

Subject Out-of-home placement cost of care; foster care phone calls

Authors Moran and Lesch

Analyst Sarah Sunderman

Date March 5, 2020

Overview

Under current law, when legal custody of a child is transferred to a local social services agency or to a person under the agency's supervision, courts and local social services agencies must require parents to use income and resources attributable to the child and, in some circumstances, the parents to reimburse the county for the cost of care, examination, or treatment for the child. Income attributable to the child includes Social Security benefits, Supplemental Security Income (SSI), child support, veteran's benefits, and railroad retirement benefits.

This bill makes it optional for courts and local social services agencies to require parents or custodians of children in out-of-home placement or found to be delinquent to reimburse the county for the cost of care, examination, or treatment through income attributable to the child or parental income or resources. In determining whether to require reimbursement, the bill requires local social services agencies to determine whether reimbursement would be in the child's best interest. The bill also adds this determination to the child support deviation factors.

The bill also requires the responsible social services agency to coordinate a phone call between foster care providers and parents of children in foster care, and outlines specific processes and requirements related to these calls.

Summary

Section	Description
---------	-------------

- | | |
|---|--|
| 1 | Dispositions.
Amends § 242.19, subd. 2. Specifies that the juvenile court may only order the parents of a child on probation or parole to pay the costs for foster care if the local social services agency determines that payment is in the child's best interest. |
|---|--|

Section	Description
2	<p data-bbox="318 264 753 296">Care, examination, or treatment.</p> <p data-bbox="318 310 1414 422">Amends § 260B.331, subd. 1. (a) Makes it optional for courts and local social services agencies to require parents or custodians to use income and resources attributable to the child to reimburse the county for the cost of care, examination, or treatment.</p> <p data-bbox="318 457 1414 611">(b) Requires the local social services agency to determine whether requiring reimbursement from income attributable to the child is in the child’s best interests; lists factors to consider when making this determination, related to the parent’s ability to meet the child’s needs and maintain financial stability.</p> <p data-bbox="318 646 1414 758">(c) Makes it optional for courts and local social services agencies to inquire into the parents’ ability to reimburse the county for the cost of care, examination, or treatment.</p> <p data-bbox="318 793 1414 863">Removes language addressing delinquency cases in which the victim is an immediate family member of the child.</p> <p data-bbox="318 898 1414 1010">Requires the court to consider any expenses the parents may have incurred as a result of the offense, including attorney’s fees and mental health treatment co-payments.</p> <p data-bbox="318 1045 1414 1199">Requires the local social services agency to determine whether requiring reimbursement from parents, through fees or child support attributable to the child, is in the child’s best interest; lists factors to consider when making this determination.</p> <p data-bbox="318 1234 1247 1272">(d) Adds clarifying language to paragraph outlining withholding process.</p>
3	<p data-bbox="318 1314 1133 1346">Agency responsibilities for parents and children in placement.</p> <p data-bbox="318 1360 1414 1430">Amends § 260C.19. Organizes section into subdivisions, adds headnotes, and makes corresponding changes.</p> <p data-bbox="318 1465 1414 1619">Adds subdivision 6, requiring the responsible social services agency to coordinate a phone call between foster care providers and parents of children in foster care, to share any information regarding the child that would facilitate the child’s adjustment to the foster care setting and improve outcomes for the child.</p> <p data-bbox="318 1654 1414 1766">Requires that the call be coordinated as soon as is practicable, or within 48 hours of the child’s placement in foster care. Allows for delays under certain circumstances, and requires specific documentation.</p> <p data-bbox="318 1801 1414 1871">Makes this section effective for children entering out-of-home placement or changing placements on or after November 1, 2020.</p>

Section	Description
4	<p>Care, examination, or treatment.</p> <p>Amends § 260C.331, subd. 1. Makes it optional for courts and local social services agencies to require parents or custodians to use income and resources attributable to the child to reimburse the county for the cost of care, examination, or treatment in out-of-home placement.</p> <p>Removes reference to SSI and child support, so those income sources are excluded from possible reimbursement, as income and resources needed to complete independent living plan goals for children over age 18.</p> <p>Requires the local social services agency to determine whether requiring reimbursement from income attributable to the child is in the child's best interests; lists factors to consider when making this determination, related to the parent's ability to meet the child's needs before and after reunification, and maintain financial stability.</p> <p>Makes it optional for courts and local social services agencies to inquire into the parents' ability to reimburse the county for the cost of care, examination, or treatment.</p> <p>Requires the local social services agency to determine whether to require reimbursement from parents; lists factors to consider when making this determination.</p>
5	<p>General factors.</p> <p>Amends § 518A.43, subd. 1. Adds child support deviation factor; requires consideration of whether ordering and redirecting a child support obligation for county reimbursement for out-of-home placement cost of care, examination, or treatment would compromise the parent's ability to meet reunification plan requirements or meet the child's needs after reunification.</p>
6	<p>Direction to commissioner; initial foster care phone call training.</p> <p>Requires the commissioner of human services to issue written guidance by August 1, 2020, to implement the initial foster care phone call requirements. Makes this section effective upon final enactment.</p>



**MN HOUSE
RESEARCH**

Minnesota House Research Department provides nonpartisan legislative, legal, and information services to the Minnesota House of Representatives. This document can be made available in alternative formats.

www.house.mn/hrd | 651-296-6753 | 600 State Office Building | St. Paul, MN 55155