

Relief of Poor

CHAPTER 261

GENERAL PROVISIONS

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261.01 SUPPORT OF POOR; LIABILITY OF RELATIVES. Every poor person who for any reason is unable to earn a livelihood shall be supported by his children, parents, brothers, and sisters, grandchildren or grandparents; and relatives having sufficient ability shall be called on for such support in the order above named; provided, that a person who becomes a pauper from intemperance or other bad conduct shall not be entitled to support from any relative except parent or child. Every such relative who refuses or fails to support any poor person whom he is bound by law to support, when directed by the board or council of the county, town, city, or village in which such person has a settlement, shall forfeit and pay to such county, town, city, or village, for the use of the poor thereof, such amount as the court may determine, not exceeding \$25 per month, to be recovered in any court having jurisdiction.

[R. L. s. 1485; 1925 c. 290] (3157)

261.02 FAILURE TO SUPPORT; RECOVERY FROM RELATIVE. When any relative chargeable with the support of any poor person fails or neglects, after being directed by any town, city, or village under the town system of poor relief, to furnish to such poor person support, maintenance, burial, and, in case of non-resident, expenses of removal, any such town, city, or village furnishing the same may recover in any court of competent jurisdiction from such relation who is a resident of this state, any such sum so furnished by it, whether such poor person is a resident of such town, city, or village or not. In the event that the poor person shall have no relative chargeable therewith such town, city, or village so expending the same may, after like notice, recover from any town, city, or village within this state which is charged by law with the support of such poor person, any sum so expended.

[1889 c. 170 s. 8; 1905 c. 327 s. 1] (3158)

261.03 LIABILITY OF COUNTY, TOWN, CITY, OR VILLAGE. When any such poor person has none of the relatives named in section 261.01, or they are not of sufficient ability, or refuse or fail, to support him, he shall receive such support or relief as the case may require from the county, town, city, or village in which he has a settlement at the time of applying therefor, as hereinafter provided, except that in determining the need or amount of such support or relief the county, town, city, or village shall exclude all sums received by members or dependents of such poor person's family under the aid to the blind act.

[R. L. s. 1486; 1947 c. 546 s. 1] (3159)

261.035 BURIAL AT EXPENSE OF COUNTY. When a person dies in any

county, not leaving sufficient means to defray the necessary expenses of his burial, nor any relatives therein of sufficient ability to procure his burial, the county board shall cause a decent burial of his remains to be made at the expense of the county.

[R. L. s. 1503] (3176)

261.04 LIABILITY OF ESTATE. Subdivision 1. **Support, maintenance, care, or burial.** When any person is furnished or provided with support, maintenance, care, including care at the University of Minnesota hospitals, or burial as a poor person by any county, city, town, village, or borough the municipality so furnishing such aid shall have a claim therefor against the person or his estate for the reasonable value thereof, which claim may be presented and prosecuted by such municipality at its option upon discovery of any property belonging to the poor person or to his estate.

Subd. 2. **Claims filed in probate court.** Such claims, when against the estate of a deceased person, shall be filed in probate court and acted upon as in the case of other claims.

[1925 c 60 s 1, 2; 1969 c 247 s 1] (3159-1, 3159-2)

261.05 POWERS OF GOVERNING BODIES. In addition to all other powers now or hereafter by law conferred upon the governing body of any town, city, or village, authority is hereby given to receive and accept for their town, city, or village real or personal property, encumbered or unencumbered, by gift, devise, conveyance, or otherwise from any person whose care, support, treatment, or maintenance, in whole or in part, under the laws relating to poor relief, is or may be chargeable to, furnished, or provided by, such town, city, or village and to hold or dispose of the same for the benefit of such town, city, or village, as provided by law in the case of other property belonging to such town, city, or village, and the payment and discharge of any lien or encumbrance upon any such property is authorized when such governing body determines that such payment is advisable and for the best interests of such town, city, or village.

[1929 c. 199 s. 1] (3159-3)

261.06 COUNTY AND TOWN SYSTEMS. The system of caring for the poor in counties in which they are chargeable upon the county shall be known as the county system. That system in which they are chargeable upon the towns, cities, and villages thereof shall be known as the town system. Every county shall continue under the system in force therein at the time when the revised laws take effect, until the same is changed as provided in this chapter.

[R. L. s. 1487] (3160)

261.061 TOWN BOARDS AND COUNCILS TO BE SUPERINTENDENTS; RELIEF; CONTRACTS FOR COUNTY SERVICES. In counties having the town system, the town boards and city and village councils shall be superintendents of the poor. All applications for aid shall be made to such boards or councils, which shall grant such relief as they deem necessary, by paying for the board and care of the applicants, providing transportation to their homes, paying rent, making cash payments, furnishing provisions, clothing, fuel, and medical attendance, and burying the dead. They shall allow no bill for goods furnished or services rendered to a poor person, unless a member of such board or council shall certify in writing that the account is correct and just; that the goods or services were necessary for his relief, were actually delivered or rendered, and were of good quality; and that the prices charged are reasonable. Every such bill shall specify the name of the person for whom the goods or services were furnished or rendered and the amount charged for each person.

A city of the third or fourth class and a village, borough, or town may by resolution of its governing body contract for all or part of the above services with the county in which it is situated, with the approval of the county commissioners of the county. In a town the resolution shall be adopted by the board of supervisors and is effective upon approval of the electors at the annual town meeting, or at a special meeting of the town called for that purpose. No statutory referendum provision of any law shall apply to such a contract. The authority to enter into such a contract is in addition to that provided in Minnesota Statutes, Section 471.59. Any contract of a kind authorized by this paragraph entered into before April 25, 1963 is hereby declared legal and valid. All acts performed pursuant to such an agreement are hereby declared legal and valid.

[R L s 1509; 1949 c 420 s 5; 1963 c 310 s 1] (3184)

261.062 TAX FOR SUPPORT OF POOR. The county board shall levy a tax annually sufficient to defray the estimated expenses of supporting and relieving the poor therein during the succeeding year, and to make up any deficiency in the fund raised for that purpose during the preceding year.

[*R. L. s. 1504*] (*3177*)

261.063 TAX LEVY FOR SOCIAL SECURITY MEASURES; DUTIES OF COUNTY BOARD. The board of county commissioners of each county shall annually levy taxes and fix a rate sufficient to produce the full amount required for old age assistance, aid to dependent children, and any other social security measures wherein there is now or may hereafter be county participation, sufficient to produce the full amount necessary for each such item, including administrative expenses, for the ensuing year, within the time fixed by law in addition to all other tax levies and tax rates, however fixed or determined, and any commissioner who shall fail to comply herewith shall be guilty of a gross misdemeanor and shall be immediately removed from office by the governor.

[*1937 c. 304 s. 1*] (*3177-1*)

261.064 TAXES, HOW LEVIED. In counties having the town system, the voters of each town, at their annual meeting, and the council of each city and village, annually, shall levy upon the property taxable therein a tax in such amount as shall seem necessary for the support and relief of the poor. Such tax shall not be less than one mill upon each dollar of the assessed valuation, unless there be in the poor fund at least \$50 above the amount of orders outstanding. The clerk shall certify to the county auditor such levy, or the fact that no tax is necessary. If a tax be levied, the county auditor shall calculate the rate, and extend the same; and, if no certificate be made, he shall levy and extend a tax of one mill on the dollar upon the property taxable in the town, city, or village in default. The proceeds of each tax shall be paid to the treasurers of the towns, cities, and villages.

[*R. L. s. 1513*] (*3188*)

261.065 LIABILITY OF COUNTIES FOR CARE OF POOR BY TOWNS; TAX LEVY. Subdivision 1. **Limitation.** In all counties of this state wherein the poor are cared for under the town system, if the expense incurred by any town, village, or city, however organized, for the care of the poor therein in any calendar year exceeds an amount in excess of one mill of the taxable value of real and personal property in such town, village, or city for that year, the county in which the town, village, or city is situated, shall be liable for 75 percent of the amount in excess of such one mill on the taxable value of real and personal property in such town, city, or village.

Subd. 2. **Estimate.** The county board, at its first meeting in January each year, shall estimate the amount which it deems necessary for such purpose and include in the tax levy a sufficient amount of taxes to pay the expense of such poor relief and same shall be extended against all property within the county.

[*1937 c 286 s 1, 2; 1949 c 26 s 1*] (*3195-1, 3195-2*)

261.066 MUNICIPAL AUTHORITIES TO CERTIFY LEVIES. In all towns, cities, and villages in counties wherein the poor are cared for under the town system, the chairman and clerk of the town, in case of towns, or the president and clerk of the village council, in case of villages, or the mayor and clerk of the city, in case of cities, as the case may be, shall certify to the county auditor a statement showing when, for what purpose, the amount, and to whom, expense was incurred by such town, village, or city in the care of each named poor person. The county auditor shall lay such statement before the county board at its meeting next following the receipt thereof. If this statement is deemed by the county board to be correct, the amount so certified shall be a claim against the county to the extent of the liability of the county as stated in section 261.065 and allowed and paid by the county to the treasurer of such town, village, or city, who shall credit the sum so paid to the poor fund of the town, city, or village.

[*1937 c. 286 s. 3*] (*3195-3*)

261.067 APPLICATION. Sections 261.065 and 261.066 shall not apply to any county in this state now or hereafter having a city of the first class in which city is located 65 percent or more in value of the taxable property of the county.

[*1937 c 286 s 4; 1949 c 232 s 1; 1955 c 246 s 1*] (*3195-4*)

261.07 LEGAL SETTLEMENT OF PAUPERS. Subdivision 1. Every person

except those hereinafter mentioned, who has resided one year continuously in any county, shall be deemed to have a settlement therein, if it has the county system; if it has the town system, he shall have a settlement in the town, city, or village therein in which he has longest resided within one year. Every person who has resided one year continuously in the state, but not in any one county, shall have a settlement in the county in which he has longest resided within such one year, if it has the county system; if it has the town system, his settlement shall be in the town, city, or village therein in which he has longest resided within one year.

Subd. 2. The time during which a person has received old age assistance or aid to dependent children, or has been the inmate of a hospital, old age home, or nursing home for the care of the invalid or aged, or an institution, home or school for the mentally deficient, whether public or private, and the time during the pendency of any suit to determine his legal poor settlement, and the time during which a person has been an inmate of a poorhouse, jail, prison or other public institution, or under commitment to the guardianship of the commissioner of public welfare, or a private agency authorized by the commissioner to accept guardianship of children, or one of the state institutions as a mentally deficient, delinquent, or dependent person, and each month during which he has received relief from the poor fund of any county or municipality or from funds supplied by the state or the United States or any department or departments thereof, except a recipient of assistance under the aid to the blind act, supplied as direct relief or in providing work on a relief basis and in lieu of direct relief, shall be excluded in determining the time of residence hereunder.

Subd. 3. Every minor not emancipated and settled in his own right and not under guardianship of the commissioner of public welfare, or one of the state institutions as a mentally deficient, delinquent, or dependent person shall have the same settlement as the parent with whom he has resided. Every child born in a state institution shall have a settlement in the county in which the mother had a legal settlement at the time she was committed to such institution. Every minor not emancipated and settled in his own right and living apart from his parents and not supported by his parents shall, after receiving aid and support from others uninterruptedly for a period of one year, acquire the settlement of the person with whom he has resided for a period of not less than one year. Every minor, living apart from his parents and supporting himself for an uninterrupted period of one year, shall be considered emancipated and thereafter capable of acquiring a settlement in his own right. A married woman abandoned or deserted by her husband for a period of one year continuously shall thereafter have the same right to acquire a new settlement as a single person.

Subd. 4. The legal settlement of persons under commitment as mentally ill, mentally retarded, epileptic, or inebriate, insofar as such persons are subject to the provisions of reciprocity agreements between the state and other states, shall be gained upon a residence equal in time to that required for the gaining of legal settlement for poor relief purposes but shall otherwise be subject to the same conditions and exceptions.

Subd. 5. A settlement in this state shall be terminated and lost by:

- (1) Acquiring a new one in another state;
- (2) Voluntary and uninterrupted absence from this state for a period of one year with intent to abandon his residence in the state. The time during which a person has been committed to a public institution or hospital in a foreign state shall be excluded in determining the period of absence from the state. Such commitment shall not constitute an interruption of absence from the state.

[R L s 1488; 1919 c 128; 1933 c 385; Ex1936 c 68; 1937 c 102; 1937 c 138; 1939 c 398 s 1; 1945 c 289 s 1; 1949 c 509 s 1; 1953 c 256 s 1; 1957 c 305 s 1; 1959 c 171 s 1; 1971 c 531 s 1] (3161)

261.08 JUDGE OF DISTRICT COURT TO DETERMINE. When a dispute shall arise between political subdivisions within a county or between two or more counties or between a county and a political subdivision of another county or political subdivisions of different counties as to the place of settlement of any poor person any such county or political subdivision may serve upon the other or others a notice that it will on a day certain, not less than five days after the service of such notice, apply to a judge of the district court of the district in which the county or political subdivision serving such notice lies for a determination of the settlement of such poor person. Such judge shall at the time fixed and without a jury hear

the evidence adduced by the parties to such proceeding and forthwith make and file his order determining the place of settlement of such poor person.

[1925 c. 378 s. 1; 1939 c. 398 s. 2] (3161-1)

261.09 [Repealed, 1971 c 65 s 2]

261.10 COUNTY OF RESIDENCE CHARGED WITH SUPPORT. The county or subdivision in which such poor person shall by such order be found to be his settlement shall thereafter be charged with his care and support.

[1925 c. 378 s. 4] (3161-4)

261.11 COSTS OF PROCEEDINGS. The prevailing party shall be allowed disbursements necessarily paid or incurred, to be taxed in the manner provided in civil actions.

[1925 c. 378 s. 5] (3161-5)

261.12 [Repealed, 1971 c 65 s 2]

261.123 APPEAL TO COMMISSIONER OF PUBLIC WELFARE; NOTICE. Any applicant or recipient aggrieved by any order or determination of an officer or officers of the political subdivision having jurisdiction of general relief or general assistance, may appeal from such order or determination to the commissioner of public welfare. Before making such appeal to the commissioner of public welfare, the applicant or recipient shall give written notice to the officer or officers of the political subdivision having jurisdiction, that he is not satisfied with the decision made. The officer or officers of the political subdivision having jurisdiction shall, within 30 days thereafter, grant a new hearing. The officer or officers of the political subdivision having jurisdiction may adhere to the decision already made, or may modify its order. If the applicant or recipient is then dissatisfied, he may, within 30 days after the mailing of such order, appeal to the commissioner of public welfare as herein provided. The commissioner of public welfare shall, upon receipt of such appeal, notify the officer or officers of the political subdivision having jurisdiction and review the case, giving the applicant or recipient an opportunity for a fair hearing before the commissioner of public welfare or his legal representative. An appeal may also be taken if the application is not acted upon with reasonable promptness by the officer or officers of the political subdivision having jurisdiction. The commissioner of public welfare may upon his own motion review any decision made by an officer or officers of a political subdivision having jurisdiction. The commissioner of public welfare may make such additional investigation as he deems necessary, and shall make such decision as to the granting of assistance and the amount and nature of assistance to be granted the applicant or recipient as in his opinion is justified and in conformity with the provisions of this chapter. All decisions of the commissioner of public welfare shall be binding upon the political subdivision involved and the applicant or recipient and complied with by the officer or officers of the political subdivision having jurisdiction unless modified or reversed on appeal as hereinafter provided.

[1953 c 464 s 1; 1955 c 116 s 1]

261.124 APPEAL TO DISTRICT COURT. If a decision or determination by the commissioner of public welfare is not, in the opinion of the officer or officers of a political subdivision having jurisdiction of applicant or recipient, in conformity with sections 261.01 to 263.12, either may within 30 days after such decision appeal from the decision or determination of the commissioner of public welfare to the district court of the county in which the application was filed by serving a copy of a written notice of such appeal upon the commissioner of public welfare and adverse party and filing the original of such notice, together with proof of service, with the clerk of the district court of the county. Such appeal may be brought on for hearing by either party by mailing ten days written notice stating the time and place of such hearing. Upon serving of such notice, the commissioner of public welfare shall, if demanded, furnish the officer or officers of political subdivision having jurisdiction of applicant or recipient a summary of the issues involved, a copy of all supporting papers, a transcript of any testimony and a copy of its decision. The court shall summarily, upon ten days written notice, try and determine the appeal upon the record of the commissioner of public welfare as certified to it and in the determination shall be limited to the issue as to whether the order of the commissioner of public welfare is fraudulent, arbitrary or unreasonable. No new or additional evidence shall be taken on such appeal or introduced by any party to such hearing on appeal in a district court, unless such new or additional

evidence in the opinion of the court, is necessary to a more equitable disposition of the appeal. If the court shall find the order of the commissioner of public welfare fraudulent, arbitrary or unreasonable, the court shall make an order declaring the order of the commissioner of public welfare null and void, giving its reasons therefor, and shall order the commissioner of public welfare to take further action in the matter not inconsistent with the determination of the court.

During the pendency of the appeal, if the commissioner of public welfare has awarded general relief or general assistance to a recipient, the general relief or general assistance shall be paid to him pending the determination of the appeal. If the appeal shall be from the order of the commissioner of public welfare, raising or lowering the amount paid to a recipient, and if the order of the commissioner of public welfare shall not be sustained, then the recipient shall receive the amount, if any, theretofore fixed by the officer or officers of the political subdivision having jurisdiction.

[1953 c 464 s 2]

261.125 ORIGINAL PROCEEDINGS IN DISTRICT COURT; APPEAL TO SUPREME COURT. The officer or officers of the political subdivision having jurisdiction may question the validity of any rule or regulation of the commissioner of public welfare and the district court where the political subdivision having jurisdiction is located shall have power to determine the validity of any such rule or regulation by original proceedings in the court. Either the commissioner of public welfare, or the officer or officers of the political subdivision having jurisdiction may appeal from such decision to the supreme court in the same manner as other appeals in civil actions.

[1953 c 464 s 3]

261.126 PROTESTS BY TAXPAYERS AGAINST GRANTING OF RELIEF. Any taxpayer of the state, resident therein, may appear at any time before the officer or officers of the political subdivision having jurisdiction of the county wherein he resides and protest the granting or continuance of any individual general relief or general assistance or any portion thereof, with the same right to appeal to the commissioner of public welfare as granted an applicant or recipient.

[1953 c 464 s 4]

261.13 [Repealed, 1971 c 65 s 2]

261.14 CHANGE OF SYSTEM. When the county board shall so determine, or if one-fourth of the voters of the county shall petition therefor, the question of changing from the system in force therein to either the town or county system shall be submitted to the voters of the county at the next general election. The notices of such election shall state that the question will be voted upon, and provisions for taking such vote shall be made upon the blue ballots furnished therefor, as in the case of other questions. If a majority of the votes cast thereon be in the affirmative, the change shall take effect upon the first Monday of January next thereafter.

[R. L. s. 1491] (3164)

261.141 ALLOWANCE TO TOWNS ON CHANGE FROM COUNTY SYSTEM. The county board of any county which has changed from the county system to the town system may appropriate out of the poor fund such sum as it may deem advisable to reimburse any town, city, or village in its county for money expended or indebtedness incurred for the care of the poor therein, if it shall have expended or incurred an indebtedness of not less than \$300 for that purpose within the year preceding its application for such allowance.

[R. L. s. 1514] (3189)

261.142 COUNTY SYSTEM CHANGED TO TOWN SYSTEM. Subdivision 1. **80 percent of tax paid to towns, villages, and cities.** When the system for relief of the poor in any county is changed from the county system to the town system and there has been levied or assessed for the year in which such change occurs a tax for the poor fund of such county under such county system, 80 percent of the moneys received by such county for such tax shall be paid over to the treasurers of the various towns, villages, and cities of the county in the manner hereinafter provided.

Subd. 2. **Auditor, duties as to taxes, warrants.** On the 20th day of March,

June, and November in such year, the auditor of the county shall compute the amount of taxes collected for such poor fund from the taxpayers of each town, village, or city in the county and which then remains in the treasury of such county and draw his warrant in favor of the treasurer of each of such towns, villages, and cities for 80 percent of the amount received from such town, village, or city, and the same shall be forthwith paid by the treasurer of the county.

Subd. 3. **Moneys to become poor fund.** The moneys so paid to the treasurers of such towns, villages, and cities shall constitute the poor fund for such towns, villages, and cities for the year in which the change is made.

[1907 c. 37 ss. 1, 2, 3] (3190, 3191, 3192)

261.143 TRANSFER OF SURPLUS IN COUNTY POOR FUND. When the system for relief of the poor in any county is changed from the county system to the town system and there remains in the county poor fund a surplus which has been levied or assessed as a tax for the poor fund of the county under such county system for the years prior to the year in which such change occurred and which then remains in the treasury of the county, the auditor of the county shall compute the amount of taxes collected for such poor fund from the taxpayers of each town, village, or city in the county and draw a warrant for the pro rata amount received from such town, village, or city, and the same shall be forthwith paid by the treasurer of the county to the treasurers of the respective towns, villages, or cities of the county.

The money so paid to the treasurers of such towns, villages, or cities shall become a part of the poor fund of such town, village, or city and used for no other purpose.

[1913 c. 39 ss. 1, 2] (3193, 3194)

261.15 [Repealed, 1961 c 561 s 17]

261.16 [Repealed, 1961 c 561 s 17]

261.17 [Repealed, 1961 c 561 s 17]

261.18 [Repealed, 1961 c 561 s 17]

261.19 [Repealed, 1961 c 561 s 17]

261.20 [Repealed, 1961 c 561 s 17]

261.201 [Repealed, 1971 c 132 s 2]

261.202 [Repealed, 1971 c 132 s 2]

261.203 [Repealed, 1971 c 132 s 2]

261.204 [Repealed, 1971 c 132 s 2]

261.205 [Repealed, 1971 c 132 s 2]

261.206 [Repealed, 1971 c 132 s 2]

261.207 [Repealed, 1971 c 132 s 2]

261.208 [Repealed, 1971 c 132 s 2]

261.21 HOSPITALIZATION FOR INDIGENT PERSONS. The county board of any county in this state is hereby authorized to provide for the hospitalization in hospitals within the county or elsewhere of indigent residents of such county who are afflicted with a malady, injury, deformity, or ailment of a nature which can probably be remedied by hospitalization and who are unable financially to secure and pay for such hospitalization or, in the case of an unemancipated minor, whose parent, guardian, trustee, or other person having lawful custody of his person, as the case may be, is unable to secure or provide such hospitalization.

[1935 c 359 s 1; 1941 c 473 s 1; 1971 c 257 s 1] (3164-19)

261.22 APPLICATION FILED. Subdivision 1. **Duties of officials.** When the existence of a case described in section 261.21 shall come to the notice of the sheriff, town clerk, health officer, public health nurse, peace officer, public official, or physician or surgeon it shall be his duty to, and any other person may, file with the auditor of the county of the residence of such indigent person requiring care an application for the hospitalization of such indigent person. Such application shall be made in such form as the county board of such county may prescribe, and shall contain the name, age, residence, and physical condition of the person sought to be hospitalized and shall contain also a full statement of his financial situation and of the persons, if any, legally charged with his care and support and such application shall be verified. The county board shall make a careful

investigation of the matter in such manner as it shall deem advisable and expedient and it shall be the duty of any public official of any county, city, village, or town of the residence of the person sought to be hospitalized to supply the county board on a request therefor all the information within his knowledge relative to the financial condition of the person sought to be hospitalized and of all persons, if any there be, who are legally liable for the support of such person. If after such investigation the county board shall be satisfied that the person on whose behalf the application is made is not financially able to provide himself with such hospitalization or in case of a minor, his parents, guardians, trustee, or other person having legal custody over him or legally responsible for his support and maintenance is not financially able to provide such hospitalization, then said county board shall direct the county physician or some other physician to make an examination of the person on whose behalf such application was made. Such physician shall make and file with the county board a verified report in writing setting forth the nature and history of the case and such other information as will likely aid in the medical and surgical treatment of the disease, malady, injury, deformity, or ailment affecting such person, and shall state in such report his opinion whether or not the condition of such person can probably be remedied at a hospital. Such report shall be made in duplicate, one copy of which shall be filed with the county auditor and the other shall be transmitted to the hospital at which such afflicted person is hospitalized; such report shall also give any information the examining physician shall have or acquire relative to the financial ability of the afflicted person to pay for the hospitalization and treatment of his disease, malady, injury, deformity, or ailment, together with any other information such physician may deem helpful to the county board or the physician attending him.

Subd. 2. Duties of county board. If upon filing of such report and a full investigation of the application the county board shall be satisfied that the case is one which could be remedied by hospital treatment and that such afflicted person is financially unable to secure or provide the same for himself and that the persons legally charged with the support and maintenance of such person, if any there be, are financially unable to provide such hospitalization, the county board may grant or approve said application. If the county board is not so satisfied, it may take additional testimony or make such further investigation as it shall deem proper and it shall reject any application if it finds that the facts do not merit the expenditure of public money for the relief of such afflicted person. Upon the approving and granting such application and the relief therein prayed for, the chairman of such county board shall arrange for the hospitalization of such afflicted person. If the county board shall find that the applicant or the person legally responsible for his support and maintenance is not able to pay in full but is able to pay in part for such hospitalization at such hospital, the county board may approve such application of such afflicted person on such terms of division of hospital charges and costs as it may deem equitable and just. The county board shall provide for taking such afflicted person to the hospital. When a physician certifies that an emergency exists in any case and that he believes that the person suffering is unable to pay for hospitalization such person shall be admitted to any such hospital upon the order of the chairman of the county board or upon the order of the county commissioner of the district in which such alleged indigent person resides; and thereafter an investigation shall be made in the manner hereinbefore provided. When a physician certifies in a case of an injury (or an emergency) that immediate surgical or medical treatment is necessary, the patient shall forthwith be admitted to any such hospital upon said certificate for a period not to exceed 72 hours; and thereafter an investigation shall be certified and made in the manner provided in sections 261.21 to 261.23.

[1935 c. 359 s. 2; 1941 c. 473 s. 2; 1943 c. 31 s. 4] (3164-20)

261.23 COSTS OF HOSPITALIZATION. The costs of hospitalization of such indigent persons exclusive of medical and surgical care and treatment shall not exceed in amount the full rates fixed and charged by the Minnesota general hospital under the provisions of sections 158.01 to 158.11 for the hospitalization of such indigent patients. The cost of the hospitalization of indigent persons under the provisions of sections 261.21 to 261.23 shall be paid by the county of the residence of such indigent persons at such times as may be provided for in such contract; and in case of an injury or emergency requiring immediate surgical or medical treatment, for a period not to exceed 72 hours, the cost shall be paid by the county from which such patient, if indigent, is certified. If the county of residence of the patient

is not the county in which the patient has legal settlement for the purposes of poor relief, then the county of residence may seek reimbursement from the county in which the patient has settlement for the purposes of poor relief for all costs it has necessarily incurred and paid in connection with the hospitalization of said patient.

[1935 c. 359 s. 3; 1941 c. 473 s. 3; 1943 c. 31 s. 5] (3164-21)

261.231 COUNTY BOARD MAY DELEGATE CERTAIN POWERS. The county board of any county in this state is hereby authorized to delegate to the county welfare board of such county all the rights, powers, and duties conferred upon it by Laws 1941, Chapter 473, with reference to the hospitalization of indigent persons.

[1943 c. 31 s. 7]

261.25 UNIFORM TRANSFER OF DEPENDENTS ACT. Subject to the approval of the attorney general, as to form and legality, the commissioner of public welfare may enter into reciprocal agreements with agencies of other states regarding the interstate transportation of poor and indigent persons, and may arrange with the proper officials in this state for the acceptance, transfer, and support within this state of persons receiving public aid in other states in accordance with the terms of these agreements, provided that this state shall not, nor shall any county or other political subdivision of this state, be committed to the support of persons who are not in the opinion of the commissioner of public welfare entitled to public support by the laws of this state; provided further that determination of legal settlement in a county or other political subdivision of this state shall be made before authorization is granted for the return of an indigent person to this state.

[1955 c. 250 s. 1]

261.251 INTERPRETATION. Section 261.25 shall be so interpreted and construed as to effectuate its general purpose to make uniform the laws of those states which enact it.

[1955 c. 250 s. 2]

261.26 COUNTY WORK RELIEF PROGRAMS. Subdivision 1. The purpose of work relief is to enable persons in need of relief assistance to preserve their self esteem and skills, to provide new skills to disabled persons, and to enable counties to engage in necessary public works projects.

Subd. 2. Any county welfare department may provide a work relief program for persons who qualify for relief, and who desire to perform useful work or acquire new skills. The department may assign the needy person such work as he is able to perform but which is not that ordinarily performed and which would supplement but not replace projects which are ordinarily performed by regular employees of the county.

Subd. 3. Work relief recipients shall be paid at the same wage rates as county employees doing similar work, and the number of hours of work assigned to a recipient shall be determined by the needs of himself and his family including expenses incidental to his employment.

Subd. 4. A county may contract with the federal government, or with any department, agency, subdivision or instrumentality of the state for the services of such work relief recipients on such terms and conditions as may be agreed upon, with or without consideration paid to the county.

Subd. 5. Work relief recipients are employees of the county within the meaning of workmen's compensation laws, but not retirement or civil service laws.

[1961 c. 553 s. 1-5]

261.27 CHILDREN PLACED IN FOSTER HOMES; LIABILITY FOR COST OF CARE. When a child is found to be confronted with any social, physical or emotional problem which requires placement in foster care, other remedial care or treatment, whether within or away from his own home, or any other child welfare services as provided in Minnesota Statutes, Section 393.07, and his parents are unable to pay for such care or such services, the costs shall be paid by the county welfare board of the county of the child's legal settlement; provided that where there is a dispute as to the county of settlement, the county providing or arranging for such services shall pay for them pending final determination of the county of settlement. When the county welfare board providing the care or service is not the county of the child's legal settlement, it has a claim for recovery of

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costs upon the county where the child has settlement. For costs incurred to provide foster care or other treatment for delinquent children under the jurisdiction of the youth conservation commission, the county welfare board has a claim for reimbursement from funds appropriated to the youth conservation commission for foster care purposes.

[*R L s 1502; 1949 c 420 s 4; 1959 c 480 s 5*] (*3175*)