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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. **1432**

March 9, 2009

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The bill was read for the first time and referred to the Committee on Health Care and Human Services Policy and Oversight

March 12, 2009

By motion, recalled and re-referred to the Committee on Finance

1.1 A bill for an act
1.2 relating to human services; modifying provisions related to children aging out
1.3 of foster care; modifying the Runaway and Homeless Youth Act; appropriating
1.4 money; amending Minnesota Statutes 2008, sections 256B.055, by adding a
1.5 subdivision; 256K.45, subdivision 6; 260C.331, subdivision 1; proposing coding
1.6 for new law in Minnesota Statutes, chapter 260C; repealing Laws 2007, chapter
1.7 147, article 2, section 60.

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

1.9 Section 1. Minnesota Statutes 2008, section 256B.055, is amended by adding a
1.10 subdivision to read:

1.11 Subd. 2a. **Foster children age 18 to 21.** Foster children for whom the commissioner
1.12 or counties have custody and financial responsibility on their 18th birthdays must be
1.13 enrolled in medical assistance upon the completion of an application and must be certified
1.14 eligible for medical assistance by the commissioner until their 21st birthdays. Once
1.15 certified eligible, reapplication is not required.

1.16 Sec. 2. Minnesota Statutes 2008, section 256K.45, subdivision 6, is amended to read:

1.17 Subd. 6. **Funding.** Any funds appropriated for this section may be expended on
1.18 programs described under subdivisions 3 to 5, technical assistance, and capacity building.
1.19 ~~Up to four percent of funds appropriated may be used for the purpose of monitoring and~~
1.20 ~~evaluating runaway and homeless youth programs receiving funding under this section.~~
1.21 Funding shall be directed to meet the greatest need, with a significant share of the funding
1.22 focused on homeless youth providers in greater Minnesota.

1.23 Sec. 3. Minnesota Statutes 2008, section 260C.331, subdivision 1, is amended to read:

2.1 Subdivision 1. **Care, examination, or treatment.** (a) Except where parental rights
2.2 are terminated,

2.3 (1) whenever legal custody of a child is transferred by the court to a responsible
2.4 social services agency,

2.5 (2) whenever legal custody is transferred to a person other than the responsible social
2.6 services agency, but under the supervision of the responsible social services agency, or

2.7 (3) whenever a child is given physical or mental examinations or treatment under
2.8 order of the court, and no provision is otherwise made by law for payment for the care,
2.9 examination, or treatment of the child, these costs are a charge upon the welfare funds of
2.10 the county in which proceedings are held upon certification of the judge of juvenile court.

2.11 (b) The court shall order, and the responsible social services agency shall require,
2.12 the parents or custodian of a child, while the child is under the age of 18, to use the
2.13 total income and resources attributable to the child for the period of care, examination,
2.14 or treatment, except for clothing and personal needs allowance as provided in section
2.15 256B.35, to reimburse the county for the cost of care, examination, or treatment. Income
2.16 and resources attributable to the child include, but are not limited to, Social Security
2.17 benefits, supplemental security income (SSI), veterans benefits, railroad retirement
2.18 benefits and child support. When the child is over the age of 18, and continues to receive
2.19 care, examination, or treatment, the court shall order, and the responsible social services
2.20 agency shall require, reimbursement from the child for the cost of care, examination, or
2.21 treatment from the income and resources attributable to the child less the clothing and
2.22 personal needs allowance. Income does not include earnings from a child over the age
2.23 of 18 who is working as part of a plan under section 260C.212, subdivision 1, paragraph
2.24 (c), clause (8), to transition from foster care or income and resources from sources other
2.25 than supplemental security income (SSI) and child support necessary to complete the
2.26 requirements in 260C.212, subdivision 7, paragraph (d), clause (2), as determined by
2.27 the court.

2.28 (c) If the income and resources attributable to the child are not enough to reimburse
2.29 the county for the full cost of the care, examination, or treatment, the court shall inquire
2.30 into the ability of the parents to support the child and, after giving the parents a reasonable
2.31 opportunity to be heard, the court shall order, and the responsible social services agency
2.32 shall require, the parents to contribute to the cost of care, examination, or treatment of
2.33 the child. When determining the amount to be contributed by the parents, the court shall
2.34 use a fee schedule based upon ability to pay that is established by the responsible social
2.35 services agency and approved by the commissioner of human services. The income of

3.1 a stepparent who has not adopted a child shall be excluded in calculating the parental
3.2 contribution under this section.

3.3 (d) The court shall order the amount of reimbursement attributable to the parents
3.4 or custodian, or attributable to the child, or attributable to both sources, withheld under
3.5 chapter 518A from the income of the parents or the custodian of the child. A parent or
3.6 custodian who fails to pay without good reason may be proceeded against for contempt, or
3.7 the court may inform the county attorney, who shall proceed to collect the unpaid sums,
3.8 or both procedures may be used.

3.9 (e) If the court orders a physical or mental examination for a child, the examination
3.10 is a medically necessary service for purposes of determining whether the service is
3.11 covered by a health insurance policy, health maintenance contract, or other health
3.12 coverage plan. Court-ordered treatment shall be subject to policy, contract, or plan
3.13 requirements for medical necessity. Nothing in this paragraph changes or eliminates
3.14 benefit limits, conditions of coverage, co-payments or deductibles, provider restrictions,
3.15 or other requirements in the policy, contract, or plan that relate to coverage of other
3.16 medically necessary services.

3.17 Sec. 4. **[260C.456] FOSTER CARE BENEFITS AGE 18 TO 21.**

3.18 Upon the request at any time of a person between the ages of 18 and 21 who had
3.19 been receiving foster care benefits in the six consecutive months prior to the person's 18th
3.20 birthday, or who was discharged while on runaway status after age 15, or who had been
3.21 under the state guardianship as dependent or neglected, the local agency shall develop, in
3.22 conjunction with the person and other appropriate parties, a specific plan related to that
3.23 person's vocational, educational, social, or maturational needs and shall ensure that any
3.24 foster care, housing, or counseling benefits are tied to that plan.

3.25 Sec. 5. **APPROPRIATION.**

3.26 \$4,000,000 in fiscal year 2010 and \$4,000,000 in fiscal year 2011 are appropriated
3.27 from the general fund to the commissioner of human services for the Runaway and
3.28 Homeless Youth Act under Minnesota Statutes, section 256K.45. Funds shall be spent in
3.29 each area of the continuum of care to ensure that programs are meeting the greatest need.

3.30 Sec. 6. **REPEALER.**

3.31 Laws 2007, chapter 147, article 2, section 60, is repealed effective the day following
3.32 final enactment.

APPENDIX
Repealed Minnesota Session Laws: 09-2019

Laws 2007, chapter 147, article 2, section 60

Sec. 60. **DIRECTION TO COMMISSIONER.**

(a) The commissioner of human services shall offer a request for proposals to identify a research and evaluation firm with experience working with:

- (1) homeless youth providers;
- (2) data; and
- (3) the topics of housing, homelessness, and a continuum of care for youth.

(b) The research and evaluation firm identified under paragraph (a) shall monitor and evaluate the programs receiving funding under Minnesota Statutes, section 256K.45.