CHAPTER 256G

UNITARY RESIDENCE AND FINANCIAL RESPONSIBILITY

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256G.01 APPLICATION; CITATION; COVERAGE.

Subdivision 1. **Applicability.** This chapter governs the Minnesota human services system. The system includes the Department of Human Services; the Department of Children, Youth, and Families; Direct Care and Treatment; local social services agencies; county welfare agencies; human service boards; community mental health center boards; state hospitals; state nursing homes; and persons, agencies, institutions, organizations, and other entities under contract to any of those agencies to the extent specified in the contract.

Subd. 2. **Citation.** This chapter may be cited as the "Minnesota Unitary Residence and Financial Responsibility Act."

Subd. 3. **Program coverage.** This chapter applies to all social service programs administered by the commissioner of human services; the commissioner of children, youth, and families; or the Direct Care and Treatment executive board in which residence is the determining factor in establishing financial responsibility. These include, but are not limited to: commitment proceedings, including voluntary admissions; emergency holds; poor relief funded wholly through local agencies; social services, including title XX, IV-E and section 256K.10; social services programs funded wholly through the resources of county agencies; social services provided under the Minnesota Indian Family Preservation Act, sections 260.751 to 260.781; costs for delinquency confinement under section 393.07, subdivision 2; service responsibility for these programs; and housing support under chapter 256I.

Subd. 4. **Additional coverage.** The provisions in sections 256G.02, subdivision 4, paragraphs (a) to (d); 256G.02, subdivisions 5 to 8; 256G.03; 256G.04; 256G.05; and 256G.07, subdivisions 1 to 3, apply to the following programs: the aid to families with dependent children program formerly codified in sections 256.72 to 256.87, Minnesota family investment program; medical assistance; general assistance; the family general assistance program formerly codified in sections 256D.01 to 256D.23; general assistance medical care formerly codified in chapter 256D; and Minnesota supplemental aid.

Subd. 5. **Scope and effect.** Unless stated otherwise, the provisions of this chapter also apply to disputes involving financial responsibility for social services when another definition of the county of financial responsibility has been created in Minnesota Statutes.

History: *1987 c 363 s 1; 1988 c 719 art 8 s 22; 1Sp1989 c 1 art 16 s 14; 1994 c 631 s 31; 1996 c 451 art 2 s 40-42; 1997 c 85 art 4 s 21; 1999 c 139 art 4 s 2; 1999 c 159 s 75; 1Sp2003 c 14 art 11 s 11; 2005 c 10 art 1 s 55; 2005 c 98 art 3 s 19; 2016 c 158 art 2 s 104; 1Sp2017 c 6 art 2 s 39; 2024 c 79 art 3 s 8,9; 2024 c 80 art 8 s 68; 2024 c 125 art 5 s 43; 2024 c 127 art 50 s 43; 2025 c 21 s 50,51*

256G.02 DEFINITIONS.

Subdivision 1. **Applicability.** The definitions in this section apply to this chapter.

Subd. 2. **Board and lodging facility.** "Board and lodging facility" means a facility that serves as an alternative to institutionalization and provides a program of on-site care or supervision to persons who cannot live independently in the community because of age or physical, mental, or emotional disability.

Subd. 3. MS 2024 [Repealed, 2025 c 21 s 95]

Subd. 4. **County of financial responsibility.** (a) "County of financial responsibility" has the meanings in paragraphs (b) to (f).

(b) For an applicant who resides in the state and is not in a facility described in subdivision 6, it means the county in which the applicant resides at the time of application.

(c) For an applicant who resides in a facility described in subdivision 6, it means the county in which the applicant last resided in nonexcluded status immediately before entering the facility.

(d) For an applicant who has not resided in this state for any time other than the excluded time, and subject to the limitations in section 256G.03, subdivision 2, it means the county in which the applicant resides at the time of making application.

(e) For an individual already having a social service case open in one county, financial responsibility for any additional social services attaches to the case that has the earliest date of application and has been open without interruption.

(f) Notwithstanding paragraphs (b) to (e), the county of financial responsibility for semi-independent living services provided under section 252.275, and chapter 245D, is the county of residence in nonexcluded status immediately before the placement into or request for those services.

Subd. 5. MS 2024 [Repealed, 2025 c 21 s 95]

Subd. 5a. **Direct Care and Treatment executive board or executive board.** "Direct Care and Treatment executive board" or "executive board" means the Direct Care and Treatment executive board established under section 246C.06.

Subd. 6. **Excluded time.** "Excluded time" means:

(1) any period an applicant spends in a hospital, sanitarium, nursing home, shelter other than an emergency shelter, halfway house, foster home, community residential setting licensed under chapter 245D, semi-independent living domicile or services program, residential facility offering care, board and lodging facility or other institution for the hospitalization or care of human beings, as defined in section 144.50, 144A.01, or 245A.02, subdivision 14; maternity home, shelter for domestic abuse victims, or correctional facility; or any facility based on an emergency hold under section 253B.05, subdivisions 1 and 2;

(2) any period an applicant spends on a placement basis in a training and habilitation program, including: a rehabilitation facility or work or employment program as defined in section 268A.01; semi-independent living services provided under section 252.275, and chapter 245D; or day training and habilitation programs;

(3) any period an applicant is receiving assisted living services, integrated community supports, or day support services; and

(4) any placement for a person with an indeterminate commitment, including independent living.

Subd. 7. **Local agency.** "Local agency" means the agency designated by the county board of commissioners, human services boards, local social services agencies in the several counties of the state or multicounty local social services agencies where those have been established in accordance with law.

Subd. 8. **Reside.** "Reside" means to have an established place of abode in one state or county and not to have an established place of abode in another state or county.

History: *1987 c 363 s 2; 1988 c 689 art 2 s 268; 1988 c 719 art 8 s 23; 1989 c 209 art 1 s 25; 1Sp1989 c 1 art 16 s 15; 1991 c 199 art 2 s 1; 1994 c 631 s 31; 1996 c 451 art 2 s 43,44; 1997 c 203 art 4 s 58; 2009 c 79 art 6 s 15; 2012 c 216 art 11 s 41; 2014 c 291 art 8 s 14; 2016 c 158 art 1 s 139,140; 2022 c 98 art 4 s 43; 2024 c 79 art 3 s 10; 2024 c 125 art 5 s 43; 2024 c 127 art 50 s 43; 2026 c 97 art 1 s 14*

256G.03 ESTABLISHING RESIDENCE.

Subdivision 1. **State residence.** For purposes of this chapter, a resident of any Minnesota county is considered a state resident.

Subd. 2. **No durational test.** Except as otherwise provided in sections 142G.12; 142G.78; 256B.056, subdivision 1; and 256D.02, subdivision 12a, for purposes of this chapter, no waiting period is required before securing county or state residence. A person cannot, however, gain residence while physically present in an excluded time facility unless otherwise specified in this chapter or in a federal regulation controlling a federally funded human service; children, youth, and families; or direct care and treatment program. Interstate migrants who enter a shelter for domestic abuse victims directly from another state can gain residency while in the facility provided the person can provide documentation that the person is a victim of domestic abuse and the county determines that the placement is appropriate.

Subd. 3. **Use of Code of Federal Regulations.** In the event that federal legislation eliminates the federal regulatory basis for medical assistance, the state shall continue to determine eligibility for Minnesota's medical assistance program using the provisions of Code of Federal Regulations, title 42, as construed on the day prior to their federal repeal, except as expressly superseded in chapter 256B, or as superseded by federal law, or as modified by state rule or by regulatory waiver granted to the state.

History: *1987 c 363 s 3; 1989 c 282 art 5 s 114; 1996 c 451 art 2 s 45; 1997 c 85 art 3 s 50; 1999 c 159 s 76; 1Sp2003 c 14 art 1 s 106; 2016 c 158 art 1 s 141; 2024 c 79 art 3 s 11; 2024 c 80 art 7 s 12; 2025 c 21 s 52; 2026 c 97 art 1 s 15*

256G.04 DETERMINATION OF RESIDENCE.

Subdivision 1. **Time of determination.** For purposes of establishing financial responsibility, residence must be determined as of the date a local agency receives a signed request or signed application or the date of eligibility, whichever is later. This subdivision extends to cases in which the applicant may move to another county after the date of application but before the grant or service is actually approved.

Subd. 2. **Moving out of state.** (a) A person retains county and state residence so long as the person's absence from Minnesota is viewed as a temporary absence within the context of the affected program.

(b) Direct entry into a facility in another state does not end Minnesota residence for purposes of this chapter. Financial responsibility does not continue, however, unless placement was initiated by a human service; children, youth, and families; or direct care and treatment agency or another governmental entity that has statutory authority to bind the human service; children, youth, and families; or direct care and

treatment agency and is based on a formal, written plan of treatment, or unless federal regulations require payment for an out-of-state resident.

History: *1987 c 363 s 4; 1988 c 719 art 8 s 24; 2024 c 79 art 3 s 12; 2025 c 21 s 53*

256G.05 RESPONSIBILITY FOR EMERGENCIES.

Subdivision 1. MS 1994 [Repealed, 1996 c 451 art 2 s 61]

Subd. 2. **Non-Minnesota residents.** State residence is not required for receiving emergency assistance in the Minnesota supplemental aid program. The receipt of emergency assistance must not be used as a factor in determining county or state residence.

History: *1987 c 363 s 5; 1988 c 719 art 8 s 25; 1Sp1989 c 1 art 16 s 16; 1997 c 85 art 3 s 51; art 4 s 59; 1Sp2003 c 14 art 12 s 70*

256G.06 DETOXIFICATION SERVICES.

The county of financial responsibility for detoxification services is the county where the client is physically present when the need for services is identified. If that need is identified while the client is a resident of a substance use disorder facility, the provisions of section 256G.02, subdivision 4, paragraphs (c) and (d), apply.

History: *1987 c 363 s 6; 1989 c 209 art 1 s 26; 1996 c 451 art 2 s 46; 2022 c 98 art 4 s 51*

256G.07 MOVING TO ANOTHER COUNTY.

Subdivision 1. **Effect of moving.** Except as provided in subdivision 4, a person who has applied for and is receiving services or assistance under a program governed by this chapter, in any county in this state, and who moves to another county in this state, is entitled to continue to receive that service from the county from which that person has moved until that person has resided in nonexcluded status for two full calendar months in the county to which that person has moved.

Subd. 2. **Transfer of records.** Before the person has resided in nonexcluded status for two calendar months in the county to which that person has moved, the local agency of the county from which the person has moved shall complete an eligibility review and transfer all necessary records relating to that person to the local agency of the county to which the person has moved.

Subd. 3. **Continuation of case.** When the case is terminated for 30 days or less before the recipient reapplies, that case remains the financial responsibility of the county from which the recipient moved until the residence requirement in subdivision 1 is met.

Subd. 3a. MS 1994 [Repealed, 1996 c 451 art 2 s 61]

Subd. 4. **Social service provision.** The types and level of social services to be provided in any case governed by this chapter are those otherwise provided in the county in which the person is physically residing at the time those services are provided.

History: *1987 c 363 s 7; 1988 c 719 art 8 s 26; 1Sp1989 c 1 art 16 s 17; 1996 c 451 art 2 s 47,48*

256G.08 REIMBURSEMENT RESPONSIBILITY FOR COMMITMENTS.

Subdivision 1. **Commitment and competency proceedings.** In cases of voluntary admission, commitment to state or other institutions, or criminal orders for inpatient examination or participation in a competency

attainment program under chapter 611, the committing county or the county from which the first criminal order for inpatient examination or order for participation in a competency attainment program under chapter 611 is issued shall initially pay for all costs. This includes the expenses of the taking into custody, confinement, emergency holds under sections 253B.051, subdivisions 1 and 2, and 253B.07, examination, commitment, conveyance to the place of detention, rehearing, and hearings under sections 253B.092 and 611.47, including hearings held under those sections that are venued outside the county of commitment or the county of the chapter 611 competency proceedings order.

Subd. 2. **Responsibility for nonresidents.** If a person committed, voluntarily admitted to a state institution, or ordered for inpatient examination or participation in a competency attainment program under chapter 611 has no residence in this state, financial responsibility belongs to the county of commitment or the county from which the first criminal order for inpatient examination or order for participation in a competency attainment program under chapter 611 was issued.

Subd. 3. **Initiating county responsible.** The initial responsible county retains responsibility when adequate facts are not submitted to provide a sufficient legal basis for the transfer of responsibility.

History: *1987 c 363 s 8; 1996 c 281 s 1; 1996 c 451 art 2 s 49; 1999 c 118 s 7; 2023 c 25 s 146; 1Sp2025 c 9 art 5 s 5,6*

256G.09 DETERMINING FINANCIAL RESPONSIBILITY.

Subdivision 1. **General procedures.** If upon investigation the local agency decides that the application, commitment, or first criminal order under chapter 611 was not filed in the county of financial responsibility as defined by this chapter, but that the applicant is otherwise eligible for assistance, it shall send a copy of the application, commitment claim, or chapter 611 claim together with the record of any investigation it has made, to the county it believes is financially responsible. The copy and record must be sent within 60 days of the date the application was approved or the claim was paid. The first local agency shall provide assistance to the applicant until financial responsibility is transferred under this section.

The county receiving the transmittal has 30 days to accept or reject financial responsibility. A failure to respond within 30 days establishes financial responsibility by the receiving county.

Subd. 2. **Financial disputes.** (a) If the county receiving the transmittal does not believe it is financially responsible, it should provide to the commissioner of human services and the initially responsible county a statement of all facts and documents necessary for the commissioner to make the requested determination of financial responsibility. The submission must clearly state the program area in dispute and must state the specific basis upon which the submitting county is denying financial responsibility.

(b) The initially responsible county then has 15 calendar days to submit its position and any supporting evidence to the commissioner of human services. The absence of a submission by the initially responsible county does not limit the right of the commissioner of human services; the commissioner of children, youth, and families; or Direct Care and Treatment executive board to issue a binding opinion based on the evidence actually submitted.

(c) A case must not be submitted until the local agency taking the application, making the commitment, or residing in the county from which the first criminal order under chapter 611 was issued has made an initial determination about eligibility and financial responsibility, and services have been initiated. This paragraph does not prohibit the submission of closed cases that otherwise meet the applicable statute of limitations.

Subd. 3. **Commissioner of human services obligations.** (a) Except as provided in paragraph (b) for matters solely under the jurisdiction of the Direct Care and Treatment executive board or the commissioner

of children, youth, and families, the commissioner of human services shall then promptly decide any question of financial responsibility as outlined in this chapter and make an order referring the application to the local agency of the proper county for further action. Further action may include reimbursement by that county of assistance that another county has provided to the applicant under this subdivision. The commissioner shall decide disputes within 60 days of the last county evidentiary submission and shall issue an immediate opinion.

(b) For disputes regarding financial responsibility relating to matters solely under the jurisdiction of the Direct Care and Treatment executive board or the commissioner of children, youth, and families, the commissioner of human services shall promptly issue an advisory opinion on any question of financial responsibility as outlined in this chapter and recommend to the executive board or commissioner of children, youth, and families an order referring the application to the local agency of the proper county for further action. Further action may include reimbursement by that county of assistance that another county has provided to the applicant under this subdivision. The commissioner of human services shall provide an advisory opinion and recommended order to the executive board or commissioner of children, youth, and families within 30 days of the last county evidentiary submission. The executive board or commissioner of children, youth, and families shall decide to accept or reject the commissioner's advisory opinion and recommended order within 60 days of the last county evidentiary submission and shall issue an immediate opinion stating the reasons for accepting or rejecting the recommendation of the commissioner of human services.

(c) The commissioner of human services may make any investigation it considers proper before making a decision or a recommendation to the executive board or commissioner of children, youth, and families. The commissioner of human services may prescribe rules it considers necessary to carry out this subdivision except that the commissioner of human services must not create rules purporting to bind the decision of the executive board or commissioner of children, youth, and families on any advisory opinion or recommended order under paragraph (b).

(d) Except as provided in paragraph (e) for matters solely under the jurisdiction of the executive board or the commissioner of children, youth, and families, the order of the commissioner of human services binds the local agency involved and the applicant or recipient. That agency shall comply with the order unless reversed on appeal as provided in section 256.045, subdivision 7. The agency shall comply with the order pending the appeal.

(e) For disputes regarding financial responsibility relating to matters solely under the jurisdiction of the Direct Care and Treatment executive board or the commissioner of children, youth, and families, the order of the executive board or the commissioner of children, youth, and families binds the local agency involved and the applicant or recipient. That agency shall comply with the order of the executive board or the commissioner of children, youth, and families unless the order is reversed on appeal as provided in section 142A.20, subdivision 5, or 256.045, subdivision 7. The agency shall comply with the order of the executive board or the commissioner of children, youth, and families pending the appeal.

Subd. 4. **Appeals.** A local agency that is aggrieved by the order of a department or the executive board may appeal the opinion to the district court of the county responsible for furnishing assistance or services by serving a written copy of a notice of appeal on a commissioner or the executive board and any adverse party of record within 30 days after the date the department issued the opinion, and by filing the original notice and proof of service with the court administrator of district court. Service may be made personally or by mail. Service by mail is complete upon mailing.

A commissioner or the executive board may elect to become a party to the proceedings in district court. The court may consider the matter in or out of chambers and shall take no new or additional evidence.

Subd. 5. **Payment pending appeal.** After a department or the executive board issues an opinion in any submission under this section, the service or assistance covered by the submission must be provided or paid pending or during an appeal to the district court.

History: *1987 c 363 s 9; 1992 c 464 art 1 s 56; 1996 c 451 art 2 s 50; 2024 c 79 art 3 s 13,14; 2025 c 21 s 54-57; 2025 c 38 art 3 s 68,69; 1Sp2025 c 9 art 5 s 7,8*

256G.10 DERIVATIVE SETTLEMENT.

(a) The residence of the parent of a minor child, with whom that child last lived in a nonexcluded time setting, or guardian of a ward shall determine the residence of the child or ward for all social services governed by this chapter.

(b) For purposes of this chapter, a minor child is defined as being under 18 years of age unless otherwise specified in a program administered by the commissioner of human services; the commissioner of children, youth, and families; or the Direct Care and Treatment executive board.

(c) Physical or legal custody has no bearing on residence determinations. This section does not, however, apply to situations involving another state, limit the application of an interstate compact, or apply to situations involving state wards where the commissioner of human services or children, youth, and families is defined by law as the guardian.

History: *1987 c 363 s 10; 1988 c 719 art 8 s 27; 1Sp1989 c 1 art 16 s 18; 1996 c 451 art 2 s 51; 2024 c 79 art 3 s 15; 2025 c 21 s 58*

256G.11 NO RETROACTIVE EFFECT.

(a) This chapter is not retroactive and does not require redetermination of financial responsibility for cases existing on January 1, 1988. This chapter applies only to applications and redeterminations of eligibility taken or routinely made after January 1, 1988.

(b) Notwithstanding this section, existing social services cases shall be treated in the same manner as cases for those programs outlined in section 256G.02, subdivision 4, paragraph (g), for which an application is taken or a redetermination is made after January 1, 1988.

(c) The requirement under section 256G.09, subdivision 3, for the Direct Care and Treatment executive board or the commissioner of children, youth, and families to accept or reject the recommendation of the commissioner of humans services regarding the county of financial responsibility for matters solely under the jurisdiction of the executive board or the commissioner of children, youth, and families is not retroactive and does not require redetermination of financial responsibility for cases existing prior to the effective date of the transfer of all authorities and responsibilities from the Department of Human Services to Direct Care and Treatment.

(d) Notwithstanding paragraph (c), existing cases relating to matters under the jurisdiction of the executive board must be treated in the same manner as cases relating to matters under the jurisdiction of the executive board opened or redetermined after the effective date of the transfer of all authorities and responsibilities

from the Department of Human Services to Direct Care and Treatment or the Department of Children, Youth, and Families.

History: *1987 c 363 s 11; 1988 c 719 art 8 s 28; 1Sp1989 c 1 art 16 s 19; 2024 c 79 art 3 s 16; 2024 c 125 art 5 s 43; 2024 c 127 art 50 s 43; 2025 c 21 s 59*

256G.12 STATUTE OF LIMITATIONS.

Subdivision 1. **Limitation.** A submission to the commissioner of human services; the commissioner of children, youth, and families; or the Direct Care and Treatment executive board for a determination of financial responsibility must be made within three years from the date of application for the program in question or from the date of admission or commitment to state or other institutions.

Subd. 2. **Reimbursement.** The obligation of the county ultimately found to be financially responsible extends only to the period immediately following the date the submission was received or the date of admission or commitment to state or other institutions. In the case of social service programs only, no reimbursement is required until the financially responsible county has an opportunity to review and act on the plan of treatment according to the applicable social service rules.

Subd. 3. **Exception.** Subdivision 2 does not apply to timely and routine submissions for determination of financial responsibility under section 256G.09.

History: *1987 c 363 s 12; 2024 c 79 art 3 s 17; 2025 c 21 s 60*