

CHAPTER 9550
DEPARTMENT OF PUBLIC WELFARE
GENERAL ADMINISTRATION OF SOCIAL
SERVICES

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9550.0100 DEFINITIONS.

Subpart 1. **Applicant.** "Applicant" means an individual who has directly, or through someone acting in his behalf, made application for social services.

Subp. 2. **Application.** "Application" means a request for social services on forms prescribed by the state agency. The application shall contain sufficient information about the applicant to enable the local social services agency to make an eligibility decision. As part of the application process, the applicant shall be informed of his rights and responsibilities as outlined by the state agency.

Subp. 3. **Approved vendor.** "Approved vendor" means providers of social services which are licensed, approved as meeting state licensing standards, or where licensing is not required, meet standards or criteria established by the state agency or local social services agency.

Subp. 4. **Categories of individuals.** "Categories of individuals" means grouping of persons on the basis of common characteristics such as recipient status (Aid to Families with Dependent Children, Supplemental Security Income, Minnesota supplemental aid), income level, age, and physical or mental condition.

Subp. 5. **Comprehensive annual services program plan (CASP plan).** "Comprehensive annual services program plan (CASP plan)" means the state social services plan, which is a compilation of all the local social services plans, and which meets the state plan requirements of title XX of the Social Security Act.

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Subp. 6. **Declaration method.** "Declaration method" means acceptance of an individual's statements regarding the source and amount of his household monthly gross income, and the income maintenance status of any member of the household.

Subp. 7. **Documentation.** "Documentation" means written evidence, in addition to signed application and income declaration forms, of income maintenance status or household monthly gross income.

Subp. 8. **Federal financial participation (FFP).** "Federal financial participation (FFP)" means federal moneys available through title XX of the Social Security Act to be used in payment for social services.

Subp. 9. **Fees.** "Fees" means moneys billed and/or collected for the services provided.

Subp. 10. **Geographic area.** "Geographic area" means locally identified political subdivision of the state covered by a social services plan.

Subp. 11. **Gross income.** "Gross income" means income, prior to any deductions, received from wages or salary; net income from self-employment; net farm income; Social Security payments; dividends, interest, rent received, or royalties; general assistance payments; pensions and annuities; unemployment compensation; workers' compensation; alimony; child support; veteran's pensions; or any combination of the above sources of income.

Subp. 12. **Host county contract.** "Host county contract" means contractual agreement between a purchase of service vendor and the local social services agency (the host county) where the vendor is located. All other social services agencies wishing to purchase from the vendor are bound by the terms of the host county contract.

Subp. 13. **Income eligible client.** "Income eligible client" means an individual needing and receiving social services whose income level is the basis for allowing the agency to claim federal financial participation under title XX.

Subp. 14. **Income maintenance status.** "Income maintenance status" means an individual whose eligibility for title XX federal financial participation in services received is based on his receipt of Aid to Families with Dependent Children (AFDC), Supplemental Security Income (SSI), or Minnesota supplemental aid (MSA).

Subp. 15. **Local social services agency or local agency.** "Local social services agency" (also known as "local agency") means local agency under the authority of the county board of commissioners or human services board which is responsible for social services.

Subp. 16. **Mandatory services.** "Mandatory services" means services required by agency rule, state law, or federal regulation to be made available by the county board of commissioners or human services board.

Subp. 17. **Optional services.** "Optional services" means services available at the discretion of the county board of commissioners or human service board.

Subp. 18. **Priority services.** "Priority services" means services the state agency strongly recommends be made available by the local social services agencies, but which are available at the discretion of the county board of commissioners or human services board.

Subp. 19. **Provider.** "Provider" means agency or individual delivering services.

Subp. 20. **Social services.** "Social services" means those services which are included in the Minnesota comprehensive annual services program plan. Such services include, but are not limited to: adoption, chore, counseling, developmental achievement for adults and children, day care for adults and children, educational assistance, employability, family planning, foster care for adults and children, health, home delivered and congregate meals, homemaking, housing, information and referral, legal, money management, protection for

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adults and children, residential treatment, social and recreational, and transportation. Social services do not include income maintenance programs, mental health center programs established pursuant to Minnesota Statutes, sections 245.61 to 245.69, health department programs, or CETA programs unless there happens to exist a title XX purchase of service contract between the county board of commissioners and those other programs.

Subp. 21. **Source document.** "Source document" means a written statement such as a paycheck stub or birth certificate used to verify income, age, etc.

Subp. 22. **State administrative plan.** "State administrative plan" means a federal approved statewide plan for the administration of the title XX program. The state administrative plan establishes the requirements in part 9550.1700.

Subp. 23. **State agency.** "State agency" means Minnesota Department of Public Welfare.

Subp. 24. **Vendor.** "Vendor" means agency or individual from whom services are purchased.

Statutory Authority: *MS s 256.01 subd 4; 256E.05*

9550.0200 PURPOSE AND STATUTORY AUTHORITY.

Parts 9550.0200 to 9550.2900 govern the administration of publicly funded social services in Minnesota as identified in part 9550.0100, subpart 20. The authority for the administration of social services is found in Minnesota Statutes, chapter 256, and other applicable state laws. Authority is also found in Public Law 93-647, as implemented by Code of Federal Regulations, title 45, part 228. The delivery of public social services in Minnesota is state supervised and locally administered. The authority for this method of delivery is given in Minnesota Statutes, chapters 256E, 393, and 402.

Statutory Authority: *MS s 256.01 subd 4; 256E.05*

9550.0300 SCOPE.

Parts 9550.0100 to 9550.2900 are binding on all county boards of commissioners and human services boards and their respective agencies (hereinafter referred to as local social services agencies) in the state of Minnesota administering and providing social services, the state agency or other service providers under contract to local social services agencies or the state agency and applicants and clients of social services.

Parts 9550.0100 to 9550.1500 apply to county boards of commissioners and those human service boards which assume the responsibility for social services that would be provided by county boards of commissioners. Parts 9550.1600 to 9550.2900 apply to social services funded through title XX of the Social Security Act of 1935, as amended.

Statutory Authority: *MS s 256.01 subd 4; 256E.05*

9550.0400 BULLETINS AND MANUALS.

The commissioner of public welfare may issue bulletins and manual material to local social service agencies and other service providers to clarify the provisions of these parts and may prescribe forms to be used in the administration of social services.

Statutory Authority: *MS s 256.01 subd 4; 256E.05*

9550.0500 PRIVATE RIGHTS.

Social services shall be administered in a manner to ensure the individual and civil rights of applicants and clients. Information regarding individuals shall not be disclosed, except as provided under applicable state law and/or official departmental rules.

Statutory Authority: *MS s 256.01 subd 4; 256E.05*

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9550.0600 STATE AND LOCAL SOCIAL SERVICES PLANNING.

Subpart 1. **Plan year.** The comprehensive annual services program plan year shall be October 1 through September 30.

Subp. 2. **Plan and budget submission.** On or before a date stipulated by the state agency, each local social services agency shall submit to the state agency a plan for service delivery and a budget to support that plan. The plan and budget shall be in accordance with the local social services plan guidelines and budget forms prescribed by the state agency.

Subp. 3. **Geographic areas.** The political entity covered by a local social services plan shall be known as the geographic area. The following criteria shall be followed in establishing geographic areas:

A. A county may designate itself as a geographic area.

B. No political subdivision smaller than a county shall be designated as a geographic area.

C. A political subdivision larger than one county may be designated a geographic area if one of the following conditions is met:

(1) counties have combined for administrative purposes under a joint powers agreement, executed pursuant to Minnesota Statutes, section 393.01, subdivision 7;

(2) counties have combined under provision of the Human Services Act;

(3) contiguous counties within the same governor's economic region or two or more regions have elected by board action to submit a multi-county plan that provides the same services to the same eligibility groups in all counties in that geographic area; or

(4) there is a state contract for a service, and that service is available statewide.

Subp. 4. **Availability of services.** Services provided may differ among geographic areas, except for mandatory services, which must be available on a statewide basis.

Priority and optional services included in geographic area plans shall be available to all persons in eligible categories specified in the plan.

Subp. 5. **Proposed plan.** On or before July 1 of each year, the state agency shall publish a proposed comprehensive annual services program plan for the delivery of public social services. A copy of the proposed plan shall be available from the state or local social services agencies at no cost to any individual on request.

A. There shall be a 45-day period, beginning July 1, for public review and comment on the proposed plan.

B. Public meetings may be held throughout the state to answer questions and receive public comment on the proposed annual plan.

Subp. 6. **Final plan.** On or before October 1 of each year, the state agency shall publish the final comprehensive annual services program plan. On request, a copy of the final plan shall be available from the state or local social services agencies at no cost to any individual.

Subp. 7. **Plan amendments.** The comprehensive annual services program plan may be amended by the state agency on its own initiative or at the request of a local social services agency with state agency approval.

The proposed amendment shall be published in all geographic areas affected by the amendment, and there shall be a 30-day public review and comment period on the proposed amendment.

The final amendment shall be published in all geographic areas affected by the amendment and shall not be effective earlier than the date of publication.

Statutory Authority: *MS s 256.01 subd 4; 256E.05*

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9550.0700 LOCAL AGENCY DUTIES AND RESPONSIBILITIES.

The local social services agency shall provide social services as required by law and the local social services plan. These services may be provided directly by the agency, purchased, or arranged for at no cost to the local social services agency.

Mandatory services shall be provided in accordance with the individual service plan to all persons who need them as determined by the local social services agency.

Priority and optional services shall be provided to persons requesting them if a need for them is determined by the local social services agency in accordance with the individual service plan. The local social services agency's obligation to provide priority and optional services need not exceed the cost estimate for each service specified in the annual local social services plan provided, however, such services shall continue to be provided until the local social services agency formally amends the local social services plan to exclude the service(s).

Statutory Authority: *MS s 256.01 subd 4; 256E.05*

9550.0800 MANDATORY SERVICES.

The following services or components of services are mandatory under federal or state law and shall be provided by the local social services agency to all persons in each geographic area provided need for such service is determined by the local social services agency.

A. Adoption services:

- (1) adoptive home studies on court referred adoption petitions;
- (2) adoptive home studies for applicants wishing to adopt minority or handicapped children;
- (3) placement and follow-up for all children placed under agency auspices.

B. Developmental achievement services.

C. Day-care services for children receiving Aid to Families with Dependent Children (AFDC) whose parents are employed or in training for employment.

D. Family planning services, education, or counseling for individuals receiving aid to families with dependent children.

E. Foster care services for children.

F. Health-related services required under the Minnesota Hospitalization and Commitment Act for individuals needing institutional treatment; community alternatives to institutional care for mental illness, chemical dependency, or mental retardation; and management of individualized service plans on release from state institutions.

G. Protective services for adults including mental retardation guardianship and conservatorship services.

H. Protective services for children including mental retardation guardianship and conservatorship services.

I. Residential treatment services:

- (1) for emotionally disturbed children in licensed residential treatment centers or group homes; and
- (2) for mentally retarded children and adults.

J. Employability services for individuals receiving Aid to Families with Dependent Children.

Statutory Authority: *MS s 256.01 subd 4; 256E.05*

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9550.0900 PRIORITY SERVICES.

The following services, or components of services, are priority services, not made mandatory by federal or state law, but which have been funded by the state in the past or which have been provided in the past. That is, priority services are based upon historical practice. Priority services are available at the discretion of the county board of commissioners or human services board. The state agency strongly recommends these services be made available by local social services agencies.

A. Chore services for individuals receiving supplemental security income.

B. Day-care services for children of working parents in income eligible categories.

C. Family planning services:

(1) education for counseling for individuals in the income eligible categories; and

(2) health-related services and supplies for individuals in the income eligible categories.

D. Health-related services other than those required by the Minnesota Hospitalization and Commitment Act as defined in the comprehensive annual services program plan.

E. Home-delivered and congregate meals:

(1) for individuals receiving supplemental security income; and

(2) for individuals who are in the income eligible categories.

F. Homemaking services including, but not limited to, attendant care:

(1) for all adults; and

(2) for children during the temporary absence of the parent responsible for their care.

G. Information and referral services.

H. Money management services.

I. Protective services for adults other than subacute detoxification services and mental retardation guardianship services.

J. Residential treatment services:

(1) primary treatment for individuals who are chemically dependent;

(2) residential treatment for individuals who are mentally ill; and

(3) halfway house for individuals who are chemically dependent or mentally ill.

K. Transportation services for individuals receiving supplemental security income.

L. Employability services:

(1) for Supplemental Security Income-Minnesota Supplemental Aid recipients; and

(2) for low-income persons who are income eligible.

Statutory Authority: *MS s 256.01 subd 4; 256E.05*

9550.1000 OPTIONAL SERVICES.

The following services, or components of services, shall be made available at the option of the local social services agency. These optional services have past records of delivery or state funding that have not been as significant as the provision of priority services found in part 9550.0900.

A. Day care for children for families on a fee basis who are not in the income eligible categories.

B. Day care for adults.

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- C. Education assistance.
- D. Foster care for adults.
- E. Home delivered and congregate meals:
 - (1) for individuals receiving aid to families with dependent children; and
 - (2) for individuals on a fee basis who are not in the income eligible categories.
- F. Housing services.
- G. Legal services.
- H. Social and recreational services.
- I. Transportation services other than supplemental security income.
- J. Counseling services for families and individuals.

Statutory Authority: *MS s 256.01 subd 4; 256E.05*

9550.1100 CLIENT INFORMATION.

Information gathered on clients shall be used for the provision of services and the management of the program and shall be limited to the information necessary for these purposes.

Clients shall be informed that information on them is collected, used, stored, and disseminated.

Information regarding clients shall be collected, used, stored, and disseminated only in accordance with state and federal law.

Officials directly related to the provision of service and administration of the program shall have access to client information. These officials may include those of the agency to which the client applies, those of the agency providing service, federal and state auditors, evaluators, and researchers with the authorization of the commissioner of public welfare.

Statutory Authority: *MS s 256.01 subd 4; 256E.05*

9550.1200 APPLICATION FOR SOCIAL SERVICES.

Subpart 1. Right to apply. Each individual wishing to apply for social services shall be given the opportunity to do so without delay.

Applications shall not be required for information and referral services.

At local agency option, applications may be required for determining group eligibility. However, whether or not applications are required, the local social services agency shall obtain sufficient information to document the basis for the group eligibility decision.

Exception: Clients requesting family planning services, whether based on group eligibility or individual eligibility, shall make written application in order to document that the request is voluntary.

Subp. 2. Signature required. Except as provided for in subpart 1, each application shall be completed, signed, and dated by the applicant or by a responsible individual acting on behalf of the applicant on an application form prescribed by the state agency. If for reason of age, incompetence, noncooperation, or any other valid reason the applicant cannot sign the application, the following may sign in descending order of priority:

- A. legal guardian of the applicant;
- B. relative of the applicant;
- C. friend of the applicant; and
- D. agency representative.

Subp. 3. Statement of rights and responsibilities. Before an applicant's signature is requested on any forms, each applicant shall be given a complete and comprehensive written statement of his rights and responsibilities on the form prescribed by the state agency. For those individuals who cannot make use of or understand the written statement for any reason, the agency

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representative shall read out loud or interpret, if foreign language interpreting capability is available, and explain the written statement to the individual or to a responsible person acting on behalf of the individual. The agency representative also shall respond to any questions the applicant or his representative may have. For deaf and hard-of-hearing individuals who rely on visual language reception as their primary mode of communication, the local agency shall have access to interpreting services (sign language) so that the applicant may receive the same quality of direct services as provided "hearing" clients.

Subp. 4. Declaration of income. Each applicant or his representative shall declare his income on a form prescribed by the state agency, and shall sign and date the form. This form need not be completed if:

- A. the applicant will only receive services without regard to income; or
- B. the agency does not intend to claim title XX federal financial participation (FFP) for the services to be provided; or
- C. the applicant will only receive services on the basis of group eligibility.

Subp. 5. Agency action. The agency shall act promptly on the application. The agency shall not take longer than 30 days to make an eligibility decision and the agency shall not take longer than 15 days after the eligibility decision to notify the applicant in writing that his application has been approved or denied. The notification date and reason for denial or approval shall be entered in the case record. If the application is denied, the individual shall be notified in writing of the reason for denial and of his right to appeal to the state agency.

Subp. 6. Prompt delivery of services. If application is approved, the local social services agency shall provide the social services with reasonable promptness. "Reasonable promptness" means:

- A. within 15 calendar days after the applicant has been notified of his eligibility; or
- B. at an appropriate later date which has been mutually agreed upon by the local social services agency and the applicant.

Statutory Authority: *MS s 256.01 subd 4; 256E.05*

9550.1300 APPEALS.

Subpart 1. Hearing. Applicants for and recipients of social services shall have the right to a fair hearing to appeal any denial, reduction, or termination of a service, or failure of the local social services agency to act upon a request for service with reasonable promptness.

Subp. 2. Appealable actions. The following are examples of appealable actions:

- A. failure to act upon an application within the prescribed time limits;
- B. reduction of quality or quantity of social services;
- C. denial of a request for a specific social service;
- D. termination of social services; and
- E. disagreement with the social services plan developed between the recipient and the agency. An appeal shall also be authorized relative to any matter which is appealable based on state law or rule or federal law or regulation as they currently exist, or as they may exist based on subsequent amendments.

Subp. 3. Notice of agency action. The local social services agency shall give the social services recipient timely, advance notice of any proposed agency action which may adversely affect the recipient. This notice shall be in writing and shall inform the recipient of the right to appeal the action, the right to be represented by an attorney or other interested party at the hearing, and the conditions under which social services may be continued. Furthermore, the letter shall cite the specific rule upon which the reduction or termination of services is based. The local social services agency shall mail the notice to the

recipient at least ten days before the action becomes effective. However, when the local social services agency learns that social services should be discontinued, reduced or terminated because of probable fraud of the recipient, and, where possible, such facts have been verified through collateral sources, notice of agency action shall be considered timely if mailed at least five days before the action becomes effective.

Statutory Authority: *MS s 256.01 subd 4; 256E.05*

9550.1400 CLIENT'S RIGHT TO ACCEPT OR REJECT SERVICES.

The applicant, if legally competent, shall have free choice to accept or reject an agency assessment of a need for social services or an offer of social services. A refusal to accept social services shall not affect payment of financial assistance under income maintenance programs except in the work incentive program. The local social services agency is not relieved of its statutory responsibility to provide protective services by the refusal of such services by any person who needs such services or acts on behalf of anyone who needs social services. In these instances when a statutorily required service is rejected, the person or his caretaker or guardian shall be given a clear explanation of the possible consequences of that choice.

Statutory Authority: *MS s 256.01 subd 4; 256E.05*

9550.1500 CLIENT SOCIAL SERVICES PLAN.

Whether services are provided directly by the local social services agency or through a contract with another provider, there shall be a plan mutually agreed upon by the agency and the service recipient (or his representative) for the provision of services for each family or individual receiving services.

The client social services plan shall:

A. Be developed with the person receiving service. If the client is unable to participate in developing the plan, the plan shall be developed with the person responsible for the client.

B. Identify the needs for service (reasons for agency involvement); the specific services to be provided; the service provider; and the objectives to be achieved.

C. Specify the frequency (weekly, every other week, monthly, etc.) and purpose of contacts between worker and client.

D. State the anticipated time necessary to accomplish the identified objectives.

E. Specify mutually agreed upon times for review of the plan, to assess progress and revise, as necessary. The plan shall be reviewed at least annually.

Statutory Authority: *MS s 256.01 subd 4; 256E.05*

9550.1600 GOALS OF SOCIAL SERVICES PROVIDED UNDER TITLE XX OF THE SOCIAL SECURITY ACT.

Goals: Federal financial participation under title XX of the Social Security Act shall be available to the extent federal funds are allotted for eligible individuals and services which are specified in the local social services plan. Social services shall be provided to achieve the following goals:

A. achieving or maintaining economic self-support to prevent, reduce, or eliminate dependency;

B. achieving or maintaining self-sufficiency, including reduction or prevention of dependency;

C. preventing or remedying neglect, abuse, or exploitation of children and adults unable to protect their own interests;

D. preserving, rehabilitating, or reuniting families;

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E. preventing or reducing inappropriate institutional care by providing for community-based care, home-based care, or other forms of less intensive care; or

F. securing referral or admission for institutional care when other forms of care are not appropriate or providing services to individuals in institutions.

Statutory Authority: *MS s 256.01 subd 4; 256E.05*

9550.1700 STATE ADMINISTRATIVE PLAN REQUIREMENTS.

State administrative plan requirements are:

A. The Minnesota Department of Public Welfare shall be the designated state agency for title XX.

B. State and local funds shall be included in meeting the cost of the program.

C. Personnel administration shall be governed by rules of the state merit system or respective county civil service system.

D. The use and disclosure of information on applicants and clients shall be collected, used, stored, and disseminated only in accordance with state and federal law.

E. There shall be no requirements as to duration of residency or citizenship in respect to eligibility for title XX federal financial participation in costs of services provided.

F. Standards for institutions and foster homes shall be established by state licensing rules.

G. Standards for child day-care services shall be established by state licensing rules.

H. A system of fair hearings shall be established under which an applicant may appeal denial, reduction, or termination of service.

I. The state administrative plan shall be amended when necessary.

J. Amendments to the state administrative plan shall be submitted to the Department of Health, Education, and Welfare by the state Department of Public Welfare.

K. Records shall be maintained and reports made to the federal agency as required by federal regulations.

L. The aggregate state expenditures for social services shall not be reduced below the aggregate expenditures for the fiscal year ending June 30, 1973.

Statutory Authority: *MS s 256.01 subd 4; 256E.05*

9550.1800 CATEGORIES ELIGIBLE FOR TITLE XX SERVICES.

Title XX shall be available for all mandatory, priority, and optional services provided to eligible categories of individuals and families, when these services and categories are included in the local social services plan. Eligible categories of individuals are as follows:

A. Income maintenance eligible categories:

(1) current recipients of Aid to Families with Dependent Children (AFDC);

(2) all individuals, not in the aid to families with dependent children grant, including stepfathers, but excluding foster parents, who are adult caretakers of children receiving Aid to Families with Dependent Children; and

(3) recipients of Supplemental Security Income (SSI) or Minnesota supplemental aid (MSA).

B. Income eligible categories:

(1) individuals and families eligible without a fee;

(2) individuals and families eligible with a fee; and
 (3) individuals and families whose eligibility is determined on a group basis as specified in part 9550.2000.

C. Eligible without regard to income:

(1) individuals receiving information and referral services;
 (2) individuals receiving services directed toward the goal of protection as specified in part 9550.2000 (for cross-reference, see Code of Federal Regulations, title 45, section 228.65); and
 (3) minors who voluntarily request family planning services as specified in part 9550.2100.

Statutory Authority: *MS s 256.01 subd 4; 256E.05*

9550.1900 GROUP ELIGIBILITY.

With state agency approval, local social services agencies have the option to include in the geographic area plan group determination of eligibility for social services as provided in and subject to federal regulations for title XX.

Statutory Authority: *MS s 256.01 subd 4; 256E.05*

9550.2000 SERVICES DIRECTED TOWARD THE GOAL OF PREVENTING OR REMEDYING NEGLECT, ABUSE, OR EXPLOITATION WITHOUT REGARD TO INCOME.

Subpart 1. **Adults.** Title XX funds shall be available for services provided to adults who are unable to protect their own interests because of the actions or inactions of themselves or others which may result in injury, neglect, maltreatment, or exploitation. These adults shall include, but not be limited to, battered women.

The local social services agency shall document by entering into the case record for each adult the circumstances which lead the agency to believe the adult is subject to or in risk of being abused, neglected, or exploited. A social services plan shall be developed that is directed toward protecting the adult or assisting the adult in protecting his interests.

No later than six months after the case has been opened, and every six months thereafter while the case remains open, the local social services agency shall reevaluate and document the continued need for services for preventing or remedying neglect, abuse, or exploitation of the adult. The appropriateness of the social services plan shall be reassessed at the same time.

Federal financial participation shall be available without regard to income for the following services and activities for adults in need of protection:

- A. identification of adults who are in need of protection;
- B. provisions for the receipt and response to reports;
- C. substantiation of the allegations;
- D. counseling services with the adult or others responsible or interested in the adult's welfare when provided by the local social services agency;
- E. assistance in arranging alternative living arrangements, medical care, legal services, and other services in the community;
- F. assistance in arranging for guardianship, conservatorship, and commitment, or for providing advocacy, including legal services to assure the adult of rights and entitlements;
- G. emergency homemaking services not to exceed 30 cumulative days in any 12-month period; and
- H. money management services.

Eligibility for other social services in the comprehensive annual services program plan which are directed to this goal shall be established on the basis of income maintenance status, income status, or group eligibility.

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Subp. 2. **Children.** Title XX funds shall be available to prevent or remedy child neglect, abuse, or exploitation. Title XX funds shall also be available for runaways harmed or threatened with harm by virtue of their status as runaways.

The local social services agency shall document by entering into the case record for each child, that the child is harmed or threatened with harm. Such harm shall be identified as nonaccidental physical or mental injury, sexual abuse as defined in Minnesota Statutes, section 626.556, or negligent treatment or maltreatment, including the failure to provide adequate food, clothing, or shelter. Harm or threatened harm to a runaway shall also be documented.

No later than six months after the case has been opened and every six months thereafter while the case remains open, the local social services agency shall reevaluate and document the continued need for services to prevent or remedy neglect, abuse, or exploitation of a child. The appropriateness of the social services plan shall be reassessed at the same time.

Federal financial participation shall be available without regard to income for the following services and activities for children in need of protection.

A. identification and social/medical diagnosis of such a child or condition;

B. provision for the receipt and response to reports;

C. substantiation of the allegations;

D. counseling services for families and individuals when provided by the local social services agency;

E. emergency shelter not to exceed 30 days in any six-month period which may be consecutive or may accumulate over more than one stay;

F. arranging for the provision of other services, when essential to the protection of the child;

G. legal representation or advocacy for the child;

H. all appropriate social services in the comprehensive annual services program plan which are necessary to protect runaways harmed or threatened with harm;

I. emergency homemaking services not to exceed 30 cumulative days in any 12-month period; and

J. money management services.

Eligibility for other social services in the comprehensive annual services program plan which are directed to this goal shall be established on the basis of income maintenance status, income status, or group eligibility.

Statutory Authority: *MS s 256.01 subd 4; 256E.05*

9550.2100 FAMILY PLANNING SERVICES.

Title XX federal financial participation shall be available for family planning services provided at the option of the local social services agency to minors (under age 18) who voluntarily request such services.

When a minor requests family planning services, he shall be informed that his parents need not be contacted in order for him to receive services. The local social services agency shall contact the minor's parents regarding his receipt of family planning services only with the written consent of the minor.

Statutory Authority: *MS s 256.01 subd 4; 256E.05*

9550.2200 HOUSEHOLD; DEFINITION.

The following individuals living in the same domicile shall be considered a household for purposes of determining eligibility for title XX funding:

A. spouses; and

B. parents and their dependent children under age 18.

Household members (parents and their children under age 18) temporarily absent from the household in settings such as residential treatment, foster care,

and school shall be considered members of the household.

Statutory Authority: *MS s 256.01 subd 4; 256E.05*

9550.2300 ONE-PERSON HOUSEHOLD.

The following individuals shall be considered a one-person household for purposes of determining eligibility for title XX:

- A. An adult living alone.
- B. An adult living with individuals other than a spouse or dependent children.
- C. A child living with a relative other than a parent or legal guardian.
- D. An emancipated minor. For purposes of determining Title XX eligibility, an emancipated minor is an individual under the age of 18:
 - (1) who has married; or
 - (2) who is living apart from his parents and managing his own financial affairs; or
 - (3) who is seeking one or more of the following title XX services: family planning, health services, residential treatment for chemical dependency, or counseling related to pregnancy, venereal disease or chemical dependency, and has borne a child, or wishes to determine the presence of or treat pregnancy, venereal disease, or chemical dependency.
- E. A child whose parental rights are terminated.
- F. A child living in adoptive placement prior to finalization of the adoption.
- G. A child who is not living with his parents or legal guardian and who is seeking confidential services (social services related to determining or treating pregnancy, venereal disease, alcohol and other drug abuse as provided for in Minnesota Statutes, section 144.343).
- H. A minor child regardless of living arrangement who receives family planning services as specified in part 9550.2100.
- I. A child who is not living with his parents but whose parents are under a juvenile court order to contribute to his support as a result of a finding of dependency, neglect, or delinquency.

Statutory Authority: *MS s 256.01 subd 4; 256E.05*

9550.2400 DETERMINATION OF ELIGIBILITY FOR TITLE XX FEDERAL FINANCIAL PARTICIPATION.

Subpart 1. Methods. Different methods of determining eligibility for title XX funds may be implemented for different services, categories of individuals, and geographic areas.

Through official county board of commissioners/human services board action, each geographic area shall establish methods of determining eligibility.

At a minimum, such method shall be the declaration method, with the exception that when a local social services agency has reason to believe a client is giving false information, the agency may then require the client to document the information.

Subp. 2. Documentation method. When the documentation method is used:

A. Federal financial participation shall be available only to meet the cost of services provided to clients whose income maintenance status or household monthly gross income has been documented.

B. Adequate documentation shall include written evidence of income maintenance status or household monthly gross income in addition to the signed application and income declaration forms. This written evidence shall include either a copy of a source document filed in the case record or a written statement by the worker which specifies the content of the source document.

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C. Failure on the part of an applicant to cooperate in documenting income shall be acceptable grounds for delay beyond 30 days in processing an application or denial of eligibility for title XX federal financial participation in services requested.

D. Contact with other individuals or agencies shall be made only with the prior written permission of the applicant and shall be made only when there is no other way to document income.

E. If an applicant declares that income is received as cash without a receipt, the local social services agency shall request the client to secure a receipt from the employer.

F. If documentation cannot be obtained in any other manner, the local agency shall contact the employer, after gaining the written permission of the applicant. If a purchase of service contract permits the vendor to document eligibility and if contact with a third party is necessary, the vendor shall inform the applicant that the applicant has the right to have the local social services agency, rather than the vendor, make the contact.

Subp. 3. **Household size.** Applicant declaration of household size shall be accepted without documenting evidence, unless there is reason to question the declaration, in which case birth certificates or other documentation is required.

Subp. 4. **Timing.** Time period for determination of eligibility for title XX federal financial participation:

Income maintenance status shall be based on the month of application for services or the month prior to application for services.

Household monthly gross income shall be based on either prospective monthly gross income for the month in which application for services is made, or an average monthly amount estimated over any six consecutive month period in which the month of application is included.

Subp. 5. **Duration of eligibility status.** An individual shall remain eligible for a maximum of six months from the date eligibility was initially determined. Eligibility may be redetermined at any time by the local social services agency.

Exception: Eligibility shall be redetermined annually for individuals whose household monthly gross income is derived exclusively from pensions, Social Security, or Supplemental Security Income, or a combination of these.

Statutory Authority: *MS s 256.01 subd 4; 256E.05*

9550.2500 SOCIAL SERVICES FEE.

Subpart 1. **No fee charged.** When title XX federal financial participation is claimed for service provided to individuals and families who are income eligible without a fee, no social services fee shall be charged to the client.

Subp. 2. **Statewide fee schedule.** When a local social services agency wishes to claim federal financial participation for services provided to individuals and households who are income eligible with a fee, a social services fee shall be charged according to the statewide fee schedule in the comprehensive annual services program plan.

Subp. 3. **Fee collection.** Local social services agencies shall make a reasonable effort to collect fees charged. Evidence of a reasonable effort shall exist if the local social services agency documents that at least 90 percent of the fees imposed have been collected. If this test cannot be documented, then a reasonable effort shall exist if the following conditions are met and documented:

A. a bill is rendered or notice given to the client at the time of eligibility determination of the fee amounts and dates due; and

B. at least three collection notices are given in person or by mail to the client, at approximately 30-day intervals; and a client's title XX eligibility has

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been terminated if the fee remains delinquent after three collection notices have been given. A client's title XX eligibility cannot be regained until a plan of payment has been agreed upon and implemented by the client and the agency.

Subp. 4. **Amount.** The fee charged shall be the amount indicated on the appropriate fee schedule, in the comprehensive annual services program plan, except that no fee shall exceed the actual cost of all the services in the service plan.

Fees for residential services for emotionally disturbed, mentally retarded, and epileptic children shall be consistent with Minnesota cost of care laws and rules.

When services are being provided in addition to residential services for emotionally disturbed, mentally retarded, and epileptic children, two fees shall be computed and imposed, one for residential services and one for all other services received.

Statutory Authority: *MS s 256.01 subd 4; 256E.05*

9550.2600 PURCHASE OF SERVICE CONTRACTING.

The local social services agency shall deliver social services subject to federal financial participation under title XX by direct delivery, by purchase, or by arranging the services at no cost to the agency.

As an alternative to providing such services directly and if not available without cost to the agency, the local social services agency may purchase services from public, nonprofit or proprietary agencies, or from individuals who have been designated as approved vendors.

Services purchased with the intention of claiming federal financial participation must be listed in the comprehensive annual services program plan.

At the option of the local social services agency, these same policies and procedures may be utilized for purchased services not subject to federal financial participation.

Statutory Authority: *MS s 256.01 subd 4; 256E.05*

9550.2700 ADMINISTRATIVE REQUIREMENTS FOR PURCHASE OF SERVICE CONTRACTS.

Subpart 1. **Agency duties.** The local social services agency shall:

A. Claim federal financial participation only for services purchased through a written contract. Every purchase of service contract shall be completed, signed, and approved by the county board of commissioners or human services board prior to the provision of services.

B. Be responsible for client eligibility for purchased services; however, the local agency may make provision in the contract for the provider to make a determination of eligibility.

C. Be responsible for the development of a client service plan based on the needs of the individual and the ability of the provider to meet those needs.

D. Be responsible for monitoring purchased services and evaluating contract performance.

E. Purchase only from approved vendors.

Subp. 2. **Case record requirements.** Case record requirements for direct services shall apply to purchased services.

Subp. 3. **Administrative files.** The local social services agency shall maintain an administrative file for each contract which contains:

A. a copy of the signed and completed contract;

B. copies of correspondence between the provider and the local agency;

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C. evidence that the determination of reimbursement eligibility and authorization of approval of client social services plan have been made;

D. copies of monitoring and evaluation reports;

E. copies of correspondence between the local agency and the state agency related to the contract;

F. copies of fair hearings, complaints, grievances, and inquiries related to contract performance; and

G. financial, statistical, and social services reports specified in the contract.

Statutory Authority: *MS s 256.01 subd 4; 256E.05*

9550.2800 HOST COUNTY CONTRACTING.

Subpart 1. **Requirements.** The local social services agency of the county in which an approved provider is located shall negotiate and administer host county purchase of service contracts on behalf of any other local social services agency wishing to purchase services; provided, however, that if a local social services agency (host county) does not want to comply with this provision because it is being required to administer (for another local social services agency) a host county purchase of service contract with a provider who has not complied with the conditions of past or present contracts, or with a provider whose previous contract with the host county was terminated for failure to provide adequate service, the host county local social services agency may refuse to enter into such a contract.

All local social services agencies shall abide by the terms of the host county contract.

The host county shall assume responsibility for monitoring and evaluation of the contract.

The host county shall make available, on the request of other local social services agencies, copies of the host county contract.

Subp. 2. **Exceptions.** The following exceptions apply:

A. The host county need not enter a contract unless there is at least one other local agency wishing to purchase from the provider; and

B. Each local social services agency within the area served by a community mental health board authorized by Minnesota Statutes, sections 245.61 to 245.69 may contract directly with the board; however, if a local social services agency outside of the geographic area served by the board wishes to purchase services, the host county policy applies.

Statutory Authority: *MS s 256.01 subd 4; 256E.05*

9550.2900 TECHNICAL ASSISTANCE.

The local social services agency shall provide technical assistance and information to potential providers, draft contracts for purposes of negotiation, and assist providers in matters of recordkeeping, statistical reporting, and determination of rates of payment.

Statutory Authority: *MS s 256.01 subd 4; 256E.05*

CHILD DAY-CARE SLIDING FEE.

9550.4100 DEFINITIONS.

Subpart 1. **Administering agency.** "Administering agency" means the agency designated by the county to administer the child day-care sliding fee program, which may be the county welfare department or any public or nonpublic agency.

Subp. 2. **Area.** "Area" means either the governor's economic development region eleven or the governor's economic development regions one through ten.

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Subp. 3. **Child day-care service.** "Child day-care service" means the less than 24-hour-a-day service which provides care for children as a substitute for or supplement to parental care for a planned period of time.

Subp. 4. **Commissioner.** "Commissioner" means the Minnesota commissioner of public welfare.

Subp. 5. **County.** "County" means the board of county commissioners.

Subp. 6. **Comprehensive annual services program plan (CASP).** "Comprehensive annual services program plan (CASP plan)" means the state social services plan, which is a compilation of all the local social services plans, and which meets the state plan requirements of title XX of the Social Security Act.

Subp. 7. **Eligible child day care provider.** "Eligible child day-care provider" means a family day-care home, group family day-care home, or group day-care center holding a current and valid license issued by the commissioner, or exempt from licensure by the commissioner, or an in-home attendant certified by the commissioner.

Subp. 8. **Family.** "Family" means parents and their dependent children under age 18 years including children temporarily absent from the household in settings such as schools, foster care, and residential treatment facilities.

Subp. 9. **Net program costs.** "Net program costs" means the provider charge plus the administrative costs minus the parent fee.

Subp. 10. **Program costs.** "Program costs" means the provider charge plus the administrative costs.

Subp. 11. **Program year.** "Program year" means the state fiscal year, July 1 through June 30.

Subp. 12. **State advisory council.** "State advisory council" means the Minnesota Child Care and Development Advisory Council, appointed by the commissioner for the purpose of advising the commissioner on child day-care issues.

Subp. 13. **Title XX.** "Title XX" means the title of the Social Security Act known as "Grants to States for Services," established by Public Law Number 93-647, as amended.

Statutory Authority: *MS s 245.84*

9550.4200 PURPOSE AND STATUTORY AUTHORITY.

Pursuant to Minnesota Statutes, sections 245.83 to 245.87, parts 9550.4100 to 9550.5100 govern the administration of the experimental child day-care sliding fee program for reducing, according to a sliding fee schedule, the costs of child care for eligible families whose income ranges from 60 to 70 percent of the state median income.

Statutory Authority: *MS s 245.84*

9550.4300 ELIGIBILITY FOR GRANT.

Subpart 1. **Applicant.** Pursuant to Minnesota Statutes, chapters 393 and 402, the applicant for a grant shall be a county or group of counties. The applicant may designate any public or nonpublic agency to administer the program.

Subp. 2. **Title XX child day-care services.** To qualify for the sliding fee program the county shall offer fully subsidized child day care services to eligible persons with incomes below 60 percent of the state median income as set forth in the CASP plan.

Subp. 3. **Local share match.** The county shall provide a local share match equal to five percent of the program cost during the first grant year and 15 percent of such cost during the second grant year. For purposes of determining the local match, administrative costs shall be considered to be the provider

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charge times seven percent. The local match shall not include the amount of minimum fee payments made by families but may include in-kind materials and services, furnished by the county, required for the administration of the program.

Subp. 4. **Limitation.** Because of the experimental nature of the program no county will be allowed to enter for the second year only.

Statutory Authority: *MS s 245.84*

9550.4400 APPLICATION FOR GRANT.

Subpart 1. **Options.** All counties shall select one of the following options regarding the experimental child day-care sliding fee program:

A. decide not to participate and notify the commissioner of its reasons for the decision;

B. participate using only state sliding fee funds and the required local match, serving families with an income of 60 to 70 percent of the state median income;

C. participate using state sliding fee funds, the required local match, and title XX funds, serving families with an income of 60 to 70 percent of the state median income; and

D. participate using state sliding fee funds and the required local match to serve families with an income of 60 to 70 percent of the state median income and use title XX and/or other funds to serve families with an income of 70 to 115 percent of the state median income.

Subp. 2. **Procedures.** The application procedures for grants are as follows:

A. The county shall make application on forms provided by the commissioner.

B. A county may propose an alternate fee schedule if it meets the following criteria:

(1) use of the state sliding fee schedule would impose a hardship on families already participating in a sliding fee program (e.g., raising their fees substantially);

(2) the county can demonstrate how the use of their proposed fee schedule would reduce the incidence of lower-income families remaining or becoming welfare recipients, increase the incentive for economic independence, and provide other benefits;

(3) the county program serves a large enough population to demonstrate the impact of the program; and

(4) the fee charged does not exceed the fee allowed in the state fee schedule. Participating counties may only use one fee schedule for all eligible fee paying income groups receiving child day care services.

C. The county shall submit two copies of the application to the commissioner by the deadlines established by the commissioner.

D. The commissioner shall submit a copy of each application to the state advisory council for their review and comment.

E. The commissioner shall inform the county of the approval or denial of the application within 30 days of the submission deadline.

Statutory Authority: *MS s 245.84*

9550.4500 AWARD OF GRANT.

Subpart 1. **Limitations.** The commissioner shall award grants to counties which meet the eligibility requirements and for which applications have been approved, subject to the limits described below:

A. Thirty-five percent of the appropriation shall be awarded the first program year and 65 percent of the appropriation shall be awarded the second program year.

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B. Area limits: Fifty percent of the funds as determined in item A shall be distributed to each area.

C. County limits within an area. The amount, based on item B, to be granted a county within an area, shall be equal to the sum of the following:

(1) 50 percent of the area distribution times a ratio consisting of the number of working-parent families with a child under six years of age in the county against the total number of working-parent families with a child under six years of age in all counties in the area; and

(2) 50 percent of the area distribution times a ratio consisting of the number of children receiving AFDC grants in the county against the total number of children receiving AFDC grants in all counties in the area.

D. Notwithstanding other provisions of these parts, grant awards shall not exceed 95 percent of the net program costs during the county's first grant year nor 85 percent of the net program costs during the county's second grant year.

Subp. 2. **Reallocation of funds.** The commissioner shall reallocate unused first year funds after December 31, 1979, and shall reallocate unused second year funds after December 31, 1980, on the basis of need without regard to the limits described in subpart 1.

Statutory Authority: *MS s 245.84*

9550.4600 FAMILY APPLICATION.

Subpart 1. **Duty to inform parents.** The administering agency shall inform parents on an ongoing basis, through the news media and child day-care providers, of the availability of child day-care sliding fee assistance as well as the procedures for applying for such assistance.

Subp. 2. **Procedures.** The application procedures for assistance shall be:

A. Application for assistance shall be on forms prescribed by the commissioner.

B. The administering agency shall make information about the program and application requirements available to all persons requesting this information.

C. Assistance in making application shall be available from the administering agency upon request.

D. The county shall use its current title XX practice in verifying sources and amounts of income and reasons for needing child day-care services.

E. The administering agency shall inform each applicant of the approval or denial of his/her application within 30 days of receipt of a completed application in writing.

F. Eligibility for assistance will be from the date of application.

Subp. 3. **Redetermination of eligibility.** The administering agency shall redetermine eligibility at least every six months.

Subp. 4. **Other available information.** The administering agency shall inform each applicant of the availability of all types of child day care services, the limits on available assistance, the reporting procedures and periods, and other policies or actions which have a direct effect on the applicant.

Statutory Authority: *MS s 245.84*

9550.4700 FAMILY ELIGIBILITY FOR ASSISTANCE.

Subpart 1. **Income.** The family's income shall be above the maximum allowable for title XX fully subsidized child care services but less than 70 percent of the state median income as set forth in the current CASP plan. Income shall be defined, as in the title XX program, to mean all monthly income before deductions received by all family members age 14 or over.

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Subp. 2. **Reasons for needing care.** Families eligible for assistance are those needing child day-care services for the following reasons only: employment, school attendance, or other circumstances related to employment and school attendance.

Subp. 3. **Age.** Only children 14 years of age or younger may be eligible for assistance.

Subp. 4. **Residence.** Application shall be made in the family's county of residence.

Statutory Authority: *MS s 245.84*

9550.4800 FAMILY FEE PAYMENT SCHEDULE.

Subpart 1. **Establishment of schedule.** The commissioner shall establish a monthly family fee schedule based upon income and family size.

Subp. 2. **Computations required.** In setting the fee schedule, the following computations shall be made for family sizes two to ten:

A. The federal, state, and Social Security taxes are computed at the 60 percent, 70 percent, 80 percent, 90 percent, 100 percent, 110 percent, and 115 percent of the state median income levels (Federal Income Tax Table, Family size 2-Table D - Unmarried Head of Household Family size 3 to 10, Table B-Married filing Joint Return and the Minnesota Income Tax Table - tax computed on gross income). The computation of the state and federal taxes includes a child care credit. (The child care credit is determined by using 20 percent of the estimated annual cost of child care as directed in the income tax tables. Estimated annual cost of child care by family size: two, \$840; three, \$936; four, \$1,080; five, \$1,200; six, \$1,380; seven, \$1,500; eight, \$1,860; ten, \$1,980).

B. The federal, state, and Social Security taxes are added together at each income level.

C. The difference in the tax total between the 60 percent income level and the tax total of each subsequent income level is determined.

D. The difference in the gross annual income at the 60 percent income level and the gross annual income for each subsequent income level is determined.

E. The difference in the taxes at each income level is subtracted from the difference in income at each level.

F. The net income at the 70 percent level is multiplied by 75 percent to determine the annual child care fee. The net income at the subsequent income levels is multiplied by 55 percent to determine the annual child care fee.

G. At each income level, the annual child care fee is divided by 12 to determine the monthly child care fee. (For a family of six, at the 70 percent income level the fee calculated is \$125. Since this is a higher fee than at the 70 percent income level for a family of seven-\$117, the fee is reduced to \$110 to produce for a continual increase in the fee schedule as the family size increases).

H. The fee for income increments between each income level computed is determined by evenly dividing the difference in the fee between the income levels by the number of income increments between the levels. For family size two to ten, there are ten income increments between 61 and 71 percent of the state median income with each increment representing a one percent increase in income and between 71 and 80 percent, 81 and 90 percent, 91 and 100 percent, and 101 and 110 percent, there are four income increments with each representing a 2.5 percent increase in income. Between 111 and 115 percent there are two income increments with each representing a 2.5 percent increase in income. More increments are allowed between the 61 to 70 percent income level as the primary users of the sliding fee program will be dealing with this income range.

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Subp. 3. **Total fee payment limit.** The total fee payment for a family shall not exceed 75 percent of the income determined available in subpart 2, item E.

Subp. 4. **Single fee.** Only a single fee shall be charged regardless of the number of services a family receives. The fee charged shall be the highest fee.

Subp. 5. **Reimbursement for counties.** When the county makes payments to providers for child day care costs, eligible families shall be responsible for reimbursing the county in monthly payments the amount of which shall be determined in accordance with the fee schedule described in this part.

Subp. 6. **Publication of fee schedule.** The commissioner shall publish a fee schedule, coordinated with the state CASP plan.

Statutory Authority: *MS s 245.84*

9550.4900 PROVISION OF SERVICE.

The commissioner shall determine the median service charge for each type of child day-care service for each of the governor's economic regions.

The county shall not make payment for that part of any child day-care service charge in excess of 125 percent of the median charge for that service.

The county may limit the number of families to whom assistance is provided because of insufficient grant funds. However, counties using title XX funds must amend their CASP plan.

Statutory Authority: *MS s 245.84*

9550.5000 PAYMENT OF ASSISTANCE.

The administering agency shall make payment in either of the following ways:

A. An eligible family may be reimbursed for expenses incurred up to the limits specified in part 9550.4900.

B. The child day-care provider may be reimbursed for charges up to the limits described in part 9550.4900.

The administering agency shall inform the family and/or child day-care provider, who will receive payment as well as how and when it will be received.

The administering agency shall make payments at least monthly.

The administering agency shall inform the family of the method in which its monthly family fee payment was computed.

Statutory Authority: *MS s 245.84*

9550.5100 PROGRAM EVALUATION.

The commissioner shall collect data and evaluate the program for the purpose of demonstrating the effectiveness of the program in preventing and reducing the dependence of participants on public assistance and in providing other benefits.

The administering agency shall collect data and prepare periodic reports as required by the commissioner.

Statutory Authority: *MS s 245.84*