

Subject Treatment of federal benefits for children in out-of-home placement

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Overview

Under current statute, an agency that is financially responsible for a child in foster care may apply to receive the child's Supplemental Security Income (SSI) benefits, retirement survivor's disability insurance (RSDI), veteran's benefits, railroad retirement benefits, black lung benefits, and other federal benefits, if applicable, for the duration of the child's out-of-home placement. This bill establishes notice, disclosure, use, accounting, and reporting requirements when a financially responsible agency applies for and receives benefits on behalf of a child in foster care.

Summary

Section	Description
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1	Treatment of Supplemental Security Income.
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Amends § 256N.26, subd. 12. Requires a financially responsible agency that applies to be the payee for a child's SSI benefits to provide written notice by certified mail to:

- the child, if over 13 years of age;
- the child's next of kin;
- the guardian ad litem;
- the legally responsible agency; and
- the counsel appointed for the child.

For a child over 13 years of age living in Minnesota, requires the legally responsible agency and the guardian ad litem to disclose that a financially responsible agency receives SSI benefits under this subdivision, in an understandable manner.

Specifies that the financially responsible agency must only use a child's SSI benefits to pay for the care of that child; prohibits commingling of SSI benefits with any other funds.

Section	Description
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Requires the financially responsible agency to keep accounting records for SSI benefits received; lists information that must be recorded.

Requires each financially responsible agency to submit a report to the commissioner of human services annually by January 1, and requires the commissioner to submit a report to the legislature annually by January 31 compiling the information from the financially responsible agencies.

2 Treatment of retirement survivor's disability insurance, veteran's benefits, railroad retirement benefits, and black lung benefits.

Amends § 256N.26, subd. 13. Establishes the same requirements as under section 1, for retirement survivor's disability insurance, veteran's benefits, railroad retirement benefits, or black lung benefits received on a child's behalf.

3 Notice.

Amends § 260C.4411 by adding subd. 3. Establishes the same notice, disclosure, and use requirements as under section 1, for benefits received under section 260C.4411, subdivision 2 (RSDI, SSI for the aged, blind, and disabled, or foster care maintenance payments under Title IV-E).

Requires the county of financial responsibility to keep a record of the total amount it received on behalf of all children for whom the county receives benefits, and the total number of children for whom the county receives benefits, and to submit an annual report to the commissioner.



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