

MINNESOTA STATUTES 1973 SUPPLEMENT

CHILDREN; CUSTODY OF, ILLEGITIMATE 257.01

256B.14 Relative's responsibility

The financial responsibility of a relative for an applicant or recipient of medical assistance shall not extend beyond the relationship of a spouse, or a parent of an applicant who is under 18 years of age.

[1973 c 725 s 46]

256B.22 Compliance with social security act

The various terms and provisions hereof, including the amount of medical assistance paid hereunder, are intended to comply with and give effect to the program set out in Title XIX of the federal Social Security Act. During any period when federal funds shall not be available or shall be inadequate to pay in full the federal share of medical assistance as defined in Title XIX of the federal Social Security Act, as amended by Public Law 92-603, the state may reduce by an amount equal to such deficiency the payments it would otherwise be obligated to make pursuant to section 256B.041.

[1973 c 717 s 20]

256B.30 Health care facility report

Every facility required to be licensed under the provisions of sections 144.50 to 144.58 shall provide annually to the commissioner of public welfare such reports as may be required under law and under regulations adopted by the commissioner of public welfare under the administrative procedures act. Such regulations shall provide for the submission of a full and complete financial report of a facility's operations including:

- (1) An annual statement of income and expenditures;
- (2) A complete statement of fees and charges;

(3) The names of all persons other than mortgage companies owning any interest in the facility including stockholders with an ownership interest of ten percent or more of the facility.

The financial reports and supporting data of the facility shall be available for inspection and audit by the commissioner of public welfare.

[1973 c 688 s 8]

CHAPTER 257. CHILDREN; CUSTODY OF, ILLEGITIMATE

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CUSTODY

257.01 Placing out, records

Each person permitted by law to receive children, secure homes for children, or care for children, shall keep a record containing the name, age, and former residence of each child received; the name, former residence, occupation, and character, of each parent; the date of reception, placing out, and adoption of each child, and the name, occupation, and residence of the person with whom a child is placed; the date of the removal of any child to another home and the cause thereof; the date of termination of the guardianship; the history of each child until he reaches the age of 18 years, is legally adopted, or is discharged according to law; and such other information as is required by the commissioner of public welfare.

[1973 c 725 s 47]

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257.05 Importation

Subdivision 1. No person, except as provided by subdivision 2, shall bring or send into the state any child for the purpose of placing him out or procuring his adoption without first obtaining the consent of the commissioner of public welfare, and such person shall conform to all rules of the commissioner of public welfare and laws of the state of Minnesota relating to protection of children in foster care. He shall file with the commissioner of public welfare a bond to the state, approved by the commissioner of public welfare, in the penal sum of \$1,000, conditioned that he will not send or bring into the state any child who is incorrigible or unsound of mind or body; that he will remove any such child who becomes a public charge or who, in the opinion of the commissioner of public welfare, becomes a menace to the community prior to his adoption or becoming of legal age; provided however, that the commissioner of public welfare may in his discretion waive the filing of a bond and accept in lieu thereof a written guarantee of responsibility in such form as he shall prescribe. Before any child shall be brought or sent into the state for the purpose of placing him in foster care, the person bringing or sending the child into the state shall first notify the commissioner of public welfare of his intention, and shall obtain from the commissioner of public welfare a certificate stating that the home in which the child is to be placed is, in the opinion of the commissioner of public welfare, a suitable adoptive home for the child if legal adoption is contemplated or that the home meets the commissioner's requirements for licensing of foster homes if legal adoption is not contemplated. The commissioner is responsible for protecting the child's interests so long as he remains within the state and until he reaches the age of 18 or is legally adopted. Notice to the commissioner shall state the name, age, and personal description of the child, and the name and address of the person with whom the child is to be placed, and such other information about the child and the foster home as may be required by the commissioner.

[1973 c 725 s 48]

[For text of subd. 2, see M.S.1971]

257.081 Definitions

[For text of subds. 1 to 5, see M.S.1971]

Subd. 6. "Children" means one or more persons under the age of 18 years.

[1973 c 102 s 1]

[For text of subds. 7 to 10, see M.S.1971]

257.101 Foster care and day care licenses

[For text of subd. 1, see M.S.1971]

Subd. 2. The commissioner of public welfare shall, subject to the provisions of chapter 15, establish by rule and regulation procedures and standards for the issuance and renewal of licenses and for the operation of foster care and day care facilities. Facilities which in the judgment of the commissioner of education operate for the primary purpose of educating children shall be exempt from these regulations except insofar as the regulations affect the health and safety of the children therein. Where an initial license is being issued to any facility it shall remain in force for one year. Where a license is being renewed it may be issued for a period of up to two years, in the discretion of the commissioner of public welfare. Every license shall prescribe the number and age groupings of children who may receive care at any one time. A reasonable licensing fee may be charged to defray the expense of issuing such licenses.

[1973 c 195 s 1]

[For text of subds. 3 to 5, see M.S.1971]

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ILLEGITIMATE

257.40 Interstate compact on the placement of children

The interstate compact on the placement of children is hereby enacted into law and entered into with all other jurisdictions legally joining therein in form substantially as follows:

ARTICLE I

Purpose and Policy

It is the purpose and policy of the party states to cooperate with each other in the interstate placement of children to the end that:

(a) Each child requiring placement shall receive the maximum opportunity to be placed in a suitable environment and with persons or institutions having appropriate qualifications and facilities to provide a necessary and desirable degree and type of care.

(b) The appropriate authorities in a state where a child is to be placed may have full opportunity to ascertain the circumstances of the proposed placement, thereby promoting full compliance with applicable requirements for the protection of the child.

(c) The proper authorities of the state from which the placement is made may obtain the most complete information on the basis on which to evaluate a projected placement before it is made.

(d) Appropriate jurisdictional arrangements for the care of children will be promoted.

ARTICLE II

Definitions

As used in this compact:

(a) "Child" means a person who, by reason of minority, is legally subject to parental, guardianship or similar control.

(b) "Sending agency" means a party state, officer or employee thereof; a subdivision of a party state, or officer or employee thereof; a court of a party state; a person, corporation, association, charitable agency or other entity which sends, brings, or causes to be sent or brought any child to another party state.

(c) "Receiving state" means the state to which a child is sent, brought, or caused to be sent or brought, whether by public authorities or private persons or agencies, and whether for placement with state or local public authorities or for placement with private agencies or persons.

(d) "Placement" means the arrangement for the care of a child in a family free or boarding home or in a child-caring agency or institution but does not include any institution caring for the mentally ill, mentally defective or epileptic or any institution primarily educational in character, and any hospital or other medical facility.

ARTICLE III

Conditions for Placement

(a) No sending agency shall send, bring, or cause to be sent or brought into any other party state any child for placement in foster care or as a preliminary to a possible adoption unless the sending agency shall comply with each and every requirement set forth in this article and with the applicable laws of the receiving state governing the placement of children therein.

(b) Prior to sending, bringing or causing any child to be sent or brought into a receiving state for placement in foster care or as a preliminary to a possible adoption, the sending agency shall furnish the appropriate public authorities in the receiving state written notice of the intention to send, bring, or place the child in the receiving state. The notice shall contain:

(1) The name, date and place of birth of the child.

(2) The identity and address or addresses of the parents or legal guardian.

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(3) The name and address of the person, agency or institution to or with which the sending agency proposes to send, bring, or place the child.

(4) A full statement of the reasons for such proposed action and evidence of the authority pursuant to which the placement is proposed to be made.

(c) Any public officer or agency in a receiving state which is in receipt of a notice pursuant to paragraph (b) of this article may request of the sending agency, or any other appropriate officer or agency of or in the sending agency's state, and shall be entitled to receive therefrom, such supporting or additional information as it may deem necessary under the circumstances to carry out the purpose and policy of this compact.

(d) The child shall not be sent, brought, or caused to be sent or brought into the receiving state until the appropriate public authorities in the receiving state shall notify the sending agency, in writing, to the effect that the proposed placement does not appear to be contrary to the interests of the child.

ARTICLE IV

Penalty for Illegal Placement

The sending, bringing, or causing to be sent or brought into any receiving state of a child in violation of the terms of this compact shall constitute a violation of the laws respecting the placement of children of both the state in which the sending agency is located or from which it sends or brings the child and of the receiving state. Such violation may be punished or subjected to penalty in either jurisdiction in accordance with its laws. In addition to liability for any such punishment or penalty, any such violation shall constitute full and sufficient grounds for the suspension or revocation of any license, permit, or other legal authorization held by the sending agency which empowers or allows it to place, or care for children.

ARTICLE V

Retention of Jurisdiction

(a) The sending agency shall retain jurisdiction over the child sufficient to determine all matters in relation to the custody, supervision, care, treatment and disposition of the child which it would have had if the child had remained in the sending agency's state, until the child is adopted, reaches majority, becomes self-supporting or is discharged with the concurrence of the appropriate authority in the receiving state. Such jurisdiction shall also include the power to effect or cause the return of the child or its transfer to another location and custody pursuant to law. The sending agency shall continue to have financial responsibility for support and maintenance of the child during the period of the placement. Nothing contained herein shall defeat a claim of jurisdiction by a receiving state sufficient to deal with an act of delinquency or crime committed therein.

(b) When the sending agency is a public agency, it may enter into an agreement with an authorized public or private agency in the receiving state providing for the performance of one or more services in respect of such case by the latter as agent for the sending agency.

(c) Nothing in this compact shall be construed to prevent a private charitable agency authorized to place children in the receiving state from performing services or acting as agent in that state for a private charitable agency of the sending state; nor to prevent the agency in the receiving state from discharging financial responsibility for the support and maintenance of a child who has been placed on behalf of the sending agency without relieving the responsibility set forth in paragraph (a) hereof.

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ARTICLE VI

INSTITUTIONAL CARE OF DELINQUENT CHILDREN

A child adjudicated delinquent may be placed in an institution in another party jurisdiction pursuant to this compact but no such placement shall be made unless the child is given a court hearing on notice to the parent or guardian with opportunity to be heard, prior to his being sent to such other party jurisdiction for institutional care and the court finds that:

1. Equivalent facilities for the child are not available in the sending agency's jurisdiction; and
2. Institutional care in the other jurisdiction is in the best interest of the child and will not produce undue hardship.

ARTICLE VII

Compact Administrator

The executive head of each jurisdiction party to this compact shall designate an officer who shall be general coordinator of activities under this compact in his jurisdiction and who, acting jointly with like officers of other party jurisdictions, shall have power to promulgate rules and regulations to carry out more effectively the terms and provisions of this compact.

ARTICLE VIII

Limitations

This compact shall not apply to:

- (a) The sending or bringing of a child into a receiving state by his parent, step-parent, grandparent, adult brother or sister, adult uncle or aunt, or his guardian and leaving the child with any such relative or non-agency guardian in the receiving state.
- (b) Any placement, sending or bringing of a child into a receiving state pursuant to any other interstate compact to which both the state from which the child is sent or brought and the receiving state are party, or to any other agreement between said states which has the force of law.

ARTICLE IX

Enactment and Withdrawal

This compact shall be open to joinder by any state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and, with the consent of Congress, the Government of Canada or any province thereof. It shall become effective with respect to any such jurisdiction when such jurisdiction has enacted the same into law. Withdrawal from this compact shall be by the enactment of a statute repealing the same, but shall not take effect until two years after the effective date of such statute and until written notice of the withdrawal has been given by the withdrawing state to the Governor of each other party jurisdiction. Withdrawal of a party state shall not affect the rights, duties and obligations under this compact of any sending agency therein with respect to a placement made prior to the effective date of withdrawal.

ARTICLE X

Construction and Severability

The provisions of this compact shall be liberally construed to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability

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ty thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state party thereto, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

[1973 c 227 s 1]

257.41 Financial responsibility

Financial responsibility for any child placed pursuant to the provisions of the interstate compact on the placement of children shall be determined in accordance with the provisions of Article V thereof in the first instance. However, in the event of partial or complete default of performance thereunder, the provisions of sections 518.41 to 518.53 also may be invoked.

[1973 c 227 s 2]

257.42 Appropriate public authority defined

The "appropriate public authorities" as used in Article III of the interstate compact on the placement of children shall, with reference to this state, mean the Minnesota department of public welfare and said department of public welfare shall receive and act with reference to notices required by said Article III.

[1973 c 227 s 3]

257.43 Appropriate authority in receiving state defined

As used in paragraph (a) of Article V of the interstate compact on the placement of children, the phrase "appropriate authority in the receiving state" with reference to this state shall mean the commissioner of public welfare.

[1973 c 227 s 4]

257.44 Agreements

The officers and agencies of this state and its subdivisions having authority to place children are hereby empowered to enter into agreements with appropriate officers or agencies of or in other party states pursuant to paragraph (b) of Article V of the interstate compact on the placement of children. Any such agreement which contains a financial commitment or imposes a financial obligation on this state or subdivision or agency thereof shall not be binding unless it has the approval in writing of the commissioner of public welfare in the case of the state and of the chief local fiscal officer in the case of a subdivision of the state.

[1973 c 227 s 5]

257.45 Requirements for visitation; supervision

Any requirements for visitation, inspection or supervision of children, homes, institutions or other agencies in another party state which may apply under section 257.07 shall be deemed to be met if performed pursuant to an agreement entered into by appropriate officers or agencies of this state or a subdivision thereof as contemplated by paragraph (b) of Article V of the interstate compact on the placement of children.

[1973 c 227 s 6]

257.46 Certain laws not applicable

The provisions of section 257.06 shall not apply to placements made pursuant to the interstate compact on the placement of children.

[1973 c 227 s 7]

257.47 Court jurisdiction retained

Any court having jurisdiction to place delinquent children may place such a child in an institution or in another state pursuant to Article VI of the interstate compact on the placement of children and shall retain jurisdiction as provided in Article V thereof.

[1973 c 227 s 8]

257.48 Executive head defined

As used in Article VII of the interstate compact on the placement of children, the term "executive head" means the governor. The governor is hereby authorized to appoint a compact administrator in accordance with the terms of said Article VII.

[1973 c 227 s 9]

CHAPTER 259. CHANGE OF NAME, ADOPTION

ADOPTION

Sec.

259.21 Definitions.

ADOPTION

259.21 Definitions

[For text of subd. 1, see M.S.1971]

Subd. 2. Child. "Child" means a person under the age of 18 years.

[1973 c 725 s 49]

[For text of subds. 3 to 7, see M.S.1971]

CHAPTER 260. JUVENILES

GENERAL PROVISIONS

Sec.

260.015 Definitions.

260.38 Cost, payment.

MISCELLANEOUS

Sec.

260.40 Age limit for benefits to children [New].

GENERAL PROVISIONS

260.015 Definitions

[For text of subds. 1 to 8, see M.S.1971]

Subd. 9. "Minor" means an individual under 18 years of age.

[1973 c 725 s 50]

[For text of subds. 10 to 14, see M.S.1971]

MISCELLANEOUS

260.38 Cost, payment

In addition to the usual care and services given by public and private agencies, the necessary cost incurred by the commissioner of public welfare in providing care for such child shall be paid by the county committing such child which, subject to uniform regulations established by the commissioner of public welfare, may receive a reimbursement not exceeding one-half of such costs from funds made available for this purpose by the legislature. Where such child is eligible to receive a grant of aid to families with dependent children or supplemental security income for the aged, blind, and disabled, his needs shall be met through these programs.

[1973 c 717 s 21]

260.40 Age limit for benefits to children

For purposes of any program for foster children or children under state guardianship for which benefits are made available on June 1, 1973, unless specifically provided therein, the age of majority shall be 21 years of age.

[1973 c 725 s 89]