

1.1 moves to amend H.F. No. 3615 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "Section 1. Minnesota Statutes 2020, section 242.19, subdivision 2, is amended to read:

1.4 Subd. 2. **Dispositions.** When a child has been committed to the commissioner of
1.5 corrections by a juvenile court, upon a finding of delinquency, the commissioner may for
1.6 the purposes of treatment and rehabilitation:

1.7 (1) order the child's confinement to the Minnesota Correctional Facility-Red Wing,
1.8 which shall accept the child, or to a group foster home under the control of the commissioner
1.9 of corrections, or to private facilities or facilities established by law or incorporated under
1.10 the laws of this state that may care for delinquent children;

1.11 (2) order the child's release on parole under such supervisions and conditions as the
1.12 commissioner believes conducive to law-abiding conduct, treatment and rehabilitation;

1.13 (3) order reconfinement or renewed parole as often as the commissioner believes to be
1.14 desirable;

1.15 (4) revoke or modify any order, except an order of discharge, as often as the commissioner
1.16 believes to be desirable;

1.17 (5) discharge the child when the commissioner is satisfied that the child has been
1.18 rehabilitated and that such discharge is consistent with the protection of the public;

1.19 (6) if the commissioner finds that the child is eligible for probation or parole and it
1.20 appears from the commissioner's investigation that conditions in the child's or the guardian's
1.21 home are not conducive to the child's treatment, rehabilitation, or law-abiding conduct, refer
1.22 the child, together with the commissioner's findings, to a local social services agency or a
1.23 licensed child-placing agency for placement in a foster care or, when appropriate, for

2.1 initiation of child in need of protection or services proceedings as provided in sections
2.2 260C.001 to 260C.421. The commissioner of corrections shall reimburse local social services
2.3 agencies for foster care costs they incur for the child while on probation or parole to the
2.4 extent that funds for this purpose are made available to the commissioner by the legislature.
2.5 ~~The juvenile court shall order the parents of a child on probation or parole to pay the costs~~
2.6 ~~of foster care under section 260B.331, subdivision 1, according to their ability to pay, and~~
2.7 ~~to the extent that the commissioner of corrections has not reimbursed the local social services~~
2.8 ~~agency.~~

2.9 Sec. 2. Minnesota Statutes 2021 Supplement, section 256N.26, subdivision 11, is amended
2.10 to read:

2.11 Subd. 11. **Child income or income attributable to the child.** (a) A monthly Northstar
2.12 kinship assistance or adoption assistance payment must be considered as income and
2.13 resources attributable to the child. Northstar kinship assistance and adoption assistance are
2.14 exempt from garnishment, except as permissible under the laws of the state where the child
2.15 resides.

2.16 (b) When a child is placed into foster care, any income and resources attributable to the
2.17 child are treated as provided in ~~sections~~ section 252.27 and 260C.331, or 260B.331, as
2.18 applicable to the child being placed.

2.19 (c) Supplemental Security Income (SSI), retirement survivor's disability insurance
2.20 (RSDI), veteran's benefits, railroad retirement benefits, and black lung benefits are considered
2.21 income and resources attributable to the child.

2.22 Sec. 3. Minnesota Statutes 2020, section 256N.26, subdivision 14, is amended to read:

2.23 Subd. 14. **Treatment of child support and Minnesota family investment program.** (a)
2.24 If a child placed in foster care who receives federal Title IV-E foster care maintenance
2.25 payments also receives child support, the child support payment may be redirected to the
2.26 financially responsible agency for the duration of the child's placement in foster care. In
2.27 cases where the child qualifies for Northstar Care for Children by meeting the adoption
2.28 assistance eligibility criteria or the Northstar kinship assistance eligibility criteria, any
2.29 court-ordered child support must not be considered income attributable to the child and
2.30 must have no impact on the monthly payment.

2.31 (b) Consistent with section 256J.24, a child eligible for Northstar Care for Children
2.32 whose caregiver receives a payment on the child's behalf is excluded from a Minnesota
2.33 family investment program assistance unit.

3.1 Sec. 4. Minnesota Statutes 2020, section 260B.331, subdivision 1, is amended to read:

3.2 Subdivision 1. **Care, examination, or treatment.** (a)(1) Whenever legal custody of a
3.3 child is transferred by the court to a local social services agency, or

3.4 (2) whenever legal custody is transferred to a person other than the local social services
3.5 agency, but under the supervision of the local social services agency, and

3.6 (3) whenever a child is given physical or mental examinations or treatment under order
3.7 of the court, and no provision is otherwise made by law for payment for the care,
3.8 examination, or treatment of the child, these costs are a charge upon the welfare funds of
3.9 the county in which proceedings are held upon certification of the judge of juvenile court.

3.10 ~~(b) The court shall order, and the local social services agency shall require, the parents~~
3.11 ~~or custodian of a child, while the child is under the age of 18, to use the total income and~~
3.12 ~~resources attributable to the child for the period of care, examination, or treatment, except~~
3.13 ~~for clothing and personal needs allowance as provided in section 256B.35, to reimburse the~~
3.14 ~~county for the cost of care, examination, or treatment. Income and resources attributable to~~
3.15 ~~the child include, but are not limited to, Social Security benefits, Supplemental Security~~
3.16 ~~Income (SSI), veterans benefits, railroad retirement benefits and child support. When the~~
3.17 ~~child is over the age of 18, and continues to receive care, examination, or treatment, the~~
3.18 ~~court shall order, and the local social services agency shall require, reimbursement from~~
3.19 ~~the child for the cost of care, examination, or treatment from the income and resources~~
3.20 ~~attributable to the child less the clothing and personal needs allowance.~~

3.21 ~~(c) If the income and resources attributable to the child are not enough to reimburse the~~
3.22 ~~county for the full cost of the care, examination, or treatment, the court shall inquire into~~
3.23 ~~the ability of the parents to support the child and, after giving the parents a reasonable~~
3.24 ~~opportunity to be heard, the court shall order, and the local social services agency shall~~
3.25 ~~require, the parents to contribute to the cost of care, examination, or treatment of the child.~~
3.26 ~~Except in delinquency cases where the victim is a member of the child's immediate family,~~
3.27 ~~when determining the amount to be contributed by the parents, the court shall use a fee~~
3.28 ~~schedule based upon ability to pay that is established by the local social services agency~~
3.29 ~~and approved by the commissioner of human services. In delinquency cases where the~~
3.30 ~~victim is a member of the child's immediate family, the court shall use the fee schedule but~~
3.31 ~~may also take into account the seriousness of the offense and any expenses which the parents~~
3.32 ~~have incurred as a result of the offense. The income of a stepparent who has not adopted a~~
3.33 ~~child shall be excluded in calculating the parental contribution under this section.~~

4.1 ~~(d) The court shall order the amount of reimbursement attributable to the parents or~~
4.2 ~~eustodian, or attributable to the child, or attributable to both sources, withheld under chapter~~
4.3 ~~518A from the income of the parents or the custodian of the child. A parent or custodian~~
4.4 ~~who fails to pay without good reason may be proceeded against for contempt, or the court~~
4.5 ~~may inform the county attorney, who shall proceed to collect the unpaid sums, or both~~
4.6 ~~procedures may be used.~~

4.7 ~~(e)~~ (b) If the court orders a physical or mental examination for a child, the examination
4.8 is a medically necessary service for purposes of determining whether the service is covered
4.9 by a health insurance policy, health maintenance contract, or other health coverage plan.
4.10 Court-ordered treatment shall be subject to policy, contract, or plan requirements for medical
4.11 necessity. Nothing in this paragraph changes or eliminates benefit limits, conditions of
4.12 coverage, co-payments or deductibles, provider restrictions, or other requirements in the
4.13 policy, contract, or plan that relate to coverage of other medically necessary services.

4.14 Sec. 5. Minnesota Statutes 2020, section 260C.331, subdivision 1, is amended to read:

4.15 Subdivision 1. **Care, examination, or treatment.** (a) Except where parental rights are
4.16 terminated,

4.17 (1) whenever legal custody of a child is transferred by the court to a responsible social
4.18 services agency,

4.19 (2) whenever legal custody is transferred to a person other than the responsible social
4.20 services agency, but under the supervision of the responsible social services agency, or

4.21 (3) whenever a child is given physical or mental examinations or treatment under order
4.22 of the court, and no provision is otherwise made by law for payment for the care,
4.23 examination, or treatment of the child, these costs are a charge upon the welfare funds of
4.24 the county in which proceedings are held upon certification of the judge of juvenile court.

4.25 ~~(b) The court shall order, and the responsible social services agency shall require, the~~
4.26 ~~parents or custodian of a child, while the child is under the age of 18, to use the total income~~
4.27 ~~and resources attributable to the child for the period of care, examination, or treatment,~~
4.28 ~~except for clothing and personal needs allowance as provided in section 256B.35, to~~
4.29 ~~reimburse the county for the cost of care, examination, or treatment. Income and resources~~
4.30 ~~attributable to the child include, but are not limited to, Social Security benefits, Supplemental~~
4.31 ~~Security Income (SSI), veterans benefits, railroad retirement benefits and child support.~~
4.32 ~~When the child is over the age of 18, and continues to receive care, examination, or treatment,~~
4.33 ~~the court shall order, and the responsible social services agency shall require, reimbursement~~

5.1 from the child for the cost of care, examination, or treatment from the income and resources
5.2 attributable to the child less the clothing and personal needs allowance. Income does not
5.3 include earnings from a child over the age of 18 who is working as part of a plan under
5.4 section 260C.212, subdivision 1, paragraph (e), clause (12), to transition from foster care,
5.5 or the income and resources from sources other than Supplemental Security Income and
5.6 child support that are needed to complete the requirements listed in section 260C.203.

5.7 ~~(e) If the income and resources attributable to the child are not enough to reimburse the~~
5.8 ~~county for the full cost of the care, examination, or treatment, the court shall inquire into~~
5.9 ~~the ability of the parents to support the child and, after giving the parents a reasonable~~
5.10 ~~opportunity to be heard, the court shall order, and the responsible social services agency~~
5.11 ~~shall require, the parents to contribute to the cost of care, examination, or treatment of the~~
5.12 ~~child. When determining the amount to be contributed by the parents, the court shall use a~~
5.13 ~~fee schedule based upon ability to pay that is established by the responsible social services~~
5.14 ~~agency and approved by the commissioner of human services. The income of a stepparent~~
5.15 ~~who has not adopted a child shall be excluded in calculating the parental contribution under~~
5.16 ~~this section.~~

5.17 ~~(d) The court shall order the amount of reimbursement attributable to the parents or~~
5.18 ~~custodian, or attributable to the child, or attributable to both sources, withheld under chapter~~
5.19 ~~518A from the income of the parents or the custodian of the child. A parent or custodian~~
5.20 ~~who fails to pay without good reason may be proceeded against for contempt, or the court~~
5.21 ~~may inform the county attorney, who shall proceed to collect the unpaid sums, or both~~
5.22 ~~procedures may be used.~~

5.23 ~~(e)~~ (b) If the court orders a physical or mental examination for a child, the examination
5.24 is a medically necessary service for purposes of determining whether the service is covered
5.25 by a health insurance policy, health maintenance contract, or other health coverage plan.
5.26 Court-ordered treatment shall be subject to policy, contract, or plan requirements for medical
5.27 necessity. Nothing in this paragraph changes or eliminates benefit limits, conditions of
5.28 coverage, co-payments or deductibles, provider restrictions, or other requirements in the
5.29 policy, contract, or plan that relate to coverage of other medically necessary services.

5.30 ~~(f) Notwithstanding paragraph (b), (e), or (d),~~ (c) A parent, custodian, or guardian of the
5.31 child is not required to use income and resources attributable to the child to reimburse the
5.32 county for costs of care and is not required to contribute to the cost of care of the child
5.33 during any period of time when the child is returned to the home of that parent, custodian,
5.34 or guardian pursuant to a trial home visit under section 260C.201, subdivision 1, paragraph
5.35 (a)."

6.1 Amend the title accordingly