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State of Minnesota

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HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH  
SESSION

HOUSE FILE No. **1627**

March 12, 2009

Authored by Kahn

The bill was read for the first time and referred to the Committee on Civil Justice

March 26, 2009

Committee Recommendation and Adoption of Report:

To Pass

Read Second Time

1.1 A bill for an act  
1.2 relating to child protection; modifying cost of care requirements when a child  
1.3 is in a trial home visit; amending Minnesota Statutes 2008, section 260C.331,  
1.4 subdivision 1.

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

1.6 Section 1. Minnesota Statutes 2008, section 260C.331, subdivision 1, is amended to  
1.7 read:

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

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

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

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

1.18 (b) The court shall order, and the responsible social services agency shall require,  
1.19 the parents or custodian of a child, while the child is under the age of 18, to use the  
1.20 total income and resources attributable to the child for the period of care, examination,  
1.21 or treatment, except for clothing and personal needs allowance as provided in section  
1.22 256B.35, to reimburse the county for the cost of care, examination, or treatment. Income  
1.23 and resources attributable to the child include, but are not limited to, Social Security  
1.24 benefits, supplemental security income (SSI), veterans benefits, railroad retirement

2.1 benefits and child support. When the child is over the age of 18, and continues to receive  
2.2 care, examination, or treatment, the court shall order, and the responsible social services  
2.3 agency shall require, reimbursement from the child for the cost of care, examination, or  
2.4 treatment from the income and resources attributable to the child less the clothing and  
2.5 personal needs allowance. Income does not include earnings from a child over the age of  
2.6 18 who is working as part of a plan under section 260C.212, subdivision 1, paragraph (c),  
2.7 clause (8), to transition from foster care.

2.8 (c) If the income and resources attributable to the child are not enough to reimburse  
2.9 the county for the full cost of the care, examination, or treatment, the court shall inquire  
2.10 into the ability of the parents to support the child and, after giving the parents a reasonable  
2.11 opportunity to be heard, the court shall order, and the responsible social services agency  
2.12 shall require, the parents to contribute to the cost of care, examination, or treatment of  
2.13 the child. When determining the amount to be contributed by the parents, the court shall  
2.14 use a fee schedule based upon ability to pay that is established by the responsible social  
2.15 services agency and approved by the commissioner of human services. The income of  
2.16 a stepparent who has not adopted a child shall be excluded in calculating the parental  
2.17 contribution under this section.

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

2.24 (e) If the court orders a physical or mental examination for a child, the examination  
2.25 is a medically necessary service for purposes of determining whether the service is  
2.26 covered by a health insurance policy, health maintenance contract, or other health  
2.27 coverage plan. Court-ordered treatment shall be subject to policy, contract, or plan  
2.28 requirements for medical necessity. Nothing in this paragraph changes or eliminates  
2.29 benefit limits, conditions of coverage, co-payments or deductibles, provider restrictions,  
2.30 or other requirements in the policy, contract, or plan that relate to coverage of other  
2.31 medically necessary services.

2.32 (f) Notwithstanding paragraph (b), (c), or (d), a parent, custodian, or guardian of the  
2.33 child is not required to use income and resources attributable to the child to reimburse  
2.34 the county for costs of care and is not required to contribute to the cost of care of the  
2.35 child during any period of time when the child is returned to the home of that parent,

- 3.1 custodian, or guardian pursuant to a trial home visit under section 260C.201, subdivision
- 3.2 1, paragraph (a).