

gain or otherwise, of receiving and caring for children or placing them in *foster care*. The fitness of agencies shall be determined by the commissioner on the basis of conformity to rules established by the commissioner to govern their operation. Each agency shall make available all facts regarding its operations and services which the commissioner requires to determine its ability and competence to give service and care adequately for children received. When the commissioner 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 commissioner 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 *person or agency* shall receive a child for care or placing out, place a child in *foster care*, in any way assist with plans for his placement in *foster care*, or solicit money in behalf of such agency. All licensed agencies are subject to review and supervision by the commissioner and shall receive consultation as needed from the commissioner to strengthen services to children and to achieve the purpose of this section.

Sec. 6. Minnesota Statutes 1953, Section 257.121 is amended to read:

**257.121 Burden of proof.** In a prosecution under the provisions of sections 257.01 to 257.123, 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. 7. Minnesota Statutes 1953, Section 257.123 is amended to read:

**257.123 Violations, penalties.** Every person who violates any of the provisions of sections 257.01 to 257.121 shall upon conviction of the first offense, be guilty of a misdemeanor. The second or subsequent offense shall be a gross misdemeanor.

Approved April 20, 1955.

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## CHAPTER 588—H. F. No. 1160

[Coded in Part]

*An act relating to aid to permanently and totally disabled persons; amending Minnesota Statutes 1953, Section 245.22,*

*Subdivision 7, Section 245.25, Subdivision 3, Section 245.27, Subdivision 5, Section 245.35, Subdivision 2, and Section 245.28.*

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

Section 1. Minnesota Statutes 1953, Section 245.22, Subdivision 7, is amended to read:

Subd. 7. **Permanently and totally disabled individual.** "Permanently and totally disabled individual", hereinafter referred to as a "disabled person", means one who is found by medical authority to be so totally and permanently disabled *that he is unable to maintain himself without the assistance of some other person.* Certification of permanent and total disability shall be by a licensed physician or panel of physicians on forms to be prescribed by the *department of public welfare*, provided that such certification of disability shall be subject to review by a panel of physicians advisory to the state *department of public welfare.*

Sec. 2. Minnesota Statutes 1953, Section 245.25, Subdivision 3, is amended to read:

Subd. 3. **Amount of assistance.** The amount of assistance shall be fixed with due regard to the conditions in each case and in accordance with the rules and regulations of the state agency, but in no case shall it be an amount which, exceeds a total of \$65 a month.

Sec. 3. Minnesota Statutes 1953, Section 245.27, Subdivision 5 is amended to read:

Subd. 5. **Relatives able to take adequate care.** *If at any time during the continuance of any assistance granted under sections 245.21 to 245.43 the county agency finds that any parent, child or spouse is reasonably able to contribute to the necessary care and support of the recipient without undue hardship to himself or his immediate family, the county agency shall seek reimbursement from the relatives able to pay. If the relatives fail or refuse to contribute to the care and support of the recipient, the payment of support shall be enforced in the following manner:*

(1) *The county attorney of a county which gives aid files a petition in the district court of the county in which the relative resides, stating*

(a) *The name and address of the relative and of the recipient*

(b) *Facts showing that the relative owes a duty of support to the recipient and is able to contribute*

(c) *Facts showing that the county has given aid to recipient and has a right to reimbursement.*

(2) *If the court finds the petition to be sufficient, it shall docket the case, set a time and place for hearing, and issue an order to show cause which must be served on the relative in the manner provided for service of summons at least ten days before the day of hearing.*

(3) *The district court shall in a summary way hear the allegations and proofs of the parties and by order require maintenance from such relatives, if of sufficient ability (having due regard for their own future maintenance and making reasonable allowance for the protection of the property and investments from which they derive their living and their care and protection in old age) in the following order: First, the husband or wife; then the father; then the children and the court may consider whether or not the parents have supported the children in the manner prescribed by law; and finally the mother. Such order shall specify a sum which will be sufficient for the support of the recipient, to be paid weekly or monthly, during a period fixed in the order, or until the further order of the court. If the court believes that the relative is not able to wholly maintain the recipient, but is able to contribute to his support, the court may direct two or more relatives to maintain him and prescribe the proportion each shall contribute. If the court believes that the relatives are not able to wholly maintain the recipient, but are able to contribute to his support, the court shall direct a sum to be paid weekly or monthly by each relative in proportion to his ability. Contributions directed by court order, if for less than full support, shall be paid to the county welfare agency and applied to the dependent person's grant. Upon application of any party affected thereby and upon like notice and procedure, the court may modify its order. Obedience to these orders may be enforced by proceedings for contempt.*

(4) *The county may enforce payment from a relative in any other way provided by law. If an order for payment has been issued under (3) of this subdivision, the county may bring an action to collect the delinquent payments with costs.*

Sec. 4. Minnesota Statutes 1953, Section 245.28, is amended to read:

**245.28 Residence of disabled person.** For the purposes of sections 245.21 to 245.43, a disabled person shall be conclusively deemed to be a resident of the county in which he has resided for one year immediately preceding the filing of his application for assistance, or, if he has not resided in any one county for that period, his residence shall be conclu-

sively deemed to be the county in which he has longest resided during the year immediately preceding the filing of that application. *His residence is not lost or terminated until a new residence is acquired in another county or state.* The county of his residence, as herein defined, shall be liable for all payments of assistance to him under the provisions of such sections. *For the purpose of determining county residence, but not state residence, the time during which a person is an inmate or patient in one of the following places, whether public or private, is excluded: a hospital, poor house, jail, prison, nursing or boarding care home, or home for the aged.*

Sec. 5. Minnesota Statutes 1953, Section 245.35, Subdivision 2, is amended to read:

Subd. 2. **State agency.** 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 out of federal funds available for that purpose for each succeeding month, together with an amount of state funds equal to 50 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.

Sec. 6. Minnesota Statutes 1953, Section 245.35 is amended by adding a subdivision to read:

[Subd. 3.] **Expenses, payment; repayment to counties.** *Not exceeding one-half of any funds available for administrative purposes shall be used to defray necessary expenses of the state agency in the supervision of the aid to permanently and totally disabled laws [persons] of this state, and the balance shall be used to repay the counties pro rata in the proportion the total number of recipients in the county bears to the total number of recipients in the state for the period in question.*

Approved April 20, 1955.

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#### CHAPTER 589—H. F. No. 1179

*An act relating to the use of decoys in the taking of waterfowl; amending Minnesota Statutes 1953, Section 100.29, Subdivision 18.*

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