

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

ADMIN. 1000

STATE OF MINNESOTA

DEPARTMENT Attorney General

Office Memorandum

TO : Michael Miller
Special Assistant Attorney General
Department of Administration

DATE: 9/1/77

FROM : Barbara D. Gill
Special Assistant Attorney General
Department of Public Welfare

SUBJECT: Proposed Temporary Rules 30a and 33a of the Department of Public Welfare

Under memo of August 19, 1977, you returned the above-mentioned rules and denied approval for reasons set out in your memo, a copy of which is attached. The Department is now resubmitting the rules with the following changes:

1. Rule 30a, §G, and Rule 33A, §F, are revised to clarify the meaning. The phrase "an amount up to $125 per month" is deleted. A new sentence is added. See Exhibit A attached. This is in response to objection #2 in your memo.

2. The statements that provisions of the rule are effective July 1, 1977, are deleted per your objection #1. The Department recognizes that in accordance with Minn. Stat. § 15.0412, subd. 5 (1977), the proposed temporary rules will take effect upon approval of the attorney general.

Attached as Exhibits B-1 through B-5, please find the letters submitted to the agency regarding the inclusion in the rule of a definition of annual gross income. These letters support the modification of the rule in the form of the addition of said definition. I believe this answers the third objection cited in your memorandum.

/jc
Attach.

RECEIVED
SEP 01 1977
Dept. of Administration

STATE OF MINNESOTA

Office Memorandum

RECEIVED
AUG 23 1977
LEGAL
SERVICES

DEPARTMENT Attorney General

TO : Barbara Gill
Special Assistant Attorney General
Department of Welfare

DATE: August 19, 1977

FROM : Michael B. Miller MBM/sr
Special Assistant Attorney General

PHONE: 296-4692

SUBJECT: Proposed Temporary Rules 30a and 33a of the Department of Public Welfare

The above-captioned temporary rule is returned herewith and not approved for the following reasons:

1. The stated effective date of July 1, 1977 is incorrect. The rules take effect after notification in the State Register following Attorney General review and approval;

2. Rules G and F use the phrase "up to" preceding dollar amounts with no explanation of how such computation is to be made; and

3. According to Minn. Stat. § 15.0412, subd. 5 (1977), modifications to temporary rules must be supported by data or views submitted to the agency. The rules as submitted to me were not accompanied by such documentation.

MBM/sr

Enclosures

Department of Public Welfare

Proposed Temporary Rule Governing Reimbursement for Cost of Care of Mentally Retarded or Epileptic Children

Request for Public Comment

Notice is hereby given that the following amendment to Rule DPW-30, Rule DPW-30A governing administration of the Reimbursement for Cost of Care of Mentally Retarded or Epileptic Children, is proposed for adoption as a temporary rule, as authorized by Minn. Stat. § 15.0412, subd. 5 (1977), pending completion of a full hearing and adoption of a permanent rule. Comments from interested and affected persons are requested. Comments must be received at the address given below within 20 days of the date of this publication to be considered. The temporary rule may be revised on the basis of comments received.

Comments on the proposed rule should be sent to:

Sandra Erickson
Minnesota Department of Public Welfare
Fourth Floor
Centennial Office Building
St. Paul, Minnesota 55155

Oral comments may be given by telephone at (612) 296-4729 during the 20 days following this publication.

Edward J. Dirkswager, Jr.
Acting Commissioner

Temporary Rule as Proposed

DPW 30A Reimbursement for cost of care of mentally retarded or epileptic children.

[(g) Parental Financial Responsibility: Parents shall be responsible for reimbursing the county making payments for boarding care on the same basis as if the child were in a state institution for the mentally retarded and epileptic, as provided in Minnesota Statutes, Sections 252.042 through 252.047, except that this provision applies to children under 18 years of age. The amount of reimbursement is to be based on the cost of care in the facility providing the care. Parents may contribute a greater amount.]

G. Parental financial responsibility: Parents shall be responsible for reimbursing the county making payments for boarding care. The amount of reimbursement shall be based on the annual gross income of the parents as adjusted by household size. The monthly amount to be paid by the parent shall be fixed by the following fee schedule:

HOUSEHOLD SIZE

PARENT'S ANNUAL GROSS INCOME	2	3	4	5	6	7	8	9	10
$11,000 to 12,999	$ 15	$ 10	$ 5	$ 0	$ 0	$ 0	$ 0	$ 0	$ 0
13,000 to 14,999	30	25	20	15	10	5	0	0	0
15,000 to 16,999	45	40	35	30	25	20	15	10	5
17,000 to 18,999	60	55	50	45	40	35	30	25	20
19,000 to 20,999	75	70	65	60	55	50	45	40	35
21,000 to 22,999	90	85	80	75	70	65	60	55	50
23,000 to 24,999	105	100	95	90	85	80	75	70	65
25,000 to 26,999	120	115	110	105	100	95	90	85	80
27,000 to 28,999	125	125	125	120	115	110	105	100	95
29,000 to 30,999	125	125	125	125	125	125	120	115	110
31,000 and Over	125	125	125	125	125	125	125	125	125

The child in out of home care, the parents and other dependent children living in the parental home shall be counted as members of the household when determining the monthly fee to be charged to the financially responsible parent. Only one monthly fee shall be charged regardless of the number of children in out of home care from each household. No parents having a combined annual gross income of less than $11,000 shall be required to pay a fee. Parents may pay a greater amount. In addition to the monthly fee, parents shall be responsible for meeting the child's clothing, personal needs, medical costs, camping fees, and transportation costs.

Exception: If the child has income or resources of his/her

own, an amount not to exceed $30.00 per month from the child's income shall be used to meet the child's clothing and personal needs.

This provision is effective July 1, 1977.

Child's financial responsibility: If the child has income or resources of his/her own, such as but not limited to Social Security, Supplemental Security Income (SSI), Veteran's Benefits, Railroad Retirement Benefits, Child Support, Trust Income, Annuities, Inheritance, Insurance Benefits, Tribal Benefits, Military Serviceperson's Contributions, Union Benefits, or other retirement benefits, the parents, on behalf of the child, shall be responsible for reimbursing the county making payments for boarding care an amount up to $125.00 per month. The amount paid by the child does not relieve the parents of their financial responsibility. Exception: If the child has income or resources of his/her own, an amount not to exceed $30.00 per month shall be excluded when determining the financial responsibility of the child to reimburse the county making payments for boarding care. This excluded $30.00 per month shall be allowed to meet the child's monthly clothing and personal needs.

This provision is effective July 1, 1977.

Proposed Temporary Rule Governing Reimbursement for Cost of Care of Emotionally Handicapped Children

Request for Public Comment

Notice is hereby given that the following amendment to Rule DPW-33, Rule DPW-33A governing administration of the Reimbursement for Cost of Care of Emotionally Handicapped Children, is proposed for adoption as a temporary rule, as authorized by Minn. Stat. § 15.0412, subd. 5 (1977), pending completion of a full hearing and adoption of a permanent rule. Comments from interested and affected persons are requested. Comments must be received at the address given below within 20 days of the date of this publication to be considered. The temporary rule may be revised on the basis of comments received.

Comments on the proposed rule should be sent to:

Sandra Erickson
Minnesota Department of Public Welfare
Fourth Floor
Centennial Office Building
St. Paul, Minnesota 55155

Oral comments may be given by telephone at (612) 296-4729 during the 20 days following this publication.

Edward J. Dirkswager, Jr.
Acting Commissioner

DPW 33A: Reimbursement for cost of care of emotionally handicapped children.

[(f) Parental Financial Responsibility: Parents shall be responsible for reimbursing the county making payments for boarding care on the same basis as if the child were in a state institution (hospital) as provided in Minnesota Statutes, Sections 252.052 through 252.047, except that this provision applies only to children under 18 years of age. The amount of reimbursement is to be based on the cost of care in the facility providing the care. Parents may contribute an amount greater than ten per cent.]

F. Parental financial responsibility: Parents shall be responsible for reimbursing the county making payments for boarding care. The amount of reimbursement shall be based on the annual gross income of the parents as adjusted by household size. The monthly amount to be paid by the parent shall be fixed by the following fee schedule:

HOUSEHOLD SIZE

PARENT'S ANNUAL GROSS INCOME	2	3	4	5	6	7	8	9	10
$11,000 to 12,999	$ 15	$ 10	$ 5	$ 0	$ 0	$ 0	$ 0	$ 0	$ 0
13,000 to 14,999	30	25	20	15	10	5	0	0	0
15,000 to 16,999	45	40	35	30	25	20	15	10	5
17,000 to 18,999	60	55	50	45	40	35	30	25	20
19,000 to 20,999	75	70	65	60	55	50	45	40	35
21,000 to 22,999	90	85	80	75	70	65	60	55	50
23,000 to 24,999	105	100	95	90	85	80	75	70	65
25,000 to 26,999	120	115	110	105	100	95	90	85	80
27,000 to 28,999	125	125	125	120	115	110	105	100	95
29,000 to 30,999	125	125	125	125	125	125	120	115	110
31,000 and Over	125	125	125	125	125	125	125	125	125

KEY: Existing rules are printed in standard type face. Proposed additions to existing rules are printed in **boldface**, while proposed deletions from existing rules are printed within [single brackets]. Additions to proposed rules are **underlined and boldfaced**, while deletions from proposed rules are printed within [[double brackets]].

The child in out of home care, the parents and other dependent children living in the parental home shall be counted as members of the household when determining the monthly fee to be charged to the financially responsible parent. Only one monthly fee shall be charged regardless of the number of children in out of home care from each household. No parents having a combined annual gross income of less than $11,000 shall be required to pay a fee. Parents may pay a greater amount. In addition to the monthly fee, parents shall be responsible for meeting the child's clothing, personal needs, medical costs, camping fees, and transportation costs.

Exception: If the child has income of his/her own, an amount not to exceed $30.00 per month from the child's income shall be used to meet the child's clothing and personal needs.

This provision is effective July 1, 1977.

Child's financial responsibility: If the child has income or resources of his/her own, such as but not limited to Social Security, Supplemental Security Income (SSI), Veteran's Benefits, Railroad Retirement Benefits, Child Support, Trust Income, Annuities, Inheritance, Insurance Benefits, Tribal Benefits, Military Serviceperson's Contributions, Union Benefits, or other retirement benefits, the parents, on behalf of the child, shall be responsible for reimbursing the county making payments for boarding care an amount up to $125.00 per month. The amount paid by the child does not relieve the parents of their financial responsibility. Exception: If the child has income or resources of his/her own, an amount not to exceed $30.00 per month shall be excluded when determining the financial responsibility of the child to reimburse the county making payments for boarding care. This excluded $30.00 per month shall be allowed to meet the child's monthly clothing and personal needs.

This provision is effective July 1, 1977.

PROPOSED MODIFICATIONS TO PROPOSED TEMPORARY RULE 30A GOVERNING REIMBURSEMENT FOR COST OF CARE OF MENTALLY RETARDED OR EPILEPTIC CHILDREN

The following definition of annual gross income should be inserted in item "G" under the printed fee schedule on page 132.

Annual Gross Income shall mean income, prior to any deductions, received from wages or salary; net income from self-employment; net farm income; Social Security payments; dividends, interest, rent received, or royalties; General Assistance payments; pensions and annuities; unemployment compensation; worker's compensation; alimony; child support, veteran's pensions; or any combination of the above sources of income.

PROPOSED MODIFICATIONS TO PROPOSED TEMPORARY RULE 33A GOVERNING REIMBURSEMENT FOR COST OF CARE OF EMOTIONALLY HANDICAPPED CHILDREN

The following definition of annual gross income should be inserted in item "F" under the printed fee schedule on page 133.

Annual Gross Income shall mean income, prior to any deductions, received from wages or salary; net income from self-employment; net farm income; Social Security payments; dividends, interest, rent received, or royalties; General Assistance payments; pensions and annuities; unemployment compensation; worker's compensation; alimony; child support; veteran's pensions; or any combination of the above sources of income.

ADMIN. 1000

STATE OF MINNESOTA

DEPARTMENT Attorney General

Office Memorandum

TO : Mike Miller
Special Assistant
Attorney General

DATE: 8/15/77

FROM : Barbara D. Gill
Special Assistant
Attorney General

SUBJECT: Proposed Temporary Rules 30a and 33a of the Department of Public Welfare

Attached please find:

(1) The above mentioned proposed temporary rules as published in the State Register on July 25, 1977. See 1 S.R. 132-134.

(2) A proposed modification to the rules, i.e., inclusion of a definition of the term "annual gross income." This modification is based on written comments received by DPW within the 20 day period following publication of the proposed temporary rules.

The above are submitted to you for review as to form and legality pursuant to Chapter 443, Sec. 2, 1977 Minn. Sess. Law Serv. (West).

/jc

Attach.

329

Attorney Gene[redacted]l

Barbara Gill
Special Assistant
Attorney General
Department of Public Welfare

September 8, 197

296-4692

Michael B. Miller
Special Assistant
Attorney General

Temporary Rules 30a and 33a, Department of Welfare

The above-captioned rules, as revised subsequent to initial review by this office, are hereby approved.

MBM:mb

329

Attorney General

Barbara Gill
Special Assistant Attorney General
Department of Welfare

August 19, 1977

Michael B. Miller
Special Assistant Attorney General

296-4692

Proposed Temporary Rules 30a and 33a of the
Department of Public Welfare

The above-captioned temporary rule is returned herewith and not approved for the following reasons:

1. The stated effective date of July 1, 1977 is incorrect. The rules take effect after notification in the State Register following Attorney General review and approval;

2. Rules G and F use the phrase "up to" preceding collar amounts with no explanation of how such computation is to be made; and

3. According to Minn. Stat. § 15.0412, subd. 5 (1977), modifications to temporary rules must be supported by data or views submitted to the agency. The rules as submitted to me were not accompanied by such documentation.

MBM/sr

Enclosures

COMMENTS BY THE

MINNESOTA ASSOCIATION FOR RETARDED CITIZENS, INC.

ON

PROPOSED TEMPORARY RULE 30-A

MADE TO:

ACTING COMMISSIONER EDWARD DIRKSWAGER, JR.

MINNESOTA DEPARTMENT OF PUBLIC WELFARE

AUGUST 10, 1977

Minnesota Association for Retarded Citizens, Inc.
3225 Lyndale Avenue South
Minneapolis, Minnesota 55408

MINNESOTA ASSOCIATION FOR RETARDED CITIZENS, INC.
TESTIMONY
PROPOSED TEMPORARY
DEPARTMENT OF PUBLIC WELFARE
RULE 30-A

The Minnesota Association for Retarded Citizens is pleased to have an opportunity to comment on proposed Temporary Rule 30-A, as published in the State Register on July 25, 1977.

We feel the proposed fee scale for determining parental responsibility for the cost of care has recognized several of the factors affecting ability to pay and is generally a reasonable and fair approach to the implementation of the legislation. It correctly recognizes the size of family has a significant effect on the ability of a family to pay. It also is positive in limiting the payment to one from each family, regardless of the number of people to be served.

We feel, however, the proposed rule is deficient in not recognizing unavoidable heavy financial burdens as another factor in a family's ability to assist in the costs of residential placement for a child. This is especially true when the scale is to be applied to children placed both in community facilities and in state institutions. The placement in a state institution is already financially more attractive to both county governments and to families because the burden of paying for medical costs, personal needs, recreational activities and other expenses not directly related to domiciliary costs is levied only on those who utilize the community facility. All are paid for at the state institutions. The county, of course, can realize significant savings in their share of the regular costs by placing in the state institution.

This flies in the face of our knowledge that a small community residence is the placement of choice if we are to allow the mentally retarded child an optimum opportunity for full development to the best of their ability. Creating more incentives for placement in the institution is a step in the wrong direction.

The rule should recognize heavy, involuntarily incurred financial responsibilities as a factor in the parents' ability to share in the cost of care for their children placed in community facilities. This is already being done by the Department of Public Welfare and should be continued on a case-by-case determination basis. This would make the burden on the parent more equitable from family to family and would constitute a very small financial cost to government agencies in comparison to the overall program.

In passing the legislation that has become Chapter 331, the law on which this rule is based, the Legislature made three significant changes in the old law:

(1) The Legislature dropped, for those using community facilities only, the protection to the parent of having only to pay 10% of the costs, regardless of income.

(2) The Legislature raised the $60 per month maximum to $125.00.

(3) The Legislature dropped, for those using community facilities only, the words "per month" in setting the $125.00 maximum.

It has been argued by some that there was legislative intent to make the first two of these changes and the third change was an inadvertent error.

We find this to be a curious argument. The Legislature did, indeed, thoroughly discuss the question of raising the basic amount from $60.00 to $125.00 per month, especially for those utilizing state institutions. However, there was no open, in-depth discussion in either the Senate or the House of removing the 10% maximum for parents whose children are in community facilities. As a matter of record, the 10% maximum was clearly a part of all of the committee discussions in the Senate and was present in the engrossed copy of the bill which went to the Senate floor as S.F. 1334. It was only through a parliamentary maneuver that the House language was substituted for the Senate file at the last moment. Affected persons were given little or no opportunity to debate the issues.

It is significant that the newsletter of the Association of Minnesota Counties, published after the session was over, advised their membership that the 10% limitation was still in effect. They were equally unaware of the change.

Since it is by no means clear that this protection was removed by the Legislature by intent, we recommend that the Commissioner of Public Welfare reinstate the 10% maximum payment provision for children in community placement until the 1978 session of the Legislature can discuss the matter and signify clear intent. There is no legal bar to such an action since the law is silent upon the point and delegates the discretion to the Commissioner.

If, instead of following our recommendation above, the Commissioner chooses to drop the 10% maximum, then we feel he should not ignore the clear omission of the imposition of the $125.00 amount on a monthly basis. If the law is considered clear, by negative action, on the one point, it should be considered clear, by the same negative action, on the other point.

Therefore, the county social services departments should collect from the parents, on the basis of the fee scale, until they have paid $125.00 and should then pay the full costs utilizing the 70% state subsidy.

None of the above reasoning applies to those parents whose children are in state hospitals, since both the 10% maximum and the "per month" language were clearly retained in the amendments to M.S. 246.51.

The second part of the proposed Temporary Rule 30-A needs closer scrutiny than it has been given before being put into effect. There are two specific questions we would like to address.

In the case of most of the benefits and support programs which are maintained, the parents are normally named as payees on behalf of the child.

The attempt by the Department of Public Welfare to utilize these funds as a second source of income from the family puts the parents in the position of being asked to collect a federal subsidy to the state and county governments in addition to assuming their own responsibilities under the parental ability to pay provisions. If these support programs were truly intended to relieve the

financial costs on the state and county, it would have been simpler and much less costly to make the payments directly to the state and county coffers. It would not have been necessary to ask the parents to collect the federal money and then pass that money on to the state or county in the name of their child.

This infusion of federal support is, of course, in addition to the already heavy federal subsidy under Title XIX of the Social Security Act. Full application of both the raise in parental responsibility and responsibility of the child for up to $125.00 per month would leave the state and county with a very highly reduced participation in the support program to give residential opportunities for these children. Since the children are citizens of both the state and a county, we protest this effort by the Department to rid themselves of financial responsibility for their well being. The children have a right to full services according to their needs and the law is designed to recognize that need. The proposed rule seems to concentrate on holding parents, and the federal governmental programs designed to help them, as financially responsible as possible and forgets society's stake in seeing to it that the children be given the most ample chance to grow into contributing citizens rather than remaining as permanently dependent on governmental support.

Secondly, several of the federal support programs mentioned in the rule are benefits set up to replace the earnings that are lost when the wage earner of the family is disabled or gone. The imposition of up to $125.00 per child would have significant impact on the family's ability to pay their share of the cost of care. The payments are designed to supplement the family's ability to exist. If this significant portion of the monthly payments were to be taken as federal subsidy to the state and county, the federal purpose would be defeated.

We recommend that portion of the proposed Temporary Rule 30-A that deals with the child's income, as distinct from the total family income, be re-written to recognize the role of these federal support payments in covering the needs of each child that are not otherwise subsidized by state and county financial participation.

****

Aug. 13, 1977

Dear Ms Erickson,

We as parents see two weakneses in the Proposed Temporary Rule Governing Reimbursement for Cost of Care of Mentally Retarded, etc.

1. There is no consideration taken into account for the parents who are self-employed, as their gross income could put them into an unrealistic income bracket, whereas their actual spendable income might be quite meager. This could be very unfair to some persons.

2. There is a discrepancy in medical considerations between the State Institutions & the private placement institutions. This conceivably could force parents to place in a less satisfactory institution simply because they can't afford the medical costs which they have to assume when a child is placed privately.

We hope these comments are not too late to be considered.

Sincerely,

Mr. & Mrs. James Kleinwort
519 Williams
Red Wing, Mn. 55066



Exhibit B2

August 9, 1977

Sandra Erickson
Minnesota Dept. of Public Welfare
Centenial Office Bldg. 4th Floor
St. Paul, Mn. 55155

Having been presented the letter and discussion that followed at our meeting in Rochester. I am concerned abour having a clarification made in regards to the determination of parential financial responsibility that being the colum titled Parents annual Gross Income, My first question was Minneosta Gross Inoome or Federal Gross Income of which there can be some differences, another fact that came out was gross income would not be fair to a family with unusually high medical bills one year of a self employed individual who grossed over $31,000 but may not have a taxable income due to expenses or losses.

From the meeting the opinion of most people was that using the Minn. taxable gross income was a much more fair and direct figure to use, which if in furture family income adjustments would be more legal and binding becuase of the fact that each individuals income is taxed on that figure.

As an example of the local interpretation it was stated they may use last years gross figure, but another of the local welfare representatives said"they may use this years, or your current gross and projecting it through the year, nad if the individual situation chnaged this could be updated." I can see an up date for Increase or Decrease in family size but could you imagine trying to keep records straight for self employed people who can have fiancial fluculations from month to month, or the family with some-one working part time.

I do agree that the method of reimbursement, schedules etc. has been in need of an update for some time. The new bill does spell out in detail many areas that were at the descretion of the local board and left the parent sometimes in the dark.

Your condideration in getting a clarification on the gross income that is reported for use in determing parents responsibility, should be impleminted very soon before the local welfare directors come up with interpretations that cannot work for some people or doesn't consider the selfemployed, or financial losses that affect taxable income.

Sincerely yours,

Mr. & Mrs. Walter F. Miller
223 27th St. N.E.
Roch. Minn. 55901
PHONE @ 282-3341



WALTER F. MILLER
223-27th Street, NE
Rochester, Minn. [illegible]

Exhibit B3

TODD COUNTY
SOCIAL SERVICES

COURT HOUSE ANNEX
119 3rd Street South
LONG PRAIRIE, MN. 56347
★ 612-732-6181 ★

August 9, 1977

Ms. Sandra Erickson
Service Plan Administration Section
Department of Public Welfare
Centennial Office Building
St. Paul, Minnesota 55155

Re: Instructional Bulletin #77-42

Dear Ms. Erickson:

I am writing to voice concern about the fee schedule based on the annual gross income as adjusted by household size which accompanied this Instructional Bulletin. There appears to be no relationship to any other fee schedule that I am aware of and appears to be high enough so that most of the clients we deal with will not be required to pay a fee. My concern is not that we charge each and every client but that the fee schedule be realistic with the cost of care as well as the parents' ability to pay a fee. To any parent that pays income taxes, a child is worth at least $750.00 per year in terms of a deduction which seems to suggest that parental responsibility could begin at an income lower than $11,000.00 which is the base gross income according to the scale.

The guide that the resource examiners use appears to be much more realistic than this guide and would seem to be a more practical schedule for our use. If nothing else, it seems that the fee schedule should coincide and compare with our state plan income guidelines.

Your respons to these concerns will be appreciated. Thank you.

Sincerely,

Jim Hobbs

Jim Hobbs
Supervisor

JH:jln

RECEIVED AUG 1977 SOCIAL SERVICES

Exhibit B4

SWIFT COUNTY WELFARE
AND
FAMILY SERVICE AGENCY

RONALD G. LAYCOCK, DIRECTOR
BENSON, MINNESOTA 56215
612-843-3160

August 3, 1977

Sandra Erickson
Minnesota Department of Public Welfare
Fourth Floor
Centennial Office Building
St. Paul, MN 55155

Re: Rule 30A and 33A

Dear Sandy:

I am writing in regard to the above--cited proposed Rules as they appeared in the 7-25-77 edition of the State Register.

Our Agency is in agreement that the concept of parental contribution for the cost of care is a good one. However, the Agency would like to register strong objection to the stringent fee schedule proposed in both Rules, stringent in the sense that the annual gross income floor of $11,000 is much too high. With this floor and the subsequent fee arrangement, every one of our cost of care cases, all of which are currently paying a monthly fee, will be negated. That is, in all cases the parents will be obligated to pay zero dollars. Our Agency's past practice reveals we have had good success in making recoveries on parental contributions but with new proposed schedule our Agency will stand to suffer financial loss. We suggest that the base figure be fixed at $8,000 and adjusted upward accordingly.

In addition, the annual gross income figure if applied to all individuals regardless of type of employment, would be discriminatory towards the self-employed individual and farmer. In the latter two cases, the annual gross income figure when compared with net income is substantially different. We believe that some recognition should be given to these latter two groups.

Thank you for this opportunity to comment on the proposed Rules. If you would like any clarification on the above, please feel free to give me a call at 612-843-3160.

Sincerely,

N. T. Koenigs

Noel T. Koenigs, ACSW
Social Service Supervisor

An Equal Opportunity Employer

Exhibit A

Proposed Modification To Temporary Rules 30a and 33a of the Department of Public Welfare
Rule 30a, §G; Rule 33a, §F

Child's Financial Responsibility: If the child has income or resources of his/her own, such as but not limited to Social Security, Supplemental Security Income (SSI), Veteran's Benefits, Railroad Retirement Benefits, Child Support, Trust Income, Annuities, Inheritance, Insurance Benefits, Tribal Benefits, Military Serviceperson's Contributions, Union Benefits, or other retirement benefits, the parents, on behalf of the child, shall be responsible for reimbursing the county making payments for boarding care. ~~an amount up to $125 per month.~~ Consistent with Minnesota Statute 252.27, in no case shall the child be responsible to reimburse the county making payments for boarding care an amount greater than $125 per month. The amount paid by the child does mot relieve the parents of their financial responsibility.
Exception: If the child has income or resources of his/her own, an amount not to exceed $30.00 per month shall be excluded when determining the financial responsibility of the child to reimburse the county making payments for boarding care. This excluded $30.00 per month shall be allowed to meet the child's monthly clothing and personal needs.