

## MENTAL RETARDATION PROTECTION 252A.03

report thereon to the commissioner of public welfare, and when indicated to the public;

(6) Provide for transportation to and from the center of all persons who fulfill the eligibility requirements of section 252.23, clause (1) and who attend the center, if provision for this transportation is not unreasonably burdensome to the center and if a more efficient, reasonable, alternative means of transportation does not exist.

[ 1977 c 337 s 7 ]

### 252.261 Existence.

Any daytime activity center in existence on September 1, 1977 shall be deemed to be a developmental achievement center for the purposes of Laws 1977, Chapter 337, Sections 1 to 7.

[ 1977 c 337 s 8 ]

### 252.27 Cost of boarding care outside of home or institution.

Subdivision 1. Whenever any child who is mentally retarded, epileptic or emotionally handicapped is in 24 hour care outside the home and outside the state institutions, in a facility licensed by the commissioner of public welfare, the cost of care shall be paid by the county of financial responsibility determined pursuant to section 256D.18. If the child's parents or guardians do not reside in this state, the cost shall be paid by the county in which the child is found. The county paying the costs of care and treatment shall, subject to rules promulgated by the commissioner of public welfare, receive reimbursement not exceeding 70 percent of the costs from funds made available for this purpose by the legislature. Reimbursement shall cease when the mentally retarded, epileptic or emotionally handicapped child reaches age 18. If the state appropriation for this purpose is insufficient, reimbursement shall be prorated. For the purposes of this section an "emotionally handicapped child" means any child having a psychiatric or other emotional disorder which substantially impairs his mental health and who requires 24 hour treatment or supervision.

Subd. 2. The commissioner of public welfare shall promulgate rules to determine the responsibility of the parents and the child to contribute to the cost of care and treatment based upon ability to pay. Responsibility of the parents and of the child for the cost of care shall be up to a maximum of \$125. Reimbursement by the parents and child shall be made to the county making any payments for care and treatment. The commissioner may require payment of the full cost of caring for children whose parents or guardians do not reside in this state. The commissioner's determination shall be conclusive in any action to enforce payment of the cost of care. Any appeals from the commissioner's determination shall be made pursuant to section 246.55.

[For text of subds 3 and 4, see M.S.1976]

[ 1977 c 331 s 2,3 ]

## CHAPTER 252A. MENTAL RETARDATION PROTECTION

Sec.  
252A.03 Nomination of commissioner as guardian or conservator.  
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### 252A.03 Nomination of commissioner as guardian or conservator.

[For text of subds 1 and 2, see M.S.1976]

Subd. 3. The commissioner shall accept the nomination if the psychologist's report contained in the comprehensive evaluation concludes that the alleged mentally retarded person is, in fact, mentally retarded and if the comprehensive evaluation

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tion concludes that such person is in need of the supervision and protection of a conservator or guardian.

[ 1977 c 415 s 1 ]

### 252A.04 Comprehensive evaluation.

[For text of subds 1 and 2, see M.S.1976]

Subd. 3. The county welfare department shall prepare and forward the comprehensive evaluation to the commissioner within 90 days of the date the commissioner orders the evaluation.

[For text of subd 4, see M.S.1976]

[ 1977 c 415 s 2 ]

### 252A.07 Filing of comprehensive evaluation.

Subdivision 1. When a petition is brought by the commissioner following acceptance of his nomination, a copy of the comprehensive evaluation shall be filed with the petition. If a petition is brought by a person other than the commissioner and a comprehensive evaluation has been prepared within a year of the filing of the petition, the commissioner shall forward a copy of the comprehensive evaluation to the court upon notice of the filing of said petition. If a comprehensive evaluation has not been prepared within a year of the filing of the petition, the commissioner, upon notice of the filing of said petition, shall arrange for a comprehensive evaluation to be prepared and forwarded to the court within 90 days.

[For text of subds 2 and 3, see M.S.1976]

[ 1977 c 415 s 3 ]

### 252A.18 Persons under guardianship by prior law.

Subdivision 1. Any interested person may nominate the commissioner as conservator or may initiate conservatorship proceedings pursuant to section 252A.06 for any person committed to the guardianship of the commissioner pursuant to any prior law. Any proceeding brought pursuant to this section shall have no retroactive effect upon the placement of a mentally deficient ward in a state institution by the commissioner of welfare unless the petition requests the court to review the need for further institutionalization.

Subd. 2. Sections 252A.01 to 252A.21 apply to all guardianships of the commissioner of public welfare.

[ 1977 c 415 s 4 ]

## CHAPTER 253A. HOSPITALIZATION AND COMMITMENT ACT

Sec.  
253A.07 Judicial commitment.

### 253A.07 Judicial commitment.

[For text of subds 1 to 29, see M.S.1976]

Subd. 30. When, pursuant to an order of a state or federal court, a defendant in a criminal proceeding is examined in the probate court, the probate court shall transmit its findings and return the defendant to such court unless otherwise ordered. A duplicate of the findings shall be filed in the probate court, but there shall be no petition, property report, or commitment unless otherwise ordered.

[ 1977 c 196 s 1 ]