

1.1 Senator moves to amend S.F. No. 1025 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "Section 1. Minnesota Statutes 2024, section 142A.609, subdivision 11, is amended to
1.4 read:

1.5 Subd. 11. **Treatment of Supplemental Security Income.** (a) If a child placed in foster
1.6 care receives benefits through Supplemental Security Income (SSI) at the time of foster
1.7 care placement or subsequent to placement in foster care, the financially responsible agency
1.8 may only apply to be the payee for the child for the duration of the child's placement in
1.9 foster care when the court has ordered the financially responsible agency to develop a plan
1.10 for the transfer or permanent legal and physical custody of the child to a relative or to file
1.11 a termination of parental rights petition under section 260C.204, paragraph (e), clause (2)
1.12 or (3); ordered the child permanently placed away from the parent under sections 260C.503
1.13 to 260C.521; or approves the continued voluntary foster care placement for the child under
1.14 section 260D.07. If a child continues to be eligible for SSI after finalization of the adoption
1.15 or transfer of permanent legal and physical custody and is determined to be eligible for a
1.16 payment under Northstar Care for Children, a permanent caregiver may choose to receive
1.17 payment from both programs simultaneously. The permanent caregiver is responsible to
1.18 report the amount of the payment to the Social Security Administration and the SSI payment
1.19 will be reduced as required by the Social Security Administration.

1.20 (b) If a financially responsible agency applies to be the payee for a child who receives
1.21 benefits through SSI, or receives the benefits under this subdivision on behalf of a child,
1.22 the financially responsible agency must provide written notice by certified mail, return
1.23 receipt requested to:

1.24 (1) the child, if the child is 13 years of age or older;

1.25 (2) the child's parent, guardian, or custodian or if there is no legal parent or custodian
1.26 the child's relative selected by the agency;

1.27 (3) the guardian ad litem;

1.28 (4) the legally responsible agency; and

1.29 (5) the counsel appointed for the child pursuant to section 260C.163, subdivision 3.

1.30 (c) If a financially responsible agency receives benefits under this subdivision on behalf
1.31 of a child 13 years of age or older, the legally responsible agency and the guardian ad litem
1.32 must disclose this information to the child in person in a manner that best helps the child

understand the information. This paragraph does not apply in circumstances where the child is living outside of Minnesota.

(d) If a financially responsible agency receives the benefits under this subdivision on behalf of a child, it cannot use those funds for any other purpose than the care of that child. The financially responsible agency must not commingle any benefits received under this subdivision and must not put the benefits received on behalf of a child under this subdivision into a general fund.

(e) If a financially responsible agency receives any benefits under this subdivision, it must keep a record of:

(1) the total dollar amount it received on behalf of all children it receives benefits for;

(2) the total number of children it applied to be a payee for; and

(3) the total number of children it received benefits for.

(f) By July 1, 2025, and each July 1 thereafter, each financially responsible agency must submit a report to the commissioner of children, youth, and families that includes the information required under paragraph (e). By September 1 of each year, the commissioner must submit a report to the chairs and ranking minority members of the legislative committees with jurisdiction over child protection that compiles the information provided to the commissioner by each financially responsible agency under paragraph (e); subdivision 12, paragraph (e); and section 260C.331, subdivision 7, paragraph (d). This paragraph expires January 31, 2034.

Sec. 2. Minnesota Statutes 2024, section 142A.609, subdivision 12, is amended to read:

Subd. 12. Treatment of Retirement, Survivors, and Disability Insurance; veteran's benefits; railroad retirement benefits; and black lung benefits. (a) If a child placed in foster care receives Retirement, Survivors, and Disability Insurance; veteran's benefits; railroad retirement benefits; or black lung benefits at the time of foster care placement or subsequent to placement in foster care, the financially responsible agency may only apply to be the payee for the child for the duration of the child's placement in foster care when the court has ordered the financially responsible agency to develop a plan for the transfer or permanent legal and physical custody of the child to a relative or to file a termination of parental rights petition under section 260C.204, paragraph (e), clause (2) or (3); ordered the child permanently placed away from the parent under sections 260C.503 to 260C.521; or approves the continued voluntary foster care placement for the child under section 260D.07. If it is anticipated that a child will be eligible to receive Retirement, Survivors,

and Disability Insurance; veteran's benefits; railroad retirement benefits; or black lung benefits after finalization of the adoption or assignment of permanent legal and physical custody, the permanent caregiver shall apply to be the payee of those benefits on the child's behalf.

(b) If the financially responsible agency applies to be the payee for a child who receives Retirement, Survivors, and Disability Insurance; veteran's benefits; railroad retirement benefits; or black lung benefits, or receives the benefits under this subdivision on behalf of a child, the financially responsible agency must provide written notice by certified mail, return receipt requested to:

(1) the child, if the child is 13 years of age or older;

(2) the child's parent, guardian, or custodian or if there is no legal parent or custodian the child's relative selected by the agency;

(3) the guardian ad litem;

(4) the legally responsible agency; and

(5) the counsel appointed for the child pursuant to section 260C.163, subdivision 3.

(c) If a financially responsible agency receives benefits under this subdivision on behalf of a child 13 years of age or older, the legally responsible agency and the guardian ad litem must disclose this information to the child in person in a manner that best helps the child understand the information. This paragraph does not apply in circumstances where the child is living outside of Minnesota.

(d) If a financially responsible agency receives the benefits under this subdivision on behalf of a child, it cannot use those funds for any other purpose than the care of that child. The financially responsible agency must not commingle any benefits received under this subdivision and must not put the benefits received on behalf of a child under this subdivision into a general fund.

(e) If a financially responsible agency receives any benefits under this subdivision, it must keep a record of:

(1) the total dollar amount it received on behalf of all children it receives benefits for;

(2) the total number of children it applied to be a payee for; and

(3) the total number of children it received benefits for.

(f) By July 1, 2025, and each July 1 thereafter, each financially responsible agency must submit a report to the commissioner of children, youth, and families that includes the information required under paragraph (e).

Sec. 3. Minnesota Statutes 2024, section 260C.331, subdivision 1, is amended to read:

Subdivision 1. **Care, examination, or treatment.** (a) Except where parental rights are terminated, the following costs are a charge upon the welfare funds of the county in which proceedings are held upon certification of the judge of juvenile court:

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

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

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

(b) The court may order, and the responsible social services agency may require, the parents or custodian of a child, while the child is under the age of 18, to use income and resources attributable to the child for the period of care, examination, or treatment, except for clothing and personal needs allowance as provided in section 256B.35, to reimburse the county for the cost of care, examination, or treatment. Income and resources attributable to the child include, but are not limited to, Social Security benefits, Supplemental Security Income (SSI), veterans benefits, railroad retirement benefits, and child support for the child. When the child is over the age of 18, and continues to receive care, examination, or treatment, the court may order, and the responsible social services agency may require, reimbursement from the child for the cost of care, examination, or treatment from the income and resources attributable to the child less the clothing and personal needs allowance. Income does not include earnings from a child over the age of 18 who is working as part of a plan under section 260C.212, subdivision 1, paragraph (c), clause (12), to transition from foster care, or the income and resources that are needed to complete the requirements listed in section 260C.203. The responsible social services agency shall determine whether requiring reimbursement, either through child support or parental fees, for the cost of care, examination, or treatment from the parents or custodian of a child is in the child's best interests. In determining whether to require reimbursement, the responsible social services agency shall consider:

(1) whether requiring reimbursement would compromise the parent's ability to meet the requirements of the reunification plan;

(2) whether requiring reimbursement would compromise the parent's ability to meet the child's needs after reunification; and

(3) whether redirecting existing child support payments or changing the representative payee of ~~social security~~ federal benefits to the responsible social services agency would limit the parent's ability to maintain financial stability for the child.

(c) If the income and resources attributable to the child are not enough to reimburse the county for the full cost of the care, examination, or treatment, the court may inquire into the ability of the parents to reimburse the county for the cost of care, examination, or treatment and, after giving the parents a reasonable opportunity to be heard, the court may order, and the responsible social services agency may require, the parents to contribute to the cost of care, examination, or treatment of the child. When determining the amount to be contributed by the parents, the court shall use a fee schedule based upon ability to pay that is established by the responsible social services agency and approved by the commissioner of children, youth, and families. The income of a stepparent who has not adopted a child shall be excluded in calculating the parental contribution under this section. In determining whether to require reimbursement, the responsible social services agency shall consider:

(1) whether requiring reimbursement would compromise the parent's ability to meet the requirements of the reunification plan;

(2) whether requiring reimbursement would compromise the parent's ability to meet the child's needs after reunification; and

(3) whether requiring reimbursement would compromise the parent's ability to meet the needs of the family.

(d) If the responsible social services agency determines that reimbursement is in the child's best interests, the court shall order the amount of reimbursement attributable to the parents or custodian, or attributable to the child, or attributable to both sources, withheld under chapter 518A from the income of the parents or the custodian of the child. A parent or custodian who fails to pay without good reason may be proceeded against for contempt, or the court may inform the county attorney, who shall proceed to collect the unpaid sums, or both procedures may be used.

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

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

(g) The responsible social services agency may only apply to be the representative payee for the child's federal benefits under paragraph (b) when the court has ordered the agency to develop a plan for the transfer or permanent legal and physical custody of the child to a relative or to file a termination of parental rights petition under section 260C.204, paragraph (e), clause (2) or (3); ordered the child permanently placed away from the parent under sections 260C.503 to 260C.521; or approves the continued voluntary foster care placement for the child under section 260D.07."

Amend the title accordingly