

9550.6220 DETERMINATION OF PARENTAL FEE.

Subpart 1. **Parental responsibility.** The extent to which parents are responsible for reimbursing the county of financial responsibility or the department for the cost of services must be determined according to subparts 2 to 13. Parents have no obligation to contribute assets. The parental responsibility and the role of the agency responsible for collection of the parental fee shall be explained in writing to the parents at the time eligibility for services is being determined. The parental fee shall be retroactive to the first date covered services are received, including any services received in months of retroactive eligibility.

Subp. 2. **Determination of household size.** Natural and adoptive parents and their dependents, as specified in Minnesota Statutes, section 290A.03, subdivision 7, including the child receiving services, shall be counted as members of the household when determining the fee, except that a stepparent shall not be included.

Subp. 3. **Determination of income.** Income must be determined according to Minnesota Statutes, section 252.27, subdivision 2a, paragraph (d).

Subp. 4. **Percentage schedule.** The parental fee shall be computed according to the formula specified in Minnesota Statutes, section 252.27, subdivision 2a, paragraph (b).

Subp. 5. **Annual revision of federal poverty guidelines.** The parental fee shall be revised annually on July 1 to reflect changes in the federal poverty guidelines. The revised guidelines are effective on the first day of July following the publication of changes in the Federal Register.

Subp. 5a. [Repealed, 33 SR 1107]

Subp. 6. [Repealed, 33 SR 1107]

Subp. 7. [Repealed, 16 SR 2780]

Subp. 8. [Repealed, 16 SR 2780]

Subp. 9. **Parental responsibility for clothing or personal needs.** Payment of the parental fee does not exempt the parents from responsibility for the child's clothing and personal needs not included in the cost of services, except as specified in Minnesota Statutes, section 256B.35, subdivision 1.

Subp. 10. **Discharge.** Except as provided in subpart 10a, the full monthly parental fee must be assessed unless services are terminated before the end of a calendar month. In this case, the full fee must be reduced only if the actual cost of services during that month is less than the regular fee.

Subp. 10a. **Parental fee for respite care.** When a child is receiving respite care services, the parental fee must be a per diem fee multiplied by the number of days the child receives respite care. The parental fee for respite care shall be used only when respite

care is the single service the child is receiving. When the child is receiving additional services governed by parts 9550.6200 to 9550.6240, the parental fee determined under part 9550.6220 shall apply. The per diem fee must be determined in the following manner:

- A. Household size must be determined as specified in subpart 2.
- B. Income must be determined as specified in subpart 3.
- C. Using the household size and income figures in items A and B, the percentage schedule in Minnesota Statutes, section 252.27, subdivision 2a, paragraph (b), must be used to determine the applicable percent to be applied to the parents' income.
- D. Determine the per diem fee by multiplying the income from item B by the percent from item C and divide the product by 365.
- E. Any part of a day spent in respite care must be counted as a full day for purposes of this fee.
- F. The parental fee must be determined at the end of a month when respite care is used.

Subp. 11. **Number of fees.** As specified in Minnesota Statutes, section 252.27, subdivision 2, parents who have more than one child receiving services who meet the criteria identified in part 9550.6200, subpart 1, shall not be required to pay more than the amount for the child with the highest expenditures.

Subp. 12. **Parents not living with each other.** Parents of a minor child who do not live with each other as specified in Minnesota Statutes, section 252.27, subdivision 2a, paragraph (g), shall each pay a fee.

Subp. 13. **Child support payments.** A court-ordered child support payment actually paid on behalf of the child receiving services shall reduce the fee of the parent making the payment.

Subp. 14. **Fees in excess of cost.** The total amount parents must pay between the time the first monthly payment is due under either the initial determination of the fee amount or notice of an increase in the fee amount, and the end of the state's fiscal year in June of each year cannot be higher than the cost of services the child receives during the fiscal year. At the end of each state fiscal year, the department or county board shall review the total amount that the parent paid in fees during the fiscal year and the total cost of services paid by the department or county board, not including payments made to school districts for medical services identified in an individualized education program and covered under the medical assistance state plan, that the child received during the fiscal year. If the total amount of fees paid by the parents exceeds the total cost of services, the department or county board shall: (1) reimburse the parents the excess amount if their child is no longer

receiving services; or (2) apply the excess amount to parental fees due starting July 1 of that year, until the excess amount is exhausted.

Statutory Authority: *MS s 14.388; 246.511; 252.27; 256B.14*

History: *10 SR 2005; 12 SR 102; 16 SR 2780; 33 SR 1107; L 2011 1Sp11 art 3 s 12*

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