

FILED
Court Administrator

STATE OF MINNESOTA
COUNTY OF RAMSEY

JUL 5 2011

DISTRICT COURT
SECOND JUDICIAL DISTRICT

By 3H Deputy

Case Type: CIVIL

In re Temporary Funding of Core
Functions of the Executive Branch
of the State of Minnesota

Court File No.: 62-CV-11-5203
Chief Judge Kathleen R. Gearin

Special Master Kathleen Blatz

**STATEMENT OF THE CASE OF
PETITIONERS/ INTERVENORS SEIU
LOCAL 284 KIDS FIRST MN, SHARON
BORN, TERRY BICKNELL, AND REBECCA
HALL**

SEIU Local 284 Kids First MN and licensed childcare providers Sharon Born, Terry Bicknell, and Rebecca Hall respectfully request that the Special Master determine that childcare assistance under the Minnesota Child Care Assistance Program ("CCAP") constitutes a core function of government that must be continued.

The Court held that under the Supremacy Clause programs receiving federal pass-through such as CCAP must be deemed core governmental functions to the extent those programs receive federal funds. The Court also held that "the issue of whether non-federal 'pass-through' [childcare] programs constitute critical core functions of government . . . is to be dealt with by the Special Master." (Order, p. 16, para. 4.) Since all of the childcare programs under CCAP in fact receive federal funds, all such childcare programs should be deemed core functions.

Minnesota CCAP provides support for families through three programs: (1) the Minnesota Family Investment Program (MFIP), (2) the Transition Year Program (TY), and (3) the Basic Sliding Fee Program (BSF). All three programs are funded by the federal government under both Temporary Assistance for Needy Families ("TANF") program and Child Care and

Development Fund ("CCDF"). Therefore, under the Court's reasoning pursuant to the Supremacy Clause, all three programs must be deemed core functions.

Core functions include matters relating to the health and safety of Minnesota citizens. The Minnesota Constitution provides that "government is instituted for the security, benefit and protection of the people." Art. I, Sec. 1. Childcare assistance is critical to the health and safety of Minnesota children. Denial of assistance likely would lead to low income families pulling their children out of the care of licensed and trained providers and leaving their children with others who may not be qualified. Some children might even be left alone at home so the parent can try to continue working. For parents of children with disabilities, who need specialized care, the lack of trained providers is a particularly significant concern. Childcare assistance is a core function to protect the most vulnerable children in Minnesota.

Providers such as Intervenor serve subsidized families exclusively or for a great portion of their income. Many could not remain in business without CCAP income. Failure to continue CCAP payments would have a disastrous effect on family childcare providers themselves, many of whom are also the sole or primary supporters for their own low-income families.

Dated: July 1, 2011

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