

## CHAPTER 256

## PUBLIC WELFARE

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**256.25 OLD AGE ASSISTANCE TO BE ALLOWED AS CLAIM IN PROBATE COURT.**

On the death of any person who received any old age assistance under this or any previous old age assistance law of this state, or on the death of the survivor of a married couple, either or both of whom received old age assistance, the total amount paid as old age assistance to either or both, without interest, shall be allowed as a claim against the estate of such person or persons by the court having jurisdiction to probate the estate. If the value of the estate of any such person has been enhanced as a result of the failure on the part of a recipient to make a full disclosure of the amount or value of his property, or the amount or value of the combined property of a married couple, in any old age assistance proceeding, the claim shall be allowed by the probate court as a preferred claim and have preference to the extent of such enhancement over all other claims, excepting only claims for expenses of administration, funeral expenses, and expenses of last sickness. If the value of any such estate, exclusive of household goods, wearing apparel, and a burial lot, is more than the value of the property of such person, as disclosed by the applicant in any old age assistance proceeding, it shall be prima facie evidence that the value of such estate was enhanced by the payment of old age assistance to the extent of the excess, but not exceeding the total amount of old age assistance paid to such person or persons. The statute of limitations which limits the county agency or the state agency, or both, to recover only for assistance granted within six years shall not apply to any claim made under Minnesota Statutes 1971, Sections 256.11 to 256.43 for reimbursement for any assistance granted hereunder.

**History:** *1Sp1981 c 4 art 1 s 123*

**256.263 LAND ACQUIRED BY STATE UNDER OLD AGE ASSISTANCE LIENS.**

Subdivision 1. **Duty of county board.** When land shall have been acquired by the state under the provisions of Minnesota Statutes 1971, Section 256.26, either by conveyance in settlement of the lien held by the state, or by foreclosure of such lien, it shall be the duty of the county board to manage and lease the real estate while the state continues to own it.

*[For text of subd 2, see M.S.1980]*

**History:** *1Sp1981 c 4 art 1 s 124*

**256.483 TRANSFER OF FUNCTIONS.**

Subdivision 1. **Commission and board abolished.** All the powers, duties and functions relating to handicapped persons and handicapped children heretofore imposed upon and vested in the governor's commission on employment of handicapped persons, established by Minnesota Statutes 1971, Section 4.08, and the Minnesota advisory board on handicapped, gifted and exceptional children, established by Minnesota Statutes 1971, Section 121.34, are hereby transferred to, imposed upon and vested in the council for the handicapped. The governor's commission on employment of handicapped persons and the Minnesota advisory board on handicapped, gifted and exceptional children are hereby abolished:

*[For text of subs 2 to 5, see M.S.1980]*

**History:** *1Sp1981 c 4 art 1 s 125*

**256.73 ASSISTANCE, RECIPIENTS.**

*[For text of subd 1, see M.S.1980]*

Subd. 2. **Allowance barred by ownership of property.** Except as provided in clause (3), the ownership by father, mother, child, children, or any combination thereof, of property as follows shall be a bar to any allowance under sections 256.72 to 256.87:

(1) Real property other than the homestead, except as described in clause (3). For the purposes of this section "homestead" means the house owned and occupied by the applicant as his dwelling place, together with the land upon which it is situated and an area no greater than two contiguous lots in a platted or laid out city or town or the smallest parcel allowed under applicable zoning regulations in unplatted land; or

(2) Personal property of a reasonable market value in excess of \$400 for a one child recipient or \$600 for more than one child recipient, exclusive of personal property used as the home, one automobile, insurance carried by a parent which does not exceed a cash surrender value of \$500, clothing and necessary household furniture and equipment, the earnings of a dependent child which are placed in a savings account to be used for a future purpose approved by the county agency in accordance with the rules of the commissioner of public welfare, and such property that produces a net income applicable to the family's needs.

(3) Real estate not used as a home which produces net income applicable to the family's needs, which the family is making a continuing effort to sell at a fair and reasonable price, or the sale of which would net an insignificant amount of income applicable to the family's needs or would cause undue hardship, as determined by the commissioner, shall not be a bar to an allowance under sections 256.72 to 256.87. Net income shall be the residue after payment from gross income of taxes, insurance, maintenance, and interest on encumbrances, if any, on the property, provided that in computing net income the gross income shall not be charged with any expenses toward betterment of the property as improvements or by payment on the principal of a mortgage; provided, that the net income thus derived shall be applied on the family budget.

*[For text of subs 3a to 6, see M.S.1980]*

**History:** *1981 c 360 art 2 s 19; 1Sp1981 c 4 art 4 s 63*

**256.76 ASSISTANCE, DETERMINATION OF AMOUNT.**

Subdivision 1. Upon the completion of such investigation the county agency shall decide whether the child is eligible for assistance under the provisions of sections 256.72 to 256.87, determine the amount of such assistance, and the date on which such assistance shall begin. The first month's grant shall be based upon that portion of the month from the date of application, or from the date that the applicant meets all eligibility factors, whichever occurs later, provided that on the date that assistance is first requested, the local agency shall inquire and determine whether the person requesting assistance is in immediate need of food, shelter, clothing, or other emergency assistance. If an emergency need is found to exist, the applicant shall be granted assistance pursuant to section 256.871 within a reasonable period of time. It shall make a grant of assistance which shall be binding upon the county and be complied with by the county until such grant is modified or vacated. The county agency shall notify the applicant of its decision in writing. Such assistance shall be paid monthly to the applicant or to the vendor of medical care upon order of the county agency from funds appropriated to the county agency for this purpose. The county agency shall, upon the granting of assistance under these sections, file an order on the form to be approved by the state agency with the auditor of the county and thereafter warrants shall be drawn and payments made only in accordance with this order to or for recipients of this assistance or in accordance with any subsequent order.

*[For text of subd 2, see M.S.1980]*

**History:** 1981 c 360 art 2 s 20

**256.85 LIBERAL CONSTRUCTION.**

Sections 256.72 to 256.87 shall be liberally construed with a view to accomplishing their purpose, which is to enable the state and its several counties to cooperate with responsible primary caretakers of children in rearing future citizens, when the cooperation is necessary on account of relatively permanent conditions, in order to keep the family together in the same household, reasonably safeguard the health of the children's primary caretaker and secure personal care and training to the children during their tender years.

**History:** 1981 c 31 s 6

**256.87 CONTRIBUTION BY PARENTS; AMENDMENTS; REPEALS.**

Subdivision 1. **Actions against parents for assistance furnished.** At any time during the continuance of assistance to a child granted under sections 256.72 to 256.87, a parent of a child is liable for the amount of assistance furnished during the two years immediately preceding the commencement of the action which the parent is reasonably able to pay. The action may be ordered by the state agency or county agency and shall be brought in the name of the county by the county attorney of the county in which the assistance was granted, or by the state agency against the parent for the recovery of the amount of assistance granted, together with the costs and disbursements of the action.

Subd. 1a. **Continuing contributions.** In addition to granting the county or state agency a money judgment, the court may, upon a motion or order to show cause, order continuing contributions by a parent found able to reimburse the county or state agency. The order shall be effective only for the period of time during which the recipient receives public assistance from the county or state agency. An order for continuing contributions is reinstated without further hearing upon notice to the parent by the county or state agency that assistance is

again being provided for the child of the parent under sections 256.72 to 256.87. The notice shall be in writing and shall indicate that the parent may request a hearing for modification of the amount of support or maintenance, the amount required to be paid, and the conditions under which income withholding can occur. In any order modifying the amount of support or maintenance, the court may, if appropriate, make the modification retroactive to the date of automatic reinstatement.

Subd. 2. **Not to be vested right.** All assistance granted under those sections shall be deemed to be granted and to be held subject to the provisions of any amending or repealing act that may hereafter be passed. No recipient shall have any claim for compensation, or otherwise, by reason of his assistance being affected in any way by any amending or repealing act.

Subd. 3. [Repealed, 1981 c 360 art 2 s 52]

**History:** 1981 c 360 art 2 s 21

### **256.872 PERSONS OBLIGATED TO PAY FOR SUPPORT OF SPOUSE OR DEPENDENT CHILD; ORDER TO EMPLOYER TO WITHHOLD.**

Subdivision 1. **Withholding order.** Whenever an obligation for support of a dependent child or maintenance of a spouse, or both, has been determined and ordered by a court of this state, the public agency responsible for child support enforcement may move and the district or county court shall grant an order providing for the withholding of the amount of child support or maintenance as determined by court order, from the income, regardless of source of the person obligated to pay the support or maintenance. "Income" means any form of periodic payments to an individual, including, but not limited to, wages, salary, income as an independent contractor, workers' compensation, unemployment compensation, annuity, military and naval retirement, pension and disability payments.

Subd. 2. **Conditions.** Each order for withholding shall provide for a conspicuous notice to the obligor that withholding may result if the obligor fails to make the maintenance or support payments, and that no withholding shall be made until the following conditions are met:

(a) The public agency responsible for child support enforcement determines that the obligor is at least 30 days in arrears;

(b) The agency serves written notice of its determination on the obligor at least 15 days before service of the determination and a copy of the court's order for withholding on the payor of funds;

(c) Within the 15 day period, the obligor has failed either to pay all arrearages or to move the court, under section 518.64, to modify the order respecting the amount of maintenance or support and, ex parte, to stay service on the payor of funds until the motion to modify is heard; and

(d) The agency serves a copy of its determination of delinquency and a copy of the court's withholding order on the payor of funds.

Subd. 3. **Modification orders.** An order modifying the amount of maintenance or support, issued after the hearing on the motion to modify, shall provide that payments be made by withholding.

**History:** 1981 c 360 art 2 s 22

**256.873 PAYOR'S DUTY; REMITTANCE OF AMOUNT WITHHELD.**

The court's order for withholding is binding on the payor of funds upon service of a copy of the agency's determination of delinquency and a copy of the court's order on the payor of funds.

The support or maintenance money shall be withheld by the payor of funds of the person obligated to pay the support or maintenance. The amount withheld shall be remitted monthly or more frequently to the public agency responsible for child support enforcement. Any amount received in excess of the amount of public assistance expended shall be remitted to the person entitled to it. No employer may discharge, suspend or otherwise penalize an employee because the employer must withhold support or maintenance money.

**History:** 1981 c 360 art 2 s 23

**256.875 INCLUSION IN DIVORCE DECREE.**

Nothing in sections 256.872 to 256.878 shall be construed to prevent the motion for withholding to be presented, and the order for withholding of support to be included in a final order or decree of dissolution or legal separation or in a judgment or order determining parentage.

**History:** 1981 c 360 art 2 s 24

**256.877 MODIFICATION OR TERMINATION OF ORDER.**

When it appears that the circumstances of the parties have changed to an extent affecting the operation of this order, or it appears that the order is no longer needed or desirable, any interested party may move the court having granted the order for an order modifying or terminating it.

**History:** 1981 c 360 art 2 s 25

**256.966 MEDICAL CARE PAYMENTS; ALLOWABLE INCREASE IN COST PER SERVICE UNIT.**

For the biennium ending June 30, 1983, the annual increase in the cost per service unit paid to any vendor under medical assistance and general assistance medical care shall not exceed eight percent. The period for measuring growth shall be the state fiscal year.

**History:** 1981 c 360 art 2 s 1

**256.967 MEDICAL CARE PAYMENTS; LIMITATIONS ON FEES.**

All payments for vendors of medical care under general assistance medical care shall be based upon this standard: the 50th percentile of usual and customary fees based upon medical assistance billings during calendar year 1978. All payments for vendors of medical care under medical assistance shall be limited to the 50th percentile of usual and customary fees based upon billings during calendar year 1979 for physician services, dental care, vision care, podiatric services, chiropractic care, physical therapy, occupational therapy, speech pathologists, audiologists, mental health centers, psychologists, public health clinics, and independent laboratory and x-ray services.

**History:** 1981 c 360 art 2 s 2 subd 1; 1Sp1981 c 2 s 16 subd 1

# MINNESOTA STATUTES 1981 SUPPLEMENT

256.968 PUBLIC WELFARE

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## **256.968 LIMITATION ON INPATIENT CHEMICAL DEPENDENCY TREATMENT.**

The commissioner of public welfare shall limit medical assistance and general assistance medical care reimbursement for treatment of alcoholism, chemical dependency or drug addiction which is rendered in a licensed hospital or certified nursing home to 10 days unless need for extended care is certified by the attending physician.

**History:** 1981 c 360 art 2 s 3