

Subject Out-of-home placement cost of care

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Overview

Under current law, when legal custody of a child is transferred to a local social services agency or to a person under the agency's supervision, courts and local social services agencies must require parents to use income and resources attributable to the child and, in some circumstances, the parents to reimburse the county for the cost of care, examination, or treatment. Income attributable to the child includes Social Security benefits, Supplemental Security Income (SSI), child support, veteran's benefits, and railroad retirement benefits.

This bill makes it optional for courts and local social services agencies to require parents or custodians of children in out-of-home placement or found to be delinquent to reimburse the county for the cost of care, examination, or treatment through income attributable to the child or parental income or resources. In determining whether to require reimbursement, the bill requires local social services agencies to determine whether reimbursement would be in the child's best interest. The bill also adds this determination to the child support deviation factors.

Summary

Section	Description
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1	Dispositions.
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	Amends § 242.19, subd. 2. Specifies that the juvenile court may only order the parents of a child on probation or parole to pay the costs for foster care if the local social services agency determines that payment is in the child's best interest.
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2	Care, examination, or treatment.
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	Amends § 260B.331, subd. 1. (a) Makes it optional for courts and local social services agencies to require parents or custodians to use income and resources attributable to the child to reimburse the county for the cost of care, examination, or treatment.
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Section	Description
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(b) Requires the local social services agency to determine whether requiring reimbursement from income attributable to the child is in the child's best interests; lists factors to consider when making this determination, related to the parent's ability to meet the child's needs and maintain financial stability.

(c) Makes it optional for courts and local social services agencies to inquire into the parents' ability to reimburse the county for the cost of care, examination, or treatment.

Removes language addressing delinquency cases in which the victim is an immediate family member of the child.

Requires the court to consider any expenses the parents may have incurred as a result of the offense, including attorney's fees and mental health treatment co-payments.

Requires the local social services agency to determine whether requiring reimbursement from parents, through fees or child support attributable to the child, is in the child's best interest; lists factors to consider when making this determination.

(d) Adds clarifying language to paragraph outlining withholding process.

3 Care, examination, or treatment.

Amends § 260C.331, subd. 1. Makes it optional for courts and local social services agencies to require parents or custodians to use income and resources attributable to the child to reimburse the county for the cost of care, examination, or treatment in out-of-home placement.

Removes reference to SSI and child support, so those income sources are excluded from possible reimbursement, as income and resources needed to complete independent living plan goals for children over age 18.

Requires the local social services agency to determine whether requiring reimbursement from income attributable to the child is in the child's best interests; lists factors to consider when making this determination, related to the parent's ability to meet the child's needs before and after reunification, and maintain financial stability.

Makes it optional for courts and local social services agencies to inquire into the parents' ability to reimburse the county for the cost of care, examination, or treatment.

Section	Description
	Requires the local social services agency to determine whether to require reimbursement from parents; lists factors to consider when making this determination.
4	General factors. Amends § 518A.43, subd. 1. Adds child support deviation factor; requires consideration of whether ordering and redirecting a child support obligation for county reimbursement for out-of-home placement cost of care, examination, or treatment would compromise the parent's ability to meet reunification plan requirements or meet the child's needs after reunification.



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