

A bill for an act

relating to human services; addressing Minnesota family investment program eligibility and waivers for human trafficking victims; amending Minnesota Statutes 2008, sections 256J.08, subdivision 90; 256J.32, subdivisions 4, 8; 256J.42, subdivision 4; 256J.425, subdivision 3; 256J.521, by adding a subdivision; 256J.575, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 256J.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2008, section 256J.08, subdivision 90, is amended to read:

Subd. 90. ~~Severe Forms of human trafficking in persons. "Severe forms of trafficking in persons" means~~ "Human trafficking" means:

(1) sex trafficking;

(i) in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform the act has not attained 18 years of age under the Trafficking Victims Protection Act; or

~~(2) (ii) receiving, recruiting, enticing, harboring, providing, or obtaining by any means an individual to aid in the prostitution of the individual under section 609.321, subdivision 7a;~~

(2) labor trafficking:

(i) is the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services through the use of force, fraud, or coercion for the purposes of subjection to involuntary servitude, peonage, debt bondage, or slavery: under the Trafficking Victims Protection Act; or

(ii) the recruiting, transporting, transferring, harboring, enticing, providing, obtaining, or receiving of a person by any means, whether a United States citizen or foreign national, for the purpose of debt bondage or forced labor or services; slavery or practices similar to slavery; or the removal of organs through the use of coercion or intimidation under sections 609.281 to 609.284.

Sec. 2. Minnesota Statutes 2008, section 256J.32, subdivision 4, is amended to read:

Subd. 4. **Factors to be verified.** The county agency shall verify the following at application:

- (1) identity of adults;
- (2) presence of the minor child in the home, if questionable;
- (3) relationship of a minor child to caregivers in the assistance unit;
- (4) age, if necessary to determine MFIP eligibility;
- (5) immigration status;
- (6) Social Security number according to the requirements of section 256J.30, subdivision 12;
- (7) income;
- (8) self-employment expenses used as a deduction;
- (9) source and purpose of deposits and withdrawals from business accounts;
- (10) spousal support and child support payments made to persons outside the household;
- (11) real property;
- (12) vehicles;
- (13) checking and savings accounts;
- (14) savings certificates, savings bonds, stocks, and individual retirement accounts;
- (15) pregnancy, if related to eligibility;
- (16) inconsistent information, if related to eligibility;
- (17) burial accounts;
- (18) school attendance, if related to eligibility;
- (19) residence;
- (20) a claim of family violence if used as a basis to qualify for the family violence waiver;
- (21) a claim of human trafficking if used as a basis to qualify for the human trafficking waiver under section 256J.546;

(22) disability if used as the basis for reducing the hourly participation requirements under section 256J.55, subdivision 1, or the type of activity included in an employment plan under section 256J.521, subdivision 2; and

~~(22)~~ (23) information needed to establish an exception under section 256J.24, subdivision 9.

Sec. 3. Minnesota Statutes 2008, section 256J.32, subdivision 8, is amended to read:

Subd. 8. **Personal statement.** The county agency may accept a signed personal statement from the applicant or participant explaining the reasons that the documentation requested in subdivision 2 is unavailable as sufficient documentation at the time of application, recertification, or change related to eligibility only for the following factors:

(1) a claim of family violence if used as a basis to qualify for the family violence waiver;

(2) a claim of human trafficking if used as a basis to qualify for the human trafficking waiver under section 256J.546;

(3) information needed to establish an exception under section 256J.24, subdivision 9;

~~(3)~~ (4) relationship of a minor child to caregivers in the assistance unit;

~~(4)~~ (5) citizenship status from a noncitizen who reports to be, or is identified as, a victim of severe forms of trafficking in persons, if the noncitizen reports that the noncitizen's immigration documents are being held by an individual or group of individuals against the noncitizen's will. The noncitizen must follow up with the Office of Refugee Resettlement (ORR) to pursue certification. If verification that certification is being pursued is not received within 30 days, the MFIP case must be closed and the agency shall pursue overpayments. The ORR documents certifying the noncitizen's status as a victim of severe forms of trafficking in persons, or the reason for the delay in processing, must be received within 90 days, or the MFIP case must be closed and the agency shall pursue overpayments; and

~~(5)~~ (6) other documentation unavailable for reasons beyond the control of the applicant or participant. Reasonable attempts must have been made to obtain the documents requested under subdivision 2.

Sec. 4. Minnesota Statutes 2008, section 256J.42, subdivision 4, is amended to read:

Subd. 4. **Victims of family violence or human trafficking.** Any cash assistance received by an assistance unit in a month when a caregiver is a victim of family violence or human trafficking and the caregiver complied with a safety plan, an alternative

employment plan, or an employment plan under section 256J.521, subdivision 3, does not count toward the 60-month limitation on assistance.

Sec. 5. Minnesota Statutes 2008, section 256J.425, subdivision 3, is amended to read:

Subd. 3. **Hard-to-employ participants.** An assistance unit subject to the time limit in section 256J.42, subdivision 1, is eligible to receive months of assistance under a hardship extension if the participant who reached the time limit belongs to any of the following groups:

(1) a person who is diagnosed by a licensed physician, psychological practitioner, or other qualified professional, as developmentally disabled or mentally ill, and that condition prevents the person from obtaining or retaining unsubsidized employment;

(2) a person who:

(i) has been assessed by a vocational specialist or the county agency to be unemployable for purposes of this subdivision; or

(ii) has an IQ below 80 who has been assessed by a vocational specialist or a county agency to be employable, but not at a level that makes the participant eligible for an extension under subdivision 4. The determination of IQ level must be made by a qualified professional. In the case of a non-English-speaking person: (A) the determination must be made by a qualified professional with experience conducting culturally appropriate assessments, whenever possible; (B) the county may accept reports that identify an IQ range as opposed to a specific score; (C) these reports must include a statement of confidence in the results;

(3) a person who is determined by a qualified professional to be learning disabled, and the disability severely limits the person's ability to obtain, perform, or maintain suitable employment. For purposes of the initial approval of a learning disability extension, the determination must have been made or confirmed within the previous 12 months. In the case of a non-English-speaking person: (i) the determination must be made by a qualified professional with experience conducting culturally appropriate assessments, whenever possible; and (ii) these reports must include a statement of confidence in the results. If a rehabilitation plan for a participant extended as learning disabled is developed or approved by the county agency, the plan must be incorporated into the employment plan. However, a rehabilitation plan does not replace the requirement to develop and comply with an employment plan under section 256J.521; ~~or~~

(4) a person who has been granted a family violence waiver, and who is complying with an employment plan under section 256J.521, subdivision 3; or

(5) a person who has been granted a human trafficking waiver, and who is complying with an employment plan under section 256J.521, subdivision 3a.

Sec. 6. Minnesota Statutes 2008, section 256J.521, is amended by adding a subdivision to read:

Subd. 3a. **Employment plan; human trafficking waiver.** (a) A participant who requests and qualifies for a human trafficking waiver shall develop or revise the employment plan as specified in this subdivision with a job counselor or county, and a person trained in human trafficking. The revised or new employment plan must be approved by the county or the job counselor. The plan may address safety, legal, or emotional issues and other demands on the family as a result of the human trafficking. Information in section 256J.515, clauses (1) to (8), must be included as part of the development of the plan.

(b) The primary goal of an employment plan developed under this subdivision is to ensure the safety of the trafficked person and the person's children. To the extent it is consistent with ensuring safety, the plan shall also include activities that are designed to lead to economic stability. An activity is inconsistent with ensuring safety if, in the opinion of a person trained in human trafficking, the activity would endanger the safety of the participant or the participant's children. A plan under this subdivision may not automatically include a provision that requires a participant to obtain an order for protection or to attend counseling.

(c) If at any time there is a disagreement over whether the activities in the plan are appropriate or whether the participant is not complying with activities in the plan under this subdivision, the participant must receive the assistance of a person trained in human trafficking to help resolve the disagreement or noncompliance with the county or job counselor. If the person trained in human trafficking recommends that the activities are still appropriate, the county or a job counselor must approve the activities in the plan or provide written reasons why activities in the plan are not approved and document how denial of the activities do not endanger the safety of the participant or the participant's children.

Sec. 7. **[256J.546] HUMAN TRAFFICKING WAIVER CRITERIA.**

(a) In order to qualify for a human trafficking waiver, an individual must provide documentation of past or current human trafficking, which may prevent the individual from participating in certain employment activities.

(b) The following items may be considered acceptable documentation or verification of human trafficking:

6.1 (1) police, government agency, or court records;

6.2 (2) a statement from staff in emergency shelter services, transitional, or permanent
6.3 housing or support services with knowledge of the circumstances or credible evidence
6.4 that supports the sworn statement;

6.5 (3) a statement from a sexual assault or domestic violence advocate with knowledge
6.6 of the circumstances or credible evidence that supports the sworn statement; or

6.7 (4) a statement from professionals from whom the applicant or recipient has sought
6.8 assistance for the harm suffered from human trafficking.

6.9 (c) A claim of human trafficking may also be documented by a sworn statement from
6.10 the applicant or participant and a sworn statement from any other person with knowledge
6.11 of the circumstances or credible evidence that supports the client's statement.

6.12 Sec. 8. Minnesota Statutes 2008, section 256J.575, subdivision 3, is amended to read:

6.13 Subd. 3. **Eligibility.** (a) The following MFIP or diversionary work program (DWP)
6.14 participants are eligible for the services under this section:

6.15 (1) a participant who meets the requirements for or has been granted a hardship
6.16 extension under section 256J.425, subdivision 2 or 3, except that it is not necessary for
6.17 the participant to have reached or be approaching 60 months of eligibility for this section
6.18 to apply;

6.19 (2) a participant who is applying for Supplemental Security Income or Social
6.20 Security disability insurance; ~~and~~

6.21 (3) a participant who is a noncitizen who has been in the United States for 12 or
6.22 fewer months; and

6.23 (4) a recipient of the human trafficking waiver.

6.24 (b) Families must meet all other eligibility requirements for MFIP established in
6.25 this chapter. Families are eligible for financial assistance to the same extent as if they
6.26 were participating in MFIP.

6.27 (c) A participant under paragraph (a), clause (3), must be provided with English as a
6.28 second language opportunities and skills training for up to 12 months. After 12 months,
6.29 the case manager and participant must determine whether the participant should continue
6.30 with English as a second language classes or skills training, or both, and continue to
6.31 receive family stabilization services.