



Minnesota Legislative Commission on the Economic Status of Women

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MINNESOTA LEGISLATIVE SESSION 2000

This issue highlights and summarizes legislative changes of interest to the Commission. You may contact the Commission office for further information on legislative issues.

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ANNOUNCEMENT

The Commission is currently planning its Summer hearing schedule. If you are interested in having a hearing in your area, or if there is a particular issue which you believe should be addressed, please contact us with your ideas.

HEALTH AND HUMAN SERVICES

CHAPTER 488 (H.F. 2699)

Changes in the Minnesota Family Investment Program (MFIP)

- Requires single parent families to immediately participate in employment and training services concurrent with receipt of MFIP cash assistance in all counties except Blue Earth and Nicollet.
- Allows no more than half of the required hours of job search to be fulfilled through attending adult basic education or English as a second language (ESL) classes, if either is approved by the job counselor. This restriction does not apply if an intensive ESL program is approved.
- Establishes a program of reimbursement based grants to provide nontraditional career assistance training to assist low income women with minor children to enter nontraditional careers in the trades and in manual and technical operations. The career assistance component includes training, assistance with child care and transportation during training (and for two months after), job placement assistance and job retention support.
- Dakota County and four other counties may test alternative approaches to improve compliance with MFIP work requirements and may include closure of a case for participants unwilling to fulfill the conditions of the employment or job search support plan.

Health and Human Services TANF Reserve Funds Appropriations

fiscal years indicated in parentheses

- **\$75 million** for local intervention grants to counties to serve hard-to-employ MFIP participants and participants in need of job retention and wage advancement services (FY '01-'03), including:
 - **\$21 million** for county home visiting to families with incomes at or below 200% of the federal poverty guidelines. (FY '01-'03)
 - **\$500,000** for nontraditional career assistance and training programs. (FY '01)
- **\$250,000** for tuition waivers (to MNSCU) for employees of health care and human services providers. (FY '01)
- **\$3 million** for out-of-wedlock pregnancy prevention funds to serve children in TANF eligible families, to prevent or reduce the incidence of out of wedlock pregnancies among homeless, runaway or thrown away youth who are at risk of being prostituted or currently being used in prostitution. To increase short term shelter beds and to provide street outreach and supportive services for emergency shelter and transitional housing for at risk youth. (FY '01-'03)
- **\$55.6 million** for affordable housing, including development of affordable rental housing and a revolving loan fund at Habitat for Humanity to be used for home ownership for low income families. (FY '00-'01)
- **\$30 million** to increase the Working Family Credit.

CRIMINAL JUSTICE / PUBLIC POLICY

Creating the Director of Domestic Violence and Sexual Assault Prevention

Chapter 368 (H.F. 3331)

Creates the position of director of domestic violence and sexual assault prevention in the Minnesota Center for Crime Victims Services which is in the Department of Public Safety. Requires the director to: advocate for the rights of victims of domestic violence and sexual assault; increase public education and visibility about the prevention of domestic violence and sexual assault; develop recommendations to improve accountability when the system fails; support prosecution and civil litigation efforts regarding domestic violence and sexual assault at the federal and state levels; initiate policy changes at all levels of government; coordinate existing resources and promote coordinated community responses to better serve victims; build partnerships and encourage and support efforts to raise awareness of the issues; coordinate and maximize the use of federal, state and local resources available for the prevention of sexual assault and domestic violence; and report to the legislature and the governor each year and include any recommendations for policy and law changes.

The director will serve as the chair of an interagency task force which will have representatives from the Department of Public Safety Office of Drug Policy and Violence Prevention, the Departments of Children, Families and Learning, Corrections, Health, Human Services and Economic Security; county attorneys, city attorneys, US attorneys, judges, peace officers, the attorney general and several advocacy communities.

The task force is to work to promote the objectives set out in the director's responsibilities and to submit a strategic plan on domestic violence and sexual assault prevention to the legislature and the governor with recommendations on: how to reduce incidents of domestic violence and sexual assault; how to coordinate existing resources at the federal, state and local levels and how the entities may cooperate better; changes in policies and laws to reduce incidents of domestic violence and sexual assault; and the need for increased services and resources. The task force is to evaluate progress each year and detail its responses to the strategic plan as well as assess the successes and failures of the director in achieving the objectives. The first evaluation is due January 15, 2002

Per Diem Payments to Shelters for Battered Women

Chapter 445 (S.F. 3178)

Sets out the authority for the director of the Minnesota Center for Crime Victims Services to provide per diem payments to shelters, safe homes or other facilities providing food, lodging, safety and 24-hour coverage for battered women and their children. Duties of the director include collecting data on shelter facilities, conducting an annual evaluation of the per diem program, reporting to the governor and the legislature on the need for emergency secure shelter and developing an application process for shelter facilities to follow in seeking per diem reimbursement.

Statute of Limitation for Damage Actions in Domestic Abuse Cases

Chapter 471 (S.F. 11)

Extends from 2 to 6 years the statute of limitations for assault, battery, false imprisonment or other tort resulting in person injury if the conduct giving rise to the injury constitutes domestic abuse as defined in the statute.

Establishes a pilot project creating a joint domestic abuse prosecution unit between the Ramsey county attorney's office and the St. Paul city attorney's office to allow prosecution of misdemeanor, gross misdemeanor and felonies and to coordinate with child protection attorneys. Project goals are: to recognize children as victims and witnesses in domestic abuse situations; to recognize and respect the interests of children in the prosecution of domestic abuse; and to reduce exposure to domestic violence for adult and child victims.

- **Appropriation: \$250,000**

CRIMINAL JUSTICE / PUBLIC SAFETY CONTINUED

Children Exposed to Domestic Violence

Chapter 401 (S.F. 3410)

Repeals language adopted in 1999 which expanded the definition of medical neglect to include subjecting a child to domestic violence by an abuser in the home that is likely to have a detrimental effect on the well-being of the child. Creates a definition of *child exposed to domestic violence*. Requires a local welfare agency to take into account the presence of protective factors in a child's environment when deciding whether there is a need for child protective services. Requires the agency to consider the safety and well-being of the child and the safety of a parent who is a victim of domestic violence in determining the protective action to take and the services to be offered to the child and the family when the child has been exposed to domestic violence.

Harassment Orders

Chapter 476 (H.F. 2516)

Redefines harassment in the statute pertaining to harassment restraining orders to include a *single incident of physical or sexual assault*, or repeated *incidents* of intrusive or unwanted acts, words or gestures that have a *substantial adverse effect* on the safety, security or privacy of another, regardless of the relationship between the actor and the intended target. A petition alleging harassment involving a single incident must further allege an immediate and present danger of harassment before the court may issue a temporary restraining order. The court is not required to hold a hearing on a matter that has no merit.

Short Form Notification of Orders for Protection

Chapter 437 (S.F. 551)

Amends the Domestic Abuse Act to allow service on a respondent up to 12 hours prior to the time of a hearing when the petitioner for an ex parte order requests a hearing. Allows the respondent to ask for a continuance if the notice was served less than 5 days prior to the hearing and the continuance must be granted unless there are compelling reasons not to grant it.

Creates a *short form notification* for serving an order for protection instead of personal service. The short form contains the names of the parties, the date and county in which the order for protection was filed, the court file number, the hearing date and time, the conditions on the respondent and the judge who signed the order. Notice in bold print states that the order for protection is now enforceable and the consequences of violation of the order.

Allows a probable cause arrest for violation of a domestic abuse no contact order, which is an order issued against a defendant in a criminal proceeding for domestic abuse. Violation of the order is a misdemeanor.

Training to Combat Juvenile Prostitution

Chapter 431 (H.F. 2830)

Requires the commissioner of Public Safety and the executive director of the Peace Officer Standards and Training Board to study and make recommendations on training for peace officers to combat juvenile prostitution and report to the legislature by September 15, 2000. The commissioner and the executive director must study ways to train peace officers in policies and procedures aimed at combating juvenile prostitution, increasing the charging and prosecuting of individuals who promote and solicit prostitutes, and effectively communicating with victims of juvenile prostitution. Raises the age in the definition of juvenile prostitute from 16 to 18 for purposes of charging one who solicits or promotes prostitution.

CRIMINAL JUSTICE / PUBLIC SAFETY CONTINUED

Criminal Justice Appropriations

Chapter 488 (H.F. 2699)

the following are one-time appropriations:

- **\$4,000** for a one-half day judicial seminar on parenting plans.
- **\$150,000** for juvenile prostitution law enforcement and officer training grants.
- **\$1.2 million** for per diem payments to shelters for battered women incurred during the administrative transfer of responsibility for the payments from the Department of Human Services to the Department of Public Safety.
- **\$40,000** grant to the center for applied research and policy analysis at Metropolitan State University for a domestic violence shelter study.

FAMILY LAW

Parenting Plans

Chapter 444 (S.F. 3169)

- Replaces the term “visitation” in the marriage dissolution statute with “parenting time” which means the time a parent spends with a child regardless of the custodial designation. Defines the elements of a parenting plan which may be created in the marriage dissolution process when custody of a child is being determined. The plan must include: a schedule of the time each parent spends with a child; a designation of decision making responsibility for the child; and a method of dispute resolution. The plan may include other issues regarding the child agreed to by the parents. Allows parents to use other terms for physical and legal custody provided that the terms are defined in the parenting plan. Allows a parenting plan to be created if both parties request it unless the court makes detailed findings that the parenting plan is not in the best interests of the child.
- If both parents do not agree to a parenting plan the court may create one on its own motion unless it finds that a parent has committed domestic abuse against a parent or child who is part of the matter before the court. If the court does create its own parenting plan it must not use alternate terms to designate decision making responsibilities or allocation of residential time between the parents unless both parties agree. The court cannot require parties under an existing order to create a parenting plan as part of a modification order, nor can it require one in an action to recover public assistance costs against an unmarried parent. If the parents do not agree and the court does not create a parenting plan, orders for custody and parenting time will be entered under present sections of the law.
- If a final judgment and decree contains a parenting plan which uses alternate terms to designate decision making responsibility or allocation of residential time between the parents, there must be a designation of joint legal or joint physical or sole legal or sole physical custody for enforcement of the final decree in other jurisdictions.
- If both parents agree to use a parenting plan but cannot agree on all terms the court may create one. It may require each parent to submit a proposed plan or may order an evaluation or the appointment of a guardian ad litem. In any case, the parenting plan must be based on the best interests of the child factors in the statute.
- If a parent is alleged to have committed domestic abuse against a parent or a child who is a party to the matter, the court may not require dispute resolution processes (i.e. mediation) other than the judicial process.

FAMILY LAW CONTINUED

Parenting Plans (continued)

- The court may not require a parenting plan that provides for joint legal custody or the use of dispute resolution processes if the court find that a parent has been convicted of specific crimes set out in current law, or that either parent has engaged in acts of domestic abuse, physical, sexual or emotional abuse of a child, or willful abandonment or refusal to perform parenting functions.
- The court cannot require that the best interests of the child factors will govern a decision to move the child's residence to another state but the parents can agree to use those factors if both parents were represented by counsel when the parenting plan was approved, or the court finds the parents were fully informed, the agreement was voluntary and the parents were aware of its implications. The court also cannot require that the best interests of the child factors will govern a modification motion that would change the child's primary residence unless both parties were represented by counsel when the parenting plan was approved or the court found that the parties were fully informed, the agreement was voluntary and the parties were aware of its implication. If the parties have agreed to use the best interests standard in determining changes in custody the court must use that standard.
- The court can modify the decision making provisions of a parenting plan when it is in the best interests of the child if the modification does not change the child's primary residence. If there is an order for protection the court must consider the use of an independent neutral exchange location.
- Parents creating a parenting plan are subject to the requirements of the child support guidelines and may include an allocation of expenses for the child in the parenting plan.
- Parenting plan provisions are effective January 1, 2001. The provisions relating to the standard required for moving the residence of a child to another state are effective on the day following enactment and apply to written agreements approved by the court before, on or after that date.

Child Support Changes

Chapter 458 (S.F. 3016)

Allows service of process to be made by the public authority (the child support enforcement office) on behalf of a party who needs to serve legal documents in a IV-D child support proceeding by mail and does not have access to the address of the other party and the other party is not represented by counsel.

Provides for an addition to the notices required on every court order for child support, maintenance, custody or visitation (parenting time) which lists the statutory methods for enforcement of nonpayment of support such as tax refund interception, suspension of drivers, recreation and occupational licenses, referral to the Department of Revenue or private collection agencies and seizure of bank assets.

Sets out procedures for executing a support judgment on funds at a financial institution when child support are in arrears of more than 5 times the amount of the support order.

Study of the Medical Support Statute

Chapter 372 (S.F. 2742)

Requires the commissioner of Human Services to study and make recommendations for changes to the medical support statutes.

<p style="text-align: center;">FAMILY AND EARLY EDUCATION CHAPTER 489 (H.F. 3800)</p>

MFIP Social Services Child Care

Provides funding for social services child care assistance to MFIP families participating in social services activities (such as mental health and chemical dependency services) required in an employment plan. Requires a report by the commissioner of CFL to the legislature on the use of MFIP social services child care and its effectiveness in promoting self-sufficiency. Any amount remaining in FY 2003 that is not needed for MFIP social service child care must be used for Basic Sliding Fee (BSF). Provision sunsets on June 30, 2003.

- **Appropriation: \$9.395 million** (FY '01-'03 from TANF Reserve funds)

Transition Year Child Care

Allows families leaving MFIP (after participating for three of the last six months) to become eligible for transition year child care without being required to reach the exit income level for MFIP. Families disqualified from MFIP due to fraud are not eligible for transition year child care assistance. Provides funding for uninterrupted child care assistance for families completing transition year child care assistance. Any amount remaining in FY 2003 that is not needed for uninterrupted care must be used for BSF.

- **Appropriation: \$8.74 million** (FY '01-'03 from TANF Reserve funds)

Special Family Day Care Homes

Permits a church or religious organization to operate a child care program with 14 or fewer children and be licensed under the rules governing family day care or group family day care.

Experienced Aides at Child Care Centers

Permits an aide with at least 4,160 hours (the equivalent of 2 years full-time employment) of qualified child care experience to work with children in a center without direct supervision for up to 25 percent of their daily work shift if: a teacher is in the building; the aide is at least 20 years old; and the aide has received first aid training within the last three years. Limits experienced aides working without direct supervision to 25 percent of each classroom's daily hours. Requires centers using experienced aides in the above capacity to notify parents upon enrollment and once each year. Requires centers to report approximate monthly usage to the Department of CFL once per year. Provision sunsets on June 30, 2003.

Annual Child Care Inservice Training

Provides three tiers (1 percent, 1½ percent, and 2 percent of working hours) of annual inservice training requirements for teaching staff at child care centers instead of the current requirements of 2 percent for all teaching staff. Requirements depend on education, licensing and certification qualifications of teachers, assistant teachers and aides. A 2 percent requirement equals approximately 40 hours per year of training for a full-time person.

Expedited Application for Minor Students

Requires CFL to provide technical assistance on ways to expedite and streamline the child care assistance application process for minor parents participating in school-based child care. Child care assistance information and applications must be made available to school-based adolescent parenting programs.

FAMILY AND EARLY EDUCATION CONTINUED

Post-Secondary Child Care Grant Program

Chapter 489 (H.F. 3800)

Allows unexpended funds (from the first year of the biennium) in the post-secondary child care grant program to be used to augment the maximum child care grant award in the second year of the biennium. Current maximum award is \$2,000 for each eligible child per academic year.

Additional Family and Early Education Appropriations

**indicates appropriations funded with Federal TANF Reserve funds.*

- **Early Childhood Family Education (ECFE).** Extends the funding formula correction in ECFE aid to FY 2001 so that current funding levels are maintained.
- **\$622,000** for emergency services grants used to provide homeless persons with essential services and emergency shelter. (FY '01)
- **\$3.3 million*** for intensive ESL for eligible MFIP participants focused on MFIP participants' gaining sufficient literacy to achieve self-sufficiency through employment. (FY '01-'03)
- **\$5.75 million*** for transitional housing funds which must be used for up to four months of transitional housing for families with incomes below 200 percent of the federal poverty guidelines. (FY '01-'03)
- **\$6.415 million*** for Basic Sliding Fee (BSF) child care. (FY '01-'03)

Early Childhood Learning and Child Protection Facilities Bonding

Chapter 492 (H.F. 4078)

Provides for grants to construct or rehabilitate facilities for early childhood programs. Allows a priority for grants to programs that include services to refugee and immigrant families.

- **Appropriation: \$3.0 million**

HEALTH CARE / HEALTH INSURANCE

Alternative Health Care Regulation

Chapter 460 (H.F. 3839)

Provides for the regulation of unlicensed complementary and alternative health care practitioners, as defined in the new law. Establishes an Office of Unlicensed Complementary and Alternative Health Care Practice in the Department of Health to: investigate complaints and take and enforce disciplinary actions against all unlicensed complementary and alternative health care practitioners for violations of prohibited conduct; and serve as a clearinghouse on complementary and alternative health care practices and unlicensed complementary and alternative health care practitioners.

Employee Health Insurance Study

Chapter 460 (H.F. 3839)

Requires the commissioner of Health to study rising health insurance costs and to develop recommendations for providing employer-subsidized affordable health insurance to employees of programs and facilities that serve the elderly and disabled. The report may also examine the affordability and availability of health insurance coverage for lower-income Minnesotans generally. The report is due on January 15, 2002

JOBS AND ECONOMIC DEVELOPMENT / EMPLOYMENT

Displaced Homemaker Program

Chapter 488 (H.F. 2699)

Transfers funding for the displaced homemaker program from the general fund to the workforce development fund which will be the ongoing source of funds for this program. The services, locations and operation of the displaced homemaker programs shall not be changed.

Bloodborne Pathogens - Sharps Injuries

Chapter 351 (S.F. 2397)

Requires employers to comply with federal regulations on bloodborne pathogens (for example, HIV or Hepatitis B or Hepatitis C). Requires at least annual review of employer written exposure control plans to reduce occupational exposure to bloodborne pathogens through sharps (for example, needles) injuries. Requires established workplace safety committees to make advisory recommendations for the use of effective engineering controls designed to eliminate or minimize exposure to bloodborne pathogens.

Bloodborne Pathogens - Occupational Exposure

Chapter 422 (S.F. 1202)

Establishes procedures for addressing incidents of exposure to bloodborne pathogens by employees of emergency medical services and corrections and secure treatment facilities.

MISCELLANEOUS

Nursing Mothers Jury Service

Chapter 269 (H.F. 1865)

Requests the Supreme Court Jury Reform Task Force to study and make recommendations for changes in the jury management rules to accommodate the needs of nursing mothers summoned for jury service.

Unharmed Newborn

Chapter 421 (S.F. 2615)

Allows a mother (or another person with her approval) to leave an unharmed newborn within 72 hours of birth with an employee at a hospital without being prosecuted. The hospital or its employee is immune from criminal or civil liability for receiving the newborn. The hospital must not request the identity of the person leaving the child. They may ask about the medical history of the mother or newborn, but the mother or person leaving the newborn is not required to provide the information. The hospital may provide the person leaving the newborn with information about social service agencies. The hospital is required to notify the local social service agency that a newborn has been left at the hospital. The social service agency which takes custody of the child after discharge from the hospital is not required to: attempt to unify the child with the child's parents; search for relatives of the child for placement; or give a preference to relatives in placement if the agency does not have information on the identity of the child or the child's mother or father.

DEFINITIONS

MFIP- Minnesota Family Investment Program
ESL- English as a Second Language
TANF- Temporary Assistance to Needy Families
MNSCU- Minnesota State Colleges and Universities

DHS- Department of Human Services
CFL- Department of Children, Families & Learning
BSF- Basic Sliding Fee Child Care
FY- State fiscal year (July 1st to June 30th)