

## CHAPTER 256

### PUBLIC WELFARE

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#### 256.01 COMMISSIONER OF PUBLIC WELFARE; POWERS, DUTIES.

Subdivision 1. **Powers transferred.** All the powers and duties now vested in or imposed upon the state board of control by the laws of this state or by any law of the United States are hereby transferred to, vested in, and imposed upon the commissioner of public welfare, except the powers and duties otherwise specifically transferred by Laws 1939, Chapter 431, to other agencies. The commissioner of public welfare is hereby constituted the "state agency" as defined by the Social Security Act of the United States and the laws of this state.

Subd. 2. **Specific powers.** Subject to the provisions of section 241.021, subdivision 2, the commissioner of public welfare shall:

(1) Administer and supervise all forms of public assistance provided for by state law and other welfare activities or services as may from time to time be vested in the commissioner.

(2) Administer and supervise all child welfare activities; promote the enforcement of laws protecting defective, illegitimate, dependent, neglected and delinquent children; license and supervise child-caring and child-placing agencies and institutions; supervise the care of children in boarding and foster homes or in private institutions; and generally perform all functions relating to the field of child welfare now vested in the state board of control.

(3) Administer and supervise all non-institutional service to handicapped persons, including the blind, the deaf, the tuberculous, the crippled, and otherwise handicapped persons. The authority and power conferred by this subdivision shall include the authority and power to provide and contract for the care and treatment of qualified indigent children in facilities other than those located and available at state hospitals when it is not feasible to provide the service in state hospitals.

(4) Assist and actively cooperate with other departments, agencies and institutions, local, state, and federal, by performing services in conformity with the purposes of Laws 1939, Chapter 431.

(5) Act as the agent of and cooperate with the federal government in matters of mutual concern relative to and in conformity with the provisions of Laws 1939, Chapter 431, including the administration of any federal funds granted to the state to aid in the performance of any functions of the commissioner as specified in Laws 1939, Chapter 431, and including the promulgation of rules making uniformly available medical care benefits to all recipients of public assistance, at such times as the federal government increases its participation in assistance expenditures for medical care to recipients of public assistance, the cost thereof to be borne in the same proportion as are grants of aid to said recipients.

(6) Establish and maintain any administrative units reasonably necessary for the performance of administrative functions common to all divisions of the department.

(7) Administer and supervise any additional welfare activities and services as may, from time to time, hereafter be vested by law in the state department.

(8) The commissioner is hereby specifically constituted as guardian of both the estate and the person of all the wards of the state of Minnesota and other persons the guardianship of whom has been heretofore vested in the state board of control, whether by operation of law or by an order of court, without any further act or proceeding whatever, except as to persons committed as mentally retarded or epileptic. All of said guardianships, and the funds and property of the same, are hereby transferred to and vested in said commissioner, and said commissioner is hereby constituted a legal entity and is hereby empowered to act as guardian under any laws of this state heretofore conferring such powers upon the state board of control.

(9) Act as coordinating referral and informational center on requests for service for newly arrived immigrants coming to Minnesota.

(10) The specific enumeration of powers and duties as hereinabove set forth shall in no way be construed to be a limitation upon the general transfer of powers herein contained.

(11) Establish county, regional, or state-wide schedules of maximum fees and charges which may be paid by local agencies for medical, dental, surgical, hospital, nursing and nursing home care and medicine and medical supplies under all programs of medical care provided by the state and for congregate living care under the income maintenance programs.

(12) Have the authority to conduct and administer experimental projects to test methods and procedures of administering assistance and services to recipients or potential recipients of public welfare. To carry out such experimental projects, it is further provided that the commissioner of public welfare is authorized to waive the enforcement of existing specific statutory program requirements, regulations, and standards in one or more counties. The order establishing the waiver shall provide alternative methods and procedures of administration, shall not be in conflict with the basic purposes, coverage, or benefits provided by law, and in no event shall the duration of a project exceed two years. It is further provided that

no order establishing an experimental project as authorized by the provisions of this section shall become effective until the following conditions have been met:

(a) The proposed comprehensive plan including estimated project costs and the proposed order establishing the waiver shall be filed with the secretary of the senate and chief clerk of the house of representatives at least 60 days prior to its effective date.

(b) The secretary of health, education, and welfare of the United States has agreed, for the same project, to waive state plan requirements relative to state-wide uniformity.

(c) A comprehensive plan, including estimated project costs, shall be approved by the legislative advisory commission and filed with the commissioner of administration.

(13) In accordance with federal requirements establish procedures to be followed by local welfare boards in creating citizen advisory committees, including procedures for selection of committee members.

(14) Promulgate, by rule, standards of administration to be applied by local welfare boards administering state and county financed programs of medical assistance pursuant to chapter 256B, general relief medical care pursuant to section 256D.02, subdivision 4 and medical, hospital, and surgical care for persons eligible for general assistance pursuant to chapter 256D, or for indigent persons whose costs of hospitalization are paid pursuant to sections 261.21 to 261.232. The rules shall specify a uniform standard of performance and a tolerated error rate, but shall not specify the minimum number of personnel to be employed by a local agency if the agency operates at the specified standard of performance or at or below the tolerated error rate. The commissioner may deduct from the earned administrative reimbursements of a county a penalty for the county's failure to comply with the standards of administration. The penalty shall be fixed by the commissioner as a percentage of the overexpenditure caused by improper administration, beyond an initial tolerated amount of overexpenditure. In the event that fiscal sanctions are imposed by the federal government because of improper administration of the programs, one half of the amount of the sanctions attributable to local agency performance shall be deducted from administrative reimbursement otherwise due the county.

**Subd. 3. Executive council, powers transferred.** All the powers and duties now vested in or imposed upon the executive council, or any other agency which may have succeeded to its authority, relating to the administration and distribution of direct relief to the indigent or destitute, including war veterans and their families and dependents, are hereby transferred to, vested in, and imposed upon the commissioner of public welfare.

**Subd. 4. Duties as state agency.** The state agency shall:

(1) Supervise the administration of assistance to dependent children under Laws 1937, Chapter 438, by the county agencies in an integrated program with other service for dependent children maintained under the direction of the state agency;

(2) May subpoena witnesses and administer oaths, make rules and regulations, and take such action as may be necessary, or desirable for carrying out the provisions of Laws 1937, Chapter 438. All rules and regulations made by the state agency shall be binding on the counties and shall be complied with by the respective county agencies;

(3) Establish adequate standards for personnel employed by the counties and the state agency in the administration of Laws 1937, Chapter 438, and make the necessary rules and regulations to maintain such standards;

(4) Prescribe the form of and print and supply to the county agencies blanks for applications, reports, affidavits, and such other forms as it may deem necessary and advisable;

(5) Cooperate with the federal government and its public welfare agencies in any reasonable manner as may be necessary to qualify for federal aid for aid to dependent children and in conformity with the provisions of Laws 1937, Chapter 438, including the making of such reports and such forms and containing such information as the Federal Social Security Board may from time to time require, and comply with such provisions as such board may from time to time find necessary to assure the correctness and verification of such reports; and

(6) May cooperate with other state agencies in establishing reciprocal agreements in instances where a child receiving aid to dependent children moves or contemplates moving into or out of the state, in order that such child may continue to receive supervised aid from the state from which he has moved until he shall have resided for one year in the state to which he has moved; and

(7) On or before October 1 in each even-numbered year make a biennial report to the governor concerning the activities of the agency; and

(8) Enter into agreements with other departments of the state as necessary to meet all requirements of the federal government.

**Subd. 5. Gifts, contributions, pensions and benefits; acceptance.** The commissioner shall have the power and authority to accept in behalf of the state contributions and gifts for the use and benefit of children under the guardianship or custody of the commissioner; he may also receive and accept on behalf of such children, and on behalf of patients at the several state institutions for the mentally ill, the mentally retarded, or the epileptic during the period of their hospitalization and while on provisional discharge therefrom, moneys due and payable to them as old age and survivors insurance benefits, veterans benefits, pensions or other such monetary benefits. Such gifts, contributions, pensions and benefits shall be deposited in and disbursed from the social welfare fund provided for in sections 256.88 to 256.92.

**Subd. 6. Advisory task forces.** The commissioner may appoint advisory task forces to consult with him on any of the programs under his administration and supervision. A task force shall expire and the compensation, terms of office and removal of members shall be as provided in section 15.059.

**Subd. 7. Special consultant on aging.** The commissioner of public welfare may appoint a special consultant on aging in the classified service. Within the limits of appropriations available therefor, the commissioner may appoint such other employees in the classified service as he deems necessary to carry out the purposes of Laws 1961, Chapter 466. Such special consultant and staff shall encourage cooperation among agencies, both public and private, including the departments of the state government, in providing services for the aging. They shall provide consultation to county welfare boards in developing local services for the aging, shall promote volunteer services programs and stimulate public interest in the problem of the aging.

**Subd. 8. County services coordinators.** Any county or group of counties acting through its or their welfare board or boards may designate a county services coordinator who shall coordinate services and activities, both public and private, that may further the well being of the aging and meet their social, psychological, physical and economic needs. The coordinator shall perform such other duties as the board may direct to stimulate, demonstrate, initiate, and coordinate local public, private, and voluntary services within the county dedicated to providing the maximum opportunities for self help, independence, and productivity of individuals concerned. The board may appoint a citizens advisory committee which shall advise the coordinator and the board on the development of services

and perform such other functions at the county level as are prescribed for the Minnesota board on aging at the state level. The members shall serve without compensation. Members of citizens advisory committees required by federal law for programs for the aging who receive federal money in payment for a portion of their actual expenses incurred in performance of their duties may receive the remaining portion from state money appropriated for programs for the aging.

**Subd. 9. Staff assistance to the Minnesota board on aging.** The board shall be provided staff assistance from the department of public welfare through the special consultant on aging, who shall serve as the executive secretary to the board and its committees.

**Subd. 10. Authority to accept and disburse funds.** The Minnesota board on aging is authorized to accept through the department of public welfare grants, gifts, and bequests from public or private sources for implementing programs and services on behalf of the aging, and to disburse funds to public and private agencies for the purpose of research, demonstration, planning, training, and service projects pertaining to the state's aging citizens.

**Subd. 11. Centralized disbursement system.** The state agency may establish a system for the centralized disbursement of (1) assistance payments to recipients of aid to families with dependent children, (2) emergency assistance payments to needy families with dependent children as defined in Minnesota Statutes 1976, Section 256.12, and (3) the benefit documents for food stamp recipients. The state agency shall adopt rules and set guidelines for the operation of the statewide system. If required by federal law or regulations promulgated thereunder, or by state law, or by rule of the state agency, each county shall pay to the state treasurer that portion of assistance for which the county is responsible. The commissioner shall designate the date on which a centralized disbursement system shall be established in any designated geographic area in the state and after that date sections 256.81, clause (2); 256.82; and 256.871, subdivision 1, shall be superseded by this section as to any county agency in the designated area. Federal funds available for administrative reimbursement shall be disbursed between the state and local welfare agencies on the same basis that reimbursements are earned.

**History:** 1937 c 438 s 2; 1939 c 431 art 7 s 2(a)(c); 1943 c 7 s 1; 1943 c 177 s 1; 1943 c 570 s 1; 1943 c 612 s 1,2; 1949 c 40 s 1; 1949 c 512 s 5,6; 1949 c 618 s 1; 1949 c 704 s 1; 1951 c 330 s 1; 1951 c 403 s 1; 1951 c 713 s 27; 1953 c 30 s 1; 1953 c 593 s 2; 1955 c 534 s 1; 1955 c 627 s 1; 1955 c 847 s 21; 1957 c 287 s 3; 1957 c 641 s 1; 1957 c 762 s 1,2; 1957 c 791 s 1; 1959 c 43 s 1; 1959 c 609 s 1; 1961 c 466 s 3-6; 1963 c 794 s 1; 1967 c 122 s 1; 1967 c 148 s 2; 1969 c 365 s 1; 1969 c 493 s 2; 1969 c 703 s 1; 1969 c 1157 s 1; 1971 c 24 s 26; 1973 c 540 s 4; 1973 c 717 s 12; 1974 c 536 s 2; 1975 c 271 s 6; 1975 c 437 art 2 s 1; 1976 c 2 s 89; 1976 c 107 s 1; 1976 c 149 s 52; 1976 c 163 s 55; 1977 c 400 s 1; 1980 c 357 s 21; 1980 c 618 s 8 (3199-102,8688-4)

## 256.011 ADMINISTRATION OF FEDERAL GRANTS-IN-AID.

**Subdivision 1.** If, when and during such time as grants-in-aid are provided by the federal government for relief of the poor and accepted by this state, such aid shall be administered pursuant to and in accordance with rules and regulations promulgated and adopted by the commissioner of public welfare; and during such time any provision of Minnesota Statutes 1945, Chapter 261, as amended by Laws 1947, Chapter 546, of Minnesota Statutes 1945, Chapter 262, and of Minnesota Statutes 1945, Chapter 263, in conflict with such rules and regulations shall be and remain, to the extent of such conflict, inoperative and suspended.

**Subd. 2.** Grants-in-aid received from the federal government for any welfare, assistance or relief program or for administration under the jurisdiction of the

commissioner of public welfare shall, in the first instance, be credited to a federal grant fund and shall be transferred therefrom to the credit of the commissioner of public welfare in the appropriate account upon certification of the commissioner of public welfare that the amounts so requested to be transferred have been earned or are required for the purposes and programs intended. Moneys received by the federal grant fund need not be budgeted as such, provided transfers from the fund are budgeted for allotment purposes in the appropriate appropriations.

Subd. 3. The commissioner of public welfare shall negotiate with the federal government, or any agency, bureau, or department thereof, for the purpose of securing or obtaining any grants or aids. Any grants or aids thus secured or received are appropriated to the commissioner of public welfare and made available for the uses and purposes for which they were received but shall be used to reduce the direct appropriations provided by law unless federal law prohibits such action or unless the commissioner of public welfare obtains approval of the governor who shall seek the advice of the legislative advisory commission.

**History:** 1949 c 618 s 2; 1953 c 593 s 2; 1976 c 163 s 56

### 256.012 MINNESOTA MERIT SYSTEM.

The commissioner of public welfare shall promulgate by rule personnel standards on a merit basis in accordance with federal standards for a merit system of personnel administration for all employees of county boards engaged in the administration of community social services or income maintenance programs, all employees of human services boards that have adopted the rules of the Minnesota merit system, and all employees of county welfare boards.

Excluded from the rules are employees of institutions and hospitals under the jurisdiction of the aforementioned boards; employees of county personnel systems otherwise provided for by law that meet federal merit system requirements; duly appointed or elected members of the aforementioned boards; and the director of community social services and employees in positions that, upon the request of the appointing authority, the commissioner in his discretion exempts, provided the exemption accords with the federal standards for a merit system of personnel administration.

**History:** 1980 c 614 s 129

**256.013** [Repealed, 1965 c 45 s 73; 1965 c 116 s 1]

### 256.02 INVESTIGATIONS; EXAMINATIONS; SUPERVISION.

Subdivision 1. **Duties.** The commissioner of public welfare shall investigate the whole system of public charities and charitable institutions in the state, especially infirmaries and public hospitals, and examine their condition and management. He may require the officers in charge of any such institution to furnish such information and statistics as he may deem necessary, upon blanks furnished by him. He shall examine all plans for new infirmaries, or for repairs at an estimated cost of over \$200, before the same are adopted by the county or other municipal board, and have an advisory supervision over all such institutions. Upon the request of the governor, he shall specially investigate any charitable institution and report its condition; and for this purpose he is hereby authorized to send for persons and papers, administer oaths, and take testimony which he shall cause to be transcribed and included in his report.

Subd. 2. [Temporary]

**History:** RL s 1899; 1949 c 228 s 1; 1961 c 750 s 27 subd 1 (4448)

**256.03** [Repealed, 1961 c 561 s 17]

**256.04** [Temporary]

**256.045 ADMINISTRATIVE AND JUDICIAL REVIEW OF WELFARE MATTERS.**

Subdivision 1. **Powers of the state agency.** The commissioner of public welfare may appoint one or more state welfare referees to conduct hearings and recommend orders in accordance with subdivision 3. The commissioner may appoint one or more local welfare referees to conduct hearings and issue rulings pursuant to subdivision 2, in counties requesting local welfare hearings. Welfare referees designated pursuant to this section may administer oaths and shall be under the control and supervision of the commissioner of public welfare and shall not be a part of the office of hearings examiners established pursuant to sections 14.48 to 14.56.

Subd. 2. **Local welfare hearings.** In counties in which the commissioner of public welfare has appointed a local welfare referee, any person applying for or receiving public assistance granted by a local agency pursuant to Minnesota Statutes, Sections 256.72 to 256.87, Chapters 256B, 256D, 261, the Federal Food Stamp Act or a program of social services whose application for assistance is denied, or not acted upon with reasonable promptness, or whose assistance is suspended, reduced, or terminated by a local agency, or any patient or relative aggrieved by an order of the commissioner under section 252.27, may contest that action or decision before the local welfare referee by submitting a written request for a hearing to the local agency within 30 days after receiving written notice of the action or decision, or within 90 days of such written notice if the applicant or recipient shows good cause why the request was not submitted within the 30 day time limit. The local welfare referee shall conduct a hearing on the matter and shall issue a ruling affirming, reversing, or modifying the action or decision of the local agency. The ruling of the local welfare referee shall be binding upon the local agency and the aggrieved party unless appeal is taken in the manner provided by subdivision 3.

Subd. 3. **State agency hearings.** In counties in which the commissioner of welfare has not appointed a local welfare referee, any person applying for or receiving any of the forms of public assistance described in subdivision 2 whose application for assistance is denied, not acted upon with reasonable promptness, or whose assistance is suspended, reduced, or terminated by a local agency, may contest that action or decision before the state agency by submitting a written request for a hearing to the state agency within 30 days after receiving written notice of the action or decision, or within 90 days of such written notice if the applicant or recipient shows good cause why the request was not submitted within the 30 day time limit. A local agency or applicant or recipient aggrieved by a ruling of a local welfare referee may appeal the ruling to the state agency by filing a notice of appeal with the state agency within 30 days after receiving the ruling of the local welfare referee. A state welfare referee shall conduct a hearing on the matter and shall recommend an order to the commissioner of public welfare. In appeals from rulings of local welfare referees, the hearing may be limited, upon stipulation of the parties, to a review of the record of the local welfare referee.

Subd. 4. **Conduct of hearings.** All hearings held pursuant to subdivisions 2 or 3 shall be conducted according to the provisions of the federal Social Security Act and the regulations implemented in accordance with that act to enable this state to qualify for federal grants-in-aid, and according to the rules and written policies of the commissioner of public welfare. The hearing shall not be held earlier than five days after filing of the required notice with the local or state agency. The local welfare referee or state welfare referee shall notify all interested persons of the time, date and location of the hearing at least five days before the date of the hearing. Interested persons may be represented by legal counsel or other spokesman of their choice at the hearing and may appear personally, testify

and offer evidence, and examine and cross-examine witnesses. The applicant or recipient shall have the opportunity to examine the contents of his case file and all documents and records to be used by the local agency at the hearing at a reasonable time before the date of the hearing and during the hearing. All evidence, except that privileged by law, commonly accepted by reasonable men in the conduct of their affairs as having probative value with respect to the issues shall be submitted at the hearing and such hearing shall not be "a contested case" within the meaning of section 14.02, subdivision 3.

**Subd. 5. Orders of the commissioner of welfare.** The commissioner of public welfare may accept the recommended order of a state welfare referee and issue the order to the local agency and the applicant or recipient. If the commissioner refuses to accept the recommended order of the state welfare referee, he shall notify the local agency and the applicant or recipient of that fact and shall state his reasons therefor and shall allow each party ten days' time to submit additional written argument on the matter. After the expiration of the ten day period, the commissioner shall issue an order on the matter to the local agency and the applicant or recipient. Any order of the commissioner issued in accordance with this subdivision shall be conclusive upon the parties unless appeal is taken in the manner provided by subdivision 7.

**Subd. 6. Additional powers of the commissioner; subpoenas.** The commissioner of public welfare may on his own motion review any action or decision of a local agency and direct that the matter be presented to a state welfare referee for a hearing held pursuant to subdivision 3. In all matters dealing with public welfare committed by law to the discretion of the local agency, the commissioner may substitute his own judgment for that of the local agency. Any party to a hearing held pursuant to subdivisions 2 or 3 may request that the commissioner issue a subpoena to compel the attendance of witnesses at the hearing.

**Subd. 7. Judicial review.** An applicant or recipient or local agency aggrieved by an order of the commissioner of welfare may appeal the order to the district court of the county responsible for furnishing assistance by serving a written copy of a notice of appeal upon the commissioner and any adverse party of record within 30 days after the date the commissioner issued the order, and by filing the original notice and proof of service with the clerk of the district court. Service may be made personally or by mail; service by mail is complete upon mailing; no filing fee shall be required by the clerk of court in appeals taken pursuant to this subdivision. The commissioner may elect to become a party to the proceedings in the district court. Any party may demand that the commissioner furnish all parties to the proceedings with a copy of his decision, and a transcript of any testimony, evidence, or other supporting papers from the hearing held before the state welfare referee, by serving a written demand upon the commissioner within 30 days after service of the notice of appeal.

**Subd. 8. Hearing.** Any party may obtain a hearing at a special term of the district court by serving a written notice of the time and place of the hearing at least ten days prior to the date of the hearing. The court may consider the matter in or out of chambers, and shall take no new or additional evidence unless it determines that such evidence is necessary for a more equitable disposition of the appeal.

**Subd. 9. Appeal to the supreme court.** Any party who is aggrieved by the order of the district court may appeal the order to the supreme court in the same manner as appeals from other orders in civil actions. No costs or disbursements shall be taxed against any party on an appeal to the district court or the supreme court nor shall any filing fee or bond be required of any party.

**Subd. 10. Payments pending appeal.** If the commissioner of welfare, local welfare referee, or district court orders monthly assistance or aid or services paid



or provided in any proceeding under this section, it shall be paid or provided pending appeal to the commissioner of welfare, district court or supreme court.

**History:** 1976 c 131 s 1; 1978 c 560 s 7; 1982 c 424 s 130

#### **256.05 SUPERVISION OVER PAROLED PATIENTS; STATE AGENTS APPOINTED.**

The commissioner of public welfare so far as possible shall exercise supervision over paroled patients of the state hospitals for the mentally ill and of the state schools and hospitals for the mentally retarded and epileptic; and, when deemed necessary for that purpose, may appoint one or more state agents and fix their salary. He may appoint suitable persons in any part of the state for the same purpose. Every such agent or person shall perform such duties as the commissioner of public welfare may prescribe in behalf or in supervision of patients paroled from any such institution, including assistance in obtaining employment and the return of paroled patients when necessary. The duty of the commissioner of public welfare or the superintendent of any state institution exercising such supervision over any patient who has been or may be paroled to the custody of the superintendent or other proper officer or authority in charge or control of any United States veterans bureau neuropsychiatric hospital shall cease to exist upon acceptance of his custody thereby.

**History:** 1907 c 292 s 1,2; 1917 c 208 s 1; 1925 c 308; 1965 c 45 s 36 (4419, 4420)

#### **256.06 GUARDIANSHIP OF INMATES.**

The commissioner of public welfare shall be deemed the guardian of the persons of the inmates of any state hospital or asylum for the insane or of any school for feeble-minded and colony for epileptics for the purpose of consenting to any surgical operation necessary to save the life, health, eyesight, hearing, or a limb of any inmate committed thereto.

**History:** 1907 c 145 s 2 (4422)

**256.07** [Repealed, 1975 c 208 s 35]

#### **256.08 INSANE PERSONS IN STATE HOSPITALS; CONSENT TO OPERATION.**

When any person has been committed as insane to the custody of the superintendent of a state hospital for the insane and has been an inmate of such hospital for at least six consecutive months, the commissioner of public welfare, after consultation with the superintendent of the hospital wherein such person is an inmate, a reputable physician, and psychologist selected by the commissioner of public welfare, and after a careful investigation of all the circumstances of the case, may, with the written consent of the patient and of the spouse or nearest kin, or the duly appointed guardian of such insane person, cause such insane person to be sterilized by a competent surgeon by the operation of vasectomy or tubectomy.

**History:** 1925 c 154 s 2 (4422-2)

#### **256.09 NO CIVIL OR CRIMINAL LIABILITY.**

Sterilization, as outlined in section 256.08, shall be lawful and shall not render the commissioner of public welfare, or his employees, or other persons participating in the examination or operation, liable either civilly or criminally.

**History:** 1925 c 154 s 3; 1980 c 509 s 99 (4422-3)

**256.10 RECORDS KEPT.**

A complete record of the case shall be made and kept as a permanent file in the office of the commissioner of public welfare.

**History:** 1925 c 154 s 4 (4422-4)

**256.11** [Repealed, 1973 c 717 s 33]

**256.12 DEFINITIONS.**

Subdivision 1. [Repealed, 1973 c 717 s 33]

Subd. 2. [Repealed, 1973 c 717 s 33]

Subd. 3. [Repealed; 1973 c 717 s 33]

Subd. 4. [Repealed, 1973 c 717 s 33]

Subd. 5. [Repealed, 1973 c 717 s 33]

Subd. 6. [Repealed, 1973 c 717 s 33]

Subd. 7. [Repealed, 1973 c 717 s 33]

Subd. 8. [Repealed, 1973 c 717 s 33]

Subd. 9. **County agency.** As used in sections 256.72 to 256.87, "county agency" means the county board of public welfare as established by law.

Subd. 10. **State agency.** As used in sections 256.72 to 256.87, the term "state agency" means the commissioner of public welfare in the department of public welfare.

Subd. 11. [Repealed, 1973 c 717 s 33]

Subd. 12. [Repealed, 1973 c 717 s 33]

Subd. 13. [Repealed, 1973 c 717 s 33]

Subd. 14. **Dependent child.** "Dependent child," as used in sections 256.72 to 256.87 and 256.872, means a child under the age of 18 years, or a child under the age of 19 years who is regularly attending as a full time student, and is expected to complete before reaching age 19, a high school or a secondary level course of vocational or technical training designed to fit him for gainful employment, who is found to be deprived of parental support or care by reason of the death, continued absence from the home, physical or mental incapacity of a parent, or who is a child of an unemployed parent as that term is defined by the commissioner of public welfare, such definition to be consistent with and not to exceed minimum standards established by the congress of the United States and the secretary of health and human services, and whose relatives, liable under the law for his support are not able to provide adequate care and support of the child, and who is living with his father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew, or niece in a place of residence maintained by one or more of these relatives as his or their home.

The term "dependent child" also means a child who has been removed from the home of a relative after a judicial determination that continuance in the home would be contrary to the welfare and best interests of the child and whose care and placement in a foster home or a private licensed child care institution is, in accordance with the rules of the commissioner, the responsibility of the state or county agency under sections 256.72 to 256.87. This child is eligible for benefits only through the foster care and adoption assistance program contained in Title IV-E of the Social Security Act, 42 U.S.C. 670 to 676, and is not entitled to benefits under sections 256.72 to 256.87.

Subd. 15. **Continued absence from the home.** "Continued absence from the home," as used in sections 256.72 to 256.87, means the absence from the home of the parent, whether or not entitled to the custody of the child, by reason of being an inmate of a penal institution or a fugitive after escape therefrom, or absence from the home by the parent for a period believed to be, and declared by applicant to be, of a continuous duration together with failure on the part of the absent parent to support the child, provided that prior to the granting of such aid all reasonable efforts have been made to secure support for such child.

Subd. 16. [Repealed, 1973 c 717 s 33]

Subd. 17. [Repealed, 1973 c 717 s 33]

Subd. 18. [Repealed, 1969 c 329 s 1]

Subd. 19. **Intermediate care facility.** An intermediate care facility is any facility so defined by the state department of health pursuant to regulations adopted under the state administrative procedures act.

Subd. 20. **Assistance unit.** "Assistance unit" means the group of individuals whose needs or income, or both, are taken into account in determining eligibility for or the amount of a grant of assistance under sections 256.72 to 256.87.

Subd. 21. **Caretaker relative.** "Caretaker relative" means a relative specified by rule to be an eligible relative and who exercises responsibility for the care and control of the dependent child.

Subd. 22. **Principal earner.** "Principal earner" means, in a home where both parents of the dependent child live, the parent who earned the greater amount of income in the 24-month period immediately preceding the month of application.

**History:** *Ex1936 c 95 s 2; 1937 c 324 s 1; 1937 c 438 s 1; 1939 c 195 s 1; 1943 c 6 s 1; 1947 c 628 s 1; 1951 c 229 s 1; 1951 c 600 s 1,2; 1951 c 618 s 1; 1953 c 639 s 1; 1953 c 725 s 1; 1955 c 711 s 1; 1957 c 690 s 1; 1963 c 794 s 2; 1965 c 51 s 50; 1967 c 879 s 1; 1969 c 387 s 1; 1969 c 740 s 1; 1969 c 1026 s 1; 1973 c 191 s 1; 1973 c 717 s 13; 3Sp1981 c 3 s 1-4 (3199-63, 8688-3)*

**256.13** [Repealed, 1973 c 717 s 33]

**256.14** Subdivision 1. [Repealed, 1973 c 717 s 33]

Subd. 2. [Repealed, 1959 c 622 s 7]

Subd. 3. [Repealed, 1959 c 622 s 7]

Subd. 4. [Repealed, 1959 c 622 s 7]

Subd. 5. [Repealed, 1959 c 622 s 7]

**256.15** Subdivision 1. [Repealed, 1973 c 717 s 33]

Subd. 2. [Repealed, 1973 c 717 s 33]

Subd. 3. [Repealed, 1951 c 92 s 1]

Subd. 4. [Repealed, 1973 c 717 s 33]

**256.151** [Repealed, 1951 c 92 s 2]

**256.16** [Repealed, 1973 c 717 s 33]

**256.17** [Repealed, 1973 c 717 s 33]

**256.18** [Repealed, 1973 c 717 s 33]

**256.183** MS 1949 [Expired]

**256.184** MS 1949 [Expired]

**256.185** MS 1949 [Expired]

**256.19** Subdivision 1. [Repealed, 1973 c 717 s 33]

Subd. 2. [Repealed, 1973 c 717 s 33]

Subd. 3. [Repealed, 1973 c 717 s 33]

Subd. 4. [Repealed, 1971 c 681 s 5]

**256.20** [Repealed, 1973 c 717 s 33]

**256.21** [Repealed, 1973 c 717 s 33]

**256.22** [Repealed, 1973 c 717 s 33]

**256.23** [Repealed, 1973 c 717 s 33]

**256.24** [Repealed, Ex1971 c 16 s 6]

### **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:** *Ex1935 c 95 s 15; 1939 c 242 s 1; 1Sp1981 c 4 art 1 s 123 (3199-25)*

**256.26** Subdivision 1. [Repealed, 1973 c 717 s 33]

Subd. 2. [Repealed, 1973 c 717 s 33]

Subd. 3. [Repealed, 1973 c 78 s 2; 1973 c 717 s 33]

Subd. 4. [Repealed, 1973 c 78 s 2; 1973 c 717 s 33]

Subd. 5. [Repealed, 1973 c 78 s 2; 1973 c 717 s 33]

Subd. 6. [Repealed, 1973 c 78 s 2; 1973 c 717 s 33]

Subd. 7. [Repealed, 1973 c 78 s 2; 1973 c 717 s 33]

Subd. 8. [Repealed, 1973 c 78 s 2; 1973 c 717 s 33]

Subd. 9. [Repealed, 1973 c 78 s 2; 1973 c 717 s 33]

Subd. 10. [Repealed, 1973 c 78 s 2; 1973 c 717 s 33]

Subd. 11. [Repealed, 1973 c 78 s 2; 1973 c 717 s 33]

### **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

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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.

Subd. 2. **Management.** While the state owns such real estate, if the county board by resolution stating the price to be paid in cash shall recommend the sale and conveyance thereof, and transmit a copy of such resolution to the state agency, the state agency shall make an order approving the sale for the price recommended and transmit a copy thereof to the county auditor, in the county where the land is situated. Thereupon, when the purchase price is paid by the purchaser to the treasurer of such county, the chairman of the county board shall execute a deed in the name of the state, which shall be attested by the county auditor, conveying such land to the purchaser.

**History:** 1945 c 172 s 1,2; 1Sp1981 c 4 art 1 s 124

**256.27** [Repealed, 1973 c 717 s 33]

**256.28** Subdivision 1. [Repealed, 1973 c 717 s 33]

Subd. 2. [Repealed, 1967 c 89 s 2; 1967 c 885 s 6]

**256.29** [Repealed, 1973 c 717 s 33]

**256.30** [Repealed, 1973 c 717 s 33]

**256.31** [Repealed, 1971 c 550 s 2]

**256.32** [Repealed, 1973 c 717 s 33]

**256.33** [Repealed, 1973 c 717 s 33]

**256.34** [Repealed, 1973 c 717 s 33]

**256.35** [Repealed, 1973 c 717 s 33]

**256.36** [Repealed, 1973 c 717 s 33]

**256.37** [Repealed, Ex1971 c 16 s 6]

**256.38** [Repealed, 1973 c 717 s 33]

**256.39** [Repealed, 1973 c 717 s 33]

**256.40** [Repealed, 1973 c 717 s 33]

**256.41** [Repealed, 1973 c 717 s 33]

**256.42** [Repealed, 1973 c 717 s 33]

**256.43** [Repealed, 1973 c 717 s 33]

**256.431-256.434** MS 1949 [Expired]

**256.44** [Repealed, 1947 c 535 s 16]

**256.45** [Repealed, 1947 c 535 s 16]

**256.451** [Repealed, 1973 c 717 s 33]

**256.452** Subdivision 1. [Repealed, 1973 c 717 s 33]

Subd. 2. [Repealed, 1973 c 717 s 33]

Subd. 3. [Repealed, 1973 c 717 s 33]

Subd. 4. [Repealed, 1973 c 717 s 33]

Subd. 5. [Repealed, 1973 c 717 s 33]

Subd. 6. [Repealed, 1973 c 717 s 33]

Subd. 7. [Repealed, 1973 c 717 s 33]

Subd. 8. [Repealed, 1967 c 885 s 6]

Subd. 9. [Repealed, 1967 c 885 s 6]

Subd. 10. [Repealed, 1967 c 885 s 6]

Subd. 11. [Repealed, 1973 c 717 s 33]

Subd. 12. [Repealed, 1973 c 717 s 33]

256.453 [Repealed, 1973 c 717 s 33]

256.454 [Repealed, 1973 c 717 s 33]

256.455 [Repealed, 1973 c 717 s 33]

256.456 [Repealed, 1973 c 717 s 33]

256.457 [Repealed, 1973 c 717 s 33]

256.458 [Repealed, 1973 c 717 s 33]

256.459 [Repealed, 1973 c 717 s 33]

256.46 [Repealed, 1947 c 535 s 16]

256.461 [Repealed, 1973 c 717 s 33]

**256.462 APPLICABILITY OF OTHER LAW; RECOVERY AND DISBURSEMENT OF ASSISTANCE FURNISHED.**

Subdivision 1. [Repealed, 1973 c 717 s 33]

Subd. 2. **Applicability.** The provisions of Minnesota Statutes 1949, Section 256.25, as to the allowance as claims in the probate court of amounts paid as old age assistance are made applicable to amounts paid as assistance under the provisions of sections 256.451 to 256.475.

Subd. 3. **Recovery of assistance furnished; apportionment.** When any amount shall be recovered from any source for assistance furnished under the provisions of any public assistance program, there shall be paid to the United States the amount which shall be due under the terms of the social security act, and the balance thereof shall be paid into the treasuries of the state and county, substantially in the proportion in which they respectively contributed toward the total assistance paid. The amount due the respective participating units of government shall be determined by rule and regulation adopted by the commissioner of public welfare pursuant to a formula of reimbursement prescribed or authorized by the federal social security administration.

Subd. 4. [Repealed, 1973 c 717 s 33]

Subd. 5. [Repealed, 1973 c 717 s 33]

Subd. 6. [Repealed, 1973 c 717 s 33]

Subd. 7. [Repealed, 1973 c 717 s 33]

**History:** 1953 c 617 s 11; 1959 c 25 s 1; 1973 c 717 s 14

256.463 [Repealed, 1973 c 717 s 33]

256.464 [Repealed, 1973 c 717 s 33]

256.465 Subdivision 1. [Repealed, 1971 c 550 s 2]

Subd. 2. [Repealed, 1973 c 717 s 33]

256.466 [Repealed, 1973 c 717 s 33]

256.467 [Repealed, 1973 c 717 s 33]

256.468 [Repealed, 1973 c 717 s 33]

256.469 [Repealed, 1973 c 717 s 33]

256.47 [Repealed, 1947 c 535 s 16]

256.471 [Repealed, 1973 c 717 s 33]

256.472 [Repealed, 1973 c 717 s 33]

256.473 [Repealed, 1973 c 717 s 33]

256.474 [Repealed, 1973 c 717 s 33]

256.475 [Repealed, 1973 c 717 s 33]

256.48 [Repealed, 1947 c 535 s 16]

**COUNCIL FOR THE HANDICAPPED****256.481 HANDICAPPED PERSON; DEFINITION.**

For the purposes of sections 256.481 to 256.483 "handicapped person" means one who, because of a substantial physical, mental or emotional disability or dysfunction requires special services in order to enjoy the benefits of our society.

**History:** 1973 c 757 s 1

**256.482 COUNCIL FOR THE HANDICAPPED.**

Subdivision 1. **Establishment; members.** There is hereby established the council for the handicapped which shall consist of 30 members appointed by the governor. At least fifteen council members shall be handicapped persons or parents or guardians of handicapped persons. Twenty members shall be appointed from the general public, and ten shall be appointed from organizations which provide services for the handicapped. The commissioners of the departments of education, public welfare and economic security, and the state commissioner of health, shall serve ex officio, without a vote, on the council, or shall designate a representative to the council. In addition, there shall be ex officio representation, without vote, from the programs serving mentally retarded persons and from the programs serving blind persons in the department of public welfare and from other programs which are directly concerned with services for handicapped persons. There shall be at least one member of the council appointed from each of the state development regions.

The governor shall appoint a chairman of the council from among the members appointed from the general public or handicapped persons or their parents or guardians. The council shall expire and the terms of the appointed members and the compensation and removal of all members shall be as provided in section 15.059.

Subd. 2. **Executive director; staff.** The council may select an executive director of the council by a vote of a majority of all council members. The executive director shall be in the unclassified service of the state and shall act as secretary to the council and shall perform such other duties as the council may require of him. The council shall approve employment of such clerical help and other employees as are necessary, upon the recommendation of the executive director. Salaries for the executive director and staff shall be established in the manner prescribed by chapter 15A, and the executive director shall be reimbursed for all actual and necessary expenses incurred as a result of his council responsibilities.

Subd. 3. **Receipt of funds.** Whenever any person, firm or corporation offers to the council funds by the way of gift, grant or loan, for purposes of assisting the council to carry out its powers and duties, the council may accept such offer by majority vote and upon such acceptance the chairman shall receive such funds subject to the terms of the offer, but no money shall be accepted or received as a loan nor shall any indebtedness be incurred except in the manner and under the limitations otherwise provided by law.

Subd. 4. **Organization; councils and committees.** The council shall organize itself in conformity with its responsibilities under sections 256.481 to 256.483 and shall establish councils and committees which shall give detailed attention to the special needs of each category of handicapped persons. The members of such councils and committees shall be designated by the chairman with the approval of a majority of the council and each council or committee shall have members from, and in approximately the same ratio as, the three groups represented on the council. Councils established shall include a council on employment which shall carry out the duties and responsibilities formerly entrusted to the governor's

commission on employment of handicapped persons, and a council on children which shall carry out the duties and responsibilities related to handicapped children formerly entrusted to the Minnesota advisory board on handicapped, gifted and exceptional children.

Subd. 5. **Duties and powers.** The council shall have the following duties and powers:

(1) To advise the governor, appropriate state agencies, and the public on matters pertaining to public policy and the administration of programs, services and facilities for handicapped persons in Minnesota;

(2) To encourage the development of coordinated, interdepartmental goals and objectives and the coordination of programs, services and facilities among all state departments and private providers of service as they relate to handicapped persons;

(3) To serve as a source of information to the public regarding all services to handicapped persons;

(4) To review and make comment to the governor, state agencies, the legislature, and the public concerning adequacy of state programs, plans and budgets for services to handicapped persons and for funding under the various federal grant programs;

(5) To research, formulate and advocate plans, programs and policies which will serve the needs of handicapped persons;

(6) To advise the department of labor and industry and the state board of education on the administration and improvement of the workers' compensation law as the law relates to programs, facilities and personnel providing assistance to injured and handicapped workers;

(7) To advise the workers' compensation division of the department of labor and industry and the workers' compensation court of appeals as to the necessity and extent of any alteration or remodeling of an existing residence or the building or purchase of a new or different residence which is proposed by a licensed architect under section 176.137.

Subd. 6. [Repealed, 1975 c 315 s 26]

**History:** 1973 c 254 s 3; 1973 c 757 s 2; 1975 c 61 s 1; 1975 c 271 s 6; 1975 c 315 s 18; 1975 c 359 s 23; 1977 c 177 s 2; 1977 c 305 s 45; 1977 c 430 s 14

### 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.

Subd. 2. **Powers continued.** The council for the handicapped to which functions are assigned and transferred in subdivision 1 shall be deemed and held to constitute a continuation of the commission and board abolished in subdivision 1 as to matters within the jurisdiction of said board and commission and transferred to the council for the handicapped, and not a new authority for the purpose of succession to all transferred rights, powers, duties and obligations of the former board and commission as constituted at the time of such assignment or transfer with the same force and effect as if such functions, powers and duties had not been assigned or transferred.



Subd. 3. **Pending proceedings.** Any proceeding, court action, prosecution, or other business or matter relating to the handicapped which is undertaken or commenced prior to July 1, 1973 by the board or commission abolished in subdivision 1 still pending July 1, 1973, may be conducted and completed by the council for the handicapped in the same manner and under the same terms and conditions and with the same effect as though it were undertaken or commenced and were conducted or completed by the former board or commission prior to said transfer.

Subd. 4. **Transfer of property.** The heads of the board and commission abolished in subdivision 1 shall transfer and deliver to the council for the handicapped all contracts, books, maps, plans, papers, records, and property of every description within their jurisdiction or control which relates to the handicapped. The council for the handicapped is hereby authorized to take possession of said property.

Subd. 5. **Transfer of funds.** All unexpended funds appropriated to the board and commission abolished in subdivision 1 for the purposes of any of their functions, powers, or duties which are transferred by sections 256.481 to 256.483 to the council for the handicapped are hereby transferred to such council.

**History:** 1973 c 757 s 3; 1975 c 271 s 6; 1Sp1981 c 4 art 1 s 125

**256.49** Subdivision 1. [Repealed, 1973 c 717 s 33]

Subd. 2. [Repealed, 1955 c 711 s 3]

**256.50** [Repealed, 1973 c 717 s 33]

**256.51** [Repealed, 1973 c 717 s 33]

**256.515** [Repealed, 1973 c 717 s 33]

**256.52** [Repealed, 1973 c 717 s 33]

**256.53** Subdivision 1. [Repealed, 1973 c 717 s 33]

Subd. 2. [Repealed, Ex1971 c 16 s 6]

**256.54** [Repealed, 1973 c 717 s 33]

**256.55** [Repealed, 1973 c 717 s 33]

**256.56** [Repealed, 1973 c 717 s 33]

**256.57** [Repealed, 1973 c 717 s 33]

**256.58** [Repealed, 1973 c 717 s 33]

**256.59** [Repealed, 1973 c 717 s 33]

**256.60** [Repealed, 1973 c 717 s 33]

**256.61** [Repealed, 1973 c 717 s 33]

**256.62** [Repealed, 1973 c 717 s 33]

**256.63** [Repealed, 1973 c 717 s 33]

**256.64** [Repealed, 1973 c 717 s 33]

**256.65** [Repealed, 1973 c 574 s 2]

**256.66** [Repealed, 1973 c 717 s 33]

**256.67** [Repealed, 1973 c 717 s 33]

**256.68** [Repealed, 1971 c 550 s 2]

**256.69** [Repealed, 1973 c 717 s 33]

**256.70** [Repealed, 1973 c 717 s 33]

**256.71** [Repealed, 1973 c 717 s 33]

#### AID TO FAMILIES WITH DEPENDENT CHILDREN

#### 256.72 DUTIES OF COUNTY AGENCIES.

The county agencies shall:

(1) Administer the provisions of sections 256.72 to 256.87 in the respective counties subject to the rules and regulations prescribed by the state agency pursuant to the provisions of those sections;

(2) Report to the state agency at such times and in such manner and form as the state agency may from time to time direct; and

(3) Submit quarterly and annually to the county board of commissioners a budget containing an estimate and supporting data setting forth the amount of money needed to carry out the provisions of those sections.

(4) In addition to providing financial assistance, provide such services as will help to maintain and strengthen family life and promote the support and personal independence of parents and relatives insofar as such help is consistent with continuing parental care and protection.

**History:** 1937 c 438 s 3; 1963 c 794 s 3 (8688-5)

### 256.73 ASSISTANCE, RECIPIENTS.

Subdivision 1. **Dependent children.** Assistance shall be given under sections 256.72 to 256.87 to or on behalf of any dependent child who:

(1) Resides in Minnesota;

(2) Is otherwise eligible; the child shall not be denied aid because of conditions of the home in which the child resides.

Subd. 2. **Allowance barred by ownership of property.** Ownership by the father, mother, child, children, or any combination, of property as follows is a bar to any allowance under sections 256.72 to 256.87:

(1) Real property other than the homestead. For the purposes of this section "homestead" means the house owned and occupied by the child, relative or other member of the assistance unit 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 80 contiguous acres in unplatted land; or

(2) Personal property of an equity value in excess of \$1,000 for the entire assistance unit, exclusive of personal property used as the home, one motor vehicle of an equity value not exceeding \$1,500, clothing and necessary household furniture and equipment and other basic maintenance items essential for daily living, in accordance with rules promulgated by and standards established by the commissioner of public welfare.

Subd. 3. [Repealed, 1973 c 717 s 33]

Subd. 3a. **Persons ineligible.** No assistance shall be given under sections 256.72 to 256.87:

(1) On behalf of any person who is receiving supplemental security income under title XVI of the social security act unless permitted by federal regulations;

(2) For any month in which the assistance unit's gross income, without application of deductions or disregards, exceeds 150 percent of the standard of need for a family of the same size and composition. If a stepparent's income is taken into account in determining need, the disregards specified in section 256.74, subdivision 1a shall be applied to determine income available to the assistance unit before calculating the unit's gross income for purposes of this paragraph;

(3) To any assistance unit for any month in which any caretaker relative with whom the child is living is, on the last day of that month, participating in a strike;

(4) On behalf of any other individual in the assistance unit, nor shall the individual's needs be taken into account, for any month in which, on the last day of the month, the individual is participating in a strike;

(5) To an assistance unit if its eligibility is based on a parent's unemployment and the parent who is the principal earner, without good cause, fails or refuses to participate in the work incentive program under section 256.736, to accept employment, or to register with a public employment office, unless the principal earner is exempt from these work requirements.

**Subd. 4. Residence, county of financial responsibility.** The county of financial responsibility for the payment of assistance under sections 256.72 to 256.87 shall be the county in which the child is residing at the time of application for the assistance.

**Subd. 5. Aid for unborn children.** (a) For the purposes of sections 256.72 to 256.87, assistance payments shall be made during the final three months of pregnancy to a woman who has no other children but who otherwise qualifies for assistance. No payments shall be made for the needs of the unborn or for any special needs occasioned by the pregnancy except as provided in clause (b). The commissioner of public welfare shall promulgate, pursuant to the administrative procedures act, rules to implement this subdivision.

(b) The commissioner may, according to rules, make payments for the purpose of meeting special needs occasioned by or resulting from pregnancy both for a pregnant woman with no other children as well as for a pregnant woman receiving assistance as provided in sections 256.72 to 256.87. The special needs payments shall be dependent upon the needs of the pregnant woman and the resources allocated to the county by the commissioner and shall be limited to payments for medically recognized special or supplemental diet needs and the purchase of a crib and necessary clothing for the future needs of the unborn child at birth.

**Subd. 6. Reports by recipient.** Each recipient shall complete reports as requested by the local or state agency. All income not specifically disregarded by the social security act, the code of federal regulations, or state law, rules and regulations, shall be income applicable to the budgetary needs of the family. If any amount of aid to families with dependent children assistance is paid to a recipient thereof in excess of the payment due it shall be recoverable by the local agency. The agency shall give written notice to the recipient of its intention to recover the overpayment. Overpayments to a current assistance unit shall be recovered either through repayment by the individual in part or in full or by reducing the amount of aid payable to the assistance unit of which the individual is a member. For any month in which an overpayment must be recovered, recoupment may be made by reducing the grant but only if the reduced assistance payment, together with the assistance unit's liquid assets and total income after deducting actual work expenses equals at least 95 percent of the standard of need for the assistance unit, except that if the overpayment is due solely to agency error, this total after deducting actual work expenses shall equal at least 99 percent of the standard of need. In cases when there is both an overpayment and underpayment the local agency shall offset one against the other in correcting the payment. The recipient may appeal the agency's determination that an overpayment has occurred in accordance with section 256.045. The county agency shall promptly repay the recipient for any underpayment and shall disregard that payment when determining the assistance unit's income and resources in the month when the payment is made and the following month.

**History:** 1937 c 438 s 4; 1939 c 195 s 2; 1943 c 7 s 2; 1951 c 229 s 2; 1953 c 140 s 1,2; 1953 c 639 s 2; 1955 c 414 s 1; 1955 c 743 s 1; 1957 c 690 s 2; 1963 c 794 s 4; 1965 c 799 s 4; 1973 c 26 s 4; 1974 c 575 s 18; 1977 c 412 s 1,3-5; 1977 c 448 s 5; 1979 c 50 s 71; 1980 c 614 s 130; 1981 c 360 art 2 s 19; 1Sp1981 c 4 art 4 s 63; 3Sp1981 c 3 s 5-8 (8688-6)

**256.735** [Repealed, 1969 c 334 s 2]

**256.736 WORK INCENTIVE PROGRAM.**

Subdivision 1. **Creation.** There is hereby established a program to help appropriate recipients of aid to families with dependent children become self-supporting members of society.

Subd. 2. **Duties of the commissioner of economic security.** The commissioner of economic security shall develop a training and employment program for each appropriate relative and dependent child receiving aid to families with dependent children, with the objective of assuring, to the maximum extent possible, that the relative and child will enter the labor force, accept reasonable employment, and become self-sufficient.

Subd. 3. **Operation of program.** To determine who shall be designated as an appropriate individual for certification to the commissioner of economic security, the commissioner of public welfare shall provide standards for county welfare agencies and human services boards consistent with the standards promulgated by the secretary of health and human services. County welfare agencies shall certify appropriate individuals to the commissioner of economic security and shall require that every individual, as a condition of receiving aid to families with dependent children, register for employment services, training, and employment, unless such individual is:

(1) a child who is under age 16, a child age 16 or 17 who is attending elementary or secondary school or a secondary level vocational or technical school full time, or a full-time student age 18 who is attending a secondary school or a secondary level vocational or technical program and who is expected to complete the school or program before reaching age 19;

(2) a person who is ill, incapacitated or of advanced age;

(3) a person so remote from a work incentive project that his effective participation is precluded;

(4) a person whose presence in the home is required because of illness or incapacity of another member of the household;

(5) a parent or other caretaker relative of a child under the age of six who personally provides full-time care for the child;

(6) a parent or other caretaker if another adult relative in the house is registered and has not, without good cause, failed or refused to participate or accept employment; or

(7) a parent who is not the principal earner if the parent who is the principal earner is not exempt under clauses (1) to (6).

Any individual referred to in clause (5) shall be advised of the option to register for employment services, training, and employment if the individual so desires, and shall be informed of the child care services, if any, which will be available if the individual decides to register.

If, after planning with a recipient, a decision is made that the recipient must register for employment services, training, and employment, the county welfare department shall give notice in writing to the recipient stating that he or she must register with the commissioner of economic security for participation in a work incentive program and that the recipient has a right to a fair hearing under section 256.045 with respect to the appropriateness of the registration.

Subd. 4. **Conditions of certification.** The commissioner of public welfare shall:

(1) Arrange for or provide any relative or child certified to the commissioner of economic security pursuant to this section with child-care services and other necessary family services;

(2) Pay ten percent of the cost of programs of training and employment established by the commissioner of economic security for persons certified hereunder;

(3) Provide that in determining a recipient's needs any monthly incentive training payment made to the recipient by the department of economic security is disregarded and the additional expenses attributable to his participation in a program are taken into account in grant determination; and

(4) Provide that when it has been certified by the commissioner of economic security, certification to be binding upon the commissioner of public welfare, that a relative or child certified under the work incentive program to the commissioner of economic security has been found by the commissioner, after a hearing conducted in the manner prescribed by section 268.10, subdivision 3, with the right of review in accordance with the provisions of section 268.10, subdivision 8, to have refused without good cause to participate under a work incentive program or to have refused without good cause to accept a bona fide offer of public or other employment, the county welfare departments shall provide that:

(a) If the relative makes the refusal, the relative's needs shall not be taken into account in making the grant determination, and aid for any dependent child in the family will be made in the form of vendor payments.

(b) Aid with respect to a dependent child will be denied if a child who makes the refusal is the only child receiving aid in the family.

(c) If there is more than one child receiving aid in the family, aid for the child who makes the refusal will be denied and his needs will not be taken into account in making the grant determination. If the assistance unit's eligibility is based on the principal earner's unemployment and the principal earner fails or refuses without good cause to participate or to accept employment, the entire assistance unit is ineligible for benefits under sections 256.72 to 256.87.

**Subd. 5. Extension of work incentive opportunities.** The commissioner of public welfare shall cooperate with the commissioner of economic security to promote the availability of training and employment opportunities on a state wide basis.

**Subd. 6. Protection from garnishment.** Earnings of a recipient while participating in full or part-time employment or training shall be protected from garnishment. This protection shall extend for a period of six months from the date of termination of a recipient's grant of assistance.

**Subd. 7. Compliance with federal changes.** The commissioner of public welfare is authorized to promulgate such rules and regulations as are necessary to qualify for any federal funds available under this section.

**History:** 1969 c 567 s 1; 1969 c 750 s 1; 1973 c 254 s 3; 1974 c 498 s 1,2; 1977 c 430 s 15-18; 1980 c 509 s 100; 3Sp1981 c 3 s 9,10

## **256.74 ASSISTANCE.**

**Subdivision 1. Amount.** The amount of assistance which shall be granted to or on behalf of any dependent child and mother or other needy eligible relative caring for the dependent child shall be determined by the county agency in accordance with rules promulgated by the commissioner and shall be sufficient, when added to all other income and support available to the child, to provide the child with a reasonable subsistence compatible with decency and health. The amount shall be based on the method of budgeting required in Public Law No. 97-35, Section 2315, 42 U.S.C. 602, as amended and federal regulations at 45 C.F.R. Section 233. In making its determination the county agency shall disregard the following from family income:

(1) All of the earned income of each dependent child receiving aid to families with dependent children who is a full-time student or part-time student, and not a full-time employee, attending a school, college, or university, or a course of vocational or technical training designed to fit him for gainful employment;

(2) All educational grants and loans awarded pursuant to a federal law when public assistance was considered in making the award and the award was made on the basis of financial need; and that part of any other educational grant or loan which is used for educational purposes, such as tuition, fees, equipment, transportation and child care expenses necessary for school attendance;

(3) The first \$75 of each individual's earned income. In the case of an individual not engaged in full-time employment or not employed throughout the month the commissioner shall prescribe by rule a lesser amount to be disregarded. For self-employed persons, the expenses directly related to producing goods and services and without which the goods and services could not be produced shall be disregarded pursuant to rules promulgated by the commissioner;

(4) An amount equal to the actual expenditures but not to exceed \$160 for the care of each dependent child or incapacitated individual living in the same home and receiving aid. In the case of a person not engaged in full-time employment or not employed throughout the month, the commissioner shall prescribe by rule a lesser amount to be disregarded; and

(5) Thirty dollars plus one-third of the remainder of each individual's earned income not already disregarded for individuals found otherwise eligible to receive aid or who have received aid in one of the four months before the month of application. With respect to any month, the county welfare agency shall not disregard under this clause any earned income of any person who has:

(a) Reduced his earned income without good cause within 30 days preceding any month in which an assistance payment is made; or

(b) Refused without good cause to accept an offer of suitable employment; or

(c) Left employment or reduced his earnings without good cause and applied for assistance so that he might later return to employment with the advantage of the income disregard; or

(d) Failed without good cause to make a timely report of earned income in accordance with rules promulgated by the commissioner of public welfare.

Persons who are already employed and who apply for assistance shall have their needs computed with full account taken of their earned and other income. If earned and other income of the family is less than need, as determined on the basis of public assistance standards, the county agency shall determine the amount of the grant by applying the disregard of income provisions. The county agency shall not disregard earned income for persons in a family if the total monthly earned and other income exceeds their needs, unless for any one of the four preceding months their needs were met in whole or in part by a grant payment.

The disregard of \$30 and one-third of the remainder of earned income described in clause (5) shall be applied to the individual's income for a period not to exceed four consecutive months. Any month in which the individual loses this disregard because of the provisions of clause (5)(a) to (5)(d) shall be considered as one of the four months. To again qualify for this earned income disregard, the individual must not be a recipient of aid for a period of 12 consecutive months. If an individual becomes ineligible for aid because this earned income disregard has been applied to income for four consecutive months and will no longer be applied to income, the local agency shall inform the individual of the medical assistance program, its standards of eligibility, and the circumstances under which the individual would be eligible for medical assistance.

(6) The commissioner shall increase the standard of need for persons with earned income in effect on January 1, 1982, by 35 percent for each assistance unit. The maximum amount paid to an assistance unit shall be no more than 74 percent

of the increased standard of need. Whenever the commissioner increases the maximum payment amount for all assistance units, the commissioner shall increase the maximum standard of need by an equal percentage.

To determine the amount of assistance to be paid to an assistance unit, net income shall be determined in a manner consistent with this chapter and applicable federal law. Net earned income shall be subtracted from the increased standard of need for an assistance unit of the appropriate size and composition to determine the grant amount, except that the grant shall not exceed the standard of need in effect on January 1, 1982 for an assistance unit of the same size and composition. Unearned income shall be subtracted from the maximum payment amount for an assistance unit of the appropriate size and composition to determine the grant amount.

Medical assistance eligibility for medically needy persons who are eligible for aid to families with dependent children shall be determined according to the standard of need in effect on January 1, 1982.

Subd. 1a. **Stepparent's income.** In determining income available, the county agency shall take into account the remaining income of the dependent child's stepparent who lives in the same household after disregarding:

(1) The first \$75 of the stepparent's gross earned income. The commissioner shall prescribe by rule lesser amounts to be disregarded for stepparents who are not engaged in full-time employment or not employed throughout the month;

(2) An amount for support of the stepparent and any other individuals whom the stepparent claims as dependents for tax purposes and who live in the same household but whose needs are not considered in determining eligibility for assistance under sections 256.72 to 256.87. The amount equals the standard of need for a family with no earned income of the same composition as the stepparent and these other individuals;

(3) Amounts the stepparent actually paid to individuals not living in the same household but whom the stepparent claims as dependents for tax purposes; and

(4) Alimony or child support, or both, paid by the stepparent for individuals not living in the same household.

Subd. 2. **Application.** Application for assistance under sections 256.72 to 256.87 shall be made to the county agency of the county in which the dependent child is residing. If the child is not residing within the state at the time of application but is eligible for assistance, the application may be made to the agency of the county where the child is present and forwarded to the agency of the county where the child last resided. The application shall be in writing or reduced to writing in the manner and upon the form prescribed by the state agency and verified by the oath of the applicant or in lieu thereof shall contain the following declaration which shall be signed by the applicant: "I declare that this application has been examined by me and to the best of my knowledge and belief is a true and correct statement of every material point". The application shall be made by the person with whom the child will live and contain information as to the age and residence of the child and such other information as may be required by the rules and regulations of the state agency. One application may be made for several children of the same family if they reside with the same person.

Subd. 3. [Repealed, Ex1971 c 16 s 6]

Subd. 4. [Repealed, Ex1971 c 16 s 6]

**History:** 1937 c 438 s 5,6; 1943 c 580 s 1; 1945 c 320 s 1; 1947 c 192 s 1; 1949 c 606 s 1; 1951 c 229 s 3; 1955 c 763 s 1,2; 1957 c 690 s 3; 1963 c 296 s 1; 1963 c 794 s 5; 1967 c 653 s 1; 1969 c 478 s 1; 1969 c 747 s 1; 1979 c 250 s 1; 3Sp1981 c 3 s 11,12; 1982 c 640 s 1,2 (8688-7, 8688-8)

**NOTE:** The amendments to section 256.74, subdivisions 1 and 1a made by Laws 1982, Chapter 640, Sections 1 and 2 are effective on the first day of the first month after the month in which a court of competent jurisdiction rules on the merits that Laws 1982, Chapter 640, Section 1 complies with the Social Security Act. See Laws 1982, Chapter 640, Section 11.

**256.75 INVESTIGATIONS TO BE MADE BY COUNTY AGENCIES.**

When a county agency receives a notification of the dependency of a child or an application for assistance an investigation and record shall be made within a reasonable time of the circumstances to ascertain the dependency of the child or the facts supporting the application made under sections 256.72 to 256.87 and such other information as may be required by the rules of the state agency.

**History:** 1937 c 438 s 7 (8688-9)

**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.

Subd. 2. If upon the investigation the county agency decides that the application was not filed in the county from which the dependent child is entitled to receive assistance under section 256.73, subdivision 4, but that the applicant is otherwise eligible for assistance, it shall while providing assistance to the applicant in accordance with subdivision 1, transmit to the state agency and to the agency of the county it believes responsible for payment of such assistance a copy of the application together with such information and records as the state agency shall require. The state agency shall make such investigation as it deems appropriate and shall, if necessary, make an order determining the county responsible for payment and referring the application to such county for appropriate action, including reimbursement by such county of any assistance which another county has provided to the applicant in accordance with this subdivision. A copy of the order of the state agency shall be mailed to the county found responsible and to the applicant. The order shall be binding and shall be complied with unless reversed on appeal and shall be complied with pending any appeal. Any order of the state agency hereunder may be appealed in the manner provided by section 256.045, subdivisions 7 to 9.

**History:** 1937 c 438 s 8; 1951 c 229 s 4; 1957 c 690 s 4; 1971 c 681 s 4; 1980 c 509 s 101; 1981 c 360 art 2 s 20 (8688-10)

**256.77** [Repealed, 1976 c 131 s 2]

**256.78 ASSISTANCE GRANTS RECONSIDERED.**

All assistance granted under sections 256.72 to 256.87 shall be reconsidered as frequently as may be required by the rules of the state agency. After such further



investigation as the county agency may deem necessary or the state agency may require, the amount of assistance may be changed or assistance may be entirely withdrawn if the state or county agency find that the child's circumstances have altered sufficiently to warrant such action. The county agency may for cause at any time revoke, modify, or suspend any order for assistance previously made. When assistance is thus revoked, modified, or suspended the county agency shall at once report to the state agency such decision together with supporting evidence required by the rules of the state agency. All such decisions shall be subject to appeal and review by the state agency as provided in section 256.045.

**History:** 1937 c 438 s 10; 1980 c 509 s 102 (8688-12)

### **256.79 REMOVAL TO ANOTHER COUNTY.**

Any child qualified for and receiving assistance pursuant to the provisions in sections 256.72 to 256.87 in any county in this state, who moves or is taken to another county in this state shall be entitled to continue to receive assistance from the county from which he has moved or has been taken until he shall have resided for two months in the county to which he has moved. When he has resided two months in the county to which he has moved, or has been taken, the local agency of the county from which he has moved shall transfer all necessary records relating to the child to the county agency of the county to which he has moved.

Notwithstanding the provisions of section 256.73, subdivision 4, the county of financial responsibility shall not change because application for assistance is not made prior to initial placement or as a result of successive placements in one or more counties pursuant to a plan of treatment for health, rehabilitation, foster care, child care or training, nor as a result of placement in any correctional program.

**History:** 1937 c 438 s 11; 1945 c 83 s 1; 1977 c 412 s 6; 1978 c 560 s 8

### **256.80 COUNTY BOARD TO APPROPRIATE MONEY; MANDATORY.**

The county board of commissioners in each county in this state shall appropriate annually such sum as may be needed to carry out the provisions of sections 256.72 to 256.87, including expenses of administration based upon a budget prepared by the county agency, after taking into account state aid, and to include in the tax levy for such county the sum or sums appropriated for that purpose. Should the sum so appropriated be expended or exhausted during the year and for the purpose for which it was appropriated additional sums shall be appropriated by the board of county commissioners.

**History:** 1937 c 438 s 12 (8688-14)

### **256.81 COUNTY AGENCY, DUTIES.**

(1) The county agency shall keep such records, accounts, and statistics in relation to aid to families with dependent children as the state agency shall prescribe.

(2) Each grant of aid to families with dependent children shall be paid to the recipient by the county agency except in those instances in which the county agency subject to the rules and regulations of the state agency determines that payments for care shall be made to an individual other than the parent or relative with whom the dependent child is living or to vendors of goods and services for the benefit of the child because such parent or relative is unable to properly manage the funds in the best interests and welfare of the child.

(3) The county shall be paid from state and federal funds available therefor the amount provided for in section 256.82.

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(4) Federal funds available for administrative purposes shall be distributed between the state and the counties in the same proportion that expenditures were made.

**History:** 1937 c 438 s 13; 1943 c 619 s 2; 1951 c 229 s 5; 1963 c 794 s 6; 1967 c 885 s 5; 1969 c 451 s 1; 1969 c 749 s 4 (8688-15)

## 256.82 PAYMENTS BY STATE.

Subdivision 1. **Monthly payments.** Based upon estimates submitted by the county agency to the state agency, which shall state the estimated required expenditures for the succeeding month, upon the direction of the state agency payment shall be made monthly in advance by the state to the counties of all federal funds available for that purpose for such succeeding month, together with an amount of state funds equal to 70 percent of the difference between the total estimated cost and the federal funds so available for payments made after December 31, 1979 and before January 1, 1981, and 85 percent of the difference for payments made after December 31, 1980. Adjustment of any overestimate or underestimate made by any county shall be made upon the direction of the state agency in any succeeding month.

Subd. 2. **Foster care maintenance payments.** Notwithstanding subdivision 1, for the purposes of foster care maintenance payments under Title IV-E of the federal Social Security Act, 42 U.S.C. Sections 670 to 676, during the biennium ending June 30, 1983, the county paying the maintenance costs shall be reimbursed for the costs from those federal funds available for that purpose together with an amount of state funds equal to a percentage of the difference between the total cost and the federal funds made available for payment. This percentage shall not exceed the percentage specified in subdivision 1 for the aid to families with dependent children program. In the event that the state appropriation for this purpose is less than the state percentage set in subdivision 1, the reimbursement shall be rateably reduced to the county.

**History:** 1937 c 438 s 14; 1943 c 619 s 1; 1951 c 229 s 6; 1977 c 423 art 3 s 3; 1979 c 303 art 2 s 1; 1980 c 607 art 2 s 2; 1982 c 553 s 1 (8688-16)

**256.83** [Repealed, 1971 c 550 s 2]

## 256.84 UNITED STATES GOVERNMENT ASSISTANCE NOT TO BAR AID.

The receipt or possession by any person of sums received from United States government war risk insurance or any government compensation shall not be a bar to the granting of an allowance provided for in sections 256.72 to 256.87 if, in the opinion of the county agency having jurisdiction to order the allowance, such insurance or compensation is not sufficient to maintain the children, in whose behalf an allowance is requested, in their own home.

**History:** 1937 c 438 s 16 (8688-18)

## 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:** 1937 c 438 s 17; 1981 c 31 s 6 (8688-19)

**256.851 RULES.**

The commissioner of public welfare shall promulgate temporary and permanent rules necessary to implement Laws 1981, Third Special Session Chapter 3, Sections 1 to 19.

**History:** *3Sp1981 c 3 s 13*

**256.86 UNITED STATES FUNDS TO BE APPROPRIATED TO STATE AGENCY.**

All moneys received, or to be received, from the United States government for aid to dependent children are hereby appropriated to the state agency for the purpose of carrying out the provisions of sections 256.72 to 256.87.

**History:** *1937 c 438 s 18 (8688-20)*

**256.863 RECOVERY OF MONEYS; APPORTIONMENT.**

When any amount shall be recovered from any source for assistance furnished under the provisions of sections 256.72 to 256.87, there shall be paid to the United States the amount which shall be due under the terms of the social security act and the balance thereof shall be paid into the treasury of the state or county substantially in the proportion in which they have respectively contributed toward the total assistance paid. The amount due the respective participating units of government shall be determined by rule and regulation adopted by the commissioner of public welfare pursuant to a formula of reimbursement prescribed or authorized by the federal social security administration.

**History:** *1953 c 55 s 1; 1959 c 24 s 1; 1976 c 239 s 80*

**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:** 1937 c 438 s 19-21; 1953 c 639 s 3; 1977 c 282 s 1; 1980 c 408 s 1; 1981 c 360 art 2 s 21 (8688-21, 8688-22, 8688-23)

### **256.871 EMERGENCY ASSISTANCE TO NEEDY FAMILIES WITH CHILDREN UNDER AGE 21.**

**Subdivision 1. County welfare agency; duties.** The county welfare agency shall grant emergency financial assistance and services to any needy family with a child under the age of 21 years who is or was within six months prior to application living with an eligible relative specified in section 256.12, subdivision 14.

**Subd. 2. Eligibility for emergency assistance.** Notwithstanding any other eligibility provision of this chapter, any child without resources immediately available to meet emergency needs shall be furnished assistance for a period not in excess of 30 days during any 12-month period. Assistance shall be furnished under the following conditions:

(a) The child is without resources immediately available to meet emergency needs.

(b) Assistance is necessary to avoid destitution or provide emergency shelter arrangements.

(c) The child's destitution or need for living arrangements did not arise because he or the relative refused without good cause to accept employment or training for employment.

(d) Assistance shall be in the form of money payments, vendor payments, payments in kind or interest free loans for tools, equipment or expenses required for return to employment. Such loans shall not exceed \$100 and shall be considered only when other private or public resources are not immediately available.

**Subd. 3. County of responsibility.** No state or county durational residence is required to qualify for such assistance. The county which shall grant assistance shall be the county wherein the child resides who is found to be in emergency need. Such county may obtain reimbursement from another county wherein the child has residence as provided in section 256.73.

**Subd. 4. Emergency defined.** Emergencies which create the need for such assistance include natural disasters such as floods, fires, or storms; civil disorders, strikes, illness, accident, death, eviction from shelter, migrant families in necessitous circumstances, or other crises, as defined by the commissioner, in accordance with directives of the United States secretary of health, education, and welfare.

**Subd. 5. County welfare authority.** The county welfare board shall designate a person or persons who shall be authorized to immediately grant emergency assistance pursuant to this section.

**Subd. 6. Estimated expenditures; payments.** The county agency shall submit to the state agency an estimate of expenditures for each succeeding month in such form as required by the state agency. Payment shall be made monthly in advance by the state agency to the counties, of federal funds available for that purpose for each succeeding month, together with an amount of state funds equal to ten percent of the difference between the total estimated cost and the federal funds so available. Adjustment of any overestimate or underestimate made by any county shall be made upon the direction of the state agency in any succeeding month.

Subd. 7. **Authority of the commissioner.** The commissioner is hereby authorized, subject to the provisions of Minnesota Statutes 1969, Chapter 15, to promulgate regulations not inconsistent with this section as necessary to qualify for maximum federal funds.

**History:** 1971 c 943 s 1

**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, in a proceeding for dissolution or legal separation or determination of parentage, has been determined and ordered by a court of this state, that court shall order 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. If the public agency responsible for child support enforcement determines that the obligor's arrearages have accumulated for more than one month, and if the agency is not pursuing another appropriate remedy, the agency shall move the district or county court for an order for withholding under this section or shall document a reason or reasons why withholding would not result in payment being made. When an order for withholding has not previously been secured, the obligee may or the public agency responsible for child support enforcement shall move the court, and the court shall grant the order. "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 obligee or public agency responsible for child support enforcement determines that the obligor is at least 30 days in arrears;

(b) The obligee or 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;

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

(e) The obligee serves on the public authority a copy of the determination of arrearage, a copy of the court's withholding order and an application to use the public authority's collection services if the obligee is not receiving public assistance.

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.

Subd. 4. **Report.** The commissioner shall report to the appropriate legislative committees by January 15, 1983, on the extent to which the local public agencies responsible for child support enforcement comply with this section and with sections 518.54 to 518.66.

**History:** 1971 c 924 s 1; 1977 c 282 s 2; 1981 c 360 art 2 s 22; 3Sp1981 c 3 s 14.15; 1982 c 488 s 2.3

**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:** 1971 c 924 s 2; 1973 c 122 s 1; 1973 c 715 s 1; 1977 c 282 s 3; 1978 c 560 s 9; 1981 c 360 art 2 s 23

**256.874** [Repealed, 1982 c 488 s 8]

**256.875** [Repealed, 1982 c 488 s 8]

**256.876 NOTICE OF OBLIGATION.**

It shall be the obligation of a person subject to an order for withholding of wages under sections 256.872 to 256.878 to notify his employer of this obligation. He shall also notify the court of the name of his employer. It shall be the obligation of an employer, after notice of this obligation, to withhold from said employee's wages in accordance with the terms of the order, and to remit said withholding in accordance with the provisions of sections 256.872 to 256.878.

**History:** 1971 c 924 s 5

**256.877** [Repealed, 1982 c 488 s 8]

**256.878** [Repealed, 1982 c 488 s 8]

**256.879 SUPPLEMENTAL HOUSING ALLOWANCE.**

Subdivision 1. The commissioner of public welfare may, with the approval of the federal department of health, education and welfare, provide an annual supplemental housing allowance for recipients of the aid to families with dependent children program who would otherwise qualify for the credit set forth in sections 290A.01 to 290A.22.

Subd. 2. The amount of the supplemental housing allowance, if any, shall be calculated in the same manner as the income adjusted homestead credit set forth at sections 290A.01 to 290A.22. Recipients may apply for this supplement in the same manner as claims submitted to the department of revenue under sections 290A.01 to 290A.22. The supplemental allowance shall be paid by local welfare agencies.

Subd. 3. The supplemental housing allowance shall be financed from funds appropriated to the department of revenue pursuant to chapter 290A. The commissioner of public welfare and the commissioner of revenue shall cooperate with the federal department of health, education and welfare in any reasonable manner as may be necessary to qualify for reimbursement under the aid to families with dependent children program for costs incurred in the provision of the supplemental housing allowance.

**History:** 1976 c 334 s 1

**256.88 SOCIAL WELFARE FUND ESTABLISHED.**

Except as hereinafter expressly provided otherwise, all moneys and funds now or hereafter held by the commissioner of public welfare and the county welfare boards of the several counties in trust or for the benefit of defective, illegitimate, dependent, neglected, and delinquent children or persons feebleminded, inebriate, or insane, or other wards or beneficiaries, under any law now or hereafter in force, shall be and the same hereby are constituted and made into a single fund to be known as the "social welfare fund" which shall be deposited at interest, held, or disbursed as provided in sections 256.89 to 256.92.

**History:** 1923 c 106 s 1; 1939 c 8 s 1 (4462)

**256.89 FUND DEPOSITED IN STATE TREASURY.**

The social welfare fund and all accretions thereto shall be deposited in the state treasury, as a separate and distinct fund, to the credit of the commissioner of public welfare as trustee for the beneficiaries thereof in proportion to their several interests. The state treasurer shall be responsible only to the commissioner of public welfare for the sum total of the fund, and shall have no duties nor direct obligations toward the beneficiaries thereof individually. Subject to the regulations of the commissioner of public welfare moneys so received by a county welfare board may be deposited by the executive secretary of the county welfare board in a local bank carrying federal deposit insurance, designated by the county welfare board for this purpose. The amount of such deposit in each such bank at any one time shall not exceed the amount protected by federal deposit insurance.

**History:** 1923 c 106 s 2; 1939 c 8 s 2 (4463)

**256.90 SOCIAL WELFARE FUND; USE; DISPOSITION; DEPOSITORIES.**

The commissioner of public welfare at least 30 days before the first day of January and the first day of July in each year shall file with the state treasurer an estimate of the amount of the social welfare fund to be held in the treasury during the succeeding six months period, subject to current disbursement. Such portion of the remainder thereof as may be at any time designated by the request of the commissioner of public welfare may be invested by the state treasurer in bonds in which the permanent trust funds of the state of Minnesota may be invested, upon approval by the state board of investment. The portion of such remainder not so invested shall be placed by the treasurer at interest for the period of six months, or when directed by the commissioner of public welfare, for the period of 12 months thereafter at the highest rate of interest obtainable in a bank, or banks, designated by the board of deposit as a suitable depository therefor. All the provisions of law relative to the designation and qualification of depositories of other state funds shall be applicable to sections 256.88 to 256.92, except as herein otherwise provided. Any bond given, or collateral assigned or both, to secure a deposit hereunder may be continuous in character to provide for the repayment of any moneys belonging to the fund theretofore or thereafter at any time deposited in such bank until its designation as such depository is revoked and the security thereof shall be not impaired by any subsequent agreement or understanding as to the rate of interest to be paid upon such deposit, or as to time for its repayment. The amount of money belonging to the fund deposited in any bank, including other state deposits, shall not at any time exceed the amount of the capital stock thereof. In the event of the closing of the bank any sum deposited therein shall immediately become due and payable.

**History:** 1923 c 106 s 3; 1925 c 253; 1943 c 236 s 1 (4464)

**256.91 PURPOSES.**

From that part of the social welfare fund held in the state treasury subject to disbursement as provided in section 256.90 the commissioner of public welfare at any time may pay out such amounts as he deems proper for the support, maintenance, or other legal benefit of any of the defective, illegitimate, dependent, neglected, and delinquent children, or persons feeble-minded, inebriate, or insane, or other wards or persons entitled thereto, not exceeding in the aggregate to or for any person the principal amount previously received for the benefit of the person, together with the increase thereof from an equitable apportionment of interest realized from the social welfare fund.

When any such person dies or is finally discharged from the guardianship, care, custody, and control of the commissioner of public welfare the amount then remaining subject to use for the benefit of such person shall be paid as soon as may be from the social welfare fund to the persons thereto entitled by law.

**History:** 1923 c 106 s 4 (4465)

**256.92 COMMISSIONER OF PUBLIC WELFARE, ACCOUNTS.**

It shall be the duty of the commissioner of public welfare and of the county welfare boards of the several counties of this state to cause to be deposited with the state treasurer all moneys and funds in their possession or under their control and designated by section 256.91 as and for the social welfare fund; and all such moneys and funds shall be so deposited in the state treasury as soon as received. The commissioner of public welfare shall keep books of account or other records showing separately the principal amount received and deposited in the social welfare fund for the benefit of any person, together with the name of such person, and the name and address, if known to the commissioner of public welfare, of the person from whom such money was received; and, at least once every two years, the amount of interest, if any, which the money has earned in the social welfare fund shall be apportioned thereto and posted in the books of account or records to the credit of such beneficiary.

The provisions of sections 256.88 to 256.92 shall not apply to any fund or money now or hereafter deposited or otherwise disposed of pursuant to the lawful orders, decrees, judgments, or other directions of any probate or district court having jurisdiction thereof.

**History:** 1923 c 106 s 5,6 (4466, 4467)

**256.93 COMMISSIONER OF PUBLIC WELFARE, POSSESSION OF ESTATES.**

Subdivision 1. **Limitations.** In any case where the guardianship of the person of any defective, illegitimate, dependent, neglected or delinquent child, has been committed to the commissioner of public welfare, and in any case where the guardianship or conservatorship of the person of any mentally retarded or epileptic person has been committed to the commissioner of public welfare, the probate court having jurisdiction of such estate may on such notice as the court may direct, authorize such commissioner to take possession of the personal property in such estate, liquidate the same, and hold the proceeds thereof in trust for such ward, to be invested, expended and accounted for as provided by sections 256.88 to 256.92.

Subd. 2. **Annual report.** The commissioner of public welfare shall annually or at such other times as the probate court may direct file with the court an account of moneys received and disbursed by him for his respective wards and conservatees, pursuant to subdivision 1. Upon petition of the ward or conservatee



or of any person interested in such estate and upon notice to the commissioner the probate court may terminate such trust and require final accounting thereof.

**History:** 1929 c 55 s 1,2; 1939 c 9; 1943 c 612 s 4,5; 1949 c 32 s 1; 1975 c 208 s 31,32 (4467-1, 4467-2)

#### **256.935 FUNERAL EXPENSES, PAYMENT BY COUNTY AGENCY.**

Subdivision 1. On the death of any person receiving public assistance through aid to dependent children, the county agency shall pay an amount for funeral expenses not exceeding \$370 and actual cemetery charges. No funeral expenses shall be paid if the estate of the deceased is sufficient to pay such expenses or if the children, or spouse, who were legally responsible for the support of the deceased during his lifetime, are able to pay such expenses; provided, that the additional payment or donation of the cost of cemetery lot, interment, religious service, or for the transportation of the body into or out of the community in which the deceased resided, shall not limit payment by the county agency as herein authorized. Freedom of choice in the selection of a funeral director shall be granted to persons lawfully authorized to make arrangements for the burial of any such deceased recipient. In determining the sufficiency of such estate, due regard shall be had for the nature and marketability of the assets of the estate. The county agency may grant funeral expenses where the sale would cause undue loss to the estate. Any amount paid for funeral expenses shall be a prior claim against the estate, as provided in section 524.3-805, and any amount recovered shall be reimbursed to the agency which paid the expenses. The state shall reimburse the county for 50 percent of any payments made for funeral expenses.

Subd. 2. [Repealed, 3Sp1981 c 3 s 20]

**History:** Ex1971 c 16 s 4,5; 1973 c 717 s 15; 1976 c 239 s 81

#### **256.94 CONFERENCES OF VARIOUS OFFICIALS.**

For the purpose of promoting economy and efficiency in the enforcement of laws relating to children, and particularly of laws relating to defective, delinquent, dependent, and neglected children, the commissioner of public welfare may, at such times and places as he deems advisable, call an annual conference with officials responsible for the enforcement of such laws. When practicable such conference shall be held at the same time and place as the state conference of social work.

**History:** 1917 c 224 s 1; 1921 c 403 s 1 (4468)

#### **256.95 EXPENSE OF ATTENDANCE AT CONFERENCE.**

The necessary expenses of all probate judges and of one member of the county child welfare board in each county invited to attend such conference shall be paid out of the funds of their respective counties.

**History:** 1917 c 224 s 2; 1921 c 403 s 2 (4469)

#### **256.96 COOPERATION WITH OTHER BOARDS.**

The commissioner of public welfare and the several county child welfare boards within their respective jurisdictions, upon request of county boards, city councils, town boards, or other public boards or authorities charged by law with the administration of the laws relating to the relief of the poor, may cooperate with such boards and authorities in the administration of such laws.

**History:** 1923 c 152 s 1; 1973 c 123 art 5 s 7 (4461)

**256.965 RED LAKE INDIAN RESERVATION; PAYMENTS BY STATE.**

Notwithstanding any other law to the contrary, the state agency shall pay to the county agencies 100 percent of the difference between the total estimated cost for payments on behalf of members of the Red Lake Indian reservation and the federal funds available therefor under the following programs:

- (a) the aid to families with dependent children program;
- (b) the medical assistance program;
- (c) the emergency assistance to needy families with dependent children program;
- (d) the social services program; and

(e) the administrative costs of these programs. Payments to the county agencies under this section shall be subject to the rules, regulations and procedures established by the commissioner of public welfare. The commissioner shall deduct any payments made to a county to equalize the cost of welfare attributable to the Red Lake Indian reservation, from the amount determined to be payable to a county pursuant to this section.

**History:** 1975 c 361 s 1

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

Subdivision 1. **In general.** 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.

Subd. 2. **Health maintenance organizations.** Notwithstanding the provisions of subdivision 1, rates paid to health maintenance organizations may increase beyond eight percent. The actual rate paid per month to health maintenance organizations shall not exceed 85 percent of the average monthly per capita fee for service payments made on behalf of eligible recipients who qualify to be members of the health maintenance organization who choose not to be members. Rates shall be calculated by the department of public welfare.

**History:** 1981 c 360 art 2 s 1; 1982 c 640 s 9

**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

**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

**256.97** [Repealed, 1957 c 737 s 2]

**256.971 SERVICES FOR DEAF.**

The commissioner of public welfare shall provide such services for the deaf and hard of hearing in the state as will best promote their personal, economic and social well being. He shall maintain a register of all such persons, with such information as he deems necessary to improve services for them. He shall gather and disseminate information relating to the causes of deafness; he shall collect statistics on the deaf and ascertain what trades or occupations are most suitable for them; and he shall use his best efforts to aid them in securing vocational rehabilitation and employment, through cooperation with other agencies, both public and private.

**History:** 1957 c 737 s 1

**256.975 MINNESOTA BOARD ON AGING.**

**Subdivision 1. Creation.** There is created a Minnesota board on aging consisting of 25 members to be appointed by the governor. At least one member shall be appointed from each congressional district and the remaining members shall be appointed at large. No member shall be appointed for more than two consecutive terms of four years each. In making appointments, the governor shall give consideration to individuals having a special interest in aging, and so far as practicable, shall include persons affiliated with agriculture, labor, industry, education, social work, health, housing, religion, recreation, and voluntary citizen groups, including senior citizens.

The governor shall designate the chairman. Other officers, including vice chairman and secretary, shall be elected by the board members.

**Subd. 1a. Removal; vacancies.** The membership terms, compensation, removal of members, and filling of vacancies on the board shall be as provided in section 15.0575.

**Subd. 2. Duties.** The board shall carry out the following duties:

(a) to advise the governor and heads of state departments and agencies regarding policy, programs, and services affecting the aging;

(b) to provide a mechanism for coordinating plans and activities of state departments and citizens' groups as they pertain to aging;

(c) to create public awareness of the special needs and potentialities of older persons;

(d) to gather and disseminate information about research and action programs, and to encourage state departments and other agencies to conduct needed research in the field of aging;

(e) to stimulate, guide, and provide technical assistance in the organization of local councils on aging;

(f) to provide continuous review of ongoing services, programs and proposed legislation affecting the elderly in Minnesota; and

(g) to administer and to make policy relating to all aspects of the Older Americans Act of 1965, as amended, including implementation thereof.

**Subd. 3. Policy.** The board shall recommend to the state legislature no later than January 1, 1977, a proposed state policy for citizens dependent on long term care and services. The proposed state policy shall address, but need not be limited to, the following:

(a) Developing alternatives to institutionalization in long term care facilities and other programs which will assist each citizen dependent on long term care and services to maintain the highest level of self-sufficiency and independence which his mental and physical condition allows;

(b) Developing methods for ensuring citizens dependent on long term care and services an effective voice in determining which programs and services are made available to them;

(c) Protecting citizens dependent on long term care and services from unnecessary governmental interference in private and personal affairs; and

(d) Informing citizens dependent on long term care and services of the programs and services for which they are eligible.

**History:** 1961 c 466 s 1,2; 1974 c 536 s 1; 1975 c 271 s 6; 1976 c 134 s 59,60; 1976 c 275 s 1

### 256.9753 VOLUNTEER PROGRAMS FOR RETIRED SENIOR CITIZENS.

Subdivision 1. **Policy.** The legislature finds that the services of volunteers are crucial to the effectiveness of public and private human services programs in the state. The legislature further finds that retired senior citizens are an excellent source of volunteer services, and that by recognizing and supporting retired senior volunteer programs the state will be serving the interests of human services as well as the interests of those senior citizens who participate in the volunteer programs.

Subd. 2. **State support.** The board on aging, with the cooperation of heads of other affected state agencies, shall provide staff and material support and shall make financial grants consistent with the purposes of subdivisions 1 to 4, to retired senior volunteer programs in the state. This support may include reimbursement of expenses incurred by program participants in the performance of their volunteer activities.

Subd. 3. **Expenditures.** The board shall consult with the office of volunteer services prior to expending moneys available for the retired senior volunteer programs. Expenditures shall be made (1) to strengthen and expand existing retired senior volunteer programs, and (2) to encourage the development of new programs in areas in the state where these programs do not exist. Grants shall be made consistent with applicable federal guidelines.

Subd. 4. **Report.** The board shall report to the governor and the legislature by July 1, 1981, on (1) the number, type and location of human services activities assisted by retired senior volunteer programs supported pursuant to subdivisions 1 to 4; (2) the number of retired seniors participating in these activities; (3) the sources and recipients of direct support for the volunteer programs; and (4) any other information which the board believes will assist the governor and the legislature in evaluating the programs.

**History:** 1980 c 455 s 1-4

### 256.976 FOSTER GRANDPARENTS PROGRAM.

Subdivision 1. There is established a foster grandparents program which will engage the services of low income persons aged 60 or over to provide supportive person to person assistance in health, education, welfare, and related fields to persons receiving care in resident group homes for dependent and neglected persons, day care centers or other public or private nonprofit institutions or agencies providing care for neglected and disadvantaged persons who lack close personal relationships.

Subd. 2. Persons employed as foster grandparents shall be compensated for no more than 20 hours per week and at an hourly rate not to exceed the federal

minimum wage by more than 20 percent. In addition to such compensation foster grandparents shall be eligible for protective clothing, including replacement of glasses; transportation assistance, not to exceed mileage payments for 20 miles per day or chartered transportation service, for travel between residence and place of employment; workers' compensation; annual physical examinations; food services during employment, generally provided by the employing agency or institution; and such other assistance as the Minnesota board on aging may prescribe. No person employed as a foster grandparent shall be terminated because of redefinition of income standards, or a change of income, marital status, or number of dependents.

Subd. 3. The Minnesota board on aging, hereinafter called the board, may make grants-in-aid for the employment of foster grandparents to qualified resident group homes for dependent and neglected persons, day care centers and other public or nonprofit private institutions and agencies providing care for neglected and disadvantaged persons who lack close personal relationships. Agencies and institutions seeking aid shall apply on a form prescribed by the board. Priority shall be given to agencies and institutions providing care for retarded children. Grants shall not be made to local public or nonprofit agencies until 40 percent of the recognized need for foster grandparents within state institutions has been met. Grants shall be for a period of 12 months or less, and grants to local public and nonprofit agencies or institutions shall be based on 90 percent state, and 10 percent local sharing of program expenditures authorized by the board. Grants shall not be used to match other state funds nor shall any person paid from grant funds be used to replace any staff member of the grantee. Grants may be used to match federal funds. Each grantee shall file a semiannual report with the board at the time and containing such information as the board shall prescribe.

Subd. 4. The board is authorized, subject to the provisions of Minnesota Statutes 1969, Chapter 15, to make rules and regulations necessary to the operation of the foster grandparent program and to employ assistance in performing its administrative duties. In adopting rules and regulations the board shall give consideration to applicable federal guidelines.

**History:** 1971 c 938 s 1; 1973 c 302 s 1,2; 1975 c 271 s 6; 1975 c 359 s 23

### **256.977 SENIOR COMPANION PROGRAM.**

Subdivision 1. **Citation.** This section may be cited as the "Minnesota senior companion act."

Subd. 2. **Establishment of program.** There is established a senior companion program to engage the services of low income persons aged 60 or over to provide supportive person to person assistance in health, education, welfare and related fields primarily to handicapped adults and elderly people living in their own homes. Senior companions may also be used to provide such services to handicapped adults and elderly persons living or receiving care in resident group homes for dependent and neglected persons, nursing homes, private homes, or other public or private nonprofit institutions or agencies providing care for handicapped adults or elderly persons. Foster grandparents currently serving individuals over 21 years of age pursuant to section 256.976 shall, after July 1, 1976, be called senior companions.

Subd. 3. **Compensation.** Persons serving as senior companions shall be compensated for no more than 20 hours per week at an hourly rate not to exceed the rate established under the Older Americans Act. In addition, senior companions shall receive such other assistance as the Minnesota board on aging may prescribe. No person serving as a senior companion shall be terminated as a result of a change in the eligibility requirements set by the Minnesota board on aging, nor as a result of a change in his income, marital status, or number of dependents.

Subd. 4. **Grants.** The Minnesota board on aging may make grants-in-aid for the purchase of senior companion services by nonprofit agencies and institutions and individuals who have access to or responsibility for handicapped adults and the elderly. Applications to provide senior companion services to individuals in their homes shall have priority over applications to provide services to individuals living in group homes, nursing homes, or other institutions. Applications for grants shall be made on forms prescribed by the Minnesota board on aging.

Grants shall be paid as follows: 90 percent of the program expenditures authorized by the Minnesota board on aging shall be paid by the state and ten percent shall be paid by local matching funds. Grants shall be for a period of 12 months or less. Grants shall not be used to match other state funds nor shall any person paid from grant funds be used to replace any staff members of the grantee. Each grantee shall file a semiannual report with the Minnesota board on aging at the time and containing the information as the board shall prescribe.

Subd. 5. **Rules.** The Minnesota board on aging shall promulgate rules necessary to implement the provisions of this section and may employ necessary assistance in performing its administrative duties. Rules adopted shall be consistent with applicable federal guidelines.

**History:** 1976 c 323 s 1-2

#### **256.978 LOCATION OF PARENTS DESERTING THEIR CHILDREN, ACCESS TO RECORDS.**

The commissioner of public welfare, in order to carry out the child support enforcement program and to assist in the location of parents who have, or appear to have, deserted their children, may request information from the records of all departments, boards, bureaus or other agencies of this state, which shall, notwithstanding the provisions of section 290.61, section 268.12, subdivision 12 or any other law to the contrary, provide the information necessary for this purpose. Information relative to the identity, whereabouts, employment, income, and property of a person owing or alleged to be owing an obligation of support may be requested and used or transmitted by the commissioner pursuant to the authority conferred by this section. The commissioner of public welfare may make such information available only to public officials and agencies of this state and its political subdivisions and other states of the union and their political subdivisions who are seeking to enforce the support liability of parents or to locate parents who have, or appear to have, deserted their children. Any person who, pursuant to this section, obtains information from the department of revenue the confidentiality of which is protected by law shall not divulge the information except to the extent necessary for the administration of the child support enforcement program or when otherwise authorized by law.

**History:** 1963 c 401 s 1; 1982 c 488 s 1

#### **256.98 WRONGFULLY OBTAINING ASSISTANCE; THEFT.**

A person who obtains, or attempts to obtain, or aids or abets any person to obtain by means of a wilfully false statement or representation, by intentional concealment of a material fact, or by impersonation or other fraudulent device, assistance to which he is not entitled or assistance greater than that to which he is entitled, or who knowingly aids or abets in buying or in any way disposing of the property of a recipient or applicant of assistance without the consent of the local agency with intent to defeat the purposes of sections 256.12, 256.72 to 256.872, chapter 256B, is guilty of theft and shall be sentenced pursuant to section 609.52, subdivision 3, clauses (1), (2) and (5). The amount of the assistance incorrectly paid shall be the difference between the amount of assistance actually received and

the amount to which the recipient would have been entitled under state and federal law had the welfare agency been informed of all material facts. The amount of any assistance determined to have been incorrectly paid shall be recoverable from the recipient or his estate by the county or the state as a debt due the county or the state or both in proportion to the contribution of each. Any amounts recovered shall be paid to the appropriate units of government in the same manner as provided in section 256.863. To prosecute or to recover assistance wrongfully obtained under this section, the attorney general or the appropriate county attorney, acting independently or at the direction of the attorney general, may institute a criminal or civil action.

**History:** 1971 c 550 s 1; 1973 c 348 s 1; 1973 c 717 s 16; 1975 c 437 art 2 s 2; 1977 c 225 s 1

#### **256.99 REVERSE MORTGAGE PROCEEDS DISREGARDED.**

All reverse mortgage loan proceeds received pursuant to section 47.58, including interest or earnings thereon, shall be disregarded and shall not be considered available to the borrower for purposes of determining initial or continuing eligibility for, or amount of, medical assistance, Minnesota supplemental assistance, general assistance, general assistance medical care, or a federal or state low interest loan or grant. This section applies regardless of the time elapsed since the loan was made or the disposition of the proceeds.

**History:** 1979 c 265 s 2; 3Sp1981 c 3 s 16