

CHAPTER 492—S. F. No. 1450

[Not Coded]

An act relating to referees in probate court in Hennepin county; amending Laws 1963, Chapter 651, Section 1.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Laws 1963, Chapter 651, Section 1, is amended to read:

Section 1. **Hennepin county probate court; referees.** The judge of the probate court of Hennepin county may appoint ~~two~~ *three* referees in probate each of whom shall be a resident of Hennepin county and an attorney at law duly admitted in this state. ~~He~~ *Each referee* shall hold office ~~during~~ *at* the pleasure of the judge ~~appointing him of the probate court.~~ Such appointment shall be in writing and filed in such court. Before entering upon the duties of his office, ~~he~~ *each referee* shall execute a bond to the state in the amount of \$1,000 approved by the county board and conditioned upon the faithful discharge of his duties. Such bond with the oath of the appointee shall be recorded in the office of the register of deeds and filed in the office of the secretary of state after approval as to form by the attorney general. The premiums on such bond and the expenses of such recording and filing shall be paid by the county. An action may be maintained on such bond by any person aggrieved by the violation of the conditions thereof.

Approved May 20, 1969.

CHAPTER 493—S. F. No. 1477

An act relating to the powers of the commissioner of corrections; providing for the licensing and supervision of foster care facilities for delinquent children and youth; amending Minnesota Statutes 1967, Sections 241.021, 256.01, and 257.101.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1967, Section 241.021, is amended to read:

Changes or additions indicated by italics, deletions by ~~strikeout~~.

241.021 Department of corrections; foster care facilities; licensing and supervision of institutions and facilities. *Subdivision 1. Supervision over correctional institutions, jails, lockups.* The commissioner of corrections shall investigate the whole system of correctional institutions in the state, especially prisons and jails, 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 jails and lockups, or for repairs at an estimated cost in excess of the limits set by Minnesota Statutes, Sections 641.21, 642.01, and 642.02, 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 penal or reformatory 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. Foster care facilities for delinquent children and youth; licenses; supervision. *Notwithstanding any provisions in Minnesota Statutes 1967, Sections 256.01 (2) and 257.101 to the contrary, the commissioner of corrections shall pass annually on the adequacy and suitability of all county, municipal or other publicly established and operated facilities for the detention, care and training of delinquent children and youth, if such facility conforms to reasonable standards established by the commissioner or in his judgment is making satisfactory progress toward substantial conformity therewith, and he is satisfied that the interests and well-being of children and youth received therein are protected, he shall grant a license to the county, municipality or agency thereof operating such facility. This license shall remain in force one year unless sooner revoked. Each such facility shall cooperate with the commissioner to make available all facts regarding its operation and services as he requires to determine its conformance to standards and its competence to give the services needed and which purports to give. Every such facility as herein described is subject to visitation and supervision by the commissioner and shall receive from him consultation as needed to strengthen services to the children and youth received therein.*

Subd. 3. Revocation of license. *When after due notice and hearing the commissioner of corrections shall determine that any facility described in subdivision 2 does not substantially conform to the reasonable standards therein provided or is not making satisfactory progress toward substantial compliance therewith, he may, with the consent of the judge of the district court, issue his order revoking the*

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license of such facility. After revocation of its license, such facility shall not be used for the care and training of delinquent children and youth, or for their detention for more than 48 hours at one time until such license is renewed.

Sec. 2. Minnesota Statutes 1967, Section 256.01, Subdivision 2, is amended to read:

Subd. 2. **Specific powers.** *Subject to the provisions of Minnesota Statutes 1967, section 242.021, subdivision 2, the commissioner of public welfare shall:*

(1) Administer and supervise all forms of public assistance in the state including general relief, relief to transients and state homeless, old age assistance, aid to dependent children, aid to the blind and otherwise handicapped persons and such other welfare activities services as may from time to time be vested in the commissioner. Nothing herein shall transfer from the veterans home board any of its present rights, powers, or duties, all of which shall continue to be exercised by said board.

(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, as defined in section 250.02, in facilities other than those located and available at the Gillette state hospital for crippled children when it is not feasible to provide such service in that hospital.

(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, including the establishment of an efficient working relationship with the director of institutions relating to the care and supervision of individuals both prior to and after departure from institutions under the supervision of said director of institutions.

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(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 and regulations 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 such administrative units as may reasonably be necessary for the performance of administrative functions common to all divisions of the department.

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

(8) Establish within his department a bureau of old age assistance, of aid to dependent children, and a bureau of child welfare.

(9) 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 feeble-minded 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.

(10) All the powers and duties vested in or imposed upon the director of public institutions with reference to the Minnesota state sanatorium are hereby transferred to, vested in, and imposed upon the commissioner of public welfare. The commissioner of public welfare shall appoint the superintendent of the Minnesota state sanatorium, but shall not have the power to fix his salary.

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

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(12) 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.

(13) Establish county, regional, or state-wide schedules of maximum fees and charges which may be paid by county welfare boards for medical, dental, surgical, hospital, nursing and nursing home care and medicine and medical supplies under the categorical aid programs.

Sec. 3. Minnesota Statutes 1967, Section 257.101, is amended to read:

257.101 Foster care facilities; adequacy; licenses; supervision. *Subject to the provisions of Minnesota Statutes 1967, section 242.021, subdivision 2, the commissioner of public welfare shall pass annually on the adequacy and suitability of every facility for foster care whether operated for gain or otherwise. If the facility conforms to appropriate rules adopted by the commissioner or in his judgment is making satisfactory progress toward full conformity and he is satisfied that the interests and well being of children received therein are protected, he shall grant a license to the individual, organization, or association giving such foster care. This license shall remain in force for one year unless sooner revoked and shall prescribe the number and age groupings of children who may receive care at any one time. Each facility for foster care shall cooperate with the commissioner to make available all facts regarding its operation and services as he requires to determine its conformance to his rules and its competence to give the service needed and which it purports to give. A facility for foster care shall not use the name "school" unless it also meets standards of education and teacher certification established by the state board of education. No unlicensed facility for foster care may receive a child for care or continue caring for a child or children, nor solicit money in behalf of such facility for foster care. Every licensed facility for foster care is subject to visitation and supervision by the commissioner and shall receive from him consultation as needed to strengthen services to children and to achieve the purposes of this section.*

Approved May 20, 1969.

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