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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 3856

02/15/2024 Authored by Hanson, J., The bill was read for the first time and referred to the Committee on Children and Families Finance and Policy

1.1 A bill for an act
1.2 relating to foster care; modifying notice requirements for foster children receiving
1.3 benefits; amending Minnesota Statutes 2022, sections 256N.26, subdivisions 12,
1.4 13; 260C.4411, by adding a subdivision.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2022, section 256N.26, subdivision 12, is amended to read:

1.7 Subd. 12. Treatment of Supplemental Security Income. (a) If a child placed in foster
1.8 care receives benefits through Supplemental Security Income (SSI) at the time of foster
1.9 care placement or subsequent to placement in foster care, the financially responsible agency
1.10 may apply to be the payee for the child for the duration of the child's placement in foster
1.11 care. If a child continues to be eligible for SSI after finalization of the adoption or transfer
1.12 of permanent legal and physical custody and is determined to be eligible for a payment
1.13 under Northstar Care for Children, a permanent caregiver may choose to receive payment
1.14 from both programs simultaneously. The permanent caregiver is responsible to report the
1.15 amount of the payment to the Social Security Administration and the SSI payment will be
1.16 reduced as required by the Social Security Administration.

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

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

1.22 (2) the child's next of kin;

2.1 (3) the guardian ad litem;

2.2 (4) the legally responsible agency; and

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

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

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

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

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

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

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

2.19 (f) By January 1 of each year, each financially responsible agency must submit a report  
 2.20 to the commissioner of human services that includes the information required under this  
 2.21 paragraph. By January 31 of each year, the commissioner must submit a report to the chairs  
 2.22 and ranking minority members of the legislative committees with jurisdiction over child  
 2.23 protection that compiles the information provided to the commissioner by each financially  
 2.24 responsible agency under paragraph (e); subdivision 13, paragraph (e); and section  
 2.25 260C.4411, subdivision 3, paragraph (d).

2.26 Sec. 2. Minnesota Statutes 2022, section 256N.26, subdivision 13, is amended to read:

2.27 Subd. 13. **Treatment of retirement survivor's disability insurance, veteran's benefits,**  
 2.28 **railroad retirement benefits, and black lung benefits.** (a) If a child placed in foster care  
 2.29 receives retirement survivor's disability insurance, veteran's benefits, railroad retirement  
 2.30 benefits, or black lung benefits at the time of foster care placement or subsequent to  
 2.31 placement in foster care, the financially responsible agency may apply to be the payee for  
 2.32 the child for the duration of the child's placement in foster care. If it is anticipated that a

3.1 child will be eligible to receive retirement survivor's disability insurance, veteran's benefits,  
3.2 railroad retirement benefits, or black lung benefits after finalization of the adoption or  
3.3 assignment of permanent legal and physical custody, the permanent caregiver shall apply  
3.4 to be the payee of those benefits on the child's behalf.

3.5 (b) If the financially responsible agency applies to be the payee for a child who receives  
3.6 retirement survivor's disability insurance, veteran's benefits, railroad retirement benefits,  
3.7 or black lung benefits, or receives the benefits under this subdivision on behalf of a child,  
3.8 the financially responsible agency must provide written notice by certified mail, return  
3.9 receipt requested to:

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

3.11 (2) the child's next of kin;

3.12 (3) the guardian ad litem;

3.13 (4) the legally responsible agency; and

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

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

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

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

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

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

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

3.30 (f) By January 1 of each year, each financially responsible agency must submit a report  
3.31 to the commissioner of human services that includes the information required under paragraph  
3.32 (e).

4.1 Sec. 3. Minnesota Statutes 2022, section 260C.4411, is amended by adding a subdivision  
4.2 to read:

4.3 Subd. 3. **Notice.** (a) If the county of financial responsibility under section 256G.02 or  
4.4 Tribal agency authorized under section 256.01, subdivision 14b, receives any benefits under  
4.5 subdivision 2 on behalf of a child, it must provide written notice by certified mail, return  
4.6 receipt requested to:

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

4.8 (2) the child's next of kin;

4.9 (3) the guardian ad litem;

4.10 (4) the legally responsible agency as defined in section 256N.02, subdivision 14; and

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

4.12 (b) If the county of financial responsibility under section 256G.02 or Tribal agency  
4.13 authorized under section 256.01, subdivision 14b, receives benefits under this subdivision  
4.14 on behalf of a child 13 years of age or older, the legally responsible agency as defined in  
4.15 section 256N.02, subdivision 14, and the guardian ad litem must disclose this information  
4.16 to the child in person in a manner that best helps the child understand the information. This  
4.17 paragraph does not apply in circumstances where the child is living outside of Minnesota.

4.18 (c) If the county of financial responsibility under section 256G.02 or Tribal agency  
4.19 authorized under section 256.01, subdivision 14b, receives the benefits under this subdivision  
4.20 on behalf of a child, it cannot use those funds for any other purpose than the care of that  
4.21 child. The county of financial responsibility or Tribal agency must not commingle any  
4.22 benefits received under this subdivision and must not put the benefits received on behalf of  
4.23 a child under subdivision 2 into a general fund.

4.24 (d) If the county of financial responsibility under section 256G.02 or Tribal agency  
4.25 authorized under section 256.01, subdivision 14b, receives any benefits under subdivision  
4.26 2, it must keep a record of the total dollar amount it received on behalf of all children it  
4.27 receives benefits for and the total number of children it receives benefits for. By January 1  
4.28 of each year, the county of financial responsibility and Tribal agency must submit a report  
4.29 to the commissioner of human services that includes the information required under this  
4.30 paragraph.