

CHAPTER 613—S. F. No. 1537

[Coded]

An act relating to licensing of child-placing agencies and facilities for foster care of children; and repealing Minnesota Statutes 1949, Sections 257.08, 257.09, 257.10, 257.11, 257.12, 257.16 and 257.17.

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

Section 1. [257.081] **Definitions.** For the purposes of this act the terms defined shall have the meanings ascribed to them.

Subd. 1. "Agency" means any individual, organization, association, or corporation giving needed service or assistance to children in their own homes or receiving children unable to remain in their own homes and placing them in foster care. It includes any social service department of a child-caring institution which carries these responsibilities, or gives the services here described.

Subd. 2. "Person" includes association, corporation, partnership, any political subdivision of the state, and any agency, board, or department of such a political subdivision.

Subd. 3. A "facility for foster care" requiring a license means any establishment, boarding home, free home, work home, children's home, day care home, day nursery, nursery school, or institution providing children with a substitute for the care, food, lodging, training, education, or treatment they need but which for any reason cannot be furnished by their parents in their homes except the following: It does not include schools which in the judgment of the director of social welfare operate for the primary purpose of educating children, rather than for the primary purpose of providing a needed substitute for the care, supervision, and training provided most children by their parents. A facility for foster care requiring a license does not include a home caring for a child placed there by a licensed agency for legal adoption; a home caring for children from no more than one family for a period of less than 30 days; nor a home caring for children related to the operator thereof by blood or marriage; nor any institution under the management and control of the director of social welfare, the director of public institutions, or the Youth Conservation Commission.

Subd. 4. "Placing children in foster care" means placing children in any of the following foster care facilities: boarding home; work home; free home; group home; day

boarding home; day nursery or institution. It also means placement in a private home for the purpose of legal adoption.

Subd. 5. "Children" means one or more persons under the age of 16 years or persons over 16 years of age if for reasons of mental retardation they still require the protection needed by persons under 16 years of age.

Sec. 2. Minnesota Statutes 1949, Section 257.10, is hereby repealed.

Sec. 3. [257.091] **Director of social welfare, duties.** The director of social welfare shall pass annually on the fitness of every private agency engaging in the business, for gain or otherwise, of receiving and caring for children or placing them in private homes. The fitness of agencies shall be determined by the director on the basis of conformity to rules established by the director to govern their operation. Each agency shall make available all facts regarding its operations and services which the director requires to determine its ability and competence to give service and care adequately for children received. When the director is satisfied that an agency conforms to the rules governing its operation or is making satisfactory progress toward full conformity to such rules and is giving the services to children it purports to give, he shall issue a license to the agency. The license shall continue in force for one year unless sooner revoked by him. A list of licensed agencies shall be sent by the director annually to all juvenile courts and to all the agencies so approved. The list shall contain a description of the scope of service to children for which each agency has been approved. No unlicensed agency shall receive a child for care or placing out, place a child in a home, or solicit money in behalf of such agency. All licensed agencies are subject to review and supervision by the director and shall receive consultation as needed from the director to strengthen services to children and to achieve the purposes of this action.

Sec. 4. Section 257.08 is hereby repealed.

Sec. 5. [257.101] **Supervision of foster care facilities, licenses.** The director of social welfare shall pass annually on the adequacy and suitability of every home, institution, day nursery, or other foster care facility which for gain or otherwise gives care, food, lodging, or treatment to one child or more than one child unaccompanied by parent or guardian for all or part of the day subject to the limitations set forth in section 1. If the facility conforms to appropriate rules adopted by the director and the director 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 home, institution, day nursery, or other foster care facility shall cooperate with the director to make available all facts regarding its operation and services as the director requires to determine its conformance to his rules and its competence to give the service needed and which it purports to give. No unlicensed home, institution, day nursery, or other foster care facility may receive a child for care or continue caring for a child or children, nor solicit money in behalf of such home, institution, day nursery or other foster care facility. Every licensed home, institution, day nursery, or foster care facility, is subject to visitation and supervision by the director and shall receive from the director consultation as needed to strengthen services to children and to achieve the purposes of this section.

Sec. 6. Sections 257.11 and 257.12 are hereby repealed.

Sec. 7. [257.111] **Revocation of license.** Subdivision

1. **Grounds.** After due notices and hearing, the director of social welfare may revoke the license of any agency or facility for foster care:

(a) if any provision of this act is violated; or

(b) if the licensee violates any law of the state in a manner disclosing moral turpitude or unfitness to maintain the agency, or facility for foster care; or

(c) if there is evidence that the agency or facility for foster care is conducted by a person of ill repute or bad moral character.

Subd. 2. **Written charges.** Written charges against the licensee shall be served upon the licensee at least three days before the date fixed for the hearing thereon, in the manner prescribed for the service of summons in a civil action. Following the hearing a written copy of the findings and decision of the director based on the hearing shall be served upon the licensee.

Subd. 3. **Appeals to district court.** Any licensee feeling aggrieved by a decision of the director upon a hearing may appeal to the district court by filing with the clerk thereof, in the county where the agency or facility for foster care is situated within ten days after service of the decision upon him, a written notice of appeal specifying the grounds of the appeal.

Subd. 4. **Hearing, trial.** Any such appeal may be brought on for hearing in a summary manner by an order to show cause why the decision of the director should not be confirmed, amended, or set aside. The decision and the written notices shall be deemed the pleadings in the case, and may be amended in the discretion of the court. The case shall be tried de novo and the court shall make its findings of fact and conclusions of laws [law] upon the issues.

Subd. 5. **Appeals to supreme court.** Within ten days after notice of the filing of the court's decision either party to the action may appeal to the supreme court in the manner provided for appeals in civil actions.

Subd. 6. **Revocation, when effective.** When an appeal is taken from the decision of the director of social welfare revoking the license of an agency or facility for foster care, such revocation of license is not effective until the appeal is finally determined.

Sec. 8. [257.121] **Burden of proof on appeal.** In a prosecution under the provisions of this act, or any penal law related thereto, a defendant who relies for defense upon the relationship of any infant to himself shall have the burden of proof as to such relationship.

Sec. 9. [257.123] **Violations, misdemeanors.** Every person who violates any of the provisions of this act shall upon conviction of the first offense, be guilty of a misdemeanor. The second or subsequent offense shall be a gross misdemeanor.

Sec. 10. Sections 257.09, 257.16, and 257.17 are hereby repealed.

Approved April 21, 1953.

CHAPTER 614—S. F. No. 1644

[Not Coded]

An act to appropriate money for the conservation and development of the state's natural resources; for maintenance [of] Minnesota Historical Society; for county and district agricultural societies; for various stockbreeders', dairymen's, horticultural and poultry association and societies; for sheriff's per diem and mileage in certain cases; for vessel tonnage tax; for maintenance of Sibley House; for maintenance of various semi-state activities; for aids to various local subdivisions of government and school districts; providing for appropriations