

CHAPTER 256E

COMMUNITY SOCIAL SERVICES ACT

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256E.03 DEFINITIONS.

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

Subd. 2. "Community social services" means services included in the comprehensive annual services plan published by the commissioner of public welfare and social services provided or arranged for by county boards to fulfill the responsibilities prescribed in section 256E.08, subdivision 1 to the following groups of persons:

- (a) Families with children under age 18, who are experiencing child dependency, neglect or abuse, and also pregnant adolescents, adolescent parents under the age of 18, and their children;
- (b) Persons who are under the guardianship of the commissioner of public welfare as dependent and neglected wards;
- (c) Adults who are in need of protection and vulnerable as defined in section 626.557;
- (d) Persons age 60 and over who are experiencing difficulty living independently and are unable to provide for their own needs;
- (e) Emotionally disturbed children and adolescents, chronically and acutely mentally ill persons who are unable to provide for their own needs or to independently engage in ordinary community activities;
- (f) Mentally retarded persons as defined in section 252A.02, subdivision 2 who are unable to provide for their own needs or to independently engage in ordinary community activities;
- (g) Drug dependent and intoxicated persons as defined in section 254A.02, subdivisions 5 and 7, and persons at risk of harm to self or others due to the ingestion of alcohol or other drugs; and
- (h) Other groups of persons who, in the judgment of the county board, are in need of social services.

Community social services do not include public assistance programs known as aid to families with dependent children, Minnesota supplemental aid, medical assistance, general assistance, general assistance medical care, or community health services authorized by sections 145.911 to 145.922.

[For text of subds 3 to 7, see M.S.1980]

History: 1981 c 355 s 3; 1Sp1981 c 4 art 1 s 127

256E.04 BIENNIAL STATE PLAN.

Subdivision 1. The commissioner shall prepare a biennial social services plan and present the plan to the governor and the legislature. The commissioner shall update the plan biennially. The plan shall include:

- (a) A statement of methods used to ensure intergovernmental coordination of state and local planning and delivery of community social services;

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(b) A coordination statement setting forth the relationship of the state social services plan to any other federal, state or locally financed human services programs, including but not limited to, programs for the aged, children, the developmentally disabled, the chemically dependent, and programs related to corrections, education, vocational rehabilitation, mental health, housing, health, and employment; and

(c) A summary and analysis of all county biennial community social services plans.

The commissioner shall consult with the heads of human service related state departments and agencies in preparing the coordination statement required by this subdivision.

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

History: 1981 c 355 s 4

256E.05 DUTIES OF COMMISSIONER OF PUBLIC WELFARE.

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

Subd. 2. **Plan approval.** Within 45 days after submission of the community social services plan by the counties pursuant to section 256E.09, subdivision 4, the commissioner shall certify whether the plan fulfills the purposes and requirements of section 256E.09, state and federal law and the rules of the state agency. If the commissioner certifies that the plan does not do so, he shall state the reasons therefore, and the county shall have 30 days to submit a plan amended to comply with the requirements of the commissioner. If the county fails to resubmit a plan amended as required by the commissioner, the commissioner shall notify the county of his intention to reduce the next quarterly payment by an amount equal to one-third of one percent of the county's annual entitlement for each 30 day period during which the county fails to amend the plan as required by the commissioner. The county board has the right to appeal the commissioner's decision pursuant to section 256E.06, subdivision 10.

Subd. 3. **Additional duties.** The commissioner shall also:

(a) Provide necessary forms and instructions to the counties for plan format and information;

(b) Eliminate or revise the portions of all applicable department rules which mandate counties to provide specific community social services or programs, unless the law requires the commissioner to mandate a service or program; in addition to notice required pursuant to section 15.0411, the commissioner shall give to the chairman of each county board timely advance notice and fiscal impact in writing of any proposed new rule or changes in existing rule which will have the effect of increasing county costs for community social services;

(c) Provide training and other support services to county boards to assist in needs assessment, planning, implementing, and monitoring social services programs in the counties;

(d) Design and implement a method of monitoring and evaluating the social services delivered within the state, and assure compliance with applicable standards, guidelines, and the county and state social services plans;

(e) Annually publish a report on community social services which shall reflect the contents of the individual county reports. The report shall be submitted to the governor and the legislature with an evaluation of community social services and recommendations for changes needed to fully implement state social service policies; and

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(f) Request waivers from federal programs as necessary to implement sections 256E.01 to 256E.12.

History: 1981 c 355 s 5,6

256E.06 DISTRIBUTION OF STATE AIDS.

Subdivision 1. **Formula.** The commissioner of public welfare shall distribute community social service aids to each county board in an amount determined according to the following formula:

(1) In calendar year 1982 and thereafter:

(a) One-third shall be distributed on the basis of the average unduplicated number of persons who receive AFDC, general assistance, and medical assistance per month in the calendar year two years prior to the year for which funds are being distributed as reported in the average monthly caseload reports required under sections 256.01, 256B.04 and 256D.04, and certified by the commissioner of public welfare; and

(b) One-third shall be distributed on the basis of the number of persons residing in the county as determined by the most recent data of the state demographer;

(c) One-third shall be distributed on the basis of the number of persons residing in the county who are 65 years old or older as determined by the most recent data of the state demographer.

Subd. 2. **Minimum funding level; state aids.** No county shall receive less in state aids for community social services under subdivision 1 in calendar years 1982 and 1983 than 106 percent of the state money it received in the immediately preceding calendar year pursuant to section 256E.06. For purposes of 1983, the state money the county received in 1982 shall be the community social service grant plus the state money it received for state fiscal year 1982 as authorized by the health, welfare, and corrections appropriations act for the biennium ending June 30, 1983 for the following activities: cost of care for mentally retarded, epileptic or emotionally handicapped children pursuant to section 252.27, subdivision 1; community mental health pilot program pursuant to section 245.72 and community-based residential programs for mentally ill persons.

The term state funds does not include any federal money received by the state or counties for financing these services.

No county shall receive more than 130 percent of the amount received in the immediately preceding year as specified in this subdivision. If the amount allocated to any county pursuant to subdivision 1 is greater than this amount, the excess shall be reallocated to all counties in direct proportion to their initial allocations.

If the amount allocated to any county pursuant to subdivision 1 and the preceding paragraph is less than the minimum funding level of that county, its allocation shall be raised to its minimum share through an equal percentage reduction applied to all other county allocations.

[For text of subd 3, see M.S.1980]

Subd. 4. [Repealed, 1981 c 355 s 34]

Subd. 5. **Community social service levy.** In each calendar year, for taxes payable the following year, a county board shall levy upon all taxable property in the county a tax for community social services at least equal to the amount determined in subdivisions 1 and 2. Money for community social services

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provided to a county by a municipal levy may, for the purposes of this section, be counted as partial fulfillment of the local levy requirement. All money available to counties pursuant to this section may be used by counties to match federal money.

[For text of subds 6 to 10, see M.S.1980]

Subd. 11. [Repealed, 1981 c 355 s 34]

History: 1981 c 355 s 7-9; 1Sp1981 c 4 art 1 s 128

256E.07 TITLE XX ALLOCATION.

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

Subd. 2. **Title XX training funds.** The commissioner shall make determined efforts to obtain the maximum amount of training money to which the state is entitled pursuant to title XX of the social security act. The commissioner may retain up to 15 percent of the title XX training money for administration, providing training to county and department staff, and statewide training projects. The commissioner shall allocate training money received from the federal government pursuant to title XX of the social security act, insofar as federal regulations allow, to each county according to the following formula:

(a) 50 percent on the basis of the formula for the allocation of title XX funds described in section 256E.07, subdivision 1, clauses (a) and (b);

(b) 50 percent in accordance with the county's proportionate share of the total of all counties' federal earnings in federal fiscal year 1980.

Each county shall certify to the commissioner the amount of title XX training money, by category of allowable federal regulation, that it needs during the federal fiscal year. The certification shall demonstrate that the county has given priority to the training and retraining of personnel who administer services included in the comprehensive annual services program plan published by the commissioner.

If the total amount of money needed by a county is less than the money available, the commissioner shall reallocate the remainder using the same formula to those counties needing additional money. Any federal title XX training money unused after this reallocation shall be retained by the commissioner for statewide projects so that all available federal money is used within the federal fiscal year. The final allocation at the end of the federal fiscal year shall be according to the same formula.

A county may authorize the commissioner to use a portion of a county's allocation to pay for training activities specific to that county or to enter into specific contractual agreements on behalf of the county.

Subd. 3. **Priorities.** If any proposed federal block grant program affecting title XX funds becomes operative, the state shall, within the limits set by federal law, adopt the following priority when allocating funds: provide that in each calendar year 1982 and 1983, each county shall, for the purposes of providing the same or similar services, receive priority for an allocation of title XX funds that is equal to or greater than the amount received by the county in 1981.

History: 1981 c 355 s 10,11

256E.08 DUTIES OF COUNTY BOARDS.

Subdivision 1. **Responsibilities.** The county board of each county shall be responsible for administration, planning and funding of community social services.

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Each county board shall singly or in combination with other county boards as provided in section 256E.09 prepare a social services plan and shall update the plan biennially. Upon final approval of the plan by the county board or boards, the plan shall be submitted to the commissioner. The county board shall distribute money available pursuant to sections 256E.06 and 256E.07 for community social services.

The authority and responsibilities of county boards for social services for groups of persons identified in section 256E.03, subdivision 2, shall include contracting for or directly providing: (1) an assessment of the needs of each person applying for services which estimates the nature and extent of the problem to be addressed and identifies the means available to meet the person's needs for services; (2) protection for safety, health or well-being by providing services directed at the goal of attaining the highest level of independent functioning appropriate to the individual preferably without removing those persons from their homes; (3) a means of facilitating access of physically handicapped or impaired persons to services appropriate to their needs.

[For text of subs 2 to 6, see M.S.1980]

Subd. 7. County of financial responsibility. Except for detoxification services, the county responsible for payment for community social services is the county in which the recipient of services resides at the time of application. The county of financial responsibility does not change as a result of referral or approval of referral for services to another county by the county of financial responsibility. Minors are considered as residing in the county in which their parents or guardians reside. When a minor reaches the age of 18, the county of financial responsibility is the county in which the minor resides. If a person continues in residential care or treatment after reaching the age of 18, the county which initiated the treatment is the county of financial responsibility. When there is a dispute as to the county of financial responsibility, the county providing or arranging for services shall pay for them pending final determination of the county of residence. Disputes concerning the county of financial responsibility shall be settled in the manner prescribed in section 256D.18, subdivision 4. When the county board providing the care or service is not the county of the minor's legal residence, it has a claim for recovery of costs upon the county where the minor has residence. The county of financial responsibility for detoxification services is the county where the client is when the need for services is identified.

[For text of subd 8, see M.S.1980]

Subd. 9. Reduction in services prohibited. In calendar year 1983 the county board shall not reduce the funding provided in calendar year 1982 for the following service: cost of care for mentally retarded, epileptic or emotionally handicapped children.

[For text of subd 10, see M.S.1980]

History: 1981 c 355 s 12-14

256E.09 COMMUNITY SOCIAL SERVICE PLANS.

Subdivision 1. Plan proposal. Commencing in 1980, and every two years thereafter, the county board shall publish and make available upon request to all residents of the county a proposed biennial community social services plan.

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

Subd. 3. **Plan content.** The biennial community social services plan published by the county shall include:

- (a) A statement of the goals of community social service programs in the county;
- (b) Methods used pursuant to subdivision 2 to encourage participation of citizens and providers in the development of the plan and the allocation of money;
- (c) Methods used to identify persons in need of service and the social problems to be addressed by the community social service programs, including efforts the county proposes to make in providing for early intervention, prevention and education aimed at minimizing or eliminating the need for services for groups of persons identified in section 256E.03, subdivision 2;
- (d) A statement describing how the county will fulfill its responsibilities identified in section 256E.08, subdivision 1 to the groups of persons described in section 256E.03, subdivision 2, and a description of each community social service proposed and identification of the agency or person proposed to provide the service. The plan shall specify how the county proposes to make the following services available for persons identified by the county as in need of services: daytime developmental achievement services, subacute detoxification services, residential services and nonresidential social support services as appropriate for the groups identified in section 256E.03, subdivision 2;
- (e) The amount of money proposed to be allocated to each service;
- (f) An inventory of public and private resources including associations of volunteers which are available to the county for social services;
- (g) Evidence that serious consideration was given to the purchase of services from private and public agencies; and
- (h) Methods whereby community social service programs will be monitored and evaluated by the county.

[For text of subs 4 and 5, see M.S.1980]

Subd. 6. **Plan amendment.** After providing opportunity for public comment, the county may amend its plan. After approval of the amendment by the county board, the county shall submit its amendment to the commissioner. He shall certify whether the amendment fulfills the purpose and requirements of law and the rules of the state agency.

History: 1981 c 355 s 15-17

256E.10 PROGRAM EVALUATION.

Subdivision 1. **County evaluation.** Beginning in calendar year 1981, each county shall submit to the commissioner a report on the effectiveness of the community social service programs in the county. The commissioner in collaboration with county boards shall prescribe standard methods to be used by the counties in making the report. The report shall be submitted no later than March 1 of each year and shall include:

- (a) The number and type of recipients of each service; and
- (b) An evaluation on the basis of measurable program objectives and performance criteria for each county social service program.

Subd. 2. **Statewide evaluation.** At the end of the first year covered by the county biennial plan, the commissioner shall prepare a report on the counties' progress in carrying out their plan and make it available to interested parties.

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At the end of each period covered by the counties' biennial community social services plan, the commissioner shall prepare an evaluation of the effectiveness of the prior two years performance of each program in relation to identified public social problems, stating the measurable goals, objectives, methods, and outcome for those years, including the extent to which the numbers of persons and families proposed to be served by each category of social service were actually served, the direct cost, and the administrative cost per unit of social service for each category.

History: 1981 c 355 s 18

256E.12 GRANTS FOR CHRONICALLY MENTALLY ILL PERSONS.

[For text of subds 1 and 2, see M.S.1980]

Subd. 3. The commissioner shall allocate grants under this section to finance up to 90 percent of each county's costs for services for chronically mentally ill persons. The commissioner shall promulgate temporary and permanent rules to govern grant applications, approval of applications, allocation of grants, and maintenance of financial statements by grant recipients. The commissioner shall require collection of data and periodic reports as the commissioner deems necessary to demonstrate the effectiveness of the services in helping chronically mentally ill persons remain and function in their own communities. The commissioner shall report to the legislature no later than January 15, 1983 on the effectiveness of the experimental program and his recommendations regarding making this program an integral part of the social development programs administered by counties. The experimental program shall expire no later than June 30, 1983.

History: 1981 c 355 s 19