

STATE OF MINNESOTA

IN THE MATTER OF THE PROPOSED
ADOPTION OF DPW RULE 222
GOVERNING THE ADMINISTRATION AND
PROVISION OF SERVICES TO PREGNANT
WOMEN, AND TO MOTHERS AND CHILDREN

STATEMENT OF NEED AND REASONABLENESS

A. Introduction

This Rule is being promulgated in order to implement Minn. Stat. 257.33 1980. This statute requires the Commissioner of Public Welfare to offer appropriate social services to any pregnant women in need of social services under criteria prescribed by rule of the Commissioner, and also to offer appropriate social services to the woman and her child after the birth of the child. It is necessary then to define the criteria for which pregnant women and mothers shall be offered social services, and the responsibility of the local agency to offer social services to her.

B. Definitions

Local Agency

It is necessary to define the local agency, as that term is used in the rule. The definition is consistent with the definition in other rules promulgated by the Department of Public Welfare.

C. Criteria for pregnant women and mother who are to be offered service

This section is necessary because Minn. Stat. 257.33 requires the Commissioner to define the criteria to whom the agency shall offer social services by rule.

The proposed criteria are intended to include those pregnant women and mothers who have, or are at the risk of having, unique problems or needs which are different in nature or kind from the problems that any mother may have. The criteria are reasonable because these unique problems can be addressed with the kinds of social services local agencies are able to offer and provide.

The criteria are further intended to include those pregnant women and mothers who have special needs or problems which are not met, or are not predictably met, by the programs and services that are already established for families and children. Therefore, the criteria do not include mothers, or pregnant women, with such problems as the need for financial assistance, housing, day care, education, medical care or other needs who are eligible for assistance through different programs directed to such needs.

The proposed criteria are believed to be consistent with Minn. Stat. 257.33 as it is reasonable to conclude that by requiring the Commissioner to prescribe criteria for those to whom service must be offered, the legislature intended that services be offered to those pregnant women and mothers who are in need of special attention.

The following criteria are proposed to include those who have such needs.

Criteria for Pregnant Women and Mothers to be Served

1. Pregnant Women and Mothers who are Minors.

Although adult mothers may have the same problems as minor mothers, such as a need for financial assistance, medical care, housing, child care, etc., the minor's young age and lack of experience makes her more vulnerable in being able to deal with such problems.

A Social Service subcommittee of the Legislature was concerned with just this problem of young parents being able to care for their children and held meetings throughout the state in the summer of 1980. Testimony was received from social workers, nurses, teachers and parents about the problem young parents had in being parents. The problem that were identified are contained in the report "1980 Interim Hearing on Teen-Age Pregnancy", Minnesota House of Representatives, March, 1981.

One of the specific concerns that was identified at the hearing was that many adolescents are not aware of services that are available, or how to go about obtaining them.

As a result of these hearings an amendment was added to Minn. Stat. 257.33 which requires hospitals to report birth to minors to the Commissioner. It is reasonable to conclude than, that because of the concerns of the Legislature about teen-age pregnancies, and the requirement that births to minors be reported to the Commissioner, that the Legislature intended that minor age be one of the criteria for pregnant women and mothers who must be offered services.

2. Mothers who did not Receive Pre-Natal Care

This criterion is needed because mothers who did not receive prenatal care may need the assistance of an agency to obtain medical services for problems they or their children may have as a result of not receiving medical care. The assistance of an agency may be needed because some mothers may not have the financial means to afford medical care, and not know the services that are available to them or may simply not know how to get to a clinic or a physician.

It may also be that some mothers did not seek prenatal care because they did not recognize the importance of medical care, or did not accept or face the fact of their pregnancy. Social workers have long reported instances of mothers who denied they were pregnant, some even to the time of delivery. Although there are no studies, it would seem that the fact that a woman did not seek something so universally known and accepted in our society as prenatal care is significant and a possible indicator of denial or ambivalence about being pregnant.

The concern here is that mothers who are ambivalent about their pregnancy, or deny it, may also be ambivalent about being a parent. Ambivalence about being a parent may mean that a mother would not obtain satisfactory medical care for her child when born, just as she did not provide prenatal care. Such ambivalence may also mean that the mother is not able, or willing, to provide adequate daily care and supervision for her child.

The offer of service to mothers who did not receive pre-natal care, may not identify, or reach, all mothers who are ambivalent. However, a contact with these mothers may reach some mothers who could not express their ambivalence verbally but did express their ambivalence about being parents by not seeking pre-natal care.

3. Mothers who Request Assistance in Establishing Paternity.

This criterion is needed because some mothers may need the assistance of an agency in order to establish paternity for their children.

The establishment of paternity is important because children who do not have legal paternity do not have the benefits that they could have.

Some of the benefits of legal paternity are financial, such as eligibility for social security and workmen's compensation payments, and the right to inherit from the father. As important as the financial advantages for some children may be the psychological benefits of knowing their father and that he has legally recognized them.

Mothers who have decided to seek to have paternity established for their children may only need to be referred to an attorney. However, it may be important for some to begin with the agency. They may already be familiar with the agency, or uncertain about how to obtain the services of an attorney. Other mothers may need agency services to make a decision to establish paternity for their children. Some may not have recognized the importance of legal paternity for their children, or have assumed it was only necessary in order to obtain child support. Other may be concerned about what legal paternity may mean for them and their child. Social workers report that many mothers are unwilling to seek legal paternity, or even receive child support, as they think that it will give the father right that they are not sure they want him to have, such as control of how the child should be raised, unwelcome visitations, or opposition to the child being adopted by her husband if she marries. Although many of the concerns will need to be directed to an attorney, the mother may first need the services of an agency to recognize what she wants to do, and to mobilize her strengths and act on her decisions.

This criterion is also needed to protect the interests of the child. Minn. Stat. §257.33 (Supp. 1981) requires the Commissioner to offer services to the child as well as the mother. The responsibility to provide services for the child is also supported by Minn. Stat. §393.07, Subd. 1, b(2) (1980). This statute requires county boards to assure care for the protection of a child who is illegitimate. The criterion is reasonable, then, as children who do not have legal paternity do not have the benefits they should have.

This criterion is also reasonable as the number of children who are born to parents who are unmarried is significant. In 1978, 10% of all children born in Minnesota were born to parents who were not married, according to statistics reported by the Minnesota Department of Health. It seems reasonable to make provision for them to have the benefits they could be eligible for.

4. Mothers who Request Assistance in deciding if they wish to parent their child.

This criterion is intended to include those mothers who are not sure that they want to be a parent.

They may not have wanted to get pregnant and are not ready to be a parent at this time in their lives. Or they may have wanted a child, but found that being a parent is not what they expected or hoped.

A pregnant woman, or a mother may need help in making a decision about whether or not to place her child. This decision is one of the most important a person has to make. She must resolve her own conflicts and assumptions of what she feels she should do in order to decide what she wants to do. She must also deal with what society in general and her friends in particular expect her to do. Social workers report that the reason some women decide to parent their child is not because they want to be a mother, but because others will be critical of her if she places her child. In order to make such decisions, or to act on a decision they want to make, they may need the services of a social worker.

A mother may also need help with her questions or concerns about the father's rights to the child if she decides to place the child for adoption, or if she decides to parent the child herself.

If her questions about the father's rights are only of a legal nature, the only help she needs is referral to an attorney. However, some mothers may come first to the agency before seeking the services of an attorney. Some because they know the agency and don't know an attorney. Others may need the services of an agency, before going to an attorney, to deal with their feelings and concerns about the reactions of the father if they decide to place, or if they decide to parent their child.

Assistance in planning for a child is a need that most mothers do not have. However, it is reasonable for the agency to make provisions for those that need with assistance.

5. Mothers who are referred to the agency because they have physical or emotional problems which affect the care they are able to provide for their children.

This criterion is proposed in order to include those mothers who have problems or limitations which may limit or affect the care that they are able to give to their children. Such problems or limitations include mental retardation, physical disadvantages, chemical

dependency, mental illness, emotional disturbance, delinquency, or other conditions which affect the parenting of a child. There are, of course, programs for women with such problems or limitations. However, it is not certain that these programs can provide service for needs that these women may have if they become parents. Therefore, it is reasonable that mothers with limitations that affect their parenting ability be one of the groups that are to be offered services.

If a mother with problems or limitations neglects or abuses her child she must be referred to protective services. This criterion then, is not intended to include mothers who neglect their children, but rather to provide assistance to strengthen their parenting ability if needed in order to prevent abuse or neglect.

D. Local Agency Responsibilities

The purpose of this section is to define the responsibility of local agencies to offer services to pregnant women and mother.

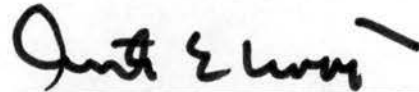
This section is necessary because Minn. Stat. §257.33 (Supp. 1981) requires the Commissioner to offer services to every pregrant women or mother who is in need of social service under criteria prescribed by rule of the Commissioner.

It is necessary to require local agencies to offer services to mothers who meet the criteria of this rule because Minn. Stat. §393.07, Subd. 2, (1980) requires the County Welfare board to administer all forms of public welfare, responsibility for which is may be imposed on the Commissioner by law.

The responsibilities of local agencies are reasonable because agencies are not required to seek out mothers who meet the criteria but simply offer services to those who are referred to the agency, or who request services.

The responsibilities are also reasonable as the local agencies are free to determine what services an individual mother needs.

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Commissioner of Public Welfare