient unit".

      (2) A "non-shared household" is one in which all persons in the household are eligible for and receive assistance in one AFDC check; if two AFDC checks are received by the household because more than one county is financially responsible, the household is "non-shared".

      (3) A "shared household" is one in which AFDC recipients live with one or more persons not eligible for AFDC or who receive AFDC as a separate recipient unit (see exception in definition (2) above). A shared household's standard of need is less than that of a non-shared household because, on a statewide average, the per capita living costs of shared households have been found to be less than non-shared households; the difference is not due to the income, actual or supposed, of the non-eligible person in a shared household.

(4) NOTE: If the only non-eligible person living with an AFDC recipient unit is a boarder (meals only), a foster child placed by a licensed child-placing agency, an agency placed or approved homemaker, housekeeper, or live-in attendant, an unborn child, or an SSI recipient, the household is "non-shared". If the non-eligible person is a roomer or boarder and roomer, the household is "shared".

c. Need Standards

# of Eligible Persons In Recipient Unit	Non-Shared Households	Shared Households
1	136	73
2	272	177
3	330	225
4	385	293
5	432	341
6	479	396
7	526	468
8	566	537
9	607	589
10	641	613
Each person over 10, add	33	24

d. Amount of Grant. The amount of the AFDC grant for a recipient unit is the difference between the standard of need as determined by the above table and the recipients' non-exempt, non-disregarded income (see Part D, 13).

2. Supplements, The local agency shall provide supplemental grants to AFDC families to cover the costs of the following special needs:

a. Major home repairs may be supplemented if the need for repair is established to the local agency's satisfaction. Major home repairs include foundation, wiring, furnace, hot water heater, chimney, and plumbing repairs over $25; a written estimate is required on repairs of more than $100 and the agency may require two additional estimates if one appears excessive.

b. Major appliance repairs will be supplemented if the agency authorizes them and if they are repairable. The only appliances covered are washers, dryers, refrigerators and stoves.

c. Replacement of essential major appliances and furnishings shall be authorized when the local agency worker identifies that the appliance or furnishing is not repairable, or the household does not have such an item. Appliances covered are washers, dryers, refrigerators, and stoves; furnishings covered are beds, mattresses, bedding, kitchen tables and chairs, couches and chairs, living room tables, lamps, and chests of drawers. More than one item may be allowed in the supplement. The actual cost of the items purchased or replaced shall be covered by the supplement, less $25 per supplemental month.

d. Medically prescribed diets will be supplemented if they are prescribed by a physician and add expense to a normal diet. The following diets are not covered: diets by the Medical Assistance Program, reducing or low caloric diets (1800 calories or less), sodium restricted diets (1000 mg. sodium), diabetic diets (1800 calories or less), fat controlled diets (55 mg. fat or less), and bladder, ulcer, low residue or low fiber diets which prescribe only soft food or prescribe special food preparation.

e. The appropriation for supplements shall be allocated among the local agencies on the basis of caseloads. Unused funds shall be re-allocated. Supplements shall cease when each annual appropriation has been expended.

3. Funerals

a. The local agency shall pay the funeral expenses of AFDC recipients (not exceeding $370) and actual cemetary charges, unless the deceased's estate or surviving spouse and children are able to pay. If payment of these expenses causes undue loss to the estate, the local agency may pay. The

local agency's payment shall not be limited by additional payments for or donations of a cemetary lot, internment, religious service, and transportation of the body to or from the community of the deceased's residence.

b. The state shall reimburse the county for 50% of the funeral expenses not exceeding $370, under this provision, and the county shall have a prior claim against the deceased's estate for the full amount of the payments made hereunder.

F. Payment Provisions

1. Payment Methods

a. Money Payments. In usual circumstances, AFDC payments will be made by monthly check to the AFDC recipient. The initial grant shall be retroactive to the first day of the month of application when all eligibility factors were met in that month. The county will impose no restrictions on the use of the grant. A money payment for one time only may be made to someone acting on behalf of the caretaker in an emergency situation.

Recipients may elect to have their monthly Food Stamp purchase requirement withheld from the assistance check.

b. Protective and Vendor Payments

(1) A protective payment is one made to someone other than the recipient; a vendor payment is one made to a provider of goods and services.

(2) Protective and vendor payments will be made only in the following cases:

(a) where a recipient fails to participate in WIN or during the 60-day WIN counseling period (See Part H, 1);

(b) when the caretaker fails to assign support, furnish or obtain Social Security numbers, or cooperate in establishing paternity or obtaining support;

(c) where the caretaker's continued mismanagement of funds causes hardship for the children; if this situation persists for more than 2 years, the agency should take steps to establish a guardianship or other arrangements for the children.

(3) Protective and vendor payments because of money mismanagement cannot continue for more than two years and are subject to a fair hearing appeal by the recipient. Not more than 10% of the total state AFDC recipients may be paid through protective and vendor payments under this provision.

(4) Where protective and vendor payments because of money mismanagement are required, the local welfare board and the Commissioner of Welfare shall approve the payment method selected before it is implemented, and shall review it at least quarterly.

(5) Protective payments cannot be made to the local welfare director or welfare board members, or to landlords, grocers, or other vendors (who can receive vendor payments); a local agency staff member can be the protective payee for cases other than those in his/her own caseload if no other suitable payee can be found.

(6) As a WIN sanction, protective and vendor payments will be made according to the above requirements for selection of payees. There will be a quarterly review of the payee's performance; the recipient has the right to appeal the use of protective or vendor payments and the payee selected.

(7) For cases subject to protective or vendor payments because of failure to obtain support or establishing paternity, the requirements for the selection of protective payees and vendors and quarterly reviews of the way in which the protective payees' duties are carried out, must be met. The entire amount of assistance must be made as a protective or vendor payment.

2. Grant Termination, Suspension, and Reduction

a. AFDC applicants and recipients have the right to a fair hearing if they are aggrieved by action or inaction of the local agency. This includes denial or failure to act on an application in 45 days, and grant suspension, termination, and reduction; it does not include complaints about the conduct of local agency staff, which should be directed to the local director or local welfare board.

b. The local agency must give the recipient timely, advance notice of a grant suspension, termination, or reduction. This notice must be in writing, mailed to the recipient at least 10 days before the effective date of the action, and must clearly state what action the agency intends to take, the reasons for the action, the right to appeal the action, the conditions under which assistance can be continued, and any collateral consequences of the action (e.g., loss of Food Stamp or Medical Assistance eligibility). Timely notice of five days is sufficient when there is documentation of facts supporting the adverse action and probable fraud on the part of the recipient.

c. The local agency must give the recipient adequate written notice, no later than the effective date of the action, when there is: confirmation of the death of the recipient or payee; a written statement by the recipient that assistance is no longer desired; written information from the recipient that requires grant reduction or termination and the recipient understands

that the change will occur; or when: the recipient has been admitted to an institution; placed in skilled nursing or intermediate care or long term hospitalization; accepted for assistance by another county; placed in foster care; or the recipients whereabouts are unknown.

d. If the recipient appeals the agency's action before it is effected, the action shall not be effected until the appeal is decided by the local or state hearings process.

3. Incorrect Payments

a. Underpayments will be adjusted through an added or supplemental payment; the agency need not correct underpayments more than 12 months from the date of discovery.

b. Overpayments will be corrected through the process of recoupment or by the recipient's voluntary reimbursement. Voluntary reimbursements must be documented by the recipient's signed agreement and may not be fulfilled through reduction of the grant. Overpayments may not be recouped unless the process is begun within a year after the agency learns of the overpayment; overpayments more than 12 months old when the agency learns of the error may not be recouped. AFDC payments caused by agency error may not be recouped from disregarded income, but may be voluntarily reimbursed by the client.

c. Recoupment is made by deducting an amount up to one-half of the recipient's disregarded income from the AFDC grant until the overpayment has been corrected. Recoupment may be made only from recipients who have disregarded income. If recoupment has been interrupted by termination of employment or assistance, the recoupment may be resumed when the individual resumes AFDC and employment.

4. Wrongfully Obtained Assistance. The legal basis for prosecution of fraud in the AFDC program is Minnesota Statute 256.98.

G. Relative Responsibility

1. Procedures

   a. Parents, grandparents, brothers and sisters are responsible for the support of children on AFDC; spouses are responsible for the support of their spouses whose needs are included in an AFDC grant.

   b. Failure of responsible relatives to furnish support does not render an individual ineligible for AFDC; the local agency shall take the steps outlined in this rule to seek support from responsible relatives whom it believes are able to contribute toward the needs of AFDC recipients.

   c. If the responsible relative fails to contribute support after the local agency notifies him/her of his/her obligation to do so, the agency should notify the county attorney or the Commissioner of Welfare to take legal action against the relative.

   d. The amount of support recoverable from a responsible relative, other than the parent of a child under 18, shall not exceed the amount of AFDC assistance granted after the relative is notified of his/her obligation to support.

2. Standards of Support

   a. The amount of support due from the absent parent of a child or the parents of a child in AFDC-FC shall be established by the court or through voluntary agreement by the absent parent and the local child support unit.

   b. Parental income is totally available for the needs of children under 18 and residing in the parental home. The ability of parents to support a minor, including one who is eligible for AFDC as a caretaker relative, is based upon a determination of parental income according to the procedures used in establishing AFDC eligibility for new applicants. All income in excess of the appropriate Family Allowance is available for the support of the minor.

c. The financial contribution of other responsible relatives, and the parents of recipients over age 18, and the parents of caretakers under 18 and residing outside the parental home, shall be computed according to the relative responsibility scale.

3. Relative Responsibility Scale

Size of Family	Annual Cost of Living	Monthly Cost of Living
1	$ 4,824	$ 402
2	7,452	621
3	10,716	893
4	12,804	1,067
5	14,724	1,227

Add 20% for each additional family member.

a. The gross income of the responsible relative is assessed against the above scale; do not deduct taxes on employment expenses.

b. "Size of family" means all persons who are in fact supported by the responsible relative (whether or not he/she is legally responsible for their support).

c. Other, justified expenses (such as medical and education bills, or housing costs exceeding 30% of the family's gross income) are deducted from the gross income.

4. Child Support and Paternity

a. Every AFDC applicant and recipient shall be required to furnish information (including court testimony) needed by the local agency to obtain child support payments, locate absent parents, establish paternity, and obtain support from responsible relatives.

b. If a caretaker relative fails to cooperate with the above requirement, his/her needs shall be deleted from the grant and the eligible children shall be furnished assistance through protective or vendor payments.

c. If a court orders alimony paid by an absent spouse, the local agency shall petition the court for an order directing that all such payments be made to the local welfare board until AFDC assistance stops.

d. The regulations and procedures of Title IV-D of the federal Social Security Act shall be applied in the collection of support and establishment of paternity.

H. Other Program Requirements

1. Work Incentive Program (WIN)

a. Registration Requirements

(1) All AFDC applicants and recipients residing in WIN counties (who are not exempted below) must register for WIN as a condition of eligibility.

(2) The following persons are exempted from WIN registration:

(a) children under age 16;

(b) children age 16-19 attending school full time;

(c) persons who are ill;

(d) incapacitated; if WIN exemption is based on incapacity, a referral to the Division of Vocational Rehabilitation is mandatory; or (NOTE: the local agency may require a physical examination to test illness or incapacity);

(e) over age 65;

(f) persons who live so far away from a WIN project that more than a 10-hour day (employment plus commuting time) would be required to participate;

(g) persons whose presence in the home is needed because of the illness or incapacity of other persons;

(h) a caretaker of a child under age six (only one such exemption is allowed per family);

(i) the spouse of a WIN registrant.

b. Other WIN Requirements

(1) If a required WIN registrant refuses to register, his/her needs shall be deleted from the AFDC grant; if the only dependent child in a family refuses to register, the entire AFDC grant for the family will be denied or terminated.

(2) An AFDC applicant or recipient may contest the requirement that he/she register for WIN through the fair hearing procedure.

c. "Failure to participate in WIN" means:

(1) failure to attend the WIN appraisal interview;

(2) failure to accept child care plans for the WIN program;

(3) failure to participate in Employment Services activities;

(4) failure to accept employment or training;

(5) failure to remain in employment.

d. If a WIN registrant fails to participate in WIN, WIN Employment Services will provide him/her an opportunity to contest whether or not this failure was for good cause; the decision of this hearing is not appealable to the Commissioner of Welfare and the result is binding on the local welfare agency. If the hearing opportunity is not taken, or if the failure to participate is found to be without good cause, WIN will provide the individual with a 60-day counseling period to correct the situation.

e. If an individual is found to have failed to participate in WIN, the following sanctions shall apply:

(1) If the individual is the only dependent child in an AFDC family, assistance for the entire family will be terminated; if the individual is one of several dependent children in an AFDC family, his/her needs will be deleted from the AFDC grant.

(2) If the individual is the caretaker of AFDC children, his/her needs will be excluded from the grant and assistance to other family members will be provided through protective or vendor payments. These sanctions do not apply to persons who are undergoing the 60-day counseling period or who are voluntary WIN registrants.

An individual who has been found to have failed to participate in WIN without good cause must wait 90 days after his/her AFDC benefits are terminated to re-register for WIN; if an individual has twice failed to participate in WIN without good cause, he/she must wait six months to re-register. WIN need not reaccept any such re-registrant whose prior failure to participate was the result of criminal or other activities which presented a hazard to WIN staff or other WIN participants.

f. A WIN participant's monthly $40 training allowance and $30 incentive payment is to be disregarded as income in computing the AFDC grant.

g. Public Service Employment (WIN/PSE) is not subject to the $30 plus 1/3 disregard.

h. On-the-job training (WIN/OJT) provides for the $30 plus 1/3 disregard plus expenses. If the recipient is on AFDC-UF, the 100 hour rule applies.

2. Emergency Assistance for Families with Children under Age 21 (AFDC-EA)

a. Eligibility Qualifications

(1) Emergency Assistance is immediate financial aid for AFDC families and other families in situations that place some or all members of the family in jeopardy and cannot be resolved with the family's current resources. Examples of emergencies are natural and civil disorders, illness, accident, death, threat of eviction, etc.

(2) Emergency Assistance shall be granted only to a family which includes a child (under age 21) who is (or six months prior to application was) living with a relative eligible as an AFDC caretaker, and which is completely without resources to solve the emergency. It is not available to persons or on behalf of children over age 16 and not in school who have refused employment or training without good cause.

b. Allowable Need Items

(1) Emergency Assistance covers payment for food, shelter, clothing, fuel and utilities, medical care and child care. It may also cover moving expense, major home repairs and major furniture and appliance replacement, replacement of furnace, roof, plumbing, or electrical systems, if authorized by the local agency before the expense was incurred.

(2) Emergency Assistance is available when the proceeds of cashed AFDC checks are lost or stolen; the theft must be reported to the police and the local welfare agency in the form of an affidavit. It is not available when uncashed AFDC checks are lost or stolen; in such cases, the lost or stolen AFDC funds should be replaced by another AFDC check.

c. Emergency Assistance Payments

(1) The amount of Emergency Assistance is based on the AFDC Family Allowance Standard; if this sum is insufficient to meet need, the AFDC-EA allowance shall be based on cost. Payments may be made as money, vendor payments, payments inkind, or in the form of interest free loans (up to $100) for employment expenses.

(2) AFDC-EA may be granted only for one consecutive 30-day period in one consecutive 12-month period; needs which accrued prior to the 30-day period may be met only when necessary to resolve the current emergency situation (e.g., back rent or utility payments). Assistance may be extended for up to 30 days beyond the 30-day base period, if authorized during the base period.

(3) Each local agency shall designate at least one staff member to authorize immediate AFDC-EA grants and may establish a schedule of maximum allowances for the purchase of furniture and appliances.

3. AFDC-Foster Care (AFDC-FC)

a. Eligibility for AFDC-FC

(1) AFDC-FC is available for children placed by judicial action in foster homes or private, non-profit child caring institutions. All such institutions, homes and agencies must be licensed as child caring. Payments for foster or institutional services may be made to cooperating public or private agencies for care given in foster homes or non-profit private child care institutions.

(2) AFDC-FC is not available when the child lives with a relative who is legally liable for support. AFDC-FC is paid to non-legally responsible relatives who are licensed or approved as foster care providers.

(3) AFDC-FC is available only for children eligible for ordinary AFDC during the month in which judicial proceedings were started, or who would have been eligible during the prior six months if they had lived with an eligible relative.

b. AFDC-FC is available whether or not parental support is available; the local agency should petition the juvenile court for an order requiring the parents to contribute to the child's support.

c. AFDC-FC will be paid to the foster home parent or institutional care representative, as the provider of care, not as the payee.

d. AFDC Foster Care Rates (AFDC-FC)

(1) The rates for AFDC-FC shall be applicable to foster and group homes and child care institutions except where a rate for institutional maintenance has been established through a state agency rate-setting process. In no circumstances can rates paid to institutions include overhead costs.

Age		Initial Clothing
0-3	$111	$ 50
4-8	142	75
9-11	156	100
12-14	187	175
15-18	204	200

The initial clothing allowance is available only at the time of the first placement.

The care rate includes food, clothing, shelter, physical attendance, and supervision and transportation.

Additional payments may be made for specific social services provided by the foster home or child care institutions. Additional payments may not be made to supplement maintenance costs.

(2) In addition to the basic rate, monthly payments for additional maintenance needs (as determined by the local agency) can be made.

The additional care rates are determined by adding the points assigned to each level and type of care required by the child.

	A	B	C	D	E
Emotional	5	15	30	60	175
Physical	5	15	30	60	175
Auxiliary	5	10	15	60	

5	30.00	1.00	60	145.50	4.85	120	271.50	9.05
10	40.50	1.35	65	156.00	5.20	125	282.00	9.40
15	51.00	1.70	70	166.50	5.55	130	292.50	9.75
20	61.50	2.05	75	177.00	5.90	135	303.00	10.10
25	72.00	2.40	80	187.50	6.25	140	313.50	10.45
30	82.50	2.75	85	198.00	6.60	145	324.00	10.80
35	93.00	3.10	90	208.50	6.95	150	334.50	11.15
40	103.50	3.45	95	219.00	7.30	155	345.00	11.50
45	114.00	3.80	100	229.50	7.65	160	355.50	11.85
50	124.50	4.15	105	240.00	8.00	165	366.00	12.20
55	135.00	4.50	110	250.00	8.35	170	376.50	12.55
			115	261.00	8.70	175	387.00	12.90

(a) Emotional

Level A. These are children who periodically exhibit excessive dependency, passivity, lack responsiveness and the ability to relate.

Level B. Children at this level require abnormal amounts of attention and affection, have need for a regimental program, such as behavior modification. Such children often have school problems, difficulty with peers, moodiness, frequent enuresis. Foster parents often have to provide an abnormal amount of structure (e.g., constant repetition and follow through on instructions).

Level C. These children exhibit extreme attention-seeking behavior, stealing, drug use, encopresis, destructive behavior, extreme hyperactivity, sexual acting-out, running away, withdrawal, etc.

Level D. These children show extreme, bizarre behavior, may be self-destructive and require exceptional care.

Level E. Children at this level show severely disturbed behavior, such as frequent running away, depression, attempted suicide, fantasizing, or inappropriate behavior. They may be dangerous to themselves or others, and cannot be maintained in a normal family setting.

(b) Physical

Level A. These children need some help with putting on braces or prosthetic devices, help with buttons, laces, etc., but basically self-caring.

Level B. These children need help with dressing, bathing, general toilet needs, as well as some help in ambulation. They exhibit feeding problems such as excessive intake, extremely slow and/or messy requiring help and/or supervision due to retardation or emotional or physical handicap. Need for tube or gavage feeding. Physical therapy, under one hour per day.

Level C. These children need appliances for drainage or ileal conduit, or a colostomy. They might need aspiration, suctioning, mist tent,etc. They are non-ambulatory, needing constant attendance, and/or prescribed physical therapy, 1-2 hours per day, by foster parent.

Level D. These children require custodial care, physical therapy 2-3 hours per day. They may have uncontrollable seizures.

Level E. Due to the severity of their physical handicap, these children are unable to tolerate a normal family setting and require ongoing care. Such children possibly need 24 hour supervision.

(c) Auxiliary

Level A. These children require special diets or supplements that require extra expense and are not covered under any other program. Regular but infrequent (less than monthly) trips must be made to physician, psychiatrist, therapist, etc.

Level B. Children require special equipment or a regular and consistent tutoring program at home. There is unusual wear and tear on the home, and need for occasional periods of relief by an adult. Therapeutic appointments must be met every 2-4 weeks.

Level C. There is extreme wear and tear on the home, frequent hospitalizations, therapeutic visits every two weeks or oftener.

Level D. These children exhibit either emotional or physical problems of such severity that the foster parents must make extraordinary adjustments in their family life style to accommodate the foster child. Such adjustments may include, but not be limited to, ongoing regular attendance at supportive group meetings, physical changes in the home (such as building ramps, installing lifts, etc.), ongoing consultation with child care professionals. These children require foster parents who have shown skill in adapting family life to the needs of each child.

Relationship to Other Programs

1. AFDC recipients are automatically eligible for:

   a. Medical Assistance

   b. Food Stamps

   c. Social Services

2. AFDC recipients may not be simultaneously eligible for:

   a. General Assistance

   b. Poor Relief

   c. Supplemental Security Income (except for foster children)

3. The following programs are not a bar to AFDC eligibility but may furnish the AFDC family with another source of support (which may remove the need for AFDC):

   a. Retirement, Survivors, and Disability Insurance;

   b. School Lunch Program;

   c. Services and payments to veterans and armed forces personnel;

   d. Services and payments for immigrants and refugees;

   e. Servicemen's Quarters Allowances.

The local agency should help the AFDC recipient explore the resources offered by these programs.

J. Miscellaneous

1. Former DPW Rule 44 is hereby repealed.

2. The provisions of this rule shall be severable and if any phrase, clause, sentence or provision is declared illegal or of no effect, the validity of the remainder of this rule and the applicability, thereof, to any agency, person, or circumstance shall not be affected thereby.

3. The effective date of this rule is the date of final enactment.

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Attorney General

Michael R. Saeger
Special Assistant
Attorney General
Department of Welfare

July 15, 1976

296-4692

Michael B. Miller
Special Assistant
Attorney General

Welfare Rule 44

As we discussed, I have approved the above-captioned rule as resubmitted. However, it should be re-typed in the form called for by the State Register. I will file it there immediately upon resubmission in this form.

MBM/mb

194

26A

Attorney General

Michael R. Saeger
Special Assistant
Attorney General
Department of Welfare

February 17, 1976

Michael B. Miller
Special Assistant
Attorney General

4692

Department of Welfare Rule 44

Returned herewith is the above-captioned rule. It is returned unfiled for the following reasons:

1. The Findings of Fact do not refer specifically to evidence or testimony given at the hearing;

2. There was no testimony on behalf of the rule presented at the hearing, despite some testimony in opposition; I therefore request that the exhibits submitted after the hearing be included when you return the rules for review.

MBM/mb

Enclosure

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE VERA J. LIKINS

COMMISSIONER OF PUBLIC WELFARE

In the Matter of Proposed Amendments to Rule 44 of the Minnesota Department of Public Welfare Governing Administration of the Aid to Families with Dependent Children Program

NOTICE OF HEARING

Notice is hereby given that a public hearing will be held pursuant to Minnesota Statutes 15.0412, subd. 4 (1974), as amended by Minnesota Laws 1975, Chapter 413, regarding the above-entitled matter, in the State Office Building Auditorium (Room 83), Wabasha Street (between Aurora and Fuller), St. Paul, Minnesota, on Tuesday, December 2, 1975, commencing at 9:30 A.M., and continuing until all representatives or other interested groups or persons have had an opportunity to be heard concerning adoption of the proposed amendments to Minn. Rule DPW 44 by submitting either oral or written data, statements or arguments. Statements or briefs may be submitted without appearing at the hearing.

Under Minnesota Statutes 10A.01, subd. 11 (1974), any individual representing persons or associations attempting to influence administrative action, such as promulgation of amendments to this rule, must register with the State Ethics Commission as a lobbyist within five [5] days of the commencement of such activity by the individual. [The State Ethics Commission is located at Room 410, State Office Building, St. Paul, Minnesota 55155.]

The Commissioner proposes to amend Minn. Rule DPW 44 relating to the following matters:

(a) Title IV of the federal Social Security Act and the Code of Federal Regulations pertaining thereto.
(b) Minnesota Statutes 256.11, 256.72 through 256.878 (1974), and Minnesota Laws 1975, Chapter 434, Section 2, Subdivision 7.
(c) Minnesota Department of Public Welfare AFDC Program Manual.

Minn. Rule DPW 44 governs the Aid to Families with Dependent Children program in Minnesota.

Testimony or other evidence to be submitted for consideration should be pertinent to the matter at hand and may be presented either orally or in writing at the public hearing or by mailing a statement to Commissioner Vera J. Likins, Minnesota Department of Public Welfare, Fourth Floor, Centennial Office Building, St. Paul, Minnesota 55155, within 20 days following conclusion of the hearing. If the person submitting a written document cannot be present to read his statement at the hearing, the document will be entered into the record. For those persons wishing to submit written statements or exhibits, it is requested that at least three (3) copies of each statement, exhibit or summary be furnished at the hearing. It is suggested that to save time and avoid duplication, those organizations or associations sharing common viewpoints or interests in these proceedings join together where possible and present a single statement on behalf of such interests.

Copies of the proposed rule are now available and may be obtained by writing:

R. Grabko, Supervisor
AFDC Section
Division of Income Maintenance
Minnesota Department of Public Welfare
Fourth Floor, Centennial Office Building
St. Paul, MN 55155
Phone: (612) 296-6440

Additional copies will be available at the door on the date of the hearing.

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC WELFARE

Vera J. Likins

VERA J. LIKINS
Commissioner

Dated: October 24, 1975.

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE VERA J. LIKINS

COMMISSIONER OF PUBLIC WELFARE

In the Matter of Proposed Amendments
to Rule 44 of the Minnesota Department
of Public Welfare Governing Administration
of the Aid to Families with Dependent
Children Program

ORDER FOR HEARING

In order to effectively implement Title IV of the federal Social Security Act and provisions of the Code of Federal Regulations pertaining thereto, as well as Minnesota Statutes §§ 256.11, 256.72 through 256.878 (1974), and Minnesota Laws 1975, Chapter 434, § 2, Subd. 7, the Commissioner of Public Welfare deems it necessary to consider amendment of Minn. Rule DPW 44 pursuant to the authority vested in me by Minnesota Statute 256.01, Subd. 4(2) (1974).

NOW, THEREFORE, IT IS ORDERED that a public hearing on the proposed amendment of Minn. Rule DPW 44 be held in the State Office Building Auditorium (Room 83), Wabasha Street (between Aurora and Fuller), St. Paul, Minnesota 55155, on Tuesday, December 2, 1975, commencing at 9:30 A.M., and continuing until all representatives or other interested groups or persons have had an opportunity to be heard.

IT IS FURTHER ORDERED, that notice of said hearing shall be given and copies of the proposed amendments shall be made available to all representatives of associations or other interested groups or persons who have registered their names with the Secretary of State for that purpose and all persons who are presently members of the Minnesota Legislature.

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC WELFARE

Vera J. Likins

VERA J. LIKINS
Commissioner

Dated: October 20, 1975

PROPOSED

Minn. Rule DPW 44: Aid to Families with Dependent Children [AFDC]

(I) Introduction

(a) This rule governs administration of the Aid to Families With Dependent Children (AFDC) program in Minnesota. The provisions of this rule are to be read in conjunction with Title IV-A of the Federal Social Security Act, Title 45 of The Code of Federal Regulations, Minnesota Statutes - Chapter 256, and other rules of the Department of Public Welfare pertaining to public assistance and the administration of Minnesota's state and local welfare departments (Local welfare departments/agency means the county welfare department or those multi-county welfare agencies established under Minnesota Statutes 393.01 or Minnesota Statutes 402). The Commissioner of Public Welfare may issue policy bulletins and manual material to the local welfare agencies to clarify the provisions of this rule and may prescribe forms to be used in administration of this program; where a policy bulletin changes any provision of this rule, the change shall be implemented according to the Commissioner's instructions, but the Commissioner shall issue an order for hearing on the change within 90 days of its effective date.

(b) The AFDC program shall be administered to provide qualifying needy families with the resources necessary to sustain a reasonable subsistence compatible with decency and health, according to this rule. The AFDC program will not be administered to deny applicants and recipients their individual and civil rights, nor to disclose information regarding them/except as provided by DPW Rule 45.

(II) Applications for Assistance

(a) Any person may apply for AFDC to the local welfare agency in the county he/she resides, and the local agency shall promptly advise him/her of the program's eligibility requirements. The application form shall be signed by the applicant, his/her parent, eligible caretaker relative, legal guardian, an authorized representative of the applicant, or the agency director if the application is for AFDC-FC. (See Part (VIII) (c) below.)

(b) As soon as possible, but no later than 45 days from the date of request for assistance, the local agency shall conduct a personal interview with the applicant and determine his/her eligibility for assistance. All eligibility conditions must be met within this 45-day limit. Assistance may be issued before the eligibility process is completed, but if the applicant is not found to be eligible, no federal or state financial participation may be claimed for this assistance.

(c) The applicant must be notified in writing that his/her application has been approved or denied, unless the applicant dies or cannot be located. If the application is denied, the recipient must be notified in writing of the reasons for denial and of his/her right to appeal.

(d) Any person has the right to reapply for assistance. New applications must be taken whenever a previous application has been denied or withdrawn, or a grant has been cancelled, or the payee has been changed, or the county of financial responsibility has been changed. An approved application shall be appended by an addendum thereto for the purpose of adding additional eligible persons or when the payee has changed his/her name.

(e) Eligibility shall be redetermined at least semi-annually. When the local income maintenance unit receives information about a change in case facts, eligibility shall be reviewed within 30 days. Eligibility for AFDC-UF cases shall be redetermined every three months. The recipient shall furnish such correct information and reports as required by the agency to assure eligibility and payments.

(f) The local agency shall verify the information contained in the application from the applicant or other persons or agencies only with the applicant's signed permission; blanket consents may be used only for groups of related agencies (such as banks, insurance agencies, etc.). If the applicant refuses to cooperate with the county agency in verifying the needed information, the application must be denied.

(g) The following information shall be verified:

(1) Social Security numbers of all individuals applying for or receiving assistance and parents of dependent children;

(2) Incapacity of a parent or unemployment of a father if such is the basis of eligibility; and

(3) The applicant's income and acknowledged property.

Any other information affecting eligibility may be verified depending on the circumstances of the case.

(III) Financial Responsibility And Residence

(a) "Residence" or "abode" means where a person lives and intends to remain; the "county of financial responsibility" or "county of settlement" means the county which is liable for a person's public assistance.

(b) Minnesota residence is an eligibility requirement for AFDC, but no length of residence is required. A person loses Minnesota residence when he/she leaves the state with the intent to establish a home elsewhere; evidence of intent under this rule is not simply the person's stated intentions, but includes consideration of objective criteria associated with the move (e.g., movement of possessions, rent payments, changes in voter or driver's license registrations).

(c) The county of financial responsibility for an AFDC grant is the county of the longest period of residence of the dependent child during the year preceding application, free of "excluded time". "Excluded time" is the period the child resides in a licensed hospital, detention home, county jail, licensed foster home, or public or private child care institution; if the child has always resided in places of excluded time, the county of financial responsibility is the county of the child's longest residence during the year preceding application.

(d) For purposes of AFDC-UB (see Part (IV)(a)), an unborn's residence begins on the estimated date of conception. If more than one county is financially responsible for the children in one AFDC grant, the caretaker's needs are assigned to the county having the responsibility for the most children, or the county responsible for the oldest child if each county is responsible for the same number of children.

(e) If a child moves from one county to another and continues to receive AFDC, the county of financial responsibility transfers to his/her county of residence when he/she has resided in that county for one year, free of excluded time. However, the county of the child's residence is always the county which services his/her AFDC grant, whether or not it is the county of financial responsibility; moreover, whenever the county of financial responsibility and county of residence have eligibility policies which conflict, the latter takes precedence.

(f) If counties disagree as to which is the county of financial responsibility, the following procedures apply:

(1) The county of residence shall grant AFDC to the applicant (if eligible) while it refers the case to the alleged county of financial responsibility;

(2) The alleged county of financial responsibility shall promptly decide if the applicant is eligible for AFDC and if it is the county of financial responsibility;

(3) If the alleged county of financial responsibility denies eligibility or financial responsibility for the applicant, the county of residence may accept financial responsibility or may refer the matter to the Commissioner of Welfare;

(4) The Commissioner of Welfare shall review the matter and provide both counties with the opportunity to state their position (by formal hearing or otherwise) and decide which county is financially responsible; the Commissioner's determination is binding on both counties unless it is appealed to and reversed by the courts according to law;

(5) The county determined to be financially responsible shall reimburse any other county for any costs the other county previously paid on the grant; if eligibility is denied, the county of residence is responsible for costs previously paid on the grant.

(IV) Eligibility Factors

Child Status

(a) Age

(1) Children under the age of 18 are eligible for AFDC; children age 18 - 19 are eligible if they are full-time students attending a high school, college, university, vocational or technical training institute.

(2) Unborn are eligible for AFDC during the last three months of the mother's pregnancy (as medically certified). AFDC grants for unborn are referred to as "AFDC-UB".

(b) Eligible Relatives

(1) Parents, grandparents, brothers, sisters, uncles, aunts, great grandparents, great uncles, great aunts, nephews, nieces, first cousins, stepparents, stepbrothers, and stepsisters, and spouses of these persons, are eligible to be the caretaker of a child receiving AFDC.

(2) The caretaker must meet all eligibility requirements to be included in the child's AFDC grant.

(c) Physical Presence in the Home

(1) A child must reside in the same home with an eligible caretaker to be eligible for the AFDC unless he/she has special educational needs which require that he/she reside away from home.

(2) Temporary absences of the caretaker or the child from the home will not defeat AFDC eligibility if an emergency exists or if suitable arrangements are made for the child during the period of absence; no absence may exceed six months, and all absences of more than three months shall be referred to the Commissioner for a determination of continued eligibility.

(d) Guardianship of a child does not affect AFDC eligibility, but if the child does not reside with an eligible caretaker, he/she must meet the requirements of AFDC-FC (see Part (VIII)(c)).

(e) If a child dies (or if an AFDC-UB is stillborn), the AFDC grant shall be paid for the entire month in which death occurs.

Parental Status

(f) To be eligible for AFDC a child must be deprived of parental support or care due to the death, incapacity or continued absence of a parent from the home, or due to unemployment of the father. This rule applies to natural and adoptive parents; the term "parental support or care" means financial maintenance, training, supervision, housekeeping and feeding normally given to children by their parents.

(g) Death of a parent must be verified by official records (death certificates, military records, etc.); death is presumed if a parent's whereabouts have been unknown for at least seven years.

(h) Incapacitated Parents.

(1) A parent is incapacitated if he/she has a physical or mental handicap which makes him/her unable to work at his/her usual or last occupation and unable to earn the prevailing wage for similar kind of work. The incapacity must be expected to last at least 30 days from its onset. Budget deficiency alone does not establish need in incapacity cases; the physical or mental handicap must cause the budget deficiency.

(2) The incapacitated parent, and caretaker relative, are to be included in the AFDC grant if need exists.

(3) The incapacitated parent who is exempt from WIN registration (see Part (VIII)(a)) must be referred to the Department of Vocational Rehabilitation.

(i) Continued Absence

(1) A parent is continually absent from the home if he/she is physically absent from the home and if this absence interrupts or make uncertain his/her parental support or care; there is no minimum time period used to establish continued absence.

(2) Upon an absent parent's return to the home, AFDC shall continue, if need exists, for one month following the month of his/her return.

(3) Where continued absence exists, the case must be referred to the local child support unit and the applicant or recipient must assign his/her rights to any child support to the State of Minnesota. If the applicant or recipient fails to make this assignment, an AFDC grant will be provided to the children only through protective or vendor payments, and the caretaker relative's needs will not be included in the grant. Although the assignment agreement must be signed in all cases; action for paternity/support shall not be taken, nor caretaker needs deleted, when the caretaker can demonstrate "good cause" that such actions are not in the best interest of the child.

(j) Unemployed Fathers (AFDC-UF)

(1) An unemployed father is a father:

(A) whose family is in need;
(B) who is not unemployed due to a labor dispute;
(C) who works less than 100 hours per month;
(D) who has not been fully employed for 30 days prior to the receipt of AFDC-UF;
(E) who has not refused or quit employment except for good cause, within 30 days prior to the receipt of AFDC-UF;
(F) who was not fired from his job within 30 days prior to the receipt of AFDC-UF;
(G) who is currently registered with the local Department of Employment Services;
(H) who is not receiving Unemployment Compensation concurrently; and
(I) who has
(i) worked at least six quarters during any 13 calendar quarter ending one year prior to the date of application; at least $50 per quarter must have been earned during this period or the father must have been in an approved work-and-training program.
(ii) received or could have qualified for Unemployment Compensation during the year prior to application for AFDC-UF.

(2) To refuse or quit employment or training except for good cause means that an individual refused, or quit employment or training, or the offer of employment or training, which he was physically and technically able to perform, which was not excessively hazardous, for which transportation was available, and which paid the prevailing wage in the community for that type of work (but not less than the minimum wage).

(3) An unemployed father may receive either Unemployment Compensation or AFDC-UF, but not concurrently.

(4) To continue AFDC-UF eligibility in non-WIN counties, the father must re-register with the local Department of Employment Services every 30 days, and actively seek employment or enroll in a work training program; in WIN counties he must register for WIN (see Part (VIII)(a)).

(5) If the father refuses or quits an offer of employment or training without good cause, he is no longer eligible for AFDC-UF; his needs will not be included in the AFDC grant, protective or vendor payments will be used for the needs of other eligible family members, and his income will be attributed first to his own needs and then to the needs of the members of his family still receiving AFDC. If the father thereafter accepts counseling from the Department of Employment Services to help him secure training or employment, his needs may be included in the grant for 60 days, but protective or vendor payments will continue. If the father accepts training or employment after having refused or quit such (without good cause) protective or vendor payments will stop, but the father's needs will not be included in the grant until 90 days have elapsed; if this happens a second time, the waiting period shall be six months.

(k) Stepparents

(1) A stepparent is a potential resource for the support of his/her stepchildren, but cannot be required to support them. If a stepparent chooses to support a stepchild, that stepchild's needs must be removed from the grant.

(2) A stepparent is legally responsible for the support of his/her spouse; if the stepparent is unable to support the spouse (and can document that fact), the spouse's needs may be included in his/her children's AFDC grant, assuming other eligibility conditions are met. To determine if the stepparent is unable to support his/her spouse, compare the amount of the stepparent's income (determined in the same way that an AFDC recipient's income is determined under Part (IV)(m)) with the SSI payment level for one person; if the stepparent's income does not exceed this level, the spouse may be included in the AFDC grant, but any excess income is considered available for the support of the spouse.

Income and Resources

(l) Property

(1) Types of Ownership. The owner of property in joint tenancy shall be considered as owning one-half of the value of such property, but the county or the joint tenant may establish ownership of a greater or lesser amount. An owner of property as a tenant-in-common owns his/her pro-rata share of the property's value. All other types of ownership shall be evaluated according to the law.

(2) Transfers of Property. The transfer of real or personal property to establish or continue AFDC eligibility is contrary to public policy. Under this provision:

(A) each AFDC applicant shall be required to disclose whether he/she has transferred any property within the last year worth more than $500 for which a reasonable consideration was not received; this disclosure requirement applies to all AFDC recipients upon a redetermination of their eligibility;

(B) any property so transferred is a potential resource for the applicant or recipient, and the transferor must disclose the property's description and value, the names of the transferees, and the circumstances of the transfer;

(C) the applicant or recipient must cooperate with the local agency in reasonable efforts to reacquire the property or its value;

(D) if the property cannot be reacquired, the matter must be referred to the county attorney for possible civil and criminal prosecution, but this fact in itself will not defeat AFDC eligibility.

(3) Real Estate

(A) No AFDC recipient may own an equity in real property used as a home (including a mobile home) which exceeds $7,500, unless the local welfare board waives such excess equity; the amount of equity is the difference between the recipient's share of the property's market value and encumbrances on the property (mortgages, liens, delinquent and current taxes).

(B) No AFDC recipient may own real property not used as a home (including mobile homes) unless the local welfare agency determines that the property produces income or that no market or a reasonable price exists for its sale. To determine if property is income producing, taxes and maintenance expenses (but not principal payments or costs of improvement) are deducted from the gross income of the property.

(C) In deciding if the property limits of part (3)(A) of this section should be waived, the local welfare board should determine if the excess equity can be converted to cash for the family's support. If not, then the excess should be waived.

(4) Personal Property

(A) no AFDC recipient may own personal property the value of which is more than $300 if one child is included in the grant, or $500 if more than one child is included in the grant.

(B) the provisions of part (A) do not apply to household goods, furniture, clothing, burial lots, mobile homes used as a home, or personal items; the limits of part (A) may be exceeded where the excess is (i) derived from a child's income and is designated for the educational needs of the child and is held in a separate account, (ii) is designated for a specific purpose and will be eliminated yearly (such as an account to pay real estate taxes), or (iii) is a legislatively disregarded payment (such as some Indian Tribal payments).

(C) a recipient may build his/her personal property to limits set forth in part (A) as long as all his/her non-exempt income has been reported and counted in determining the amount of his/her grant.

(D) income-producing personal property is exempt from the limits of part (A). This includes tools, domestic animals, implements, and one automobile used to transport the recipient to work or a work training program, or for transportation in actively seeking employment. Automobiles are not other-

wise excluded from this rule; an automobile's value shall be its current NADA average trade-in value minus encumbrances, unless the recipient can demonstrate that its value is less than the NADA average.

(5) Life Insurance and Trust Funds

(A) a recipient may retain life insurance policies with total cash surrender values of not more than $500 without defeating AFDC eligibility;
(B) a trust fund whose beneficiary is a dependent child is subject to the property limits of this rule unless it can be demonstrated that the fund cannot be made available for the child's support.

(6) Prepaid Burials. No AFDC recipient may have a prepaid burial contract which exceeds $750 for each family member plus $200 in accrued interest. The funeral director must be the trustee of any such burial contract and a recipient must be the beneficiary, or a trust account specifically designated for funeral costs may be established by the funeral director and recipient jointly.

(7) If personal property increases in value beyond the limits of this rule, it will not defeat AFDC eligibility if the recipient, within 15 days notice by the county agency:

(A) transfers the excess to an excluded type of property;
(B) uses the excess to repay the county for assistance already received;
(C) uses the excess to reduce his/her grant for one month; or
(D) uses the excess to meet all his/her needs for up to three months (thereby suspending his grant for those months).

(8) The total real property (except for that used as a home and that which is income-producing) plus all excluded and non-excluded personal property may not exceed the limits established in federal regulations.

(m) Income

(1) Generally, "income" is any benefit received by or available to an AFDC recipient as earnings or otherwise. Income may be earned or unearned. In family groups living together, the income of a spouse is considered available to his/her spouse and the income of a parent is considered available to his/her children under age 21. All income, except non-cash items provided free of cost and other items specifically disregarded in this rule, are resources to be evaluated in determining the need of AFDC recipients.

(2) Exclusions. The following income is not considered a resource for AFDC purposes:

(A) inconsequential income (under $30 per month);
(B) reimbursement of the maintenance costs incurred in providing foster care;
(C) WIN work and training allowances;
(D) Non-WIN training allowances received as a social service expense;
(E) food stamp bonuses;

(F) Comprehensive Employment and Training Act incentive payments;
(G) home-produced food used in the home;
(H) reimbursement for out-of-pocket expenses incurred for volunteer work;
(I) corrective payments from the county agency;
(J) assistance under the Uniform Relocation Act of 1970;
(K) Indian tribal earnings payments specifically exempted by Congress;
(L) loans and grants, such as scholarships, obtained and used under conditions that preclude their use for current living costs;
(M) any grant or loan to any undergraduate student for educational purposes made or insured under any programs administered by the United States Commissioner of Education;
(N) Vietnam Veteran's Bonuses authorized by law;
(O) benefits under Titles VI or VII of the Older Americans Act of 1965;
(P) Minnesota income tax refunds for senior citizens and disabled persons;
(Q) Federal payments for presidentially declared disaster areas;
(R) volunteer payments under Titles II and III of the Domestic Service Act of 1973;
(S) assistance through the National School Lunch and Child Nutrition Act amendments of 1973;
(T) up to $20 per month in child support (Title IV-D) bonus payments;
(U) other income disregards as mandated by federal or state law.

(3) Allocation of Income

(A) before applying income to need, income may be allocated from spouse to spouse and from parents to children under age 21 is such person resides with the AFDC recipient and is in need;
(B) the income and resources of an SSI recipient are to be ignored in determining the AFDC recipient's income;
(C) trust funds designated for a particular person or purpose cannot be allocated to the family until that person's needs or the particular purpose are met;
(D) RSDI payments are considered family income unless they are paid for a child who is excluded from the grant;
(E) income from jointly-held property is allocated according to the share of ownership and availability to AFDC recipients.

(4) Income cannot be allocated to meet past obligations. See DPW Rule 53.

(5) During the period of eligibility, the county can determine income and work expenses monthly or average it over a three-month period.

(6) All unexcluded unearned income and earned income minus allowable deductions must be applied against the AFDC Family Allowance Standards.

(7) Income averaging involves dividing total income for the past three months by three; actual income variations are ignored when income averaging is used unless a significant change requires a stop in the averaging cycle; weekly income should be multiplied by 4.3, bi-weekly income by 2.16, and semi-monthly income by 2, to determine monthly income.

(8) Earned Income

(A) Generally. Earned income includes any compensation from employment or self-employment (wages, salary, tips, commissions, profits, etc.), plus training incentive payments and work allowances under the Equal Opportunity Act and Title I of the Elementary and Secondary Education Act.

(i) $30 plus one-third of the remainder of the family's total earned income is to be disregarded unless a family member has terminated or refused employment within the preceding 30 days (in which case the disregard is not applied for one month). This disregard does not apply to income from WIN public service employment;
(ii) the earned income of a child under age 14 shall be disregarded;
(iii) the earned income of a child over age 14 who is a full or part time high school student, shall be disregarded. If the money is set aside for specified educational goals, the amount may exceed the personal property maximum.

(B) The following employment expenses are to be deducted in determining net earned income:

(i) mandatory retirement fund deductions;
(ii) transportation costs to and from work based on the actual cost of public transportation or car pool payments, or 13¢ per mile for the actual number of miles driven, not to exceed 100 miles per day of employment (unless the recipient can establish actual higher transportation costs);
(iii) cost of work uniforms;
(iv) FICA and SMI payments;
(v) Federal and state income taxes withheld;
(vi) Union dues;
(vii) professional association dues required for employment;
(viii) child care costs unless these are paid as a social service, or paid to a relative included in the AFDC grant or one who is financially responsible for the family and able to contribute to it;
(ix) health insurance premiums;
(x) cost of tools and equipment used on the job;
(xi) one dollar per day for the cost of meals eaten during employment hours (unless the recipient can establish actual higher meal costs that are both necessary and reasonable);
(xii) public liability insurance required by the employer when an automobile is used in employment and the cost is not compensated for by the employer;
(xiii) business expenses (except depreciation) as recognized by the federal and state tax authorities.

(C) Income from small businesses is the difference between gross receipts and business costs.

(D) Farm income is the difference between gross receipts (sales, rents, soil conservation payments) and operating expenses. Home produced foods for sale are included.

(E) Income from child care in the home is the difference between gross receipts and the expenses allowed by IRS Schedule C; the cost of meals is figured at 60¢ per meal per child.

(F) Income from roomers and boarders is computed by allowing $53 per month (for each boarder), $42 per month (for each roomer), or $95 per month (for each roomer and boarder), as the expenses of employment.

(G) Unearned Income is not the direct result of labor performed by the recipient as an employee. Receipt of SSI is a bar to receipt of AFDC, but not AFDC-FC. Serviceperson's income shall be counted after deducting the amount needed for the serviceperson's clothing, personal needs, and transportation, but cannot be greater than the amount actually received by the family.

(9) Special Situations

(A) rental income is unearned income. Deduct $60 per year or two percent of market value (whichever is less) for upkeep and repairs, and deduct taxes, insurance, utilities and principal payments if the recipient lives on the property. Where the recipient lives on the property, these expenses shall be allocated according to the number of rooms.

(B) lump sum payments and windfalls are unearned income unless otherwise excepted.

(C) income tax refunds including those based on pre-AFDC earnings, do not qualify for the $30 plus 1/3 disregard. If a refund is received for the income of a recipient and non-recipient, it shall be allocated according to the gross income of each. Recipients must be notified of the status of income tax refunds each January and April.

(D) to apply lump sum payments and tax refunds to current assistance standards, the following rules apply:

(i) payments equal to or greater than unmet needs for four months render the family ineligible for AFDC;

(ii) payments greater than one month's unmet need (but less than four month's unmet need) render the recipient ineligible for up to three months; the grant should be suspended rather than cancelled;

(iii) payments less than one month's unmet need and any excess from (ii) above, shall be counted as unearned income for one month;

(iv) if the payment has been spent before the agency applies these rules, it shall be recovered through the recoupment process (see Part (VI)(c));

(v) if part of the payment has been spent before the agency applies these rules, the grant shall be suspended before recoupment is made;

(vi) if the recipient is made ineligible or terminates assistance because of the payment, the payment shall be applied to the family's gross living costs (AFDC need, plus medical and education costs) in determining need when the recipient reapplies for assistance; this can be done only within 12 months after receipt of the payment; the re-applicant shall not again be eligible for AFDC until gross living costs exceed the amount of the payment.

(n) An AFDC recipient must be a U.S. citizen, an alien lawfully admitted for permanent residence or a continuous U.S. resident since July, 1948.

(o) Social Security numbers of all applicants and recipients must be provided to the county agency as a condition of eligibility (but assistance shall not be denied where a number has been requested from the Social Security Administration, but not received).

(V) AFDC Family Allowance

(a) Standards of Need

(1) The need standards set forth in this section are to be used to determine the grant for every AFDC family in Minnesota (except AFDC-FC).

(2) Definitions

(A) an "eligible person" is one who is eligible for and receives AFDC; in most circumstances it means one caretaker relative and the dependent children he/she cares for (more than one caretaker may be eligible where eligibility is based on parental incapacity or unemployment of the father). The caretaker and the dependent children he/she cares for constitute the "recipient unit".

(B) a "non-shared household" is one in which all persons in the household are eligible for and receive assistance in one AFDC check; if two AFDC checks are received by the household because more than one county is financially responsible, the household is "non-shared" if only one caretaker is present.

(C) a "shared household" is one in which AFDC recipients live with one or more persons not eligible for AFDC or who receive AFDC as a separate recipient unit (see exception in definition (B) above). A shared household's standard of need is less than that of a non-shared household because, on a statewide average, the per capita living costs of shared households have been found to be less than non-shared households; the difference is not due to the income, actual or supposed, of the non-eligible person in a shared household.

(D) NOTE: If the only non-eligible person living with an AFDC recipient unit is a boarder (meals only), a foster child placed by a licensed child-placing agency, an agency placed or approved homemaker, housekeeper, or live-in attendant, an unborn child, or an SSI recipient, the household is "non-shared". If the non-eligible person is a roomer or boarder and roomer, the household is "shared".

(3) Need Standards

# of Eligible Persons In Recipient Unit	Non-Shared Households	Shared Households
1	136	73
2	272	177
3	330	225
4	385	293
5	432	341
6	479	396
7	526	468
8	566	537
9	607	589
10	641	613
each person over 10, add	33	24

(4) Amount of Grant. The amount of the AFDC grant for a recipient unit is the difference between the standard of need as determined by the above table and the recipients' non-exempt, non-disregarded income (see Part (IV)(m)).

(b) Supplements. The local agency shall provide supplemental grants to AFDC families to cover the costs of the following special needs:

(1) Major home repairs may be supplemented if the need for repair is established to the local agency's satisfaction. Major home repairs include foundation, wiring, furnace, hot water heater, chimney, and plumbing repairs over $25; a written estimate is required on repairs of more than $100 and the agency may require two additional estimates if one appears excessive.

(2) Major appliance repairs will be supplemented if the agency authorizes them and if they are repairable. The only appliances covered are washers, dryers, refrigerators and stoves.

(3) Replacement of essential major appliances and furnishings shall be authorized when the local agency worker identifies that the appliance or furnishing is not repairable, or the household does not have such an item. Appliances covered are washers, dryers, refrigerators and stoves; furnishings covered are beds, mattresses, bedding, kitchen tables and chairs, couches and chairs, living room tables, lamps, and chests of drawers. More than one item may be allowed in the supplement and the client is responsible for the first $25 of such a supplement.

(4) Eligibility and computation of a utility and/or fuel recaps will be based on a comparison of the client's documented expenses for the period June 1, 1974, to May 31, 1975, compared with actual expenditures for the same utilities in the same residence during the period June 1, 1975, to May 31, 1976.

The recipient shall be required to pay the first $25 of the recapped amount.

(5) Medically prescribed diets will be supplemented if they are prescribed by a physician and add expense to a normal diet. The following diets are not covered: diets covered by the Medical Assistance program, reducing or low caloric diets (1800 calories or less), sodium restricted diets (1000 mg. sodium) diabetic diets (1800 calories or less), fat controlled diets (55 mg. fat or less), and bladder, ulcer, low residue or low fiber diets which prescribe only soft food or prescribe special food preparation.

(6) The appropriation for supplements shall be allocated among the local agencies on the basis of caseloads. Unused funds shall be re-allocated. Supplements shall cease when each annual appropriation has been expended.

(c) Funerals

(1) The local agency shall pay the funeral expenses of AFDC recipients (not exceeding $370) and actual cemetery charges, unless the deceased's estate or surviving spouse and children are able to pay. If payment of these expenses causes undue loss to the estate, the local agency may pay. The local agency's payment shall not be limited by additional payments for or donations of a cemetery lot, interment, religious service, and transportation of the body to or from the community of the deceased's residence.

(2) The state shall reimburse the county for 50% of the funeral expenses not exceeding $370, under this provision, and the county shall have a prior claim against the deceased's estate for the full amount of the payments made hereunder.

(VI) Payment Provisions

(a) Payment Methods

(1) Money Payments. In usual circumstances, AFDC payments will be made by monthly check to the AFDC recipient. The initial grant will be retroactive to the first day of the month of application when all eligibility factors were met. The county will impose no restrictions on the use of the grant. A money payment for one time only may be made to someone acting on behalf of the caretaker in an emergency situation.

(2) Protective and Vendor Payments

(A) A protective payment is one made to someone other than the recipient; a vendor payment is one made to a provider of goods and services.

(B) Protective and vendor payments will be made only in the following cases:

(i) where a recipient fails to participate in WIN or during the 60-day WIN counseling period (see Part (VIII)(a));

(ii) when the caretaker fails to assign support, furnish or obtain Social Security numbers, or cooperate in establishing paternity or obtaining support;

(iii) where the caretaker's continued mismanagement of funds causes hardship for the children; if this situation persists for more than 2 years, the agency should take steps to establish a guardianship or other arrangements for the children.

(C) Protective and vendor payments because of money mismanagement cannot continue for more than two years and are subject to a fair hearing appeal by the recipient. Not more than 10% of the total AFDC recipients in a local agency may be paid through protective and vendor payments under this provision.

(D) Where protective and vendor payments because of money mismanagement are required, the local welfare board and the Commissioner of Welfare shall approve the payment method selected before it is implemented, and shall review it at least quarterly.

(E) Protective payments cannot be made to the local welfare director or welfare board members, or to landlords, grocers, or other vendors (who can receive vendor payments); a local agency staff member can be the protective payee for cases other than those in his/her own caseload if no other suitable payee can be found.

(F) For WIN cases, the requirements for the selection of payees and vendors, quarterly review of the way in which protective payees' duties are carried out and the opportunity for a fair hearing concerning the need for a protective or vendor payee and the payee selected, is given.

(G) For cases subject to protective or vendor payments because of failure to obtain Social Security numbers, to assign support or to cooperate in obtaining support or establishing paternity, the requirements for the selection of protective payees and vendors and quarterly reviews of the way in which the protective payees' duties are carried out, must be met. The entire amount of assistance must be made as a protective or vendor payment.

(b) Grant Termination, Suspension, and Reduction

(1) AFDC applicants and recipients have the right to a fair hearing if they are aggrieved by action of the local agency. This includes denial or failure to act on an application in 45 days, and grant suspension, termination, and reduction; it does not include complaints about the conduct of local agency staff, which should be directed to the local director or local welfare board.

(2) The local agency must give the recipient timely, advance notice of a grant suspension, termination, or reduction. This notice must be in writing, mailed to the recipient at least 10 days before the next assistance check is received, and must clearly state what action the agency intends to take, the reasons for the action, the right to appeal the action, and any collateral consequences of the action (e.g., loss of food stamp eligibility). Timely notice of five days is given when there is documentation of facts supporting the adverse action and there is probable fraud on the part of the recipient.

(3) If the recipient appeals the agency's action before it is effected, the action shall not be effected until the appeal is decided by the local or state hearings process.

(c) Incorrect Payments

(1) Underpayments will be adjusted through an added or supplemental payment; the agency need not correct underpayments more than a year old.

(2) Overpayments will be corrected through the process of recoupment or by the recipient's voluntary reimbursement. Voluntary reimbursements must be documented by the recipient's signed agreement and may not be fulfilled through reduction of the grant. Overpayments may not be recouped unless the process is begun within a year after the agency learns of the overpayment; overpayments more than a year old when the agency learns of the error may not be recouped. AFDC payments caused by agency error may not be recouped from disregarded income.

(3) Recoupment is made by deducting an amount up to one-half of the recipient's disregarded income from the AFDC grant until the overpayment has been corrected. Recoupment may be made only from recipients who have disregarded income. If recoupment has been interrupted by termination of employment or assistance, the recoupment may be resumed when the individual resumes AFDC and employment.

(d) Wrongfully Obtained Assistance. The legal basis for prosecution of fraud in the AFDC program is Minnesota Statute 256.98.

(VII) Relative Responsibility

(a) Procedures

(1) Parents, grandparents, brothers and sisters are responsible for the support of children on AFDC; spouses are responsible for the support of their spouses whose needs are included in an AFDC grant.

(2) Failure of responsible relatives to furnish support does not render an individual ineligible for AFDC; the local agency shall take the steps outlined in this rule to seek support from responsible relatives whom it believes are able to contribute toward the needs of AFDC recipients.

(3) If the responsible relative fails to contribute support after the local agency notifies him/her of his/her obligation to do so, the agency should notify the county attorney or the Commissioner of Welfare to take legal action against the relative.

(4) The amount of support recoverable from a responsible relative, other than the parent of a child under 18, shall not exceed the amount of AFDC assistance granted after the relative is notified of his/her obligation to support.

(b) Standards of Support

(1) The amount of support due from the absent parent of a child or the parents of a child in AFDC-FC shall be established by the court or through voluntary agreement by the absent parent and the local child support unit.

(2) Parental income is totally available for the needs of children under 18 and residing in the parental home. The ability of the parents to support a minor, who is eligible for AFDC as a caretaker relative, is based upon a determination of parental income and resources according to the procedures used in establishing AFDC eligibility for new applicants.

(3) The financial contribution of the parents of AFDC caretakers under age 18 and residing outside the parental home, the parents of caretakers over age 18, and other responsible relatives shall be computed according to the relative responsibility scale.

(c) Relative Responsibility Scale

Size of Family	Annual Cost of Living	Monthly Cost of Living
1	4,824	402
2	7,452	621
3	10,716	893
4	12,804	1,067
5	14,724	1,227

Add 20% for each additional family member.

(1) The gross income of the responsible relative should be computed following the procedures set forth in Part (IV)(m); do not deduct taxes, employment expenses, or any other expense.

(2) "Size of family" means all persons who are in fact supported by the responsible relative (whether or not he/she is legally responsible for their support).

(3) Other justified expenses (such as medical and education bills, or housing costs exceeding 30% of the family's gross income) may be added to the responsible relative's cost of living.

(d) Child Support and Paternity

(1) Every AFDC applicant and recipient shall be required to furnish information (including court testimony) needed by the local agency to obtain child support payments, locate absent parents, establish paternity, and obtain support from responsible relatives.

(2) If a caretaker relative fails to cooperate with the above requirement, his/her needs shall be deleted from the grant and the eligible children shall be furnished assistance through protective or vendor payments.

(3) If a court orders alimony paid by an absent spouse, the local agency shall petition the court for an order directing that all such payments be made to the local welfare board until AFDC assistance stops.

(4) The regulations and procedures of Title IV-D of the Federal Social Security Act shall be applied in the collection of support and establishment of paternity.

(VIII) Other Program Requirements

(a) Work Incentive Program (WIN)

(1) Registration Requirements

(A) All AFDC applicants and recipients residing in WIN counties (who are not exempted below) must register for WIN as a condition of eligibility.

(B) The following persons are exempted from WIN registration:

(i) children under age 16;
(ii) children age 16-19 attending school full-time;
(iii) persons who are ill, incapacitated, or over age 65 (Note: the county agency may require a physical examination to test illness or incapacity);
(iv) persons who live so far away from a WIN project that more than a 10-hour day (employment plus commuting time) would be required to participate;
(v) persons whose presence in the home is needed because of the illness or incapacity of other persons;
(vi) a caretaker of a child under age six (only one such exemption is allowed per family);
(vii) the spouse of a WIN registrant.

(2) Other WIN Requirements

(A) If a required WIN registrant refuses to register, his/her needs shall be deleted from the AFDC grant; if the only dependent child in a family refuses to register, the entire AFDC grant for the family will be denied or terminated.

(B) An AFDC applicant or recipient may contest the requirement that he/she register for WIN through the fair hearing procedure; see DPW Rule 58.

(3) "Failure to participate in WIN" means:

(A) failure to attend the WIN appraisal interview;
(B) failure to accept child care plans for the WIN program;
(C) failure to participate in Employment Services activities;
(D) failure to accept employment or training.

(4) If a WIN registrant fails to participate in WIN, WIN Employment Services will provide him/her an opportunity to contest whether or not this failure was for good cause; the decision of this hearing is not appealable to the Commissioner of Welfare and the result is binding on the local welfare agency. If the hearing opportunity is not taken, or if the failure to participate

is found to be without good cause, WIN will provide the individual with a 60-day counseling period to correct the situation.

(5) If an individual is found to have failed to participate in WIN, the following sanctions shall apply:

(i) If the individual is the only dependent child in an AFDC family, assistance for the entire family will be terminated; if the individual is one of several dependent children in an AFDC family, his/her needs will be deleted from the AFDC grant.

(ii) if the individual is the caretaker of AFDC children, his/her needs will be excluded from the grant and assistance to other family members will be provided through protective or vendor payments. These sanctions do not apply to persons who are undergoing the 60-day counseling period or who are voluntary WIN registrants.

An individual who has been found to have failed to participate in WIN without good cause must wait 90 days after his/her AFDC benefits are terminated to re-register for WIN; if an individual has twice failed to participate in WIN without good cause, he/she must wait six months to re-register. WIN need not re-accept any such re-registrant whose prior failure to participate was the result of criminal or other activities which presented a hazard to WIN staff or other WIN participants.

(6) A WIN participant's monthly $40 training allowance and $30 incentive payment is to be disregarded as income in computing the AFDC grant.

(b) Emergency Assistance For Families With Children Under Age 21 (AFDC-EA)

(1) Eligibility Qualifications

(A) Emergency Assistance is immediate financial aid for AFDC families and other families in situations that place some or all members of the family in jeopardy and cannot be resolved with the family's current resources. Examples of emergencies are natural and civil disorders, strikes, illness, accident, death, threat of eviction, etc.

(B) Emergency Assistance shall be granted only to a family which includes a child (under age 21) who is (or six months prior to application was) living with a relative eligible as an AFDC caretaker, and which is completely without resources to solve the emergency. It is not available to persons or on behalf of children over age 16 and not in school who have refused employment or training without good cause.

(2) Allowable Need Items

(A) Emergency Assistance covers payment for food, shelter, clothing, fuel and utilities, medical care and child care. It may also cover moving expenses, major home repairs and major furniture and appliance replacement, replacement of furnace, roof, plumbing, or electrical systems, if authorized by the local agency before the expense was incurred.

(B) Emergency Assistance is available when the proceeds of cashed AFDC checks are lost or stolen; the theft must be reported to the police and the local welfare agency in the form of an affidavit. It is not available when uncashed AFDC checks are lost or stolen; in such cases, the lost or stolen AFDC funds should be replaced by another AFDC check.

(3) Emergency Assistance Payments

(A) The amount of Emergency Assistance is based on the AFDC Family Allowance Standard; if this sum is insufficient to meet need, the AFDC-EA allowance shall be based on cost. Payments may be made as money, vendor payments, payments in kind, or in the form of interest free loans (up to $100) for employment expenses.

(B) AFDC-EA may be granted only for one consecutive 30-day period in one consecutive 12-month period; needs which accrued prior to the 30-day period may be met only when necessary to resolve the current emergency situation (e.g., back rent or utility payments). Assistance may be extended for up to 30 days beyond the 30-day base period.

(C) Each local agency shall designate at least one staff member to authorize immediate AFDC-EA grants and may establish a schedule of maximum allowances for the purchase of furniture and appliances.

(c) AFDC-Foster Care (AFDC-FC)

(1) Eligibility for AFDC-FC

(A) AFDC-FC is available for children placed by judicial action in foster homes or non-profit child caring institutions. All such institutions, homes and agencies must be licensed. Payments for foster or institutional services may be made to cooperative public or private agencies for care given in foster homes or non-profit private child care institutions.

(B) AFDC-FC is not available when the child lives with a relative who is legally liable for support.

(C) AFDC-FC is available only for children eligible for ordinary AFDC during the month in which judicial proceedings were started, or who would have been eligible during the prior six months if they had lived with an eligible relative.

(2) AFDC-FC is available whether or not parental support is available; the local agency should petition the juvenile court for an order requiring the parents to contribute to the child's support.

(3) AFDC-FC will be paid to the foster home parent or institutional care representative.

(4) AFDC Foster Care Rates (AFDC-FC)

(A) The foster care rates for AFDC-FC shall be:

Age		Initial Clothing
0-3	111	50
4-8	127	75
9-11	144	100
12-14	165	150
15-18	187	200

The initial clothing allowance is available only at the time of the first placement.

The foster care rate includes food, clothing, shelter, physical

attendance, and supervision and transportation.

Additional payments may be made for specific social services provided by the foster home or child care institutions. Additional payments may not be made to supplement maintenance costs.

(B) In addition to the basic rate, payments for additional maintenance needs (as determined by the local agency) can be made to meet the following needs:

(i) Minimal extra care $75 per month

Emotional care - Children whose care is generally, on a day-to-day basis, essentially normal, but irregular lapses can be expected; for example, particularly difficult sessions after visits with relatives, occasional periods of excessive dependency, etc.

Physical - Child needs some help with putting on braces or prosthetic devices, or help with buttons, laces, etc., but is basically self-caring.

Auxiliary - Special diet that requires extra expense, regular but infrequent (less often than monthly) trips to physician, psychiatrist, therapist, etc.

(ii) Moderate $150 per month

Emotional care - Children requiring abnormal amounts of attention and affection, school problems, difficulty with peers, some moodiness, frequent enuresis, need for the foster parent to follow a particular program, such as behavior modification, etc.

Physical - Special diet, help with dressing, bathing, and general toilet needs, some help in mobility, as in climbing stairs.

Auxiliary - Special equipment needed for a particular child, medical or therapeutic visits every month to two weeks, need for occasional relief by an adult, unusual wear and tear on home.

(iii) Maximum $370 per month

Emotional care - Extreme attention-seeking behavior, stealing, drug use, encopresis, destructive behavior, extreme hyperactivity, sexual acting-out, running away, withdrawal, etc. These children show extreme, bizarre behavior, and require exceptional care. These homes, in many cases, provide almost treatment for the children.

Physical - Needs appliances for drainage of ileal conduit, nonambulatory, needing constant attendance.

Auxiliary - Extreme wear and tear on home, therapeutic visits every two weeks or oftener, frequent hospitalization, etc.

(IX) Relationship to Other Programs

(a) AFDC recipients are automatically eligible for:

(1) Medical Assistance

(2) Food Stamps

(3) Social Services

(b) AFDC recipients may not be simultaneously eligible for:

(1) General Assistance

(2) Poor Relief

(3) Supplemental Security Income (except for foster children).

(c) The following programs are not a bar to AFDC eligibility but may furnish the AFDC family with another source of support (which may remove the need for AFDC):

(1) Retirement, Survivors, and Disability Insurance;

(2) School Lunch Programs;

(3) Services and payments to veterans and armed forces personnel;

(4) Services and payments for immigrants and refugees;

(5) Servicemen's Quarters Allowances.

The local agency should help the AFDC recipient explore the resources offered by these programs.

(X) Miscellaneous

(a) Former DPW Rule 44 is hereby repealed.

(b) The effective date of this rule is December 1, 1975.

(4) Amount of Grant. The amount of the AFDC grant for a recipient unit is the difference between the standard of need as determined by the above table and the recipients' non-exempt, non-disregarded income (see Part (IV)(m)).

(b) Supplements. The local agency shall provide supplemental grants to AFDC families to cover the costs of the following special needs:

(1) Major home repairs may be supplemented if the need for repair is established to the local agency's satisfaction. Major home repairs include foundation, wiring, furnace, hot water heater, chimney, and plumbing repairs over $25; a written estimate is required on repairs of more than $100 and the agency may require two additional estimates if one appears excessive.

(2) Major appliance repairs will be supplemented if the agency authorizes them and if they are repairable. The only appliances covered are washers, dryers, refrigerators and stoves.

(3) Replacement of essential major appliances and furnishings shall be authorized when the local agency worker identifies that the appliance or furnishing is not repairable, or the household does not have such an item. Appliances covered are washers, dryers, refrigerators and stoves; furnishings covered are beds, mattresses, bedding, kitchen tables and chairs, couches and chairs, living room tables, lamps, and chests of drawers. More than one item may be allowed in the supplement and the client is responsible for the first $25 of such a supplement.

(4) Eligibility and computation of a utility and/or fuel recaps will be based on a comparison of the client's documented expenses for the period June 1, 1974, to May 31, 1975, compared with actual expenditures for the same utilities in the same residence during the period June 1, 1975, to May 31, 1976.

The recipient shall be required to pay the first $25 of the recapped amount.

(5) Medically prescribed diets will be supplemented if they are prescribed by a physician and add expense to a normal diet. The following diets are not covered: diets covered by the Medical Assistance program, reducing or low caloric diets (1800 calories or less), sodium restricted diets (1000 mg. sodium) diabetic diets (1800 calories or less), fat controlled diets (55 mg. fat or less), and bladder, ulcer, low residue or low fiber diets which prescribe only soft food or prescribe special food preparation.

(6) The appropriation for supplements shall be allocated among the local agencies on the basis of caseloads. Unused funds shall be re-allocated. Supplements shall cease when each annual appropriation has been expended.

(c) Funerals

(1) The local agency shall pay the funeral expenses of AFDC recipients (not exceeding $370) and actual cemetery charges, unless the deceased's estate or surviving spouse and children are able to pay. If payment of these expenses causes undue loss to the estate, the local agency may pay. The local agency's payment shall not be limited by additional payments for or donations of a cemetery lot, interment, religious service, and transportation of the body to or from the community of the deceased's residence.

(2) The state shall reimburse the county for 50% of the funeral expenses not exceeding $370, under this provision, and the county shall have a prior claim against the deceased's estate for the full amount of the payments made hereunder.

(VI) Payment Provisions

(a) Payment Methods

(1) Money Payments. In usual circumstances, AFDC payments will be made by monthly check to the AFDC recipient. The initial grant will be retroactive to the first day of the month of application when all eligibility factors were met. The county will impose no restrictions on the use of the grant. A money payment for one time only may be made to someone acting on behalf of the caretaker in an emergency situation.

(2) Protective and Vendor Payments

(A) A protective payment is one made to someone other than the recipient; a vendor payment is one made to a provider of goods and services.

(B) Protective and vendor payments will be made only in the following cases:

(i) where a recipient fails to participate in WIN or during the 60-day WIN counseling period (see Part (VIII)(a));

(ii) when the caretaker fails to assign support, furnish or obtain Social Security numbers, or cooperate in establishing paternity or obtaining support;

(iii) where the caretaker's continued mismanagement of funds causes hardship for the children; if this situation persists for more than 2 years, the agency should take steps to establish a guardianship or other arrangements for the children.

(C) Protective and vendor payments because of money mismanagement cannot continue for more than two years and are subject to a fair hearing appeal by the recipient. Not more than 10% of the total AFDC recipients in a local agency may be paid through protective and vendor payments under this provision.

(D) Where protective and vendor payments because of money mismanagement are required, the local welfare board and the Commissioner of Welfare shall approve the payment method selected before it is implemented, and shall review it at least quarterly.

(E) Protective payments cannot be made to the local welfare director or welfare board members, or to landlords, grocers, or other vendors (who can receive vendor payments); a local agency staff member can be the protective payee for cases other than those in his/her own caseload if no other suitable payee can be found.

(F) For WIN cases, the requirements for the selection of payees and vendors, quarterly review of the way in which protective payees' duties are carried out and the opportunity for a fair hearing concerning the need for a protective or vendor payee and the payee selected, is given.

(G) For cases subject to protective or vendor payments because of failure to obtain Social Security numbers, to assign support or to cooperate in obtaining support or establishing paternity, the requirements for the selection of protective payees and vendors and quarterly reviews of the way in which the protective payees' duties are carried out, must be met. The entire amount of assistance must be made as a protective or vendor payment.

(b) Grant Termination, Suspension, and Reduction

(1) AFDC applicants and recipients have the right to a fair hearing if they are aggrieved by action of the local agency. This includes denial or failure to act on an application in 45 days, and grant suspension, termination, and reduction; it does not include complaints about the conduct of local agency staff, which should be directed to the local director or local welfare board.

(2) The local agency must give the recipient timely, advance notice of a grant suspension, termination, or reduction. This notice must be in writing, mailed to the recipient at least 10 days before the next assistance check is received, and must clearly state what action the agency intends to take, the reasons for the action, the right to appeal the action, and any collateral consequences of the action (e.g., loss of food stamp eligibility). Timely notice of five days is given when there is documentation of facts supporting the adverse action and there is probable fraud on the part of the recipient.

(3) If the recipient appeals the agency's action before it is effected, the action shall not be effected until the appeal is decided by the local or state hearings process.

(c) Incorrect Payments

(1) Underpayments will be adjusted through an added or supplemental payment; the agency need not correct underpayments more than a year old.

(2) Overpayments will be corrected through the process of recoupment or by the recipient's voluntary reimbursement. Voluntary reimbursements must be documented by the recipient's signed agreement and may not be fulfilled through reduction of the grant. Overpayments may not be recouped unless the process is begun within a year after the agency learns of the overpayment; overpayments more than a year old when the agency learns of the error may not be recouped. AFDC payments caused by agency error may not be recouped from disregarded income.

(3) Recoupment is made by deducting an amount up to one-half of the recipient's disregarded income from the AFDC grant until the overpayment has been corrected. Recoupment may be made only from recipients who have disregarded income. If recoupment has been interrupted by termination of employment or assistance, the recoupment may be resumed when the individual resumes AFDC and employment.

(d) Wrongfully Obtained Assistance. The legal basis for prosecution of fraud in the AFDC program is Minnesota Statute 256.98.

(VII) Relative Responsibility

(a) Procedures

(1) Parents, grandparents, brothers and sisters are responsible for the support of children on AFDC; spouses are responsible for the support of their spouses whose needs are included in an AFDC grant.

(2) Failure of responsible relatives to furnish support does not render an individual ineligible for AFDC; the local agency shall take the steps outlined in this rule to seek support from responsible relatives whom it believes are able to contribute toward the needs of AFDC recipients.

(3) If the responsible relative fails to contribute support after the local agency notifies him/her of his/her obligation to do so, the agency should notify the county attorney or the Commissioner of Welfare to take legal action against the relative.

(4) The amount of support recoverable from a responsible relative, other than the parent of a child under 18, shall not exceed the amount of AFDC assistance granted after the relative is notified of his/her obligation to support.

(b) Standards of Support

(1) The amount of support due from the absent parent of a child or the parents of a child in AFDC-FC shall be established by the court or through voluntary agreement by the absent parent and the local child support unit.

(2) Parental income is totally available for the needs of children under 18 and residing in the parental home. The ability of the parents to support a minor, who is eligible for AFDC as a caretaker relative, is based upon a determination of parental income and resources according to the procedures used in establishing AFDC eligibility for new applicants.

(3) The financial contribution of the parents of AFDC caretakers under age 18 and residing outside the parental home, the parents of caretakers over age 18, and other responsible relatives shall be computed according to the relative responsibility scale.

(c) Relative Responsibility Scale

Size of Family	Annual Cost of Living	Monthly Cost of Living
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3	10,716	893
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5	14,724	1,227

Add 20% for each additional family member.

(1) The gross income of the responsible relative should be computed following the procedures set forth in Part (IV)(m); do not deduct taxes, employment expenses, or any other expense.

(2) "Size of family" means all persons who are in fact supported by the responsible relative (whether or not he/she is legally responsible for their support).

(3) Other justified expenses (such as medical and education bills, or housing costs exceeding 30% of the family's gross income) may be added to the responsible relative's cost of living.

(d) Child Support and Paternity

(1) Every AFDC applicant and recipient shall be required to furnish information (including court testimony) needed by the local agency to obtain child support payments, locate absent parents, establish paternity, and obtain support from responsible relatives.

(2) If a caretaker relative fails to cooperate with the above requirement, his/her needs shall be deleted from the grant and the eligible children shall be furnished assistance through protective or vendor payments.

(3) If a court orders alimony paid by an absent spouse, the local agency shall petition the court for an order directing that all such payments be made to the local welfare board until AFDC assistance stops.

(4) The regulations and procedures of Title IV-D of the Federal Social Security Act shall be applied in the collection of support and establishment of paternity.

(VIII) Other Program Requirements

(a) Work Incentive Program (WIN)

(1) Registration Requirements

(A) All AFDC applicants and recipients residing in WIN counties (who are not exempted below) must register for WIN as a condition of eligibility.

(B) The following persons are exempted from WIN registration:

(i) children under age 16;
(ii) children age 16-19 attending school full-time;
(iii) persons who are ill, incapacitated, or over age 65 (Note: the county agency may require a physical examination to test illness or incapacity);
(iv) persons who live so far away from a WIN project that more than a 10-hour day (employment plus commuting time) would be required to participate;
(v) persons whose presence in the home is needed because of the illness or incapacity of other persons;
(vi) a caretaker of a child under age six (only one such exemption is allowed per family);
(vii) the spouse of a WIN registrant.

(2) Other WIN Requirements

(A) If a required WIN registrant refuses to register, his/her needs shall be deleted from the AFDC grant; if the only dependent child in a family refuses to register, the entire AFDC grant for the family will be denied or terminated.

(B) An AFDC applicant or recipient may contest the requirement that he/she register for WIN through the fair hearing procedure; see DPW Rule 58.

(3) "Failure to participate in WIN" means:

(A) failure to attend the WIN appraisal interview;
(B) failure to accept child care plans for the WIN program;
(C) failure to participate in Employment Services activities;
(D) failure to accept employment or training.

(4) If a WIN registrant fails to participate in WIN, WIN Employment Services will provide him/her an opportunity to contest whether or not this failure was for good cause; the decision of this hearing is not appealable to the Commissioner of Welfare and the result is binding on the local welfare agency. If the hearing opportunity is not taken, or if the failure to participate

is found to be without good cause, WIN will provide the individual with a 60-day counseling period to correct the situation.

(5) If an individual is found to have failed to participate in WIN, the following sanctions shall apply:

(i) If the individual is the only dependent child in an AFDC family, assistance for the entire family will be terminated; if the individual is one of several dependent children in an AFDC family, his/her needs will be deleted from the AFDC grant.

(ii) if the individual is the caretaker of AFDC children, his/her needs will be excluded from the grant and assistance to other family members will be provided through protective or vendor payments. These sanctions do not apply to persons who are undergoing the 60-day counseling period or who are voluntary WIN registrants.

An individual who has been found to have failed to participate in WIN without good cause must wait 90 days after his/her AFDC benefits are terminated to re-register for WIN; if an individual has twice failed to participate in WIN without good cause, he/she must wait six months to re-register. WIN need not re-accept any such re-registrant whose prior failure to participate was the result of criminal or other activities which presented a hazard to WIN staff or other WIN participants.

(6) A WIN participant's monthly $40 training allowance and $30 incentive payment is to be disregarded as income in computing the AFDC grant.

(b) Emergency Assistance For Families With Children Under Age 21 (AFDC-EA)

(1) Eligibility Qualifications

(A) Emergency Assistance is immediate financial aid for AFDC families and other families in situations that place some or all members of the family in jeopardy and cannot be resolved with the family's current resources. Examples of emergencies are natural and civil disorders, strikes, illness, accident, death, threat of eviction, etc.

(B) Emergency Assistance shall be granted only to a family which includes a child (under age 21) who is (or six months prior to application was) living with a relative eligible as an AFDC caretaker, and which is completely without resources to solve the emergency. It is not available to persons or on behalf of children over age 16 and not in school who have refused employment or training without good cause.

(2) Allowable Need Items

(A) Emergency Assistance covers payment for food, shelter, clothing, fuel and utilities, medical care and child care. It may also cover moving expenses, major home repairs and major furniture and appliance replacement, replacement of furnace, roof, plumbing, or electrical systems, if authorized by the local agency before the expense was incurred.

(B) Emergency Assistance is available when the proceeds of cashed AFDC checks are lost or stolen; the theft must be reported to the police and the local welfare agency in the form of an affidavit. It is not available when uncashed AFDC checks are lost or stolen; in such cases, the lost or stolen AFDC funds should be replaced by another AFDC check.

(3) Emergency Assistance Payments

(A) The amount of Emergency Assistance is based on the AFDC Family Allowance Standard; if this sum is insufficient to meet need, the AFDC-EA allowance shall be based on cost. Payments may be made as money, vendor payments, payments in kind, or in the form of interest free loans (up to $100) for employment expenses.

(B) AFDC-EA may be granted only for one consecutive 30-day period in one consecutive 12-month period; needs which accrued prior to the 30-day period may be met only when necessary to resolve the current emergency situation (e.g., back rent or utility payments). Assistance may be extended for up to 30 days beyond the 30-day base period.

(C) Each local agency shall designate at least one staff member to authorize immediate AFDC-EA grants and may establish a schedule of maximum allowances for the purchase of furniture and appliances.

(c) AFDC-Foster Care (AFDC-FC)

(1) Eligibility for AFDC-FC

(A) AFDC-FC is available for children placed by judicial action in foster homes or non-profit child caring institutions. All such institutions, homes and agencies must be licensed. Payments for foster or institutional services may be made to cooperative public or private agencies for care given in foster homes or non-profit private child care institutions.

(B) AFDC-FC is not available when the child lives with a relative who is legally liable for support.

(C) AFDC-FC is available only for children eligible for ordinary AFDC during the month in which judicial proceedings were started, or who would have been eligible during the prior six months if they had lived with an eligible relative.

(2) AFDC-FC is available whether or not parental support is available; the local agency should petition the juvenile court for an order requiring the parents to contribute to the child's support.

(3) AFDC-FC will be paid to the foster home parent or institutional care representative.

(4) AFDC Foster Care Rates (AFDC-FC)

(A) The foster care rates for AFDC-FC shall be:

Age		Initial Clothing
0-3	111	50
4-8	127	75
9-11	144	100
12-14	165	150
15-18	187	200

The initial clothing allowance is available only at the time of the first placement.

The foster care rate includes food, clothing, shelter, physical

attendance, and supervision and transportation.

Additional payments may be made for specific social services provided by the foster home or child care institutions. Additional payments may not be made to supplement maintenance costs.

(B) In addition to the basic rate, payments for additional maintenance needs (as determined by the local agency) can be made to meet the following needs:

(i) Minimal extra care $75 per month

Emotional care - Children whose care is generally, on a day-to-day basis, essentially normal, but irregular lapses can be expected; for example, particularly difficult sessions after visits with relatives, occasional periods of excessive dependency, etc.

Physical - Child needs some help with putting on braces or prosthetic devices, or help with buttons, laces, etc., but is basically self-caring.

Auxiliary - Special diet that requires extra expense, regular but infrequent (less often than monthly) trips to physician, psychiatrist, therapist, etc.

(ii) Moderate $150 per month

Emotional care - Children requiring abnormal amounts of attention and affection, school problems, difficulty with peers, some moodiness, frequent enuresis, need for the foster parent to follow a particular program, such as behavior modification, etc.

Physical - Special diet, help with dressing, bathing, and general toilet needs, some help in mobility, as in climbing stairs.

Auxiliary - Special equipment needed for a particular child, medical or therapeutic visits every month to two weeks, need for occasional relief by an adult, unusual wear and tear on home.

(iii) Maximum $370 per month

Emotional care - Extreme attention-seeking behavior, stealing, drug use, encopresis, destructive behavior, extreme hyperactivity, sexual acting-out, running away, withdrawal, etc. These children show extreme, bizarre behavior, and require exceptional care. These homes, in many cases, provide almost treatment for the children.

Physical - Needs appliances for drainage of ileal conduit, nonambulatory, needing constant attendance.

Auxiliary - Extreme wear and tear on home, therapeutic visits every two weeks or oftener, frequent hospitalization, etc.

(IX) Relationship to Other Programs

(a) AFDC recipients are automatically eligible for:

(1) Medical Assistance

(2) Food Stamps

(3) Social Services

(b) AFDC recipients may not be simultaneously eligible for:

(1) General Assistance

(2) Poor Relief

(3) Supplemental Security Income (except for foster children).

(c) The following programs are not a bar to AFDC eligibility but may furnish the AFDC family with another source of support (which may remove the need for AFDC):

(1) Retirement, Survivors, and Disability Insurance;

(2) School Lunch Programs;

(3) Services and payments to veterans and armed forces personnel;

(4) Services and payments for immigrants and refugees;

(5) Servicemen's Quarters Allowances.

The local agency should help the AFDC recipient explore the resources offered by these programs.

(X) Miscellaneous

(a) Former DPW Rule 44 is hereby repealed.

(b) The effective date of this rule is December 1, 1975.

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE VERA J. LIKINS

COMMISSIONER OF PUBLIC WELFARE

In the Matter of the Proposed Adoption of Amendments to Rule 44 of the Minnesota Department of Public Welfare Governing Administration of the Aid to Families with Dependent Children Program

AFFIDAVIT OF MAILING

GEORGE E. HORD, being first duly sworn, deposes and says:

That on the 28th day of October, 1975, at the City of St. Paul, County of Ramsey, State of Minnesota, he served the attached Notice of Hearing by depositing in the United States mail at said City of St. Paul, a true and correct copy therof, properly enveloped, with postage prepaid, to all persons and associations at the addresses listed on the attached Secretary of State's list, as well as to all persons listed on the attached sheet as presently being members of the Minnesota Legislature.

GEORGE E. HORD

Subscribed and sworn to before me
this 28th day of October, 1975.

LORRAINE C. PFEIFFER
Notary Public, Dakota Co. Minn.
My Commission Expires Sept. 29, 1979

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

DEBRA BROOSTIN, being duly sworn on oath deposes and says:

1. That she is an employee of the Minnesota Department of Public Welfare.

2. That on the 23rd day of October, 1975, she went to the Minnesota Secretary of State's Office and requested a current list of all representatives of associations or other interested groups or persons who had registered their names with the Secretary of State for the purpose of obtaining notices of public hearings relating to the promulgation of rules pursuant to Minnesota Statutes 15.0412 (1974), as amended by Minnesota Laws 1975, Chapters 380 and 413.

3. That on the 23rd day of October, 1975, in response to the above request, the Secretary of State provided her with such a list, a copy of which is attached hereto and incorporated by reference.

Further affiant sayeth not.

Debra Broostin
DEBRA BROOSTIN

Subscribed and sworn to before me
this 23rd day of October, 1975.

Lorraine C. Pfeiffer

LORRAINE C. PFEIFFER
Notary Public, Dakota Co. Minn.
My Commission Expires Sept. 29, 1979

Allin, Kent, Welfare Advocacy Unit, 370 Selby Ave., St. Paul 55102
Blade, Joe -Mpls Star, 425 Portland Ave.,Mpls.

Community Mental Health Board of the Northern Pines Mental Health Center, 103-105 1st St. S.E., Little Falls 56345
Curtis, Dr. E.Louis, Prof.Education, U of M., Morris 56267

Deephaven Montessori School, Inc. 188 So. Circle A Drive, Wayzata 55391

Goldberg, Paula, 5315 James Ave. S., Mpls. 55419

Kurtz, Mrs. Kirsten, Mn. Nurses' Assn., 1821 Univ. Ave.,St. Paul, 55104

Legal Aid Society, 501 Park Ave., Mpls. 55415

Local #34, AFSC & ME, Box 2016, Commerce Sta., Mpls.55415

Lutheran Soc.Service,Attn.H.L.Paulsen, 2414 Park Ave S.,Mpls. 55404

Minneapolis & Hennepin County Mental Health Clinic,619 S. 5th St.,MPls., 55415
Minn.Ass'n ~~for~~ Ed. Young Children,373 So.Griggs-MidwayBldg,1821 Univ.St.Paul55104
Minnesota Legislative Comm. of Blind, 1605 Eustis, St. Paul 55108

Minn. State Pharmaceutical Ass'n., 2388 Univ. Ave. St.Paul 55104

Moratzka, Timothy, 1304 Vermillion St., Hastings 55033

Neff, Dr. Walter S., Virginia 55792

Northland Mental Health Center, 415 S. Pokegema, Grand Rapids 55744

Public Relief, BD. of Public Welfare, Attn.Dir.Jensen, 250 S. 4th St.,Mpls.5541

Sister Letitia M. Close, B.V.M., 415 Summit Ave., St.Paul 55102

Southwestern Mental Health Center, 306 N. McKenzie St., Luverne 56156
Upper Mississippi Mental Health Center, Attn: Dr. Howard C.Reid,510Beltrami Av
Bemidji

Veterans' Affairs, Veterans Service Bldg., St. Paul 55155

Welfare Rights Organization,% Stephen Parsons, 1118 Newton Av.No.Mpls.55411

West Central Mental Health Center, 323 W. 6th St., Willmar 56201

ALBERT,AA CALDER CORP
366 JACKSON ST
ST PAUL MN
55101

ALLENDORF MARSHALL
220 GRAIN EX 400 S 4TH
MPLS MN
55415

ALTMAN MILTON H
707 DEGREE OF HONOR BLD
ST PAUL MN
55101

AM CAMPING ASSN MRS LEACOCK
1235 BRIGHTON SQ
NEW BRIGHTON MN
55112

AM INST PROF GEOLOGISTS
2201 PRINCETON AVE
ST PAUL MN
55105

ANCHOR BLOCK COMPANY
PO BOX 3360
ST PAUL MN
55165

ANDERSON GRAHAM
951 E HENN
MPLS MN
55414

ANDERSON HERBERT
418 8TH ST. SO.
VIRGINIA MN
55792

ANDERSON HAROLD
BOX 3047
MANKATO MN
56001

ANDERSON JAMES
7703 NORMANDALE RD
MPLS MN
55435

ANDERSON STANFORD P
14600 MINNETONKA BLVD
MINNETONKA MN
55343

ANTHONY DICK WDSM RADIO
230 E SUPR ST
DULUTH MN
55102

ARNOLD ROBERT MESPA
41 SHERBURNE
ST PAUL MN
55103

ARROWHEAD REGIONAL DEV COMM
900 ALWORTH BLDG
DULUTH MN
55802

ARVER JOHN A
2467 CUHANCY
ST PAUL MN
55113

ASMUSSEN,DENNIS,MPIRG
3036 UNIV AVE SE
MPLS MN
55414

ASSOCIATED GEN CONTROF MN
48 E 8TH STREET
ST PAUL MN
55101

ASSOCIATED INDUST OF MPLS
NATIONAL BLDG
MPLS MN
55402

ASSN OF MINN COUNTIES
55 SHERBURNE AVE #203
ST PAUL MN
55103

ASSN RESIDENCES FOR RETARDED
459 RICE SUITE 301
ST PAUL MN
55103

AUTOMOBILE MFRS ASSN INC
55 SHERBURNE AVE
ST PAUL MN
55103

BABCOCK LOCHER NELSON ET
118 E MAIN ST
ANOKA MN
55303

BADALICH JOHN P
2025 THOMPSON AVE
SO ST PAUL MN
55075

BARRETT FRED
ST LOUIS CO COURT HOUSE
DULUTH MN

BARTHOLOW HAROLD E FIRE C
2600 109 AVE N W
COON RAPIDS MN
55433

BECK PAT
933 HYACINTH AVE
ST PAUL MN
55106

BECKLIN ROBERT C
447 N W 4TH
CAMBRIDGE MN
55008

BEECHER EVERETT
10 10 1ST ST SO
HOPKINS MN

BEMIDJI STATE COLLEGE
PLACEMENT BUR.J.C.BRADY
BEMIDJI MN
56601

BENSONI PETER USW OF AM.
609 PROVIDENCE BLDG.
DULUTH MN

BERGERUD ALF
300 ROANOKE BLDG
MPLS MN
55402

BERGSETH THOMAS
1011 NICOLLET MALL
MPLS MN
55403

BEST FLANAGAN ET AL
4040 IDS CENTER
MPLS MN
55402

BEUTEL ROBERT
2200 SILVER LAKE RD
NEW BRIGHTON MN
55112

BLOMQUIST BARRY L

NORTH BRANCH MN
55056

BLOOMINGTON CITY CLERK
2215 W OLD SHAKOPEE RD
BLOOMINGTON MN
55431

BREHL JAMES W
332 HAMM BLDG
ST PAUL MN
55102

BRIGGS & MORGAN - B F FRIEL
2200 W 1ST NATL BK BLDG
ST PAUL MN
55101

BRIGHAM E M III
RR4
RED WING MN
55066

BROEKER JOHN
2850METRO DR. SUITE 504
BLOOMINGTON MN
55420

BROOKS WILLIAM F JR
854 MIDLAND BK BLDG
MPLS MN
55401

BROWN D M GOODRIDGE PUB SCH
IND DIST #561
GOODRIDGE MN
56725

BROWN H D
4961 KINGSBERRY LANE
MINNETONKA MN
55343

BRUBACHER RICHARD COMM ADM
208 ADM BLDG
ST PAUL MN
55101

BRUNING C.R.DEPT.CLINIC.E
BURTON HALL
MPLS. MN
55455

BUCHHOLTZ CHARLES
5044 BRENT AVE E
INV GRV HTS MN
55075

BURGER ALBERT
600 DEGREE OF HONOR BLD
ST PAUL MN
55101

BUR.ENGR.IND.DIV. MR.KIBIGER
219 N. 2ND ST.
MPLS. MN

BUR NATL AFFAIRS INC
1231 25TH ST NW
WASHINGTON DC
20037

BUSCH NOEL
3131 FERNBROOK LANE N
MPLS MN
55441

CAIN RUTH
730 E 38TH ST
MPLS MN
55407

CAIRNS JOHN A
47TH FLR IDS CENTER
MPLS MN
55402

CARLSON CARL L
7516 80TH ST S
COTTAGE GROVE MN
55016

CARLSON VERNE E
BOX 755 CITY HALL
WILLMAR MN
56201

CARRISON DALE K
MANKATO STATE COLLEGE
MANKATO MN
56001

CENTRAL BUSINESS DATA
BENSON RADIO ARCADE BLD
BENSON MN
56215

CENTRAL MN REGIONAL DEV COMM
1139 FRANKLIN AVE
SAUK RAPIDS MN
56379

CHAMBER OF COMMERCE
30 SO 1ST AVE EAST
ELY MN
55731

CHAMBERLAIN JOHN L
PO BOX 241
MPLS MN
55440

CHERCHES CHRIS CITY MGR
5005 MIKA BLVD
ST LOUIS PARK MN
55416

CHRISTIAN SCI COMM ON PUB
1821 UNIV AVE SUITE 271
ST PAUL MN
55104

CHRISTIANSEN FREDRIK
RM 505 CAPITOL SQ BLDG
ST PAUL MN
55155

CITY CLERK
386 CITY HALL
ST PAUL MN
55102

CITIZENS LEAGUE
530 SYNDICATE BLDG
MPLS MN
55402

CLARKSON J.B.
2350 I.D.S. CENTER
MINNEAPOLIS MN
55402

CLAUSEN PHILLIP
2307 STANDISH ST
ST PAUL MN
55108

COLEMAN NICHOLAS D
700 LINWOOD AVE
ST PAUL MN
55105

COLLIN LAURENCE
RT 2
ISANTI MN
55040

COMMUNITY DESIGN CENTER
118 E 26TH ST
MPLS MN
55404

CONCORDIA COLLEGE
DEAN
MOORHEAD MN
56560

CONSUMER SERVICES DEPT COMM
5TH FLR METRO SQ BLDG
ST PAUL MN
55101

COUNTY ATTYS COUNCIL
95 SHERBURNE AVE S203
ST PAUL MN
55103

COX AND KING
600 BUILDERS EXCH
MPLS MN
55402

CRAVEN NORMAN
10637 THOMAS AVE S
BLOOMINGTON MN
55431

CROW WING CO PLANNING & ADV
COURT HOUSE
BRAINERD MN
56401

CUSHMAN J S DAYTON HUDSON
700 NICOLLET MALL
MPLS MN
55402

DAILEY THOMAS ECONOMICS LAB
370 WABASHA ST
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55102

DANKERS,KENNETH
1200 WEST FOURTH STREET
RED WING MN
55066

DANIELSON RODNEY L
418 AUDITORIUM
ST PAUL MN
55102

DAYTON CHAS SIERRA CLUB
800 MIDLAND BANK BLDG
MPLS MN
55401

DICKINSON MRS JOANNE
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MARSHALL MN
56258

DIEHL JOHN
26 KENWOOD PKWY
ST PAUL MN
55105

DISPATCH PIONEER PRESS
PRESS RM STATE CAPITOL
ST PAUL MN
55101

DORSEY MARQUART
2400 1ST NATL BANK BLDG
MPLS MN
55402

DOUGLASS BELL
525 OSBORN BLDG
ST PAUL MN
55102

DOW CHEMICAL
47 BLDG
MIDLAND MI
48640

DOYTON MAURICE, MET SEWER
350 METRO SQ BLDG
ST PAUL MN
55101

DUDLEY E H
RT 7 BOX 122
EXCELSIOR MN
55331

DUNN OLIVER PLUMBERS LOC 15
708 SO 10TH ST
MPLS MN
55404

DZUGAN KEN ST PAUL PLANNING
421 WABASHA ST
ST PAUL MN
55102

EBELING EDWARD H.
161 W. MAIN
PERHAM MN
56573

ELDER DR JAMES B
11140 WASHBURN AVE SO
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55431

ELDRED R W ARMOUR & CO
UNION STOCK YARDS
SO ST PAUL MN
55075

ELMER EDWIN W
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MPLS MN
55408

EMERICK RICHARD A
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ENNIS A F BOISE CASCADE
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56649

ENV SERV-GEN RESOURCE CORP
6340 INDUSTRIAL DR
HOPKINS MN
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ERDMAN ROGER TENNANT CO
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MPLS MN
55441

ERNEST K LEHMANN & ASSOC.
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MPLS MN
55403

ESSE KENNETH
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EDINA MN
55424

EVANS CHAS.L. PRENTICE-HALL
ENGELWOOD CLIFFS
NEW JERSEY

EVERETT JERRY NW PETRO AS
512 NICOLLET MALL RM917
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55402

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EWING MRS WM
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BABBITT MN
55706

FAEGRE & BENSON ATTN LIBR
1300 NW BANK BLDG
MPLS MN
55402

FARMERS ELEVATOR ASSN
852 GRAIN EXCH BLDG
MPLS MN
55415

FARRELL FRANK BUR NOR
RM 1180 176 E 5TH ST
ST PAUL MN
55101

FELHABER R S
W 1ST NATL BANK BLDG
ST PAUL MN
55101

FINLEY JAMES F
920 MINN BLDG
ST PAUL MN
55101

FINNEGAN J.R.
55 E. 4TH
ST.PAUL MN
55101

FLADLAND CLINTON MN L&P BUR
796 RAYMOND AVE
ST PAUL MN
55114

FLEMING FREDERICK A
1860 HIGHLAND PARKWAY
ST PAUL MN
55116

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MPLS MN
55408

FORBES GORDON MINN RRS ASSN
203 HANOVER 480 CEDAR
ST PAUL MN
55101

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NEW ULM MN
56073

FOX W.E. LINDQUIST & VENNUM
4200 IDSCTR 80 S.8TH ST
MINNEAPOLIS MN
55402

FRANKLIN ROBERT B MPLS TR
426 PORTLAND
MPLS MN
55415

FREDIN CONRAD M
811 FIRST NATL BK BLDG
DULUTH MN
55802

FREDRIKSON BYRON ET AL
47TH FLR IDS CENTER M
PLS MN
55402

FURLONG DR JOHN
RT 1
BOVEY MN
55709

F W WOOLWORTH CO
3316 W 66TH ST
EDINA MN
55424

GALVIN M J JR
W2162 1ST NATL BK BLDG
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55101

GARDNER HDW - R A JOHNSON
515 WASHINGTON AVE N
MPLS MN
55401

GEBERT K L
220 GRAIN EXCH
MPLS MN
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55104

GIEL DAVID
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ST PAUL MN
55155

GLEESON MICHAEL
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MPLS MN
55455

GLEN. HILLS HOSP.R.VAN HAUER
3901 GOLDEN VALLEY RD.
MPLS. MN
55422

GODIN RALPH J
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MPLS MN
55406

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MPLS MN
55401

GRANATH MARVIN -HONEYWELL
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MPLS MN
55408

GREATER MET AREA HOSPITALITY
5152 CEDAR AVE S
MPLS MN
55417

GREEN DEL CITY MGR
BLOOMINGTON CITY HALL
BLOOMINGTON MN
55431

GREEN GARY J
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55102

GREEN JANET
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55804

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312 CENTRAL
MPLS MN
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55108

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MPLS MN
55444

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55409

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BLOOMINGTON MN
55438

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56001

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434 HAMM BLDG
ST PAUL MN
55102

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MPLS MN
55402

HEIM PAUL
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MPLS MN
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MINNEAPOLIS MN
55420

HINRICHSEN PATRICK
MANKATO FREE PRESS
MANKATO MN
56001

HOLDAHL SCOTT
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MPLS MN
55415

HOLEY GEO AERONAUTICS
DOWNTOWN AIRPORT
ST PAUL MN
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MPLS MN
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GOLDEN VALLEY MN
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55165

HOULE MELVIN
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SHOREVIEW MN
55112

HOUSE APPROPRIATIONS COMM
RM 109 STATE CAPITOL
ST PAUL MN
55101

HOUSE ED STANDING SUB COMM
RM 109 STATE CAPITOL
ST PAUL MN
55101

HOUSE RESEARCH
RM 17 STATE CAPITOL
ST PAUL MN
55155

HULSTRAND ANDERSON & LARS
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WILLMAR MN
56201

HULTMAN WARREN R
C/O BARBAROSSA R3
OSSEO MN
55369

HUMAN RIGHTS
200 CAPITOL SQ BLDG
ST PAUL MN
55101

HUNT JAMES P JR
11470 GALTIER DR
BURNSVILLE MN
55378

HUTCHISON R.M. ANOKA CO.C
COURT HOUSE
ANOKA MN
55303

HYLAND DEAN
1501 W 50TH ST
MPLS MN
55419

ILLINGWORTH ROBT C
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MPLS MN
55435

INGEBRIGTSEN DR K H
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MPLS MN
55414

INGVALSON VERN MN.FARM BUR.
3110 WOODDALE DR PO 337
OST PAUL MN
55165

INS FED OF MINN
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MPLS MN
55402

INTERSTATE POWER RW STEELE
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DUBUQUE IA
52001

IUOE LOC 49 CHAS SWENSON
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ST PAUL MN
55101

IVERSON DR JOS DEPT ED
ST OLAF COLLEGE
NORTHFIELD MN
55057

IZAAK WALTON LEAGUE MN DIV
106 TIMES BLDG 57 S 4TH
MPLS MN
55401

JACKMAN DONALD G
4023 E LAKE ST
MPLS MN
55406

JAIN NIRMAL ENIV PROCESS
1220 GLENWOOD AVE
MPLS MN
55405

JENOS INC
525 LAKE AVE SO
DULUTH MN
55801

JENSEN CARL A
127 E MAIN ST
SLEEPY EYE MN
56085

JOHNSON & SANDERSON
ST MARYS HOSPITAL
ROCHESTER MN
55901

JOHNSON CLARENCE IBEW LU 292
3615 37TH AVE S
MPLS MN
55406

JOHNSON LEROY
9939 BLUEBIRD ST NW
COON RAPIDS MN
55433

JOHNSON M.D. FRUNDT & FRUNDT

BLUE EARTH MN
56013

JOHNSON LANCE J
265 S LAFAYETTE RD
ST PAUL MN
55107

KABLE RICHARD W

BETHEL MN
55006

KAVANEY RICHARD
1220 NORTHERN FED BLDG
ST PAUL MN
55102

KEABLE MIKE
909 6TH AVE N
ST CLOUD MN
56301

KEENAN RICHARD J
4444 IDS BLDG
MPLS MN
55402

KIMBALL ROBERT
647 CAPITOL SQ BLDG
ST PAUL MN
55101

KLOSTER MARION PEAVEY CO
730 2ND AVE S
MPLS MN
55402

KLUZ STEVEN J
1910 1ST NATL BK BLDG
MPLS MN
55402

KNOPP TIMOTHY
COLLEGE FORESTRY U OF M
ST PAUL MN
55108

KNUTSON DR KEITH,BIOLOGY DPT
ST CLOUD STATE
ST CLOUD MN
56301

KNUTSON R N GRANNIS ETAL
F J SCHULT BLDG
ST ST PAUL MN
55075

KNVDSON ROBT
4375 BROWNDALE AVE
MPLS MN
55424

KOLLER MR & MRS ERWIN A
1568 DULUTH ST
ST PAUL MN
55108

KOPP MRS VERNON
2050 65TH ST E
INVER GR HGHT MN
55075

KRAMER ERNEST W
717 DELAWARE ST SE
MPLS MN
55440

KRONLOKKEN J E
10048 NORD RD
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55437

LAKE SUPERIOR INDUSTRIAL BUR
828 FIRST AM. BK. BLDG.
DULUTH MN
55802

LANAHAN E F - SIBLEY CO
184 E 6TH ST
ST PAUL MN
55101

LANGVIN DAVID
7500 80TH ST S
COTTAGE GROVE MN
55016

LANSING & OAKES
400 SIBLEY ST
ST PAUL MN
55101

LAPP LAZAR LAURIE ET AL
1200 BUILDERS EXCHANGE
MINNEAPOLIS MN
55402

LARSON C L
3800 MINNEHAHA AVE SO
MPLS MN
55406

LARSON HANS P DIV HOSP SERV
717 DELAWARE ST SE
MPLS MN
55440

LEAGUE MN MUNIC
300 HANOVER 480 CEDAR
ST PAUL MN
55101

LEAGUE WOMEN VOTERS OF MINN
555 WABASHA
ST PAUL MN
55102

LIBBEY LEONARD
BOX 17011 NOKOMIS STA
MPLS MN
55417

LINDALL & JONATHAN DEVELOP.
VILLAGE ONE CENTER
CHASKA MN
55318

LOCKNER GARY
R R 1 BOX 23
BAUDETTE MN
56623

LOOS CALVIN J
6809 LYNDALE AVE SO
MPLS MN
55423

LOWE DOUG
2701 N LEXINGTON AVE
ROSEVILLE MN
55113

LYNCH DONALD SIBLEY CO
184 E 6TH ST
ST PAUL MN
55102

MCDONALD PHILIP M
2077 SELBY AVE
ST PAUL MN
55104

MCFADDEN G H DISPATCH-PR
55 E 4TH ST
ST PAUL MN
55101

MCKIBBON MRS SHIRLEY
11 EVERGREEN LN
BABBITT MN
55706

MCLELLAN LARKIN
215 ADM BLDG ST CAPITOL
ST PAUL MN
55101

MALONE E I COMM LABOR & I
444 LAFAYETTE RD 5TH FL
ST PAUL MN
55101

MANKATO STAT STUDENT SENATE
CENTENNIAL STUDENT UN
MANKATO MN
56001

MANKATO STATE STUDENT ASSN
BOX 58 MANKATO COLLEGE
MANKATO MN
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1100 SUPERIOR AVE
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MASTOR & MATTSON LTD
315 PEAVEY BLDG
MPLS MN
55402

MAUL WARREN E
320 S 4TH ST
MPLS MN
55415

MAYO FOUNDATION G ORWOLL
200 FIRST AVE NW
ROCHESTER MN
55901

MECCA
867 GRAND AVE
ST PAUL MN
55105

MEIEROTTO, JOAN
1794 SO LEXINGTON
ST PAUL MN
55118

MERRITT GRANT POLLUTION CONT
1935 W CO RD 32
ROSEVILLE MN
55113

MET TFR MEN ASSN A ROSENTHAL
1821 UNIV AVE
ST PAUL MN
55104

METROPOLITAN COUNCIL LIBRARY
300 METRO SQUARE
ST PAUL MN
55155

MIDLAND GLASS- HD SPURLIN
PO BOX 69
SHAKOPEE MN
55379

MILLER RICHARD A
1020 PLYMOUTH BLDG
MPLS MN
55402

MILLER TOM
2311 PILLSBURY AVE S
MPLS MN
55404

MPLS CHAMBER COMM TRANSP DPT
15 S 5TH ST
MPLS MN
55402

MPLS CITY ATTORNEY
325M CITY HALL
MPLS MN
55415

MPLS STAR PRESS ROOM
STATE CAPITOL
ST PAUL MN
55101

MPLS TRIBUNE CITY DESK
425 PORTLAND AVE
MPLS MN
55415

MIDLAND GLASS-HD SPURLING
PO BOX 69
SHAKOPEE MN
55379

MILLER PAUL J PHARMACY SE
ST MARYS HOSP
ROCHESTER MN
55901

MINN APT ASSN
GRIGGS-MIDWAY BLDG
ST PAUL MN
55104

MN. ASN.C&IND H.D.PETERSON
480 CEDAR ST.
ST.PAUL MN
55101

MINN AFL-CIO, L O LA SHOMB
414 AUDITORIUM ST
ST PAUL MN
55102

MINN ASPHALT PAVEMENT ASS
555 WABASHA RM 209
ST PAUL MN
55102

MINN ASSN COOPERATIVES
55 SHERBURNE AVE
ST PAUL MN
55103

MINN ASSN ELEC COOPERATIVES
4901 W 77TH ST
MPLS MN
55435

MINN. ASSN. PET RETAILERS
1115 2ND AVE. SO.
MINNEAPOLIS MN
55403

MINN ASSN WATERSHED DIST'
ADA MN
56510

MINN AUTOMOBILE DEALERS ASSN
GRIGGS MIDWAY BLDG
ST PAUL MN
55104

MINN COMM FOR HANDICAPPED
METRO SQ 492 7TH & ROBT
ST PAUL MN
55101

MINN COMMUNITY DEVELOP SERV
512 ROSSMOR BLDG
ST PAUL MN
55101

MINN COUNCIL STATE EMP NO
475 RICE ST
ST PAUL MN
55103

MINN DEPT HEALTH J C MCKASY
717 DELAWARE S E
MPLS MN
55440

MINN DENTAL HYGIENISTS
5041 YVONNE TERRACE
MPLS MN
55436

MINN ELECTRICAL ASSN INC
525 SO 7TH
MPLS MN
55415

MINN ENV LAW INST INC
PO BOX 15076 COMM STA
MPLS MN
55415

MINN FARMERS UNION PRES OFF
1275 UNIV AVE
ST PAUL MN
55104

MINN FOOD RETAILERS ASSN
555 WABASHA
ST PAUL MN
55101

MINN HEREFORD-LJ SCHAFER
BUFFALO LAKE MN
55314

MINN. HOTEL & MTR. ASSN
2001 UNIVERSITY AVE
ST PAUL MN

MINN HOUSING INST N T CARTER
7801 METRO PKWY
MPLS MN
55420

MINN HWYS MANAGEMENT SERVICE
407 HWY BLDG
ST PAUL MN
55101

MINN LAND USE COMMITTEE
4344 IDS CENTER
MPLS MN
55402

MINN LP GAS ASSN
7515 WAYZATA BLVD 106
MPLS MN
55426

MINNE MINE CREDIT UNION
3000 HUDSON PK S 100
ST PAUL MN
55119

MINN.MTR.TRANSP. .J.N.DENN
1821 UNIV.
ST.PAUL MN
55104

MINN PETROLEUM COUNCIL
1020 NORTHERN FED BLDG
ST PAUL MN
55102

MINN POULTRY & HATCHERY A
BOX 158
MADELIA MN
56062

MN REP STATE CENTRAL COMM
555 WABASHA AVE
ST PAUL MN
55102

MINN RESTAURANT ASSN
2001 UNIVERSITY AVE.
ST PAUL MN 55
104

MINN RETAIL FEDERATION
7600 PARKLAWN STE 457
MPLS MN
55435

MINN RETAIL HARDWARE ASSN
3033 EXCELSIOR BLVD 313
MPLS MN
55416

MINN SOCIETY ARCHITECTS AIA
NW NATL BK BLDG
ST PAUL MN
55101

MINN SOC CERTIFIED PUB ACCTS
1102 WESLEY TEMPLE BLDG
MPLS MN
55403

MINN STATE BAR ASSN
100 MINN FED BLDG
MPLS MN
55402

MINN STATE BD PHARMACY
717 DELAWARE ST SE #351
MPLS MN
55414

MINN STATE CAPITOL EMP UNION
PO BOX 3215
ST PAUL MN
55165

MINN STATE MED ASSN
375 JACKSON ST
ST PAUL MN
55101

MINN STATE RETIREMENT SYS
529 JACKSON ST
ST PAUL MN
55101

MINN TEAMSTERS CREDIT UNION
2021 HENN AVE E
MPLS MN
55413

MINN TBR PRODUCERS ASSN
200 CHRISTIE BLDG
DULUTH MN
55802

MINN.TURKEY GROWERS ASSN
2383 UNIV AVE
ST PAUL MN
55114

MINN VETERANS MED ASSN
2175 W HWY 36
ROSEVILLE MN
55113

MINN WATER RESOURCES BD
RM 206 555 WABASHA ST
ST PAUL MN
55102

MINN-WISC BOUNDARY AREA COMM
600 2ND ST
HUDSON WI
54016

MN PUB INT RESEARCH GROUP
3036 UNIV AVE SE
MPLS MN
55414

MOFFITT R C
RM 301 M MPLS CITYHALL
MPLS MN
55415

MOOD R BLOOMINGTON HLTH DEPT
10200 PENN SQ
BLOOMINGTON MN
55431

MOONEY, MICHAEL A.
BOX 903, ST.JOHN'S UNIV
COLLEGEVILLE MN
56321

MORTON BUILDINGS INC
R #1
FOLEY MN
56329

MPIRG
BOX 45 ST MARYS COLLEGE
WINONA MN
55987

MUELLER SHIRLEY A
787 W COTTAGE AVE
ST PAUL MN
55117

NASS GEO V HENN CO GEN HOSP
5TH AND PORTLAND AVE
MPLS MN
55415

NATL CAR RENTAL ATT D MIT
5501 GREEN VALLEY DR
MPLS MN
55437

NATL COUNCIL JEWISH WOMEN
4330 CEDAR LK RD
MPLS MN
55416

NATL FAMILY INS CO
2147 UNIV AVE
ST PAUL MN
55114

NAT'L SOLID WASTES-R. GRASSO
1730 RHODE ISLAND AV.NW
WASHINGTON DC
20036

NCEC INC C/O DR DAHLBERG
CONCORDIA COLLEGE
MOORHEAD MN
56560

NEDELL HAROLD - MEINEKE
6300 W LOOP S SUITE 200
BELLAIRE TX
77401

NEREN MADONNA
376 NEAL AVE S
AFTON MN
55001

NESBITT JOHN
7851 METRO PKWY S 118
MPLS MN
55420

NEUMAN RALPH W
RT 2 BOX 125
EMBARRASS MN
55732

NIELSEN STOCK & BLACKBURN
415 730 BLDG
MPLS MN

NO SUB MONTESSORI-S SADDLER
2487 HELEN COURT
NO ST PAUL MN
55109

NORTH CENTRAL ELEC ASSN
PO BOX 202
BATTLE LAKE MN
56515

NW COUNTRY ELEVATOR ASSN
802 GRAIN EXCH BLDG
MPLS MN
55415

NURSING HOME ADMRS BD EXAMRS
RM 340 717 DELAWARE SE
MPLS MN
55414

NUTTER JULIA
743 W MONTANA
ST PAUL MN
55117

NW BELL TEL CO LEGAL DEPT
224 S 5TH ST RM 2000
MPLS MN
55402

NYQUIST DEAN A
3707 53RD PL N
BROOKLYN CTR MN
55429

O'BRIEN J.DENNIS
1100 1ST NATL.BANK BLDG
MINNEAPOLIS MN
55402

OFFICE OF THE GOVERNOR
130 STATE CAPITOL
ST PAUL MN
55101

OLD COLONY GAS & OIL COMPANY
17TH AVE N AT 2ND ST
MPLS MN
55411

OLOFSON ARTHUR MBO & MAI
927 SOO LINE BLDG
MPLS MN
55402

OSTRUM DONALD E
PO BOX 33163
COON RAPIDS MN
55433

OTTER TAIL POWER CO.
215 S. CASCADE ST.
FERGUS FALLS MN
56537

PATTISON ORVIS
BOX 645
WILLMAR MN
56201

PAYNE COL ALVIN

DEGRAFF MN
56233

PAYNE WM B
2400 FIRST NATL BK BLDG
MPLS MN
55402

PETERSON JOHN W
510 NW BK BLDG
ST PAUL MN
55101

PETERSON GARY
854 MIDLAND BK BLDG
MPLS MN
55401

PFEIFER AND SHULTZ, INC
1433 UTICA AVE S
MPLS MN
55416

PHAR MFGRS ASSN WM D PATTON
1155 15TH ST NW
WASHINGTON DC DC
20005

PHILLIPS LEGISLATIVE SERVICE
459 RICE ST
ST PAUL MN
55103

PINNETTI NICK M HALEY & A
40 CENTRAL PARK S
NEW YORK NY
10019

POPOVICH PETER S
314 MINN BLDG
ST PAUL MN
55101

PORTER LYLE O

TRACY MN
56175

PORT AUTH CITY OF ST PAUL
330 MINNESOTA BLDG
ST PAUL MN
55101

PORTER DAVID
3212 LONGFELLOW AVE S
MPLS MN
55407

POSS DONALD G
6301 SHINGLE CREEK PKWY
BROOKLYN CTR MN
55430

POYZER ROBT
BOX 675
FERGUS FALLS MN
56357

PRAUSE JOS.C.
2220 105TH AVE.N.W.
COON RAPIDS MN
55433

PROCTOR&GAMBLE L THEOHAR
IVORYDALE TECH CENTER
CINCINNATI OH
45217

PULSCHER RBT SPRINGSTED INC
813 OSBORN BLDG
ST PAUL MN
55102

RADMAN RICHARD-LABOR TEMP
418 AUDITORIUM
ST PAUL MN
55102

RANALLO CLARENCE
800 CENTRAL AVE N E
MPLS MN
55413

RAMSEY CO MEDICAL SOCIETY
1500 LOWRY MEDICAL BLDG
ST PAUL MN
55102

RAUENHORST CORP-C ANDERSON
7900 XERXES S. S-2200
MPLS MN
55431

REAGAN MICHAEL
% MINN LEARNING CTR
BRAINERD MN
56401

RED OWL STORES INC
215 E EXCELSIOR AVE
HOPKINS MN
55343

REID DAVID H
5633 WASHBURN AVE S
MPLS MN
55410

RENNER R.H. ST PAUL AREA CC
300 OSBORN BLDG.
ST PAUL MN
55102

RENQUIST ARTHUR NSP CO
414 NICOLLET MALL
MPLS MN
55401

RICHARDSON THOS
7851 METRO PKWY S 103
MPLS MN
55420

RICHARDS MONTGOMERY ET AL
1430 RAND TOWER
MPLS MN
55402

ROE DAVID
175 AURORA
ST PAUL MN
55103

ROBBIE JOSEPH
904 CARGILL BLDG NO CTR
MPLS MN
55402

ROBERTS DAVID E
1200 NW NATL BK BLDG
ST PAUL MN
55101

ROSS ALFRED
6356 WARE RD
LINO LAKES MN
55014

RUDY FLOYD
118 AVE C
CLOQUET MN
55720

SAN SIMEON DEVELOP CORP
OLD 1ST STATE BK BLDG
PAYNESVILLE MN

SANFORD S M
7000 PORTLAND AVE
RICHFIELD MN
55423

SATHRE, HARVEY
375 MARION STREET
ST PAUL MN
55103

SAX DOVE & STENSON
310 ENDICOTT BLDG
ST PAUL MN
55101

ST PAUL ASSN PLBG HTG MECH
614 AM NATL BK
ST PAUL MN

ST PAUL BUR HLTH DR P COX
555 CEDAR ST
ST PAUL MN
55101

ST PAUL FOOD RETAILERS ASSN
1220 ARCADE
ST PAUL MN
55106

SCARBOROUGH WILLIAM
DIV.ED. U.M.
MORRIS MN
56267

SCHLICHT REV ROBT
611 W MAIN ST
BELLE PLAINE MN
56011

SCHMIDT D R MN ASSN REALTORS
6101 WAYZATA BLVD
MPLS MN
55416

SCHMIDT H W TCHRS RETIREMENT
302 CAPITOL SQ BLDG
ST PAUL MN
55101

SCHMIDT LARRY WCCO-TV NEW
50 S 9TH ST
MPLS MN
55402

SCHNEIDER MAHLON
GREEN GIANT
LESUEUR MN
56058

SCHWINN ROBT.P.
1400 SOO LINE BLDG.
MPLS. MN
55402

SENATE FINANCE COMMITTEE
113 STATE CAPITOL
ST PAUL MN
55101

SHAW ROBERT M
616 MOBIL OIL BLDG
MPLS MN
55402

SLOCUM CHARLES A
1203 IDS TOWER
MPLS MN
55402

SNYDER ROBERT W
248 CO B U OF M
ST PAUL MN
55101

STATE BD.BARBER EXAMINERS
555 WABASHA
ST PAUL MN
55102

STENSLAND M.E. PRES. MVMA
203 NW 22ND ST.
AUSTIN MN
55912

SUMMIT NATL BANK D L MORRILL
205 AURORA AVE
ST PAUL MN
55103

SWANSON GERALD H
212 CITY HALL
ROCHESTER MN
55901

THOMPSON CONRAD
1107 23RD ST NW
ROCHESTER MN
55901

SCHULTZ LINDA
RM 328 CAPITOL BLDG
ST PAUL MN
55155

SCHNEIDER & NEESER
706 1ST ST SO PO BX 876
WILLMAR MN
56201

SENATE GOV OP COMM
RM 303 STATE CAPITOL
ST PAUL MN
55155

SHELL OIL CO. W.A. ROQUET
ONE SHELL PLAZA BX 2463
HOUSTON TX
77001

SMERIKA WM.
BOISE CASCADE PAPERS
INTL FALLS MN
56649

SODERBERG HAROLD J
1500 MIDWEST PLAZA BLDG
MPLS MN
55402

STATE BD VETERINARY EXAMINER
C/O DR A C SPANNAUS DVM
WACONIA MN

STOLPESTAD BROWN & SMITH
1550 NW BK BLDG
ST PAUL MN
55101

SUSSEL CO.ATTN:TED SCHWENKER
1850 COMO AVE.
ST PAUL MN
55108

SWEITZER R L HONEYWELL INC
2701 4TH AVE S
MPLS MN
55408

THOMPSON HESSIAN ET AL
1500 MIDWEST PLAZA BLDG
MPLS MN
55402

SCHWARTAU NEAL METH HOSP
201 W CENTER ST
ROCHESTER MN
55901

SCHROEDER ALFRED H
2172 CARROLL AVE
ST PAUL MN
55104

SHABATURA EUGENE H
2833 LAKE AVE SO
DULUTH MN
55811

SITE ENGINEERS INC
900 REDWELL LANE
APPLE VALLEY MN
55124

SMITH MICHAEL
1423 NEWTON AVE N
MPLS MN
55411

SODERMAN ANTHONY
152 S PLAZA BLDG
MPLS MN
55416

STD AM LIFE & ANNUITY CO
3801 W 50TH ST
MPLS MN
55410

STUPKA & MOREM
MIDTOWN BLDG
AUSTIN MN
55912

SWANSON BURT E
W-2162 1ST NATL BK BLDG
ST PAUL MN
55101

TIMESAVERS INC ATT R S VOLD
5270 HANSON COURT
MPLS MN
55422

SCHWERMAN EARL JR
1535 8TH AVE SE
ROCHESTER MN
55901

SENATE COUN OFF ROOM 24
STATE CAPITOL
ST PAUL MN
55101

SHARP BOB
4125 HIGHWOOD RD
ST LOUIS PK MN
55416

SNELL LYN
BOX 314
EDEN VALLEY MN
55329

STANSFIELD ARLENE LAND O
PO BOX 116
MPLS MN
55440

STEELWORKERS CREDIT UNION
BOX 250
BABBITT MN
55706

SULLIVAN J KIRK
PO BOX 200
BOISE ID
83701

SWANSON DALE
P O BOX 339
FOREST LAKE MN
55025

TATE VERN 3M CO
3M CENTER 220/6W
ST PAUL MN
55101

TOUCHE ROSS & CO K H STOC
780 NORTHSTAR CNTR
MPLS MN
55402

TWIN CITY RETAIL DRUGGIST AS
2388 UNIV AVE
ST PAUL MN
55104

UNION STOCK YARDS
ATTN PRES
SO ST PAUL MN
55075

VAN CLEVE JOHN H
2101 HENN AVE
MPLS MN
55405

VAN DRAKE STEPHEN R
BOX 353
PELICAN RAPID MN
56572

VAN EVERA MUNDT ET AL
700 TORREY BLDG
DULUTH MN
55802

VERRILL JOHN E
DEPT SECONDARY ED UOF M
DULUTH MN
55812

VILLAGE OF WOODBURY-F.STRONG
561 TOWER DRIVE
NEWPORT MN
55055

VOLDNESS PERRY
IDS 8TH & MARQUETTE
MPLS MN
55402

VOSS REV GORDON O
11120 NE 7TH ST
BLAINE MN
55434

VOS LEROY
2137 BURNS AVE
ST PAUL MN
55119

WALD JEAN
5746 SANDER DR
MPLS MN
55417

WALIGORA ROBERT
3228 SO 17TH AVE
MPLS MN
55407

WALTERS THOS H
4510 W 77TH ST STE 235
MPLS MN
55435

WANQUIST ALLEN
RM 252 FEDERAL BLDG
ST PAUL MN
55101

WELK G V NORTHERN STATES
414 NICOLLET MALL
MPLS MN
55401

WESTIN CHAS W
220 MEDICAL ARTS BLDG
DULUTH MN
55802

WHITING RALPH
555 WABASHA SUITE 204
ST PAUL MN
55102

WHITLOCK A G
ECON LAB OSBORN BLDG
ST PAUL MN
55102

WILCOX J PATRICK
1220 NORTHERN FED BLDG
ST PAUL MN
55102

WM.MITCHEL COLLEGE LAW LIB.
2100 SUMMIT AVE.
ST.PAUL MN
55105

WILEY ENTERPRISES
101 5TH AVE SE
OSSEO MN
55369

WILSON R GARY PPG INDUSTR
1 GATEWAY CENTER
PITTSBURGH PA
15222

WIS FEEDER PIG MARKET CO-OP

FRANCIS CREEK WI

WOLKERSTORTER THEODORE
676 17TH AVE NW
NEW BRIGHTON MN
55112

WOZNIAK D D
401 FIRST FED BLDG
ST PAUL MN
55101

WYANT CLINTON W ATTY

ATKIN MN
56431

DEVELOP DISABILITIES PROGRAM	STATE PLAN 101 CAP SQ	ST PAUL	MN	55155	
CHRYSALIS CENTER FOR WOMEN	2104 STEVENS AVE S	MPLS	MN	55404	
ETHICS COMM	RM 410 STATE OFF BLDG	ST PAUL	MN	55155	
KELLY DANIEL	3549 1/2 PLEASANT AVE	MPLS	MN	55408	
KUCK THOS R	160 STATE OFF BLDG	ST PAUL	MN	55155	
REINO D LAINE 3M COMPANY	3M CENTER	ST PAUL	MN	55101	
WELLINGTON R D SKELLY OIL	PO BOX 1650	TULSA	OK	74102	
Typer Envelopes - included in total counts					

PHILLIPS LEGISLATIVE SERVICE
459 RICE STREET • ST. PAUL, MINN. 55103 • TELEPHONE 227-7771

SENATORS OFFICE NUMBERS AND TELEPHONES
(1975 Session)

SENATOR	OFFICE NO.	TELEPHONE NO.
Anderson, Jerald C.	327 State Capitol	296-4184
Arnold, Norbert	121A State Capitol	-4155
Ashbach, Robert O.	123A State Office Building	-4111
Bang, Otto T., Jr.	136 State Office Building	-4122
Berg, Charles	132 State Office Building	-4102
Bernhagen, John J.	145 State Office Building	-4131
Blatz, Jerome V.	121A State Office Building	-4108
Borden, Winston W.	208 State Capitol	-2607
Brown, Robert J.	148B State Office Building	-4133
Chenoweth, John C.	303 State Capitol	-4172
Chmielewski, Florian	329 State Capitol	-4182
Coleman, Nicholas D.	208 State Capitol	-4196
Conzemius, George C.	206 State Capitol	-4144
Davies, Jack	27 State Capitol	-4841
Doty, Ralph R.	303 State Capitol	-4171
Dunn, Robert	131 State Office Building	-4117
Fitzsimons, Richard W.	138 State Office Building	-4124
Frederick, Mel	137 State Office Building	-4123
Gearty, Edward J.	303 State Capitol	-4174
Hansen, Baldy	235 State Capitol	-4153
Hansen, Mel	126 State Office Building	-4113
Hanson, Roger	144 State Office Building	-4130

SENATOR	OFFICE NO.	TELEPHONE NO.
Hughes, Jerome M.	328 State Capitol	296-4183
Humphrey, Hubert H., III	309 State Capitol	-4180
Jensen, Carl A.	125 State Office Building	-4112
Josefson, J. A.	140 State Office Building	-4126
Keefe, John	124 State Office Building	-4118
Keefe, Stephen	235 State Capitol	-4190
Kirchner, William G.	129 State Office Building	-4115
Kleinbaum, Jack I.	302 State Capitol	-4173
Knutson, Howard A.	134 State Office Building	-4120
Kowalczyk, Al	114 State Office Building	-4100
Larson, Lew W.	141 State Office Building	-4127
Laufenburger, Roger A.	328 State Capitol	-4181
Lewis, B. Robert	307 State Capitol	-4166
McCutcheon, Bill	301 State Capitol	-4129
Merriam, Gene	323 State Capitol	-4154
Milton, John	305 State Capitol	-4168
Moe, Roger D.	235 State Capitol	-2577
Nelson, Rolf	130 State Office Building	-4116
North, Robert D.	306 State Capitol	-4165
Ogdahl, Harmon T.	122 State Office Building	-4109
Olhoft, Wayne	309 State Capitol	-4178
Olson, Alec G.	205 State Capitol	-4146
Olson, Howard D.	325 State Capitol	-4187
Olson, John L.	142 State Office Building	-4128
O'Neill, Joseph T.	128 State Office Building	-4114
Patton, John	116 State Office Building	-4103
Perpich, A. J.	29 State Capitol	-4839

SENATOR	OFFICE NO.	TELEPHONE NO.
Perpich, George F.	205 State Capitol	296-4145
Pillsbury, George S.	143 State Office Building	-4121
Purfeerst, Clarence M.	326 State Capitol	-4167
Renneke, Earl W.	139 State Office Building	-4125
Schaaf, David D.	308 State Capitol	-4179
Schmitz, Bob	306A State Capitol	-7157
Schrom, Ed	29 State Capitol	-4840
Sillers, Douglas H.	133 State Office Building	-4119
Solon, Sam G.	325A State Capitol	-4188
Spear, Allan H.	323 State Capitol	-4191
Stassen, J. Robert	135 State Office Building	-4132
Stokowski, Eugene	2 State Capitol	-4192
Stumpf, Peter	2 State Capitol	-4193
Tennessen, Robert J.	27 State Capitol	-4841
Ueland, Arnulf, Jr.	117 State Office Building	-4105
Wegener, Myrton O.	235 State Capitol	-4156
Willet, Gerald L.	205 State Capitol	-4147

* * * * *

NOTE: The Senate District 33 seat is vacant.

PHILLIPS LEGISLATIVE SERVICE
459 RICE STREET • ST. PAUL, MINN. 55103 • TELEPHONE 227-7771

January 23rd, 1975

REPRESENTATIVES OFFICE NUMBERS AND TELEPHONES
(1975 Session)

REPRESENTATIVE	OFFICE NO.	TELEPHONE NO.
Abeln, Lyle	254 State Office Building	296-4366
Adams, Leo	353 State Office Building	-4345
Adams, Salisbury	391 State Office Building	-4342
Albrecht, Raymond	322 State Office Building	-4318
Anderson, Glen	333 State Office Building	-4228
Anderson, Irv	273 State Office Building	-6251
Arlandson, John	347 State Office Building	-4312
Beauchamp, David	352 State Office Building	-4321
Begich, Joseph	299 State Office Building	-5063
Berg, Tom	370 State Office Building	-4266
Berglin, Linda	217 State Office Building	-4261
Biersdorf, John	399C State Office Building	-4332
Birnstihl, Orv	224 State Office Building	-4217
Braun, Arthur	262 State Office Building	-4258
Brinkman, Bernard	296 State Office Building	-4373
Byrne, Peggy	214 State Office Building	-4245
Carlson, Arne	319 State Office Building	-4328
Carlson, Lyndon	288 State Office Building	-4255
Carlson, Roy	342 State Office Building	-4333
Casserly, James	238 State Office Building	-4221
Clark, Janet	344 State Office Building	-4354
Clawson, John	349 State Office Building	-4358

REPRESENTATIVE	OFFICE NO.	TELEPHONE NO.
Corbid, John	376 State Office Building	296-4329
Dahl, Harold	227 State Office Building	-4218
Dean, William D.	378 State Office Building	-4337
DeGroat, Frank	317 State Office Building	-4308
Dieterich, Neil	385 State Office Building	-4253
Doty, Gary	360 State Office Building	-4347
Eckstein, A. J.	244 State Office Building	-4265
Eken, Willis	299C State Office Building	-4236
Enebo, Stanley	222 State Office Building	-4274
Erickson, Wendell	388 State Office Building	-4336
Esau, Gilbert	318 State Office Building	-4348
Evans, R. G. (Ron)	310 State Office Building	-4309
Ewald, Douglas R.	399A State Office Building	-4311
Faricy, Ray	242 State Office Building	-4267
Fjoslien, David	399 State Office Building	-4317
Forsythe, Mary	377 State Office Building	-4363
Friedrich, Donald	397 State Office Building	-4378
Fudro, Stanley	372 State Office Building	-4377
Fugina, Peter	336 State Office Building	-4374
George, Michael	213 State Office Building	-4238
Graba, Joseph	335 State Office Building	-4256
Hanson, Walter	228 State Office Building	-4232
Haugerud, Neil	235 State Office Building	-4278
Heinitz, O. J. (Lon)	389 State Office Building	-4320
Hokanson, Shirley	234 State Office Building	-4239
Jacobs, Joel	229 State Office Building	-4231
Jaros, Mike	230 State Office Building	-4246

REPRESENTATIVE	OFFICE NO.	TELEPHONE NO.
Jensen, Robert	215 State Office Building	296-4862
Johnson, Carl	340 State Office Building	-4270
Johnson, Douglas	291 State Office Building	-4234
Jopp, Ralph	387 State Office Building	-3908
Jude, Tad	218 State Office Building	-4248
Kahn, Phyllis	237 State Office Building	-4257
Kaley, J.R. (Dick)	321 State Office Building	-4359
Kalis, Henry	239 State Office Building	-4240
Kelly, Randy	328 State Office Building	-4277
Kelly, William	297 State Office Building	-4861
Kempe, Arnold	355 State Office Building	-3806
Kempe, Ray	354 State Office Building	-4220
Ketola, Marvin	263 State Office Building	-4235
Knickerbocker, Gerald	379 State Office Building	-4315
Knoll, Frank	289 State Office Building	-4897
Kostohryz, Richard	345 State Office Building	-4936
Kroening, Carl	231 State Office Building	-4302
Kvam, Adolph	393 State Office Building	-4344
Laidig, Gary	325 State Office Building	-4351
Langseth, Keith	330 State Office Building	-4335
Lemke, Richard	381 State Office Building	-4322
Lindstrom, John	283 State Office Building	-4222
Luther, William	290 State Office Building	-4367
McCarron, Paul	248 State Office Building	-4242
McCauley, M.J. (Mac)	398 State Office Building	-4341
McCollar, Maurice (Mac)	332 State Office Building	-4319
McEachern, Bob	329 State Office Building	-4237

REPRESENTATIVE	OFFICE NO.	TELEPHONE NO.
Mangan, Thomas	346 State Office Building	296-4356
Mann, George	299B State Office Building	-4292
Meier, Claudia	331 State Office Building	-4400
Menning, Marion (Mike)	362 State Office Building	-4364
Metzen, James	219 State Office Building	-4370
Moe, Donald	232 State Office Building	-4264
Munger, Willard	226 State Office Building	-4282
Neisen, Howard	350 State Office Building	-4322
Nelsen, Bruce G.	327 State Office Building	-4352
Nelson, Ken	339 State Office Building	-4244
Niehaus, Joe	312 State Office Building	-4379
Norton, Fred	245 State Office Building	-2080
Novak, Steve	256 State Office Building	-4334
Osthoff, Tom	267 State Office Building	-4224
Parish, Richard	368 State Office Building	-4300
Patton, Al	384 State Office Building	-4216
Pehler, James	261 State Office Building	-4241
Peterson, Darrel	311 State Office Building	-3729
Petrafeso, Pete	284 State Office Building	-4863
Philbrook, B.J. (Bud)	382 State Office Building	-4326
Pleasant, Raymond	313 State Office Building	-4316
Prahl, Norman	293 State Office Building	-4225
Reding, Leo	351 State Office Building	-4324
Rice, James	383 State Office Building	-4262
Sabo, Martin O.	276 State Office Building	-6610
Samuelson, Donald B.	249 State Office Building	-4875
Sarna, John J.	270 State Office Building	-4219

REPRESENTATIVE	OFFICE NO.	TELEPHONE NO.
Savelkoul, Henry	390 State Office Building	296-4365
Schreiber, William H.	380 State Office Building	-4343
Schulz, Victor	375 State Office Building	-4223
Schumacher, Wayne	343 State Office Building	-4325
Searle, Rodney	395 State Office Building	-4339
Setzepfandt, A.O.H. (Setz)	386 State Office Building	-4346
Sherwood, Glen	250 State Office Building	-4252
Sieben, Harry	371 State Office Building	-4227
Sieben, Michael R.	292 State Office Building	-4250
Sieloff, Ron	323 State Office Building	-4310
Simoneau, Wayne	357 State Office Building	-4331
Skoglund, Wesley	365 State Office Building	-4330
Smith, Howard E.	243 State Office Building	-4874
Smogard, Ellsworth	359 State Office Building	-4357
Spanish, John	334 State Office Building	-4254
St. Onge, Doug	223 State Office Building	-4263
Stanton, Russ	337 State Office Building	-4249
Suss, Ted	348 State Office Building	-4313
Swanson, James	369 State Office Building	-4885
Tomlinson, John D.	294 State Office Building	-4259
Ulland, James	315 State Office Building	-4314
Vanasek, Bob	285 State Office Building	-4229
Vento, Bruce F.	271 State Office Building	-4230
Voss, Gordon O.	251 State Office Building	-4226
Wenstrom, Gene	358 State Office Building	-4323
Wenzel, Stephen G.	266 State Office Building	-4247

REPRESENTATIVE	OFFICE NO.	TELEPHONE NO.
White, Jim	286 State Office Building	296-4286
Wieser, Al Jr.	255 State Office Building	-4251
Wigley, Richard	316 State Office Building	-4355
Williamson, Bruce D.	236 State Office Building	-4303
Zubay, Ken P.	326 State Office Building	-4340

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STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE VERA J. LIKINS

COMMISSIONER OF PUBLIC WELFARE

In the Matter of Proposed Adoption of Amendments to Rule 44 of the Minnesota Department of Public Welfare Governing Administration of the Aid to Families with Dependent Children Program

STATEMENT OF NEED

The above captioned rule is an amendment to existing Minn. Rule DPW 44. The last time this rule was amended was October 1, 1973.

The need to amend this rule arises because:

1. Former DPW Rule 44 purports to cover all forms of public financial assistance in which the federal government participates. However, since January 1, 1974, Aid to Families With Dependent Children (AFDC) has been the only such program in Minnesota.

2. The specifics of administering AFDC has been largely done through the AFDC Program Mahual. Due to the passage of Minnesota Statutes 1975, Chapter 380, all basic features of this Program Manual must be incorporated into an agency rule.

3. There have been substantive changes in the AFDC program since DPW Rule 44 was last amended. Among these are changes in federal law and regulation (42 U.S.C. § 600 et seq. and 45 C.F.R. § 230 et seq.), as well as Minnesota Statutes, Sections 256.11, 256.12, 256.72 through 256.878 (1974), and Minnesota Laws 1975,

Chapter 434, Section 2, Subdivision 7. In addition, several judicial decisions have interpreted existing AFDC law and regulations in ways that necessitate changes in administration of the AFDC program.

4. Several administrative features of the program--including basic AFDC eligibility, computation of recipients' income, foster care rates, and child support and collection--need clarification through amendment of DPW Rule 44.

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC WELFARE

Vera J. Likins
Commissioner

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE VERA J. LIKINS

COMMISSIONER OF PUBLIC WELFARE

In the matter of Proposed Adoption of Amendments to Rule 44 of the Minnesota Department of Public Welfare Governing Administration of the Aid to Families with Dependent Children Program.

ORDER ADOPTING RULES

The above-entitled matter came on for hearing before a duly appointed officer of the Commissioner of Public Welfare of the State of Minnesota on the second day of December, 1975, at 9:30 A.M. in the State Office Building Auditorium, after proper notice required by Minn. Stat. Sec. 15.0412 (1974) as amended, was served upon all persons, associations, and other interested groups registered with the Secretary of State for that purpose.

After affording interested persons an opportunity to present written and oral data, statements and arguments, having heard all of the testimony, having considered all of the evidence adduced and upon the records, files and proceedings herein, and applicable statutory standards or criteria, and having confirmed the need for the above-captioned rules;

NOW, THEREFORE, IT IS ORDERED that this rule, identified as Minn. Rule DPW 44 be adopted this 22 day of June, 1976, pursuant to the authority vested in me by Minn. Stat. Sec. 256.72 (1).

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC WELFARE

Vera J. Likins
Commissioner

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE VERA J. LIKINS

COMMISSIONER OF PUBLIC WELFARE

In The Matter Of The Proposed Adoption Of Rule 44 Of The State Department Of Public Welfare Governing Aid To Families With Dependent Children.

FINDINGS OF FACT

The above-entitled matter came on for hearing before Robert Baird, Assistant Commissioner of the Minnesota Department of Public Welfare on December 2, 1975 at 9:30 A.M. in the State Office Building Auditorium, St. Paul, Minnesota, after proper notice required by Minn. Stat. 1974, Section 14.0412 was served upon all persons, associations, and other interested groups registered with the Secretary of State for that purpose.

After affording all interested persons an opportunity to present written and oral data, statements, and arguments, having heard all of the testimony, having considered all of the evidence adduced and upon the records, files, and proceedings herein, I make following findings of fact:

Part (I): Introduction

1. Part (I)(a) of Rule 44 is a general statement of the purpose of the rule and a description of its function in the federal-state-local agency scheme of disbursing AFDC benefits. The adopted rule was changed from the proposed rule to clarify that additional materials issued by the Department relating to AFDC

are not departmental rules, do not have the force and effect of law, and do not take precedence over Rule 44. This topic was raised in testimony submitted to the department in regard to the 90-day language in the last sentence of the proposed rule; to avoid confusion between departmental rules and explanatory material, this 90-day language was deleted in the adopted rule.

2. Part I(b) states that, notwithstanding DPW rule 44, the AFDC program may be affected by changes in federal or state law. Minn. Stat. § 256.01 subd. 4(5) (1974) requires that AFDC be administered to qualify for federal grants-in-aid and this provision is needed to provide the administrative flexibility to meet this legislative mandate. As pointed in other portions of this Findings of Fact, mandatory federal provisions for the AFDC program now in existence have been included in this Rule 44.

3. Part (I)(c) of the adopted rule is self-explanatory and required by Minn. Stat. § 256.74 subd. 1 (1974). The proposed rule referred to DPW Rule 45 as the guideline for disclosure or non-disclosure of information about recipients. But since DPW Rule 45 is not the only grounds for disclosure or non-disclosure of information specific reference to Rule 45 has been deleted. Other federal and state statutes (particularly privacy acts) may be applicable in such situations.

4. 45 C.F.R. § 205.120 requires the AFDC program to be administered uniformly in all areas of the state. Part I(d) was added to the proposed rule to reflect this requirement at the suggestion of the United States Department of Health, Education and Welfare (H.E.W.).

Part (II): Applications For Assistance

5. Part (II)(a) deals with the right of any person to apply for AFDC and the need to have his application signed. This is required by 45 C.F.R. § 206.10 and Minn. Stat. § 256.74 subd. 2. This provision has been expanded from the proposed rule to allow the local agency director or his designee to sign an application for AFDC-FC; this addition will allow some needed flexibility in administration of AFDC-FC in emergency situations.

6. Part (II)(b) deals with the time limit for determining eligibility. The Legal Aid Society of Minneapolis, the League of Women Voters and others proposed at the hearing and in testimony submitted to the Commissioner that this section in the proposed rule be rewritten to clarify that the eligibility decision be made within 45 days, not just that a personal interview be had. This suggestion is in accord with 45 C.F.R. § 206.10(a)(3)(i) and has been included in the final rule.

7. Part (II)(c) requires written notification of the agency's eligibility decision and the right to appeal a denial. It is required by 45 C.F.R. § 206.10(a)(4).

8. Part (II)(d) states any person has a right to reapply for assistance at any time. This is an implicit requirement of 45 C.F.R. § 206.10 and Minn. Stat. § 256.75. The provision lists circumstances which mandate a new application. The proposed rule contained language about an application being "appended by an addendum", but Yellow Medicine County complained that this language was cumbersome; the Commissioner agrees and the language was

clarified in the adopted rule.

9. Part (II)(e) deals with eligibility re-determinations. Minnesota has followed a 6-month policy for all phases of the program except AFDC-UF, where 3-month re-determinations are needed because of changing employment prospects. The Organization For A Better Rice County objected to the implication that eligibility re-determinations could be done more often than the limits stated. However, these limits (except for the AFDC-UF limits) are the maximum allowed by 45 C.F.R. § 206.10(a)(9), and county flexibility in using more frequent periods to prevent fraud is permissible under federal law.

10. Part (II)(f) attempts to protect clients' privacy in verifying eligibility criteria. It is required by 45 C.F.R. § 205.50. At the hearing, some feeling was expressed by the Legal Aid Society of Minneapolis to further limit blanket consents, but the section as proposed is found to adequately impose the needed limitations.

11. Part (II)(g) deals with mandatory verification information. The Minnesota Recipients Alliance and Organization For A Better Rice County objected to the number of reports required under sub-part (2), but the federal requirements found in 45 C.F.R. §§ 233.90 (c)(iv) and 233.100 require detailed substantiation of incapacity and unemployment, necessitating frequent verification of these facts and justifying the contents of sub-part (2). Sub-parts (1) and (3) are express requirements of 45 C.F.R. §§ 232.10 and 233.20. One taxpayer submitted testimony proposing that all eligibility factors be mandatorily verified, but it is concluded that this

provision is not necessary in the rule since agency fraud units regularly check on such matters where the circumstances warrant.

Part (III): Financial Responsibility And Residence

12. Part (III)(a) defines "residence" and concepts related to residence. The definitions follow those set out in 45 C.F.R. § 233.40 and Minn. Stat. § 256.73 subd. 4 (1974).

13. Part (III)(b) states that Minnesota residence is a prerequisite for AFDC and establishes an objective test of intent to determine residence. Yellow Medicine County proposed a termination of an AFDC grant whenever a recipient changes his residence; the Welfare Rights Organization of the University of Minnesota Law School proposed a more liberal residency test. However, the section as originally proposed is found to follow 45 C.F.R. § 233.40(a) and both these proposals have been rejected.

14. Part (III)(c) states the tests for "county of financial responsibility" and "excluded time," mirroring Minn. Stat. § 256.73 subd. 4.

15. Part (III)(d) describes the residence of unborn children. Minn. Stat. § 256.73 subd. 5 makes the unborn eligible for AFDC but does not clarify their residence. This section solves the administrative paradox of how and when to define residence of an unborn child under the general definitions stated above. Washington County proposed that the county responsible for the oldest child be the county responsible for the unborn child. This suggestion was rejected, not because it lacks merit, but because it does not define residence for all AFDC-UB cases and a general test was felt desireable, instead.

16. Part (III)(e) clarifies what happens when AFDC families move. It implements Minn. Stat. § 256.79 (1974) and explains how grant administration will be handled in such situations. Washington County wanted the county of financial responsibility to shift 2 months after a move, but given the language of § 256.79 this concern should properly be addressed to the Legislature.

17. Part (III)(f) implements Minn. Stat. § 256.76 subd. 2 for resolving intra-county disputes as to financial responsibility.

Part (IV): Eligibility Factors

18. Part (IV)(a) defines the age limits for AFDC children. The requirements are already stated in Minn. Stat. §§ 256.12 subd. 14 and 256.73 subd. 5. The United States Department of Health, Education and Welfare submitted its long-standing objection to this statute; however, the MDPW and HEW have entered into administrative proceedings with respect to this issue and resolution of those proceedings will ultimately determine age limits. Until these proceedings are completed, the standard set forth in state law must be followed.

19. Part (IV)(b) states who is a relative eligible to be an AFDC caretaker. The list follows that found in 45 C.F.R. § 233.90 (c)(1)(v).

20. Part (IV)(c) implements the requirement of 45 C.F.R. § 233.90(c)(1)(v) that the AFDC child live in the same residence as the caretaker relative. The proposed language was clarified to meet technical objections raised by H.E.W. A limit is placed on temporary absences to maintain eligibility under federal regulations and to direct agency attention to social problems that can arise in

such instances.

21. Part (IV)(d) clarifies that guardianship does not defeat AFDC eligibility, although it may affect the form of assistance received. This is a reflection of 45 C.F.R. § 233.90 (c)(1)(v)(B) and Minn. Stat. § 256.12 subd. 14 (1974).

22. Part (IV)(e) states that AFDC shall be paid for the entire month in which a child dies; this is the limit set for such situations by 45 C.F.R. § 233.90(c)(2)(iii).

23. Part (IV)(f) restates the test of "deprived of parental support" in Minn. Stat. § 256.12 subd. 14 and 45 C.F.R. § 233.90(a).

24. Part (IV)(g) deals with verifying parental death. At the suggestion of H.E.W., the language about the length of absence for presuming death has been deleted to conform to 45 C.F.R. § 233.90(c)(1)(ii). Washington County suggested that RSDI be applied for in the event of an AFDC child's death; while this proposal is certainly a good idea, it is not a needed provision of Rule 44, and it is impliedly addressed in Part (IX)(c) of the rule.

25. Part (IV)(h) defines parental incapacity. Washington County wanted a more restrictive definition; the Organization For A Better Rice County wanted a looser one. It is found that the Department's proposed definition properly restates 45 C.F.R. § 233.90(c)(1)(iv) and should therefore be adopted.

26. Part (IV)(i) defines the continued absence of a parent. It is based on the definitions found in 45 C.F.R. § 233.90(c)(1)(ii) and Minn. Stat. § 256.12 subd. 15. At the hearing, the Legal Aid

Society of Minneapolis and League of Women Voters proposed that, in respect to the recipient's obligation to cooperate in establishing paternity except for "good cause", that each recipient's definition of what is or is not "good cause" be accepted without question by the local agency. On the other hand, Yellow Medicine County asked that the state make its own limited definition of "good cause". H.E.W. is expected to define "good cause" by federal regulation in the next few months, and the federal definition of "good cause" must prevail. HEW suggested anticipating its regulation on this subject and of time for determining continued absence. The criticisms described above have been recognized in part and a more specific breakdown of the paternity cooperation process has been described in the adopted rule. The proposed language on time limits was dropped, and the anticipated federal definition of "good cause" has been included by reference in this section.

27. Part (IV)(j) covers unemployed fathers. Part (I) defines "unemployed fathers" under the federal definition found at 45 C.F.R. § 233.100(a)(1). The Legal Aid Society of Minneapolis, the Welfare Rights Committee of the University of Minnesota Law School, the League of Women Voters, and several other groups complained at the hearing that the definition should include unemployed mothers as well; inasmuch as the federal definition is restricted to fathers, implementing a broader definition is impractical and probably illegal in the absence of a Congressional change in the definition. The Welfare Rights Committee also wanted to delete strikers from the definition's exclusion, but this is found to be

a permissible exclusion under 45 C.F.R. § 233.100(a)(1)(iii).

Part (2) defines "good cause" for quitting or losing employment in accord with 45 C.F.R. § 233.100(a)(3)(ii).

Part (3) prohibits concurrent receipt of AFDC-UF and unemployment compensation under the case law of Philbrook v. Glodgett, 420 U.S. 959 (1975). Wilkin and Beltrami counties wanted a specific deduction of unemployment compensation as a resource to AFDC families; this section as adopted is found to accomplish the same result.

Part (4) clarifies the difference between unemployed father's employment obligations in WIN and non-WIN counties under 45 C.F.R. § 233.100(a)(6). Language in this section has been clarified to meet certain technical objections of H.E.W.

Part (5) outlines the procedures to be followed when an unemployed father quits employment or training without good cause. These procedures follow those found in 45 C.F.R. § 233.11(f).

28. Part (IV)(k) clarifies the responsibilities of step-parents living with AFDC children. This section implements 45 C.F.R. S 233.90(a) and the cases of Rosen v. Hursh, 464 F.2d 731 (8th Cir. 1972) and Meagher v. Hennepin County Welfare Department, 221 N.W.2d 140 (1974). The Legal Aid Society of Minneapolis proposed that step-parent's income be considered available for his spouse's support only when it is actually available; this proposal was rejected as repetitious of the section itself as proposed and of 45 C.F.R. § 233.90(a). Clearwater County wanted the proposal changed to require partial support of AFDC children by stepfathers;

this proposal is found not to be in conformance with the above-cited cases.

29. Part (IV)(1) is a lengthy section dealing with property of AFDC recipients.

Subpart (1) defines types of property ownership, generally in accord with the common law, but leaving room for assessment of actual ownership. Aitkin County wanted contracts for deed to be treated as real (and not personal) property; this suggestion was not enacted in the adopted rule, but it merits study and the Department will consider clarification of all types of property ownership in the future. For the time being, the Department wishes to follow common law definitions.

Subpart (2) deals with property transfers. It is based on a similar provision of the Medical Assistance program, DPW Rule 47(r); basically, a property transfer without receiving reasonable consideration will not defeat AFDC eligibility but may give rise to a fraud action under Minn. Stat. § 256.98. The Legal Aid Society of Minneapolis proposed that transfers of exempt property be eliminated from the cover of this provision, but inasmuch as § 256.98 covers any property transfer, this suggestion must be rejected. Wilkin County wanted a more extreme provision--automatic disqualification for AFDC of recipients who make such property transfers. Absent a clear legislative statement in this regard, this kind of qualification is not possible.

Subpart (3) restates the real property limitations set forth in Minn. Stat. § 256.73 subd. 2(1) and (3).

Subpart (4) restates the personal property limitations set

forth in Minn. Stat. § 256.73 subd. 2(2). There was some objection raised by H.E.W. and other persons about the language of proposed subparts (3) and (4) and the language was clarified in the adopted rule.

Subparts (5), (6), and (7) cover special situations involving personal property. Subpart (5) makes it clear that life insurance and trust funds are not exempt from the limits of Minn. Stat. § 256.73 subd. 2(2) unless they are unavailable to support the dependent child under 45 C.F.R. § 233.90(a). Subpart (6) covers prepaid burial contracts allowed under Minn. Stat. § 256.935 subd. 2. Subpart (7) is a bookkeeping provision allowing recipients to retain property which has appreciated beyond the statutory limits in certain circumstances; it has been a standard administrative practice for many years and is permitted by 45 C.F.R. § 233.20(a)(3). H.E.W. felt subpart (7) was too broad; the Organization For A Better Rice County felt it was too restrictive. It is found that the Department's position strikes a proper balance between these positions.

Subpart (8) is a proviso exempting resources of an SSI recipient in determining AFDC eligibility. It implements Pub.L. 92-603, Section 414.

30. Part (IV)(m) is a lengthy section on computing AFDC recipients' income.

Subpart (1) is a general definition of "income," broadly including any benefit received by or available to a recipient.

The Legal Aid Society of Minneapolis and other persons proposed a somewhat more restrictive definition, but it is concluded that this suggestion embodies restrictions and exclusions more appropriately dealt with in later subparts. Wilkin County requested that the definition include "in-kind" benefits, but H.E.W. has instructed the state not to make such an inclusion as long as it maintains the present flat grant scheme of distributing benefits. Clearwater County asked that the consideration of income availability for children stop at age 18; this suggestion is found to contradict federal regulations on this subject.

Subpart (2) is a listing of benefits excluded as income. It attempts to cover all the exclusions found in 45 C.F.R. § 233.20 (a)(4); an exclusion for Vocational Rehabilitation allowances and expenses (which was inadvertently omitted from the proposed rule), and a catch-all provision covering other mandated exclusions has been added to the proposed rule. The proposed rule was also changed to meet H.E.W.'s objections regarding inconsequential income.

Subpart (3) deals with how to allocate income. A provision was added to the proposed rule to explain the relationship of income received in one month to the grant amount in succeeding months. The section on trust funds was limited to "legally restricted" trusts at the suggestion of HEW. Otherwise, the proposed provisions were found to adequately implement the terms and purpose of Minn. Stat. § 256.74 subd. 1.

Subpart (4) restates DPW Rule 53 that income cannot be allocated to meet past obligations.

Subparts (5) and (7) deal with income averaging for recipients

whose monthly income varies in significant amounts. The Legal Aid Society of Minneapolis complained at the hearing that the proposed sections do not adequately answer the question of when income averaging should be used; this criticism is well taken and a better description of the instances which call for income averaging was added to subpart (7).

Subpart (6) restates the application of income rule found in Minn. Stat. § 256.74 subd. 1.

Subpart (8) defines "earned income" and details the disregards of income required by federal law, 45 C.F.R. § 233.20(a)(11), and the employment expenses which federal law requires to be offset against earnings, 45 C.F.R. § 233.20(a)(6). At the suggestion of H.E.W., the language of the first sentence has been made more distinct. At the suggestion of Legal Aid, disregard (A)(i) was changed to specify that only the individual's earnings (not total family earnings) do not qualify for the $30 plus 1/3 disregard when the individual has refused employment, and at the suggestion of both Ramsey County and Legal Aid disregard (A)(iii) was changed to set forth a more complete list of educational institutions which require disregarding children's income. Also, some clarification of the $30 plus 1/3 disregard in new applications was felt needed to fulfill 45 C.F.R. § 233.20(a)(11)(b). Clearwater and Wilkin counties wanted transportation expenses set at a fixed maximum; however, this type of limit would violate the interpretation of federal law set out in Shea v. Vialpando, 416 U.S. 251 (1974) and a proviso has been added to the rule that any claim for higher transportation

costs must be both actual and reasonable to implement the Shea holding. A similar provision urged for child-care costs by the Legal Aid Society of Minneapolis was added to the proposed rule under the same reasoning as used in the Shea case. Two other changes in this subpart were suggested, but rejected. One was the Welfare Right's Committee of the University of Minnesota Law School's proposal to allow recipients to set aside income to meet any unspecified need. This was rejected because it runs contrary to the basic concept of the AFDC program--that of allowances to cover all needs, and exclusion of income only where mandated by law. Also, Washington and Clearwater County requested an upper limit on the $30 plus 1/3 disregard; this was rejected because no limit is allowed under 45 C.F.R. § 233.20(a)(11).

Subpart (9) covers the unusual income situations; it is intended to supplement the provisions of subpart (8). At the suggestion of the Legal Aid Society of Minneapolis and H.E.W., the provision about rental income (A) was amended to treat it as earned income if there is physical effort expended in acquiring it. Legal Aid also suggested that federal law forbids considering any lump sum payment as income. While this would appear to be an over-statement (see 45 C.F.R. § 233.20(a)(6)(ii)), counting lump sums as income in months after the month in which it is received creates considerable confusion and administrative error. Ramsey County and Legal Assistance of Ramsey County also commented on this problem. To correct this situation, provision (D) of the proposed rule was dropped from the adopted rule and provision (B) was amended to indicate

that lump sums exclusive of income tax refunds, are income only in the month received, and a property resource thereafter. Finally, as pointed out by Minneapolis Legal Aid, the application of a disregard to tax refunds was an issue in Duncan v. Hennepin County Welfare Department, No. 708572 (Henn. Co. Dist. Ct., January 13, 1975); the court ruled that the Department could refuse to apply the disregard by administrative rule. Proposed provision (C) was such a rule but, on balance, and reexamination of the issue, it is concluded that this matter is no longer worth worrying about, and a provision exempting pre-AFDC earnings was added to the adopted rule. Subpart (C) was further revised to reflect the decision in Steere v. Hennepin County Welfare Department, (Minn. Sup. Ct. #45615, May 21, 1976).

31. Part (IV)(n) implements 45 C.F.R. § 233.50 regarding AFDC eligibility, citizenship, and alienage.

32. Part (IV)(o) implements 45 C.F.R. § 232.10 regarding Social Security numbers.

Part (V): AFDC Family Allowance

33. Part (V)(a) implements need standards for Minnesota's AFDC program under 45 C.F.R. § 233.20(a)(2). The Legal Aid Society of Minneapolis, the Welfare Rights Committee of the University of Minnesota Law School, Washington and Ramsey counties, and other recipients raised the question of the legality of the definitions of "shared" and "non-shared" households. These definitions are currently the subject of litigation, Hoehle v. Likins, 405 F.Supp. 663 (D. Minn. 1975), now pending before the Eighth Circuit Court of Appeals. While these suggestions cannot be implemented at this time, the outcome of that litigation may require some changes in the future.

34. Part (V)(b) implements a program of AFDC supplements as required by Minn. Laws 1974, Chapter 575, Section 8, Subdivision 1. Ramsey County, Clearwater County, the Minnesota Recipients' Alliance and the Legal Aid Society of Minneapolis raised administrative questions about these programs, but it is concluded that such details need not be answered in an agency rule, but rather as particular cases arise. Also, H.E.W. objected to the proposed provision on utility recaps; the proposal was dropped since H.E.W.'s position is concluded to be correct.

35. Part (V)(c) implements Minn. Stat. § 256.935 subd. 1 regarding funeral costs for public assistance recipients.

Part (VI): Payment Provisions

36. Part (VI)(a) outlines the methods by which AFDC pay ments are made, recognizing the distinction between money payments and protective and vendor payments under 45 C.F.R. §§ 234.11 and 234.60. The suggestion made at the hearing by the Legal Aid Society of Minneapolis and Clearwater County that subpart (2)(F) is unintelligible is found to be correct; the section has been rewritten to meet these objections.

37. Part (VI)(b) implements 45 C.F.R. § 205.10 and Minn. Stat. § 256.045 (1976 Supp.), regarding procedures for grant termination, suspension, reduction, and administrative review of AFDC questions. Legal Aid of Ramsey County objected to the 5-day notice provision in fraud cases; however, this is found to be

permitted under 45 C.F.R. § 205.10 (a)(4)(B)(ii)(iv). At the suggestion of H.E.W., inaction on a grant was added as grounds for appeal and the language about time to make appeal was clarified to conform to the wording of federal law.

38. Part (VI)(c) implements 45 C.F.R. § 233.20(a)(12) regarding correction of grant overpayments and underpayments. The Legal Aid Society of Minneapolis noted that subpart (1) of the proposed rule is incorrectly phrased; this has been corrected. Legal Aid also objected to any recoupment of overpayments that invades the recipient's mandatory disregard. However, such procedures are recognized by the above-cited federal regulations and are the subject of current litigation which will likely resolve the issue. Until the time the federal regulations are overturned, the Department must follow them. At the suggestion of Clearwater County, requiring client consent to recoupment when no disregard exists was added to the rule.

39. Part (VI)(d) states that AFDC fraud may be prosecuted under Minn. Stat. § 256.98.

VII. Part (VII): Relative Responsibility

40. Part (VII)(a) outlines the procedures for securing payments from relatives responsible for support of AFDC recipients pursuant to Minn. Stat. § 256.87 subd. 1.

41. Part (VII)(b) clarifies when and how support standards will be calculated in order to determine the amount of relative responsibility due under Minn. Stat. § 256.87 subd. 1.

42. Part (VII)(c) is a cost of living scale (based on the Consumer Price Index minus medical and education costs which are figured separately) to tabulate the amount of excess income available from relatives of AFDC recipients.

43. Part (VII)(d) covers the subject of child support and paternity. Objections to this section are identical to those raised with respect to part (IV)(i) of the rule, which are described in paragraph 26 of this Findings of Fact.

Part (VIII): Other Program Requirements

44. Part (VIII)(a) describes the Work Incentive Program.

Subpart (1) states who must register for WIN. The list is based on Minn. Stat. § 256.736 subd. 3. At the suggestion of H.E.W., a provision mandating referral to the Department of Vocational Rehabilitation in cases of incapacity was added to the proposed rule.

Subpart (2) implements the consequences and hearings procedures of the WIN program under Minn. Stat. §. 256.736 subds. 3 and 4.

Subpart (3) defines "failure to participate in WIN", implementing Minn. Stat. § 256.736 subds. 3 and 4.

Subpart (4) describes the hearing procedures available from the department of employment services under Minn. Stat. § 256.736 subd. 4(4).

Subpart (5) describes WIN sanctions under Minn. Stat. § 256.736 subd. 4(4)(a)-(d).

Subpart (6) describes the WIN income disregard mandated by 45 C.F.R. § 233.20(a)(11)(v)

45. Part (VIII)(b) describes the Emergency Assistance program. Subpart (1) defines who is eligible for EA. Subpart (2) states what need items are allowed. Subpart (3) describes payment methods and procedures. This part is based on Minn. Stat. § 256.871. Since what is an "emergency" and what need items must be provided in order to minimize it, are largely questions of fact varying with each case, Yellow Medicine County's suggestion to specifically define an "emergency" and to limit certain need items in meeting it, has been rejected.

46. Part (VIII)(c) describes the AFDC program for foster care. It is required under 45 C.F.R. § 233.110. At the hearing H.E.W., Morrison, Dakota, Anoka, Hennepin, Beltrami and Washington counties and the Region VIII counties objected to the proposed foster care rates. Hennepin County proposed an alternative system for figuring rates. Although the Department's proposal meets federal and state requirements, the Commissioner is persuaded that Hennepin County's system does also and it was demonstrated to be better than the Department's proposal in several important respects (most importantly, it is flexible enough to meet more distinct sorts of living arrangements than the Department's proposal). Therefore, Hennepin County's system has been put into the adopted rule instead of the Department's.

Part (IX): Relationship To Other Programs

47. Part (IX)(a) lists other programs AFDC recipients are

automatically eligible for. MA eligibility is established by 45 C.F.R. § 248.10(b)(1); food stamp eligibility is established by 7 C.F.R. § 270.10(a); social service eligibility is established by 45 C.F.R. S 220.50.

48. Part (IX)(c) states who is not eligible for AFDC by reason of simultaneous receipt of other public assistance programs. This is a requirement of 45 C.F.R. § 233.10(a)(3) and Minn. Stat. § 256D.05 subd. 1.

49. Part (IX)(c) describes other assistance programs which may provide AFDC recipients with means of support. This list is printed solely as a guide to recipients and local welfare agencies.

Part (X): Miscellaneous

50. Part (X) is a bookkeeping section. Since this rule supersedes existing DPW Rule 44, that rule must be repealed. Part (b) is a severability provision. Part (c) states that the effective date of the rule is the date of final enactment.