

## CHAPTER 526

## PROBATE GENERAL PROVISIONS

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*27 C.S. 7* **526.01 INSANE PERSONS' SUPPORT.** Subdivision 1. For the purpose of defraying expenses and costs of maintenance of any inmate in a state asylum, detention hospital or hospital for the insane, the State of Minnesota shall have a valid claim for reimbursement for all money paid and expenses incurred by the state for such maintenance; (1) against the property or estate of such person so maintained, (2) against the relatives of such person in the following order: spouse, children, and parents; provided, that if the commissioner of public welfare shall determine that the property or estate of any such insane person is not sufficient to more than care for and maintain the wife and minor children of such inmate, or that the means and property of the classes of persons herein secondarily charged with the liability and costs of the maintenance of such insane person in these institutions, is not more than sufficient to properly provide for themselves and those otherwise dependent upon them, the commissioner of public welfare shall relieve the estate of such insane person and the relatives of such insane person from a portion or all of such charge or liability as he, in his judgment and upon investigation, may deem just and proper.

Subd. 2. In case of increase or decrease in the estate of such insane person, or in the estates of those persons herein secondarily liable for the cost of the maintenance of an insane person in such institutions, or in case of the death of such persons, or either of them, the commissioner of public welfare is hereby authorized to modify or cancel his previous order made in relation thereto, and from time to time make such other and further order with reference thereto as it may seem just and proper.

Subd. 3. In all cases under the provisions of sections 526.01 to 526.07, the property which, under the laws of this state, is exempt from attachment or sale on any final process issued from any court, shall be exempt also as to the estates and persons charged with or upon whom any liability is imposed under the provision of those sections.

[1917 c 294 s 4; 1931 c 301 s 1; 1941 c 313 s 1; 1953 c 732 s 6] (8976)

*27 C.S. 7* **526.02 DETERMINATION OF COMMISSIONER OF PUBLIC WELFARE CONCLUSIVE.** In any action brought, as provided in sections 526.03 to 526.07, to enforce any liability created by sections 526.01 to 526.07, or to collect from the property or estate of any inmate or relative, as therein provided, the determination of the commissioner of public welfare as to the sufficiency of the property or estate of the inmate to properly care for and maintain the wife and children, if any, or either or any of such classes of persons upon whom liability is imposed under the provisions of sections 526.01 to 526.07, shall be conclusive unless appealed from as therein provided.

[1917 c. 294 s. 5] (8977)

*27 C.S. 7* **526.03 PROCEEDINGS COMMENCED.** When the commissioner of public welfare shall have determined the liability of the estate or persons named in section 526.01 to defray the cost of maintenance of an insane person and no appeal taken

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therefrom, as provided in section 526.06, and shall direct the persons charged with the expense and cost of maintenance of insane persons cared for in state institutions, as provided in sections 526.01 to 526.07, to pay and demand payment for such maintenance and such persons shall refuse or neglect to make such payment for 30 days after receiving such demand or notice, the commissioner of public welfare, in the name of the State of Minnesota, may bring an action against any and all of these relatives and persons and the representative of such inmate and recover against them therefor, and the further sum of \$10 as costs of such action in addition to the disbursements in such action.

[1917 c. 294 s. 6] (8978)

**526.04 PETITION FOR RELEASE OR MODIFICATION OF ORDER.** Any person who has been ordered to make payment for the support of an inmate in the institutions referred to in section 526.01 or the guardian or relative of any such insane person, may petition the commissioner of public welfare for the release from or modification of such order and the commissioner, after investigation, may cancel or modify his former order if he shall find the conditions warrant such action.

[1917 c. 294 s. 7] (8979)

**526.05 COMMISSIONER OF PUBLIC WELFARE, INVESTIGATORY POWERS.** The commissioner of public welfare shall have the power to make investigation as to the property and estate of persons charged with liability for the cost and expense of maintenance of insane persons in state institutions and shall have the power to subpoena witnesses, take testimony under oath, and examine any public records relating to the estate of an inmate or relative liable for his support. The commissioner of public welfare shall determine whether such relative shall be required to pay for the support of such inmates or whether such charges shall be made against the estate of such an inmate. An order shall be issued to the persons who are determined liable for such payments requiring them to pay monthly, quarterly, or otherwise as may be determined by the commissioner. The commissioner of public welfare shall make all reasonable and proper efforts to collect such amounts, and shall institute civil action in the name of the State of Minnesota to recover, the amount due with interest. All money so received shall be paid to the state treasurer and placed in the general revenue fund and a separate account kept thereof. The commissioner may, if he finds it necessary, appoint one or more competent persons to act under his direction to assist in the carrying into effect the provisions of sections 526.01 to 526.07 and the salaries and necessary expenses of such agents and other necessary expenses incident to carrying into effect the provisions of those sections shall be paid upon the order of the commissioner of public welfare out of the moneys received or collected under the provisions of those sections.

[1917 c 294 s 8; 1953 c 732 s 3] (8980)

**526.06 APPEAL.** Any person or party feeling aggrieved by any order or determination of the commissioner of public welfare under the provisions of sections 526.01 to 526.07 may appeal therefrom to the district court of the county in which the person or party resides, but upon such appeal where any order or determination of the commissioner of public welfare made under the provisions of these sections be brought in question such order shall be prima facie evidence of the facts therein stated. Such appeal shall be taken within 30 days after service of notice of the filing of the order or determination of the commissioner appealed from. Such appeal may be taken by serving a notice thereof upon the commissioner of public welfare and upon filing such notice with proof of service thereof, in the office of the clerk of the district court of the proper county within ten days after service thereof, the court shall be deemed to have jurisdiction of the appeal and thereafter such proceedings shall be had as in other civil actions triable in the court. On such appeal the court shall have the power to order pleadings to be filed and make any other order necessary to the proper procedure and determination of the appeal. The order of the commissioner determining the extent of the liability of persons liable for payments for support of patients in state mental hospitals shall be conclusive unless appealed from as herein provided.

[1917 c 294 s 9; 1953 c 732 s 4] (8981)

**526.07 PROCEDURE FOR RECEIVING AND DISBURSING OF MONEY SO PAID OR PAID VOLUNTARILY.** When, after August 1, 1917, any person who has committed himself for treatment at any state detention hospital, or the relatives,

friends, or legal representatives of any person who has been committed to a state asylum, detention hospital, or hospital for the insane, desires to pay the whole, or any portion, of the cost of the maintenance of such person in any of these institutions, in addition to the requirements of sections 526.01 to 526.07, the same shall be received and disbursed as other money paid pursuant to the provisions of sections 526.01 to 526.07, and the commissioner of public welfare is hereby directed to establish a schedule of the cost to the state of the care and maintenance of the patients in such institutions.

[1917 c. 294 s. 10] (8982)

526.08 [Repealed, 1943 c 636 s 1]

526.09 **PSYCHOPATHIC PERSONALITY.** The term "psychopathic personality," as used in sections 526.09 to 526.11, means the existence in any person of such conditions of emotional instability, or impulsiveness of behavior, or lack of customary standards of good judgment, or failure to appreciate the consequences of his acts, or a combination of any such conditions, as to render such person irresponsible for his conduct with respect to sexual matters and thereby dangerous to other persons.

[1939 c. 369 s. 1] (8992-184a)

526.10 **LAWS RELATING TO INSANE PERSONS TO APPLY TO PSYCHOPATHIC PERSONALITIES.** Except as otherwise provided, all laws now in force or hereafter enacted relating to insane persons, to persons alleged to be insane, and to persons found to be insane, shall apply with like force and effect to persons having a psychopathic personality, to persons alleged to have such personality, and to persons found to have such personality, respectively. Before such proceedings are instituted, the facts shall first be submitted to the county attorney, who, if he is satisfied that good cause exists therefor, shall prepare the petition to be executed by a person having knowledge of the facts and file the same with the judge of the probate court of the county in which the "patient," as defined in such statutes, has his settlement or is present. The judge of probate shall set the matter down for hearing and for examination of the "patient." The judge may at his discretion exclude the general public from attendance at such hearing. The "patient" may be represented by counsel; and if the court determines that he is financially unable to obtain counsel, the court may appoint counsel for him. The "patient" shall be entitled to have subpoenas issued out of the court to compel the attendance of witnesses in his behalf. The court shall appoint two duly licensed doctors of medicine to assist in the examination of the "patient." The proceedings had shall be reduced to writing and shall become part of the records of the court. From a finding made by such court of the existence of psychopathic personality, the "patient" may appeal to the district court upon compliance with the provisions of sections 525.712, 525.713, 525.72 and 525.73.

[1939 c. 369 s. 2] (8992-184b)

526.11 **NOT TO CONSTITUTE DEFENSE.** The existence in any person of a condition of psychopathic personality shall not in any case constitute a defense to a charge of crime, nor relieve such person from liability to be tried upon a criminal charge, unless such person is in a condition of insanity, idiocy, imbecility, or lunacy within the meaning of the laws relating to crimes and criminal procedure.

[1939 c. 369 s. 3] (8992-184c)

526.12 **SALARIES OF JUDGES OF PROBATE IN CERTAIN COUNTIES; CLERK HIRE.** The probate judges in all the counties in this state where compensation is not fixed by special laws shall receive in full compensation for all services rendered by them annual salaries to be paid in 12 equal monthly instalments, based on the then last preceding completed state or national census, and on the then last preceding assessed valuation of real and personal property, as fixed by the commissioner of taxation, as follows:

In counties whose population is less than 6,000, \$750; if the population is 6,000 and less than 9,000, \$1,000, and in addition thereto \$50 for every \$1,000,000 assessed valuation not to exceed \$300; if the population is 9,000 and less than 13,000, \$1,150, and in addition thereto \$50 for every \$1,000,000 assessed valuation not to exceed \$400; if the population is 13,000 and less than 17,000, \$1,300, and in addition thereto \$50 for every \$1,000,000 assessed valuation not to exceed \$500; if the population is 17,000 and less than 22,000, \$1,450, and in addition thereto \$50 for every \$1,000,000 assessed valuation not to exceed \$600; if the population is 22,000 and less than 28,000, \$1,500, and in addition thereto \$50 for

every \$1,000,000 assessed valuation not to exceed \$750; if the population is 28,000 and less than 36,000, \$1,600, and in addition thereto \$50 for every \$1,000,000 assessed valuation not to exceed \$950; if the population is 36,000 and less than 45,000, \$1,800, and in addition thereto \$50 for every \$1,000,000 assessed valuation not to exceed \$1,000; if the population is 45,000 and less than 100,000, \$3,000.

In addition to the foregoing salaries annual compensation for clerk hire for probate judges in counties having a population of less than 100,000 shall be as follows:

In all counties having a population of less than 8,000 the county board may allow clerk hire in an amount not to exceed one-fourth of the salary of the probate judge; if the population is 8,000 and less than 13,000, \$300, and such further sum as the county board may allow not to exceed a total of \$700; if the population is 13,000 and less than 17,000, \$400 and such further sum as the county board may allow not to exceed a total of \$800; if the population is 17,000 and less than 22,000, \$550, and such further sum as the county board may allow not to exceed a total of \$900; if the population is 22,000 and less than 28,000, \$650, and such further sum as the county board may allow not to exceed a total of \$1,200; if the population is 28,000 and less than 36,000, \$700, and such further sum as the county board may allow not to exceed a total of \$1,400; if the population is 36,000 and less than 45,000, \$1,200 and such further sum as the county board may allow not to exceed a total of \$1,500; if the population is 45,000 and less than 55,000, \$1,500 and such further sum as the county board may allow not to exceed a total of \$2,000; if the population is 55,000 and less than 100,000, such sum as the county board may allow not to exceed a total of \$4,000 per annum. No sums shall be paid or allowed for clerk hire in excess of the amounts actually paid or due for help employed to perform necessary excess clerical labor in the respective offices of judges of probate as hereinbefore mentioned.

[1917 c. 328 s. 1; 1923 c. 86 s. 1; 1925 c. 288 s. 1; 1927 c. 63; 1927 c. 402; 1935 c. 72 s. 196] (8707)

**526.123 SALARIES OF PROBATE JUDGES.** The probate judges in all counties in this state shall receive as compensation for services rendered by them for their respective counties annual salaries to be paid in 12 equal monthly instalments based on the then last preceding completed state or federal census, as follows:

In counties having a population of 6,000 and less than 9,000, \$1,500; if the population is 9,000 and less than 13,000, \$1,800; if the population is 13,000 and less than 14,500, \$1,900; if the population is 14,500 and less than 16,500, \$2,100; if the population is 16,500 and less than 18,500, \$2,200; if the population is 18,500 and less than 21,500, \$2,350; if the population is 21,500 and less than 24,500, \$2,500; if the population is 24,500 and less than 27,500, \$2,650; if the population exceeds 27,500, \$3,000. In any county having an area of not less than 1,700 square miles and not more than 2,000 square miles and having not less than 50 and not more than 60 full or fractional government townships and having an assessed valuation of not less than \$2,000,000 and not more than \$3,000,000 the provisions of this section shall not apply.

This section shall not apply to the salary of the probate judge of any county having a population of less than 11,200, or whose salary is fixed by other existing laws in a greater amount than herein provided. This section shall not operate to increase the salary of any probate judge more than \$300 per year nor to increase the salary in any county where the salary is set by Laws 1937, Chapter 69.

This section shall not apply in counties containing not less than 46 nor more than 49 full and fractional congressional townships and having an assessed valuation of not less than \$4,500,000 and not more than \$5,000,000 and having a population of not less than 20,000 nor more than 22,500.

[1941 c 487 s 1-3]

**526.124 SCHEDULE OF SALARIES IN CERTAIN COUNTIES.** Subdivision 1. **Probate judges; salaries.** The judges of probate, in all counties of the state with less than 50,000 inhabitants, according to the last federal census, shall receive as compensation for services rendered by them for their respective counties, annual salaries, based on the population according to the then last preceding federal census, the taxable valuation of real and personal property, exclusive of money and credits, as reported in the abstract of tax lists for the preceding year, and the number of full or fractional congressional townships, as follows:

(a) In counties with less than 6,500 inhabitants \$1,800 and \$250 for each \$1,000,000 taxable valuation or major fraction thereof, and \$5.00 for each full or fractional congressional township, with the aggregate not to exceed \$2,400;

(b) In counties with 6,500 but less than 8,100 inhabitants \$2,100 and \$200 for each \$1,000,000 taxable valuation or major fraction thereof, and \$5.00 for each full or fractional congressional township, with the aggregate not to exceed \$2,600;

(c) In counties with 8,100 but less than 12,000 inhabitants \$2,300 and \$200 for each \$1,000,000 taxable valuation or major fraction thereof, and \$5.00 for each full or fractional congressional township, with the aggregate not to exceed \$2,700;

(d) In counties with 12,000 but less than 15,575 inhabitants \$2,550 and \$100 for each \$1,000,000 taxable valuation or major fraction thereof, and \$5.00 for each full or fractional congressional township, with the aggregate not to exceed \$3,000;

(e) In counties with 15,575 but less than 21,000 inhabitants \$2,750 and \$100 for each \$1,000,000 taxable valuation or major fraction thereof, and \$5.00 for each full or fractional congressional township, with the aggregate not to exceed \$3,300;

(f) In counties with 21,000 but less than 30,000 inhabitants \$3,250 and \$50 for each \$1,000,000 taxable valuation or major fraction thereof, and \$5.00 for each full or fractional congressional township, with the aggregate not to exceed \$3,800;

(g) In counties with 30,000 but less than 39,500 inhabitants \$3,500 and \$50 for each \$1,000,000 taxable valuation or major fraction thereof, and \$5.00 for each full or fractional congressional township, with the aggregate not to exceed \$3,950;

(h) In counties with 39,500 but less than 50,000 inhabitants \$3,750 and \$50 for each \$1,000,000 taxable valuation or major fraction thereof, and \$5.00 for each full or fractional congressional township, with the aggregate not to exceed \$4,800;

(i) The maximum to be allowed on the basis of area under the provisions of the foregoing classifications shall not exceed \$100.

**Subd. 2. Additional compensation forbidden.** No judge of probate shall hereafter be entitled to additional compensation under the provisions of Laws 1943, Chapter 597.

**Subd. 3. Implied repeals.** Except as otherwise herein provided, all existing acts or parts of acts, which relate to salaries of judges of probate, in all counties of the state having less than 50,000 inhabitants according to the last federal census are hereby repealed in so far as they are inconsistent with this section.

**Subd. 4. Judge may retain certain fees.** Nothing in this section shall limit the right of any judge of probate court to collect and retain any fees, per diem payment, or other payment which he is now authorized by any other provision of law to collect and retain in addition to the stated amount of his annual salary.

[1945 c 515 s 1, 2, 4, 5; 1949 c 397 s 1]

**526.125 SALARIES INCREASED OR DECREASED.** If circumstances or economic conditions should hereafter exist in any county of sufficient importance to convince the county board that the salary of the probate judge should be increased or decreased, it may, by resolution, increase or decrease such salary in an amount it may consider proper, but such increase or decrease shall in no case be more than 15 percent of the amount granted such probate judge within the classifications provided for in section 526.124. Whenever the county board increases or decreases the salary of the probate judge it shall also have authority to revoke or terminate such increase or decrease whenever it is convinced that such increase or decrease is no longer necessary or justifiable.

[1949 c 397 s 2]

**526.126 APPLICATION.** Sections 526.124 and 526.125 shall not be construed as repealing or superseding any other act relating to the same subject enacted by the 1949 session of the Legislature, nor shall it be construed as repealing any existing law which provides for a higher salary in any county than the amount provided in section 526.124.

[1949 c 397 s 3]

**526.127** [Repealed, 1951 c 327 s 6]

**526.13 MINIMUM SALARY OF JUDGE OF PROBATE.** The minimum annual salary of the judge of the probate court in all counties of this state, except as provided in sections 526.14 to 526.16, shall be the same amount as provided by law for the year 1930, regardless of any decrease in valuation, any change in population, or any other factor on which such salary may have been based.

[1937 c. 94 s. 1] (8706-5)

**526.14 SALARY OF PROBATE JUDGE IN CERTAIN COUNTIES.** In all counties having a population of more than 8,500 according to the federal census for 1930, where the salary of the judge of the probate court was less than \$1,800 for the year 1930, the minimum annual salary in any such county shall be the sum of \$1,800 per annum. This section shall not apply to any county which, when described by the number of full or fractional congressional townships, the 1935 assessed valuation, exclusive of money and credits, and the population according to the 1930 federal census, shall come within any of the following classifications: 19 to 21 townships, valuation \$4,500,000 to \$4,800,000, population 9,500 to 9,900; 29 to 31 townships, valuation \$1,700,000 to \$2,000,000, population 9,400 to 9,700; 20 to 22 townships, valuation \$3,500,000 to \$3,700,000, population 10,000 to 10,700.

[1937 c 94 s 2; *Ex*1937 c 42] (8706-6)

**526.15 MINIMUM SALARIES IN CERTAIN COUNTIES.** In all counties having a population of less than 8,500, but more than 5,000, according to the federal census for 1930, where the salary of the judge of the probate court was less than \$1,500 for the year 1930, the minimum annual salary in any such county shall be the sum of \$1,500 per annum.

[1937 c. 94 s. 3] (8706-7)

**526.16 SALARY OF JUDGE OF PROBATE FIXED BY GENERAL LAW.** Except for the minimum amounts as provided in sections 526.13 to 526.17, the salary of the judge of the probate court shall be as otherwise provided by law.

[1937 c. 94 s. 4] (8706-8)

**526.17 APPLICATION.** Sections 526.13 to 526.16 shall not apply to any county where the salary of the judge of the probate court is fixed by Laws 1933, Chapters 16, 76, 143, 166, 212, 284, 432, or Laws 1935, Chapter 361, or Laws of the Extra Session of 1935-36, Chapter 27, nor to any county where such salary has been or may be fixed by any other law passed at the 1937 session of the legislature.

[1937 c. 94 s. 5] (8706-9)

**526.18 SALARIES OF JUDGES OF PROBATE IN HENNEPIN AND RAMSEY COUNTIES.** The compensation of the judges of the probate court in all counties of this state now or hereafter having a population of 250,000 or more shall be equal to the compensation now or hereafter paid to judges of the district court in such counties, which salary shall be paid in equal monthly instalments out of the county treasury of such counties upon warrants of the county auditor out of any funds of the county not otherwise appropriated.

[1929 c. 96 s. 1; 1935 c. 72 s. 196; 1945 c. 429 s. 1] (8706-1)

**526.19 SALARIES OF EMPLOYEES OF PROBATE COURT OF RAMSEY COUNTY.** In all counties having more than 300,000 and less than 450,000 inhabitants, the personnel of the probate court, other than the judge, shall consist of one clerk, two deputy clerks, one reporter and such other employees as the judge shall determine. The salaries of such clerk, deputy clerks, reporter and employees shall be fixed by the board of county commissioners, and all except the clerk and reporter shall be employed pursuant to such civil service laws in force in said county.

[1935 c 72 s 196; 1935 c 283 s 1; 1939 c 280 ; 1949 c 70 s 1] (8706-3)

**526.20 SALARIES AND CLERK HIRE NOT TO BE AFFECTED BY DECREASE IN VALUATION.** Neither the salary nor allowance for clerk hire of any judge of probate shall be decreased during the term for which he was elected or appointed by reason of any decline in the population of the county or by a decrease in the valuation of the county, but such salary and clerk hire shall be paid during the balance of such term of office in the amounts authorized prior to such reduction in population, or by a decrease in valuation of the county.

[1931 c. 30] (8706-2)