

S.F. No. 3647 – Delinquency and out of home placement cost of care modifications (as amended by the A-1 amendment)

Author: Senator John A. Hoffman

Prepared by: Priyanka Premo, Senate Counsel (651/296-3317)

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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 the parents to reimburse the county for the cost of care, examination, or treatment for the child. **S.F. 3647** removes these requirements for children in out-of-home placement or found to be delinquent and permits reimbursement if it is in the best interests of the child.

Summary

Section 1. [242.19, subd. 2] Dispositions. Clarifies that the juvenile court must order the parents of a child on probation or parole to pay the costs for foster care only if the local social services agency determines that requiring reimbursement is in the child’s best interests.

Section 2. [260B.331, subd. 1] Care, examination, or treatment. For delinquency cases, removes mandatory language requiring courts and local social services agencies to require parents or custodians to use income and resources attributable to the child or parents to reimburse the county for or contribute to the cost of care, examination, or treatment and replaces it with permissive language. Provides factors for the local social services agency to consider in determining whether it is in the child’s best interests to require reimbursement, including the effect on the parent’s ability to meet the child’s need and provide financial stability. Requires the court to consider other expenses incurred by the parent.

Section 3. [260C.331, subd. 1] Care, examination, or treatment. For out-of-home placements, removes mandatory language requiring courts and responsible social services agencies to require parents or custodians to use income and resources attributable to the child or parents to reimburse the county for or contribute to the cost of care, examination, or treatment and replaces it with permissive language. Provides factors for the local social services agency to consider in determining whether it

is in the child's best interests to require reimbursement, including the effect on the parent's ability to meet the child's need and provide financial stability.

Section 4. [518A.43, subd. 1] General factors. In determining child support obligations in out-of-home placements, requires the court to consider whether redirecting child support obligations to reimburse the county compromises a parent's ability to reunify or meet the child's needs upon reunification.