



**COMBINED MANUAL  
DESCRIPTION OF CHANGES ATTACHMENT  
REVISED SECTIONS – ISSUED 03/2015**

The EFFECTIVE DATE of the changes is the same as the issuance date unless stated otherwise.

**0010.18.15.06 (Verifying Social Security Credits)** in general provisions in the 3rd paragraph in the 2nd bullet deletes to use Form SSA-1610, to get a release of work credits as this form is obsolete and adds to assist the applicant in contacting their local Social Security office, where they may be able to obtain the information.

**0011.24 (Able-Bodied Adults Without Dependents)** in SNAP under the sub-heading ABAWD ELIGIBILITY in the 5th paragraph in the 3rd bullet changes "household" to "unit" for clarity. It also under the subheading EARNING ADDITIONAL MONTHS in the 1st paragraph in the in 5th bullet deletes reference to the state minimum wage because only the federal minimum wage should be used in this calculation.

**0012.18 (Assigning Rights to Support)** in MFIP in the 1st paragraph adds a cross-reference to 0012.24 (Child Support Sanctions).

**0012.24 (Child Support Sanctions)** in MFIP deletes the former 10th and 11 paragraphs and adds a new 10th paragraph to not continue a prior child support sanction for new MFIP applications or for MFIP cases that have been closed for more than 30 days and reapply if a complete application is received.

**0015.12.06 (Repayment Agreements on Real Property)** in MFIP, DWP updates form title of DWP/MFIP Repayment Agreement (DHS-2741). No policy was changed.

**0015.48.03 (Whose Assets to Consider - Sponsors W/ I-864)** in the 8th paragraph updates the DHS address to report required information.

**0016.21.03 (Income of Sponsors of LPRs With I-864)** under the sub-heading Notification of Indigent Exemption Determination updates the DHS address to report required information.

**0017.15.09 (Income From Tribal Land)** in general provisions in the 2nd paragraph adds per capita payments to Grand Portage Band members to the excluded income and in MFIP, GA and MSA deletes to count this income. This was EFFECTIVE 12/01/14.

**0017.15.45.03 (How to Determine Gross RSDI)** in the 1st paragraph deletes the 2nd bullet because the Report of Confidential Social Security Benefit Information (SSA-2458) is obsolete. It also in the 4th bullet deletes reference to the Public Assistance Agency Information Request (SSA-1610-U2) as this form is obsolete and adds to see the SOLQ.

**0025.24.08 (SNAP Electronic Disqualified Recipient System)** in SNAP updates the cross-reference to TEMP Manual TE02.08.127 (SNAP eDRS) due to section title change. No policy was changed.

**0028.06.10 (Who Is Exempt From SNAP E&T)** in SNAP in the final bullet changes "household" to "unit" for clarity.

## VERIFYING SOCIAL SECURITY CREDITS

0010.18.15.06

The Social Security Administration (SSA) has developed an automated system to verify information on Social Security credits on an overnight basis. For procedures on verifying work credits using the SVES interface on MAXIS, see TEMP Manual TE02.12.15 (SVES Quarters of Coverage), TE02.12.24 (Social Security Credits).

It is important to note that an individual's credits may also be credited from his or her current and/or deceased spouse, only for the credits worked during the spousal relationship, and credits worked by a parent before a child attains age 18 may be attributed to the child even after he/she becomes an adult. Add the number of credits that the applicant and any relevant individual have been in the United States. If the total equals 40 credits or more, continue. If not, the applicant is not eligible for federally-funded MFIP and SNAP.

Follow these procedures if any of the years reported include any earned income for the applicant, the applicant's spouse, or the applicant's parents, count up to 4 credits in each calendar year for the applicant, and for each relevant individual:

- Always credit the applicant's own credits first and then the applicant's spouse and parents.  
AND
- Check U.S. Citizenship and Immigration Services (USCIS) documentation for the date of entry into the country for the applicant, spouse, and/or parents. The date of entry should be consistent with the amount of work history claimed by these individuals.

If the dates of entry are inconsistent with the years of earnings reported, the applicant is not eligible for federally-funded SNAP and federally-funded MFIP.

Do not use a Consent for Release of Information Form (SSA-3288) for the applicant or applicant's spouse. By signing the CAF, the applicant or applicant's spouse are giving consent for SVES. Use the Consent for Release of Information Form for the person not covered by signing the application. If the applicant's spouse is not required to sign the application, you need a consent form. You need the consent form signed by the parent(s), stepparent(s), adoptive parent(s) or former spouse of the applicant when requesting credits to attribute to the applicant. In addition, you need the social security number of the parent(s), stepparent(s), adoptive(s) or former spouse. Do not complete the consent form if you are requesting information on a deceased individual's social security number.

If a spouse or parent refuses to sign the consent or cannot be located, you cannot use SVES. Assist the applicant in contacting their local Social Security office, where they may be able to obtain the information.

Do NOT count any credits after 12-31-96 in which the person earning the credit also received assistance from a federal means tested program. See FEDERAL MEANS TESTED PROGRAM in [0002.23 \(Glossary: Fair Hearing...\)](#). Compare credits earned after 12-31-96 to MAXIS participation records, and deduct the credit in which the person also received public assistance. Accept the client's statement as to receipt of public assistance in another state.

See SOCIAL SECURITY CREDITS in [0002.61 \(Glossary: Self...\)](#). Also see [0010.18.11 \(Verifying Citizenship and Immigration Status\)](#), [0011.03.06 \(Non-Citizens - MFIP Food Portion\)](#), [0011.03.09 \(Non-Citizens - SNAP/MSA/GA/GRH\)](#), [0011.03.12 \(Non-Citizens - Lawful Permanent Residents\)](#), [0011.03.15 \(Non-Citizens - LPR With Sponsors\)](#).

For correction of earning or discrepancies, the applicant can call the Social Security Administration at 1-800-772-1213.

## LAG QUARTERS

SSA may still be processing earnings for a previous period (lag quarters) and these earnings may not yet be on a person's record. Accept an employer's wage statement that includes FICA withholdings for the period in question, if those credits are needed to establish the 40 qualifying credits. See [0002.35 \(Glossary: Inventory...\)](#) for the definition of LAG QUARTERS.

Certify the household pending the results of the investigation for up to 6 months from the original date of insufficient credits if the household says that members have 40 credits, but the SSA cannot confirm the information and is conducting an investigation to determine if additional credits can be counted.

## VERIFYING SOCIAL SECURITY CREDITS

0010.18.15.06

Accept tax forms such as a W-2 and/or W-2c, employer wage statements, or an IRS copy of the individual's tax return, if there is a problem in the last taxable year.

Follow these steps if the discrepancy is due to non-covered employment. Use the following process to establish and convert qualifying credits if the applicant does not meet the 40 qualifying quarter exception using covered earnings and alleges that he/she had additional work that is not documented by the SVES Interface or QUREY.

1. Review the SVES QUERY with the applicant or relevant individual to determine whether or not qualifying credits are missing.
2. Make the determination based on the information you have if the work credits are not missing.
3. Use the following list of verifications to convert the information you have if work credits are missing:
  - Form W-2 or W-2c.
  - Employer prepared earnings statement.
  - Statement of earnings signed by the custodian of the employer's records.
  - IRS copy of the employee's tax return.
  - Timely-filed return for a self-employed individual with a canceled check, money order or copy of Schedule C - Profit or Loss from Business (Sole Proprietorship) - with the IRS stamp. Be sure the tax return was filed no more than 3 years 3 months and 15 days after the year in which self-employment was earned.
  - Other evidence such as bills, vouchers and receipts that would allow you to determine that the business did exist and that a profit was earned.
  - Vouchers, pay-envelopes and similar unsigned employer earnings statements to the employee, or a state or federal agency.
  - Union records.
  - Individual's personal records and statements.
  - Other evidence of probate value.
4. If additional earnings exist, see TEMP Manual TE02.12.24 (Social Security Credits) to determine the qualifying work credits.
5. To assign quarters before 1978 use:
  - One credit for each calendar quarter if \$50.00 or more was earned, including agricultural wages for 1951- 1954.
  - Four credits for each taxable year an individual's net earnings from self-employment were \$400.00 or more.  
  
One credit earned for each \$100.00 – limited to a total of four credits- for agricultural wages paid during the years of 1955 – 1977.

**MFIP:**

Follow general provisions for the food portion only.

**DWP, MSA, GA, GRH:**

No provisions.

**SNAP:**

Follow general provisions.



**MFIP, DWP, MSA, GA, GRH:**

No provisions.

**SNAP:**

Able-Bodied Adults Without Dependents (ABAWDs) are applicants/recipients between the ages of 18 and 50. Unless they meet mandatory work provisions or an exemption listed below, they are eligible for SNAP for only 3 months in any 36 month period. The 36-month period begins the 1st full month the person receives SNAP. Once started, the 36 month period continues to run uninterrupted, even during times the person does not receive SNAP or is exempt from the time limit. You must explain these provisions to ABAWDs during the intake and eligibility determination process.

For information on how to treat income of ineligible able-bodied adults, see, [0016.39 \(Income of Ineligible Able-Bodied Adults\)](#).

For information on reporting requirements, see [0007 \(Reporting\)](#).

**ABAWD ELIGIBILITY**

When there is an indication that an ABAWD received SNAP in another state that does not have a waiver of the mandatory work provisions, the number of full countable months used in the other state must be verified by contacting the other state.

Non-Exempt ABAWDs are mandatory SNAP E&T participants. Not all counties offer SNAP E&T services and some counties and tribal agencies are exempt due to the unemployment rate. See TEMP Manual TE02.05.68 (ABAWD SNAP E&T Exempt Reservations), TE02.05.69 (ABAWD SNAP E&T Exempt Counties). For counties that provide SNAP E&T services, the ABAWD must be referred to SNAP E&T when SNAP eligibility is determined or when the participant's exemption from ABAWD provisions ends. You must inform the ES Provider of the participant's ABAWD status so that this can be taken into consideration when determining the SNAP E&T services needed.

The 3 entitled months do not have to be consecutive. Do not count a month if for that month the person:

- Meets the 20 hour per week (80 hours per month) work requirement.  
OR
- Is exempt from the 3 month time limit.  
OR
- Receives only prorated (partial month) benefits.

The 3 month entitlement limit applies only to ABAWDs receiving SNAP.

A person meeting any of the following exemptions is not subject to the 3 month limit:

- Receiving cash assistance.
- Under age 18, or age 50 or older.
- Residing in a unit with a unit member under the age of 18, even if the unit member is not eligible for SNAP.
- Medically certified as pregnant.
- Exempt from work registration. See [0028.06.12 \(Who Is Exempt From SNAP Work Registration\)](#). Code his/her work registration status carefully on the MAXIS STAT/WREG panel. This information is used by MAXIS when sending workers appropriate DAIL messages. It is also used for reporting and funding purposes.
- Lives in any of the counties or Indian reservations where all participants are exempt from ABAWD provisions. See TEMP Manual TE02.05.68 (ABAWD SNAP E&T Exempt Reservations), TE02.05.69 (ABAWD SNAP E&T Exempt Counties).

You must retroactively count (or uncount) an ABAWD's month of benefits as 1 of the 3 months of entitlement to SNAP benefits if you later learn that your determination of the ABAWD's exemption status, or whether or not the ABAWD met monthly work requirements, was incorrect. You must make this change in MAXIS. As long as the client meets an exemption for some part of the month, he/she is exempt for the entire month.

### EARNING ADDITIONAL MONTHS

Able-bodied adults may "earn" ADDITIONAL MONTHS of eligibility, or avoid using 1 of their 3 entitled months, when they work or participate in work activities an average of 20 hours per week (80 per month). These do not have to be consecutive months. For each month that the person works or participates in work activities at this level, the person "earns" a month of SNAP benefits. Countable work or work program activities are:

- Working in paid employment, including self-employment. This includes use of accrued sick or vacation time, if available.
- Participating in Workforce Investment Act (WIA) services.
- Participating in Trade Adjustment Act (TAA) services.
- Participating in SNAP E&T activities. **NOTE:** SNAP E&T job search and job search training do not count toward the 20 hour per week/80 hour per month requirement unless the person is co-enrolled in WIA. See [0028.03.03 \(Employment Services/SNAP E&T Required Components\)](#).
- Participating in Work Experience. However, instead of averaging 20 hours a week, the required number of hours of participation is the household's monthly SNAP allotment divided by the federal minimum wage.

See MINIMUM WAGE in [0002.41 \(Glossary: Medically Necessary...\)](#). Also see TEMP Manual TE12.05 (Minimum Wage).

### SANCTIONS

ABAWDs who do not comply with Employment and Training (E&T) are sanctioned by having their case closed or being removed from the case when there are other eligible members on the case. The ABAWD will need to reapply for SNAP benefits once the sanction period is over or, if part of an ongoing case, contact their worker to be added back to the SNAP unit once the sanction period is over.

### ABAWD ELIGIBILITY AFTER THE 3 MONTHS

An ABAWD who has used his/her 3 months of eligibility in the past 36 months may re-apply.

A participant who has lost SNAP eligibility by exhausting their initial 3 months out of 36 months may qualify for a second 3-month period if they have worked or participated in work activities for 80 hours in a month, as described above. If the person's job or work activity ends, or if the hours are reduced below 80 hours per month, the person qualifies for the additional 3-month period of eligibility. This provision does not apply if the person voluntarily quit the job without good cause.

The new 3-month count starts the 1st day of the 1st full month in which SNAP benefits are provided under this 2nd 3-month eligibility period. A partial month is not a counted month. The 2nd 3-month period runs uninterrupted regardless of whether or not the participant receives benefits all 3 of those months. This 2nd 3-month period is only available once in any 36-month period.

An ABAWD who has used up the initial or subsequent 3 months of SNAP eligibility can regain eligibility by working or participating in approved work activities for 80 hours in a calendar month. **NOTE:** SNAP E&T is available only to current participants. The hours must be completed before eligibility can be granted.

Once eligibility is granted, eligibility will continue as long as you prospectively anticipate that the person will work the required

number of hours for the next month. The ABAWD should follow their reporting requirements. Your Employment Services Provider (ESP) will track hours of participation in work program activities.



**MFIP:**

Caregivers must assign their rights to child support, spousal maintenance benefits, and child care support to the State of Minnesota. A caregiver assigns all rights of the unit to child support, spousal maintenance benefits, and child care support by signing the Combined Application Form (CAF). Also see [0012.24 \(Child Support Sanctions\)](#).

Assignment of child support and spousal maintenance benefits takes effect the date MFIP cash opens. It applies to all support owed at that time and any support owed or received during the period of assignment. It ends with the last day of the month in which any unit member receives MFIP cash portion.

Do **NOT** make a Child Support Referral for a married parent who is called to military duty away from home when there is no breakdown in the marital relationship.

**CHILD AND SPOUSAL SUPPORT**

The state retains the right to child support owed but not paid during the period of assignment. This is called permanently assigned arrears. The state also has the right to child support not paid before the period of assignment. These are called temporarily assigned arrears. The state must return these pre-assistance arrears to the caregiver when the caregiver's MFIP cash closes IF the state has not collected them while the caregiver is on cash assistance. After cash portion closes, the state retains a lesser right to those arrears. After cash portion closes, any collections on the temporarily assigned arrears are sent to the caregiver unless the collection method is federal tax intercept. At no time can the state keep collections greater than the amount of the caregiver's lifetime assistance.

A unit is ineligible when a caregiver refuses to assign the rights of unit members to child support, spousal maintenance benefits, or child care support.

**CHILD CARE SUPPORT**

Child care support assignment takes effect when a family begins to receive child care assistance. Compliance with assignment is a condition of eligibility for families in which both parents of all children in subsidized care do not reside in the home. Assignment takes effect the 1st day of the month following the month the family begins to receive child care assistance. Any child care support received by the family after the effective date should be returned to the county child support agency. Child care support received by parents prior to the assignment effective date will not be recouped. Assignment of child care support remains in effect across all child care assistance programs (MFIP, Transition Year, and Basic Sliding Fee) if the family is continuously eligible for child care assistance and child care assistance is being paid. Child care support is not assigned for a child who is not using subsidized care.

**DWP:**

No provisions. DWP participants must cooperate with obtaining support. See [0012.21.03 \(Support from Non-Custodial Parents\)](#). Do NOT make a Child Support Referral for a married parent who is called to military duty away from home when there is no breakdown in the marital relationship.

**SNAP:**

No provisions.

**MSA:**

No provisions. MSA participants must comply with MA requirements to maintain automatic eligibility for MA. See the [Insurance Affordability Programs/Health Care Manuals](#).

**GA:**

Pursue child and medical support as another maintenance benefit. Refer units to the Child Support Agency as non-PA cases. See [0012.12 \(Applying for Other Benefits\)](#), [0012.21.03 \(Support From Non-Custodial Parents\)](#), [0013.15.51 \(GA Basis - People](#)

[Under Age 18\), 0025.30.03 \(Contributions From Parents Not In Home\).](#)

**GRH:**

No provisions. Blind children who are GRH participants must comply with MA to maintain automatic eligibility for MA. See the [Insurance Affordability Programs/Health Care Manuals](#).

**MFIP:**

IV-D determines when caregivers with children fail to cooperate with support requirements. When notified by the Child Support agency of non-cooperation and after giving 10-day notice, reduce the unit's grant (cash/food portion) by 30% of the unit's Transitional Standard. The residual amount of the grant, if any, must be paid to the caregiver. Non-cooperation with IV-D requirements also results in the loss of child care benefits. See [0020.09 \(MFIP/DWP Assistance Standards\)](#), [0026 \(Notices\)](#).

Do not impose a sanction when a caregiver complies with support requirements prior to the effective date of the sanction. If you do impose a sanction, and the caregiver subsequently complies, remove the sanction the month following the month that he/she complies.

Caregivers who are not themselves on the MFIP grant are still required to cooperate with Child Support. This applies to parental caregivers who are not receiving MFIP because they receive SSI, are ineligible non-citizens, or are removed from the grant due to fraud, EBT misuse, a drug felony or for any other reason. It also applies to the 2nd parent in a 2-parent household who has chosen the post-60 removal option. Failure to cooperate results in a sanction occurrence against the caregiver and reduces the MFIP grant by 30%, even when the grant is issued for the needs of the child(ren) only.

Non-parental caregivers receiving assistance for a child(ren) MUST cooperate with Child Support even if they do not receive assistance for themselves. They must be sanctioned if IV-D determines non-cooperation. Instead of incurring a sanction, a relative caregiver may choose to remove the child(ren) from the unit, unless the child(ren) is required to be in the unit.

Do not impose a sanction when the Child Support agency reports a caregiver has not cooperated for a child who is no longer receiving MFIP.

After a notice of sanction is sent, the caregiver may then claim good cause. Give the participant the [Cooperation with Child Support Enforcement \(DHS-2338\)](#) and send a copy of the signed notice to the child support agency. While the good cause committee is reviewing the claim the caregiver is considered to be cooperating. Do not sanction the case during the period the committee is deciding on the claim. If the claim is denied, the sanction would then be imposed. See [0012.21.06 \(Child Support Good Cause Exemptions\)](#).

Consider each month that a caregiver with children fails to comply with support requirements as a separate occurrence of non-compliance. Vendor payment rules apply beginning with the 2nd occurrence of child support sanctions.

Sanctions count towards closure of the MFIP case. A participant will have his/her case closed at the 7th occurrence of non-compliance.

The count toward closure does NOT start over, even if the participant goes off assistance, comes into compliance, and remains in compliance. Use the STAT/SANC panel to track occurrences of non-compliance.

- **FOR THE 1ST OCCURRENCE OF NON-COMPLIANCE:** Reduce the family's grant by 30% of the Transitional Standard for the family's size. The grant reduction must be in effect for a minimum of 1 month and must be removed in the month after the month the participant returns to compliance.
- **FOR THE 2ND - 6TH OCCURRENCE OF NON-COMPLIANCE:** Vendor pay the shelter costs up to the amount of the cash portion of the grant. At county option, you may vendor pay utilities up to the amount of the cash portion of the grant. Vendor payment rules apply beginning with the 2nd occurrence of child support sanctions. See [0024.09 \(Protective and Vendor Payments\)](#) for procedures to use when the information necessary to vendor pay is not on file and the vendor refuses to accept partial payment.

Reduce the residual amount of the cash grant after vendor payment, if any, and the food portion by an amount equal to 30% of the Transitional Standard for the family's size.

The reduction in the grant must be in effect for a minimum of 1 month and must be removed the month after the month the participant returns to compliance.

Continue to vendor pay the shelter (and utilities, if applicable) for 6 months after the month in which the participant(s) return to compliance.

- **FOR THE 7TH OCCURRENCE OF NON-COMPLIANCE:** Close the MFIP case (100% sanction). Closure during the first 60 months is NOT permanent. The case must be closed for 1 full month but can be reopened in the month following the month that the caregiver cooperates with the support requirements.

A good cause review is required when the MFIP case is sanctioned at 30% for 6 months. The county must attempt to meet face-to-face with the caregiver before case closure. At this face-to-face meeting the county must give the caregiver the [Cooperation with Child Support Enforcement \(DHS-2338\)](#), or send it to the caregiver before closing in the 7th month if a face-to-face meeting does not occur. The caregiver may make a good cause claim even if good cause has previously been denied. If the caregiver claims good cause, send the signed Client Statement of Good Cause form to the good cause committee. The committee must review the good cause claim following normal procedures. While the committee is reviewing the claim, the caregiver is considered to be cooperating. If the claim is denied, then the 7th occurrence sanction would be imposed. See [0012.21.06 \(Child Support Good Cause Exemptions\)](#).

Do not continue a prior child support sanction for new MFIP applications or for MFIP cases that have been closed for more than 30 days and reapply if a complete application is received. The completed application is considered cooperation with child support. See [0005.12.03 \(What is a Complete Application\)](#).

Sanction the case at 30% if the case that was closed for non-compliance (100% sanction) is reopened after compliance and has another occurrence of non-compliance. Close the case if there is a subsequent occurrence of non-compliance for a case reopened after closure for non-compliance.

**NOTE:** The sanction policy for non-compliance with child support is the same for households in the 1st 60 months and for extended households.

Closure for non-compliance does NOT make the participant ineligible for SNAP, if otherwise eligible. Determine eligibility for SNAP at the time of closure. Case closure also does not affect health care eligibility.

**FOR DUAL SANCTIONS:** Impose sanctions as follows for participants who refuse to comply with child support requirements AND have a concurrent sanction for failure to attend orientation or to develop or to comply with their Employment Plan:

- If the child support non-compliance and other program non-compliance occur in the SAME month, reduce the Transitional Standard and MFIP food portion, whichever applies, by 30% for the 1st month, then vendor pay shelter costs (and utilities, if applicable) for the 2nd month.
- The participant remains subject to vendor payments and 30% sanction until BOTH issues of non-compliance have been resolved.

**DWP:**

Follow MFIP, EXCEPT when notified by IV-D that the caregiver with children is not cooperating, send a notice of termination and close the case. There are no sanction or vrending provisions in DWP. The unit may be eligible for DWP again if the unit cooperates. A family unit that has been disqualified from DWP due to non-cooperation will not be eligible for MFIP or any other TANF cash program for the remainder of the 4-month DWP eligibility period.

If the family unit that has been closed due to non-cooperation applies for MFIP after the 4-month DWP period ends, the disqualification does not carry over to MFIP. IV-D will determine cooperation or non-cooperation based on the MFIP IV-D referral.

**SNAP, MSA, GA, GRH:**

No provisions.

**MFIP, DWP:**

When the value of non-homestead real property combined with other countable assets is over the \$5,000 asset limit and the unit signs a [DWP/MFIP Repayment Agreement \(DHS-2741\)](#) and executes a lien against the property, exclude the non-homestead real property. Do not require an applicant unit to sign a repayment agreement when the value of the non-homestead real property combined with other countable assets does not exceed the \$5,000 asset limit. The lien will contain an initial unspecified figure to be subsequently determined at the time of sale or when the repayment agreement ends, for the amount of benefits issued during the period the agreement was in force. When the lien has been established, it remains in force until satisfied, even if the case is closed.

Promptly record the lien to ensure priority status over subsequent claims against the property. If the property lies in another state, contact the appropriate county authorities in that state before submitting the lien to them to determine the recording fee and to see if they will honor the lien. Give or send copies to the client and to the clerk of courts in the county where the property is located, and maintain a copy in the case file.

The unit must make a good faith effort to sell the property to continue eligibility. A good faith effort is defined as a sale price and terms which are consistent with local market price and terms for comparable property, plus either:

- Listing of the property with a realty broker.  
OR
- If sold privately, advertising effort comparable to efforts in the local market area to sell similar property.

Applicant units must sign the Repayment Agreement and execute the lien during the application process. Participant units must do so as soon as the county agency becomes aware the property causes excess assets.

If the unit sells the property while still receiving MFIP or DWP, certify the lien amount as the recording fee plus the total grant expended during the period of the agreement. For overpayments for months prior to January 2001, subtract the amount of child support used to reimburse the amount of the cash portion issued during that period. See [0025.03 \(Determining Incorrect Payment Amounts\)](#). A unit can remain eligible for assistance after repayment of the lien, but any proceeds remaining are considered an asset. See [0025 \(Benefit Adjustments and Recovery\)](#).

If the unit does not sell the property or becomes ineligible for any other reason, close the case. Modify the lien at that point to reflect the filing fee plus the total cash portion issued. For overpayments for months prior to January 2001, subtract the amount of child support used to reimburse the amount of assistance issued during that period. See [0025.03 \(Determining Incorrect Payment Amounts\)](#). Submit an affidavit of change to the clerk of courts for any adjustments to the lien.

Clients have the option of repaying the amount of the cash portion issued during the period the agreement was in effect. If this occurs, promptly discharge the lien.

If the unit intentionally sells the property below market value, determine the lien amount based on the fair market value of the property when the repayment agreement was signed.

**SNAP, MSA, GA, GRH:**

No provisions.



The policy on how to deem assets of sponsors of immigrants depends on which affidavit of support was executed by the sponsor. There are 2 different affidavits of support (forms I-134 and I-864). Each form has its own deeming requirements. The I-134 is not a legally binding document and deeming is not required; the I-864 is a legally binding document and deeming is required. If subject to deeming, obtain a copy of the Affidavit of Support from the immigrant to determine under which affidavit the immigrant entered the country and to determine the type of deeming requirements.

For sponsors who executed the I-134, see [0015.48 06 \(Whose Assets to Consider – Sponsors W/I-134\)](#).

Count the assets of the sponsor and the sponsor's spouse UNTIL the immigrant:

- Becomes a naturalized citizen.  
OR
- Earns or can be credited with 40 qualifying work quarters.  
OR
- Leaves the United States permanently.  
OR
- Dies.

Count the assets of both the sponsor and the sponsor's spouse regardless of whether 1 or both of them signed the affidavit.

**EXCEPTIONS TO THE SPONSOR DEEMING REQUIREMENT:** Do not deem the sponsor's assets if the sponsored immigrant:

- Provides a statement or documentation that the immigrant or his/her child(ren) have been battered or subjected to extreme cruelty by the immigrant's spouse or parent and:
  - The immigrant is NOT living with the batterer.  
AND
  - The need resulting from the battery or cruelty has a substantial connection to the need for the assistance.

This EXCEPTION is limited to 12 months from the date the EXCEPTION is made. This 12 month deferment may be extended ONLY in the case of the sponsor being the batterer, and if there continues to be a need resulting from the battery and cruelty and the battery and cruelty is recognized by a court order (an order for protection) or by an U.S. Citizenship and Immigration Services (USCIS) determination.

- Is without food or shelter as a result of the sponsor's failure to provide support. Consider this EXCEPTION when the sponsor is unable or failing to provide support or the immigrant is unable to locate the sponsor. To determine if the client is without food or shelter, consider all sources of help available (income plus cash, food, housing, or other help supplied by the sponsor or other people).

This EXCEPTION is limited to 12 months from the date the EXCEPTION is made however additional 12-month periods may be approved.

The immigrant must explain why the sponsor is not providing assistance to the immigrant as required under form I-864. Help the client to obtain a collateral statement or documentation to support the allegations.

If the sponsored immigrant meets the exception of the sponsor deeming requirement due to the sponsor's failure to provide support and is approved for Federal Cash or Federal SNAP benefits under the indigent exemption, the US General Attorney must be notified of the determination. DHS is responsible for reporting this information. County agencies should report the name of the sponsor, sponsored immigrant(s) involved and case number to:

DHS  
Economic Assistance and Employment Supports Division  
P.O. Box 64951  
St. Paul, Minnesota 55164-0951.

County agencies may, under section 213A (b)(2) of the [Immigration and Nationality Act](#), sue sponsors in federal or state court to recover the unreimbursed costs of means tested benefits, including the costs of collection and legal fees.

Deeming of assets provisions do not apply to:

- Refugees.
- People granted asylum.
- LPRs who were refugees or asylees.
- People paroled for a period of 1 year.
- Cuban/Haitian Entrants.

**MFIP, DWP, MSA, GA, GRH:**

Deem ALL of the assets of the sponsor and his or her spouse as available to the sponsored immigrant if the immigrant's entrance into the United States was based on an Affidavit of Support (form I-864) executed by the sponsor.

**SNAP:**

To determine whether a unit is categorically eligible or non-categorically eligible, see [0013.06 \(SNAP Categorical Eligibility/Ineligibility\)](#).

All assets are excluded for categorically and non-categorically eligible SNAP units. For categorically and non-categorically eligible SNAP units who are sponsored with an I-864, the assets of the sponsor and the sponsor's spouse are not counted.

Count the actual amount of assistance the sponsor provides for indigent immigrants. See INDIGENT IMMIGRANT in [0002.33 \(Glossary: Independent...\)](#).

The policy on how to deem income of sponsors of LPRs depends on the type of affidavit of support that a sponsor signed. There are 2 different affidavits of support (forms I-134 and I-864). Each form has its own deeming requirements. The I-864 is a legally binding document and deeming is required if it is issued on or after December 19, 1997. The I-134 is not a legally binding document and deeming is not required. Follow the provisions in [0016.21 \(Income of Sponsors of Immigrants With I-134\)](#) for sponsors who signed an I-134.

**Deeming of income provisions do not apply to:**

- Refugees.
- People granted asylum.
- LPRs who were refugees or asylees.
- People paroled for a period of 1 year.
- Cuban/Haitian Entrants.

The I-864 Affidavit of Support remains valid UNTIL the sponsored LPR:

- Becomes a naturalized citizen.  
OR
- Earns or can be credited with 40 qualifying work quarters under the Social Security Act.  
OR
- Loses or abandons his/her permanent status and leaves the United States permanently.  
OR
- Dies.

Count the income of both the sponsor and the sponsor's spouse regardless of whether 1 or both of them signed the affidavit.

**Sponsor Deeming Exemption Determination**

Before requesting verification of a sponsor's and sponsor's spouse's income, review if the LPR who would otherwise be subject to sponsor deeming meets 1 of the 2 EXEMPTIONS listed below:

Do not deem the sponsor's income if the sponsored LPR:

- Is a victim of extreme cruelty/battery. The LPR must provide a statement or documentation that the LPR or his/her child(ren) have been battered or subjected to extreme cruelty by the LPR's spouse or parent. The LPR must also meet the following 2 conditions:
  - NOT living with the batterer.  
AND
  - The need resulting from the battery or cruelty has a substantial connection to the need for public assistance.

This EXEMPTION is limited to 12 months from the date a determination of EXEMPTION is made. The 12-month deferment may be extended ONLY in the case of the sponsor being the batterer, and if there continues to be a need for public assistance resulting from the battery and cruelty and the battery and cruelty is recognized by a court order (an order for protection) or by an U.S. Citizenship and Immigration Services (USCIS) determination.

- Is indigent and unable to obtain food and shelter without public assistance as a result of the sponsor's failure to provide support. "Unable to obtain food and shelter" means that the sum of all contributions including, income, and any cash or in-kind

assistance provided by the sponsor and others does not exceed 130% of the federal poverty income guidelines for the unit's size. It also means that the sponsored LPR is not currently living with his/her sponsors or getting free shelter from others.

Consider this EXEMPTION when the sponsored LPR reports that his/her own income and any assistance provided by the sponsor or any other individuals is not adequate for the LPR to obtain food and shelter because the sponsor is failing or is unable to provide support or when the LPR is unable to locate the sponsor. Under these circumstances, do not request verification of a sponsor's income directly from the sponsor, instead ask the sponsored LPR to provide verification of the actual amount of income provided by the sponsor to his/her household. Deem the actual amount of income provided by the sponsor as available income to the sponsored LPR.

A determination of indigence and what the exemption means must be explained to the sponsored LPR. An individual has the right to refuse a determination of indigence but must be informed about the consequence of such a refusal on program eligibility in a manner he/she can comprehend. If the LPR or their authorized representative affirmatively refuses the indigence determination, the sponsor's income must be deemed toward the sponsored LPR's household. Such refusal must be case noted with details about the reasons for such refusal.

Once a determination of indigence exemption is made, it remains in effect for 12 months beginning on the date such a determination is made, regardless of any additional information that may be obtained from the SAVE query on the sponsor within the unit's certification period. The 12-month indigence determination must be reviewed before an additional 12-month determination may be approved.

### Notification of Indigent Exemption Determination

If the sponsored immigrant meets the exception of the sponsor deeming requirement due to the sponsor's failure to provide support and is approved for Federal Cash or Federal SNAP benefits under the indigent exemption, the name of the sponsor, sponsored LPR(s) involved and case number must immediately be reported to:

DHS  
Economic Assistance and Employment Supports Division  
P.O. Box 64951  
St. Paul, Minnesota 55164-0951.

DHS annually notifies the Office of Policy and Strategy, U. S. Citizenship and Immigration Services of all indigent determinations.

County agencies may, under section 213A (b)(2) of the [Immigration and Nationality Act](#), sue sponsors in federal or state court to recover the unreimbursed costs of means tested benefits, including the costs of collection and legal fees.

### Request verification of a sponsor's total income when:

- A sponsored LPR does not qualify for an exemption from sponsor deeming as explained above.

OR

- A sponsored LPR meets the criteria for the indigent exemption but has opted out of the indigence determination.

In both of these situations, the LPR must explain why the sponsor is not providing assistance to him/her as attested by the sponsor's signature on I-864 Affidavit of Support. Help the client to obtain collateral statement or documentation to support the indigence exemption determination. The sponsored LPR is responsible for obtaining the cooperation of the sponsor and for providing the information and documentation necessary to calculate deemed income. The county agency must assist the unit in obtaining necessary verification. If necessary, SAVE can be used to provide the sponsor's name, address and Social Security Number. See [0010.18.18 \(Verifying Sponsor Information\)](#).

- If verification is provided, determine the amount of the sponsor's and sponsor's spouse's income according to the program

provisions below.

- If verification is not provided, deny or terminate program eligibility for the entire unit. The failure to provide the verification affects the entire unit because the sponsored LPR is an otherwise eligible mandatory member of the assistance unit.

**MFIP, DWP, MSA, GA, GRH:**

Deem ALL of the income of the sponsor and his/her spouse as available to the sponsored LPR if the LPR's entrance into the United States was based on an Affidavit of Support (form I-864) executed by the sponsor.

**SNAP:**

All income and resources of an LPR's sponsor and sponsor's spouse who have signed a legally binding affidavit of support are counted as belonging to the LPR, even if not available.

Do not deem a sponsor's income if any 1 of the following exemptions are met:

- The sponsored LPR in a SNAP unit does not meet immigration status. See [0011.03.09 \(Non-Citizens - SNAP/MSA/GA/GRH\)](#).  
OR
- The sponsored LPR is a child under the age of 18. See [0011.03.15 \(Non-Citizens - LPR With Sponsors\)](#).  
OR
- The LPR was in a category that did not require sponsorship as an entry condition, such as, but not limited to, a public interest parolee (PIP), refugee, asylee, or Cuban or Haitian entrant.  
OR
- The LPR receives SNAP as a member of the sponsor's SNAP unit.  
OR
- The sponsor is an organization or group as opposed to an individual.  
OR
- When an LPR meets the criteria for the indigent exemption and has not refused the determination of being declared an indigent immigrant. See INDIGENT IMMIGRANT in [0002.33 \(Glossary: Independent...\)](#).

To determine the amount of the deemed sponsor's income:

1. Determine the total gross income of the sponsor and sponsor's spouse. See [0017 \(Determining Gross Income\)](#).
2. Deduct the following:
  - 20% of the gross earned income.
  - The gross monthly income limit for the sponsor's household size. Include the sponsor, sponsor's spouse, and people who could be claimed as legal dependents on the sponsor's tax return. See [0019.06 \(Gross Income Limits\)](#).

3. Divide the remaining income by the number of LPRs sponsored. Count this amount available to each sponsored person for income eligibility tests and benefit calculations.

Exclude the 1st \$2,000 a person receives each year from his/her interest in Indian trust land or other restricted Indian lands.

Exclude the 1st \$2,000 per person per year of per capita payments from Bois Forte Band of Ojibwe or Grand Portage Band as a result of annual payments to the Tribe from the State of Minnesota for voluntarily restricting tribal rights to hunting and fishing in ceded territories.

Exclude American Indian tribal land settlements as income if the Public Law awarding the settlement directs its exclusion. The following settlements affecting Minnesota tribes are excluded as income from all programs:

- Any funds distributed per capita under Public Law 98-123, Public Law 98-124, and Public Law 99-377 to the Mississippi Band Chippewa Indians of White Earth, Leech Lake, and Mille Lacs reservations.
- Payments to members of the White Earth Band from the White Earth Reservation Land Settlement Act of 1985 (Public Law 99-264, Public Law 100-153, and Public Law 100-212).
- Payments from the Cobell v. Salazar class action settlement between the United States Government and American Indian plaintiffs whose land trust royalties were mismanaged by the United States Interior Department (Public Law 111-291). For how to treat this as an asset, see [0015.30 \(Excluded Assets - Payments Under Federal Law\)](#).

For information on settlements not listed, contact the Local Agency Support Policy Center.

Count tribal per capita payments from casinos as unearned income. If not received monthly, convert into a monthly amount. See [0017.12.03 \(Unearned Income\)](#).

**MFIP, GA:**

Count per capita payments made to members of the Fond Du Lac Bands of Chippewa Indians as unearned lump sum payments. See [0017.15.30 \(Lump Sum Income\)](#), [0022.15 \(Counting Lump Sums as Income\)](#).

**DWP:**

Follow MFIP. After the initial DWP determination, exclude any unanticipated income the unit may receive.

**SNAP:**

Follow general provisions.

**MSA:**

Count per capita payments made to members of the Fond Du Lac Bands of Chippewa Indians as unearned income in the month received. They are assets thereafter.

**GRH:**

Follow MSA for aged, blind, or disabled clients. Follow MFIP for all other adults.



Gross RSDI is the total amount of RSDI a client is entitled to before the deduction (if any) of Medicare premiums. Not all documents from the Social Security Administration (SSA) report gross RSDI. The following are SSA documents and interfaces you can use to determine and verify the amount of gross RSDI. Do not require clients to provide a specific document if another is available which provides the information.

- Initial award letter (SSA-4926-SM). This lists gross RSDI, the Medicare premium, and the monthly payment (net RSDI) to the client. The gross amount is the figure described as "The total amount of your monthly benefit before deductions".
- SVES interface on MAXIS. See TEMP Manual TE02.12.13 (SVES TPQY Interface).
- State Online Query (SOLQ), SSA's online data exchange. See the SOLQ User Manual on the MAXIS SIR web site under the SSA County DHS Quarterly Meeting Site.

Some documents report gross RSDI as a whole dollar figure. Others report the figure in dollars and cents. Count only the whole dollar figure as gross RSDI; drop any cents.

Other SSA documents report only the payment to the client and the Medicare premium. Do not add these figures together to calculate gross RSDI. Because the client payment amount is truncated, adding the figures together may not yield the correct amount of gross RSDI.



**MFIP, SNAP:**

The National SNAP Fraud Electronic Disqualified Recipient System (eDRS) is a system run by the Food and Nutrition Service (FNS). It tracks clients who have been disqualified from SNAP across the nation for violating SNAP program rules.

DHS will process a monthly match for clients who are receiving SNAP in Minnesota but who may be disqualified from receiving SNAP due to a fraud disqualification in another state. Case workers will receive notification of this disqualification through an email from DHS Program Integrity Staff.

For both open and closed cases, follow the steps outlined in TEMP Manual TE02.08.127 (SNAP eDRS). These steps need to be completed so the client will not receive any food benefits they are not eligible for in the future.

**DWP, MSA, GA, GRH:**

No provisions.



**MFIP, DWP, MSA, GA, GRH:**

No provisions.

**SNAP:**

The following people are exempt from mandatory SNAP E&T participation:

- People exempt from SNAP work registration under [0028.06.12 \(Who Is Exempt From SNAP Work Registration\)](#).
- Participants of any of the following cash assistance programs:
  - Minnesota Family Investment Program (MFIP).
  - Diversionary Work Program (DWP). See [0028.06.03 \(Who Must Participate in Empl. Services/SNAP E&T\)](#).
  - Minnesota Supplemental Aid (MSA).
  - Refugee Cash Assistance (RCA).
  - General Assistance (GA).
- People under age 18.
- People age 50 or older.
- People providing home schooling to a child and in compliance with state reporting requirements for home schooling. If compliance is questionable, contact the superintendent of the local school district to verify.
- People who reside on an ABAWD exempt reservation or reside in an ABAWD exempt county. [0011.24 \(Able-Bodied Adults Without Dependents\)](#), TEMP Manual TE02.05.68 (ABAWD SNAP E&T Exempt Reservations), TE02.05.69 (ABAWD SNAP E&T Exempt Counties).
- Participants who are residing in a unit with a unit member under the age of 18, even if the unit member is not eligible for SNAP.

Redetermine the client's exemption status at least annually.

