



# COMMISSION ON THE ECONOMIC STATUS OF WOMEN

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### IN THIS ISSUE

Legislative Update: A summary of legislation passed during the 1998 session. The table of contents provides a list of legislation by subject matter. The last page of the newsletter (page 13) provides a list of legislation by title and bill number.

### ANNOUNCEMENTS

The Commission is currently planning its Summer/Fall 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 do not hesitate to contact us with your ideas.

**Updated versions of our informational brochures are now available! We have also produced a poster which provides information on family leave.** Please call, write or e-mail the Commission with requests for copies. If you have already contacted us about a specific publication there is no need to make another request.

### **Our website is under active construction.**

Currently available via the web is basic information about the Commission and the "Guide to Child Support and Spousal Maintenance Cost of Living Adjustments." We plan to continue adding information, including data and electronic versions of our brochures, throughout the summer months. We invite you to visit us at:

<http://www.commissions.leg.state.mn.us/commis/abtlcesw.htm>

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## Welfare Reform

### Discontinuing Cash Payments

Allows an MFIP-S recipient to discontinue cash payments and continue to receive medical and child care assistance.

### Orientation Requirements

Requires the job counselor to give an overview of employment and training services which

- (a) stresses the need for immediate employment;
- (b) outlines job search resources available;
- (c) outlines education or training opportunities available;
- (d) describes the range of work activities allowable to meet the individual needs of participants;
- (e) explains the requirements to comply with an employment plan, and
- (f) explains the consequences for failure to comply. This overview must be presented during the first meeting.

### Secondary Assessments

Requires the job counselor to inform participants that they may request a secondary assessment after they have been working six months, averaging more than 20 hours per week. This assessment must provide information about part-time education and training options, and available child care and transportation resources.

### Work Requirements

Allows an MFIP-S participant who is meeting the minimum work requirements to meet any additional work participation requirements through training or education.

### Housing Subsidies

Extends the date for counting \$100 of the housing subsidy for MFIP-S participants living in subsidized housing to July 1, 1999.

## Housing/ Economic Development

### Displaced Homemakers

\$200,000 for displaced homemakers programs for grants to operate a community work empowerment support group demonstration project.

### Job Training Partnership

Sets aside \$100,000 of the appropriation to the Job Training Partnership Act to provide employment and training to eligible Hmong and Laotian Women.

### Low-Income Housing

\$3,300,000 for the affordable rental investment fund for housing for low-income families and individuals.

### Lead Abatement

\$100,000 appropriated for lead clean up and lead hazard reduction services in geographic areas where residents have a high risk of elevated blood levels.

### Transitional Housing

\$300,000 appropriated for transitional housing programs. These programs provide independent living opportunities for homeless persons or families. Residents pay 25 percent of their income as rent and stays are limited to two years.

## Other

### Family Asset Accounts

Establishes the Minnesota Family Assets for Independence pilot project. This program assists families who are trying to save money to pay for:

- 1) the purchase, construction or reconstruction of a home;
- 2) small business capitalization expenses, or
- 3) post-secondary education expenses.

Participants must be at or below 200 percent of the poverty level and must contribute on a regular basis to a savings account established for one of the above-listed purposes. The deposited funds are matched by private and/or public monies when they are withdrawn for a permissible use.

# Health and Human Services

## **Crisis Nursery Programs**

\$200,000 for technical assistance grants of up to \$20,000 each to develop a crisis nursery program in non-metropolitan counties that do not have an existing program.

## **Cancer Screening**

- \$1,250,000 for breast and cervical cancer screening and diagnostic services for women.
- \$855,000 to support local boards of health in providing outreach and coordination and \$400,000 for technical assistance consultation and outreach.

## **Cooperation in Establishing Paternity and Medical Support**

Requires parents or children enrolled in MinnesotaCare to cooperate in establishing paternity and in obtaining medical care support and payments for the child and any other person for whom the person can legally assign rights.

## **Office of Health Care Consumer Assistance, Advocacy and Information**

Establishes an office of health care consumer assistance, advocacy and information in the health department. Requires the director of the office to appoint at least nine consumer advocates.

The office will:

- assist patients and enrollees in health care plans in understanding and asserting their contractual and legal rights and may provide advocacy for enrollees in administrative or other dispute resolution processes;
- assist enrollees in obtaining health care referrals;
- assist enrollees in accessing services of government agencies, boards and other state consumer assistance programs, ombudsman or advocacy services,
- refer patients and enrollees to agencies and boards for investigation of health care complaints and for enforcement action;
- educate and train enrollees about their health care plan;
- assist enrollees in receiving resolution of complaints;
- monitor health care complaints; and
- recommend ways health plan companies can identify and remove barriers which delay or impede efforts to resolve consumer complaints.

## **Nursing Homes**

Authorizes a 3 percent cost-of-living adjustment in wages for workers in nursing homes and facilities that serve people with disabilities.

## **Fetal Alcohol Syndrome**

Appropriates \$5,000,000 for fetal alcohol syndrome and fetal alcohol effect (FAS/FAE) initiatives.

### **To the Commissioner of Health:**

- \$200,000 to study the extent of fetal alcohol syndrome in the state;
- \$800,000 for public awareness campaign;
- \$400,000 to develop a statewide network of regional FAS diagnostic clinics;
- \$150,000 for professional training about FAS;
- \$350,000 for a coordinating board;
- \$850,000 for a community grant program

### **To the Commissioner of Human Services:**

\$800,000 to expand maternal and child health social service programs. Of this amount:

- \$184,000 to eliminate the asset standards for medical assistance eligibility for pregnant women;
- \$400,000 for intervention and advocacy;
- \$850,000 to expand treatment services and halfway houses for pregnant women and women with children who abuse alcohol during pregnancy.

### **To the Commissioner of Children, Families and Learning:**

\$200,000 for school-based pilot programs to identify and implement educational strategies for individuals with FAS/FAE.

## **Medical Assistance and MinnesotaCare for Pregnant Women**

Determines eligibility for medical assistance for pregnant women without regard to asset standards beginning September 30, 1998. Pregnant women enrolled in MinnesotaCare when they become pregnant are eligible for services provided under medical assistance retroactive to the date the pregnancy is medically diagnosed.

## **Nursing Mothers**

Requires employers to provide reasonable unpaid break time each day to an employee who needs to express breast milk. The break time is to run concurrently with other break time already provided, if possible, but the employer is not required to provide break time if it would unduly disrupt the workplace operations. The employer must also make reasonable efforts to provide a location, near to the work area, other than a toilet stall, where the employee can express the milk in privacy.

Employer means any employer of one or more employees and includes the state and its political subdivisions. Also amends the indecent exposure law to make it clear that breast feeding is not indecent exposure.

## Child Support

### Subsequent Children

Clarifies the treatment of subsequent children in modifying child support. Makes clear that the needs of subsequent children (of the obligor) are not to be factored into a support guideline calculation nor can the fact that there are additional children be grounds to decrease child support. Allows the court to consider subsequent children when responding to a request to increase child support. Sets out factors the court must consider in order to deviate from the guidelines.

### Report

Requires the Department of Human Services to evaluate child support programs and enforcement mechanisms to:

- determine Minnesota's performance relative to federal standards, compared to other states' and individual county's performance;
- determine federal, state and local government costs, as well as a sample of private business costs, and
- recommend improvements.

Requires a report on child support arrearages which categorizes arrearages of 90 days, six months, one year and two or more years, and establishes a process for determining when an arrearage is not collectable based on the age of the arrearage and the likelihood of collection.

## Other

### Spousal Credit History

Requires creditors to designate new credit accounts to reflect the participation of both spouses, and, if one of the spouses makes a request in writing, to reflect that participation on existing credit accounts and furnish information accordingly. Requires a creditor to consider the credit history of an account which both spouses are permitted to use when determining credit worthiness.

Follows current requirements of the Fair Credit Reporting Act and becomes effective January 1, 1999.

### Spousal Maintenance

Amends the garnishment statute to include maintenance in the definition of "earnings" thereby limiting the amount of maintenance which can be garnished.

### Parental Cooperation Task Force

\$75,000 to the Supreme Court for a parental cooperation task force to evaluate ways to reduce conflict between parents in marriage dissolution proceedings.

The task force will research ways to reduce conflict, including the use of parenting plans that would govern parental obligations, decision making authority and schedules; study programs and experiences in other states using parenting plans; and evaluate fiscal implications of parenting plans.

## Child Welfare

In 1996 and 1997, respectively, Congress amended the *Child Abuse Prevention and Treatment Act* and passed the *Adoption and Safe Families Act*. The omnibus child welfare and health and human services bills contain a number of provisions which bring Minnesota in line with current federal law, as established by these acts, in the areas of adoption and child protection. The bills also contain numerous other provisions providing for the expedited placement of foster children in permanent homes and the safety of children in general.

### Child Abuse/Child Protection

The new law:

- 1) requires public disclosure of child protection findings and information in fatality or near-fatality cases;
- 2) requires the removal of unsubstantiated or false child protection reports from public availability;
- 3) establishes volunteer citizen review panels to examine child protection policies and procedures; and,
- 4) expands the definition of serious maltreatment.

### Coordination of Child Welfare and Domestic Abuse Services

Allows for the "presence of domestic abuse" to be a factor in risk assessments of children for whom a maltreatment investigation has been ordered. It also directs the commissioner of human services to explore ways in which child welfare and domestic abuse services can be coordinated.

### Adoption/Concurrent Permanency Plans

These provisions incorporate changes mandated by federal law and other child protection initiatives. Specifically, the legislation:

- 1) expands the list of crimes that disqualify applicants from a human services license to include felony domestic assault, felony spousal abuse, felony child abuse or neglect, and a felony offense of a crime against children;
- 2) reduces the time period during which an adoption petition must be filed when a child has been placed in a prospective adoptive home from 24 to 12 months;
- 3) amends the policy statement in the juvenile code involving children in need of protection or services to refer to the health and safety, as well as the best interests of the child;
- 4) amends the laws dealing with reasonable efforts (at reunification) to provide that the child's health and safety be of paramount concern and also includes reference to the circumstances under which reasonable efforts are not required;

- 5) amends the definition of "child in need of protective services" to include a child who has engaged in prostitution;
- 6) requires that a permanency hearing must be held within six months of an out-of-home placement for children under the age of eight;
- 7) requires the commissioner of human services to establish concurrent permanency planning programs by which reasonable efforts are made at reunification with the parents (if required) while at the same time an alternative permanency plan is pursued;
- 8) expands the time period for which an emergency foster care license is effective from 90 to 120 days;
- 9) clarifies language regarding relative identification and notification of a child in need of placement;
- 10) requires that a pre-adoptive custody order include arrangements for the health care of the child;
- 11) allows ANY birth relative with whom the child resided to enter into a contact agreement with the adoptive parents;
- 12) defines conditions under which reasonable efforts at reunification do NOT have to be made;
- 13) expands the definition of abandonment to include cases where a child is under two years of age and has been deserted by the parent under circumstances which indicate an intent not to return;
- 14) requires that a county file a termination of parental rights petition if the child has been subject to egregious harm unless such filing would NOT be in the best interest of the child;
- 15) delineates a list of records which must be open to public inspection unless the court determines that access should be limited based on the personal nature of the information.

**\$10 million appropriated to fund these provisions.**

Continued on next page

## **Child Care**

### **Basic Sliding Fee**

Appropriates \$3.25 million for the Basic Sliding Fee (BSF) child care assistance program. BSF is a program to help lower-income families pay for child care. The \$3.25 million appropriated this year is earmarked for families who are moving off of transition year child care assistance. Transition year child care assistance is available for one year to families moving from welfare to work.

### **Child Care Funds**

Requires that child care funds appropriated but not expended are deposited into the child care reserve account.

### **TANF Funds Transfer**

Transfers \$791,000 from federal TANF block grant funds to the commissioner of children, families and learning for the state child care development fund for MFIP-S child care.

### **Head Start**

\$250,000 appropriated to allow Head Start and Early Childhood and Family Education programs to expand collaborative programming. The money will be awarded based on a competitive grant process.

### **Child Care Licensure**

1. Makes it clear that a child care program that is not required to be licensed because of exceptions in the law is not prohibited from applying for a license.
2. Makes it clear that the interim expanded unlicensed child care program does not apply to a child care provider who was denied a license, who has been disqualified, or who has a household member who has been disqualified.
3. Allows nonresidential child care programs provided by employers for 14 or fewer children of their own employees to be licensed under the rules governing residential child care programs, as long as the child care program is in a dwelling on a residential lot.

### **Family Day Care Age Groupings**

Expands the sunset date to June 30, 1999 for definitions of "toddler," "preschooler" and "school-age" as they apply to family day care licensure.

## **Other**

**Children's Trust Fund** Of the dollars allocated in 1997, up to \$22,000 (FY98 and FY99) may be used to administer the Children's Trust Fund.

**Abused Children Programs** Of the dollars allocated in 1997, up to \$134,000 (FY98 and FY99) may be used for costs to administer abused children programs.

## **Domestic Violence**

### **Data Privacy**

Amends the Data Practices Act to require that written police reports of domestic abuse incidents or violations of orders for protection must be released upon request at no cost to organizations which have been designated by the Minnesota center for crime victims services as providing services to victims of domestic abuse.

Requires police reports after an investigation of allegations of domestic abuse to contain information about the victim, if the victim provides the information; the name of the arrested person, if an arrest occurs; and a summary of the incident. If the victim has asked not to be identified publicly and the information is private data, then it will be private data in the report. The report must be provided upon request, at no cost, to organizations that provide services to victims of domestic abuse and are so designated by the Minnesota center for crime victims services.

### **Orders for Protection**

Allows peace officers, probation officers, court services officers, parole officers and jail employees to serve orders for protection. Requires a pre-sentence investigation when a defendant is convicted of a violation of an order for protection.

Makes clear that orders for protection issued in other states, the District of Columbia, tribal lands or U.S. territories are recognized. Expands the kind of evidence of prior conduct that is admissible in an action for violation of an order for protection.

## **Other**

### **Victims Services**

\$229,000 for consolidation of crime victim services which were merged under a Governor's reorganization order in December. Requires the executive director of the center for victim services to maintain the duties, responsibilities and diversity of the battered women's advisory council, and other advisory councils formerly in the department of corrections; retain crime-specific funding initiatives and conduct focus groups to ascertain victim and provider priorities.

Requires the center to develop a process for determining priorities for future funding requests.

Allocates \$75,000 for grants to organizations providing intensive case management to prostituted individuals.

Requires an investigation and a report to the legislature by the Hennepin and Ramsey county attorneys on the investigation and prosecution of prostitution crimes in their jurisdictions during 1997.

### **Breaking the Cycle of Violence Pilot Project**

\$222,000 to Ramsey County for a breaking the cycle of violence pilot project. The project includes up to 90 days of intensive residential services as an alternative to incarceration of adult women and out-of-home placement of their children.

### **Violence Prevention**

Of the Early Childhood and Family Education dollars allocated in 1997, up to \$305,000 (FY98 and FY99) may be used to administer drug policy and violence prevention programs.



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# Education

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## Higher Education

### Work Study

Appropriates an additional \$1.5 million for work study.

### Business-Industry Partnerships

Appropriates \$10 million for business and industry partnerships. Includes a requirement that campuses increase the number of students enrolled in internships including the provision of incentives for businesses to train, place and retain hard-to-place individuals.

### Half-Time Students

Reduces the definition of half-time student status to six (currently eight) credits per quarter or semester.

### Tuition

Reduces the student responsibility to 47percent (currently 50 percent) for the cost of attendance.

## K-12 Education

### First Grade Preparedness

Allocates an additional \$1.5 million for first grade preparedness (full day kindergarten) for FY99.

### Homeless Children

Allocates an additional \$700,000 for matching grants for education programs for homeless children for FY 98.

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# Procurement Reform

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### Small Business Procurement

Makes changes in the state procurement process including programs for small and targeted businesses. Requires the commissioner to insure that small businesses receive at least 25 percent of the value of anticipated total state procurement of goods and services, including printing and construction.

Requires the commissioner to facilitate bids from small businesses and to encourage geographical distribution around the state. Requires the commissioner to adopt rules to define small business and to include only businesses with their principal place of business in Minnesota, to establish different size standards for various types of businesses, and to consider the differences among industries caused by the size of the market for goods or services.

### Targeted Group Purchasing

Requires the commissioner to designate businesses that are majority owned and operated by women, persons with disabilities or specific minorities as targeted group businesses within purchasing categories. A group may be targeted if the commissioner determines that there is a statistical disparity between the percentage of purchasing from businesses owned by group members and their representation among all businesses in the state in the purchasing category. The purpose is to remedy the effects of past

discrimination against the targeted groups.

### Reports

Requires the commissioner of administration to report annually to the governor and the legislature with a copy to the commissioner of trade and economic development on the progress being made toward the goals in the small business and targeted group purchasing.

Requires the commissioner of trade and economic development to report annually to the governor and the legislature with a copy to the commissioner of administration on:

- 1) efforts undertaken to publicize the provisions of the small business and small targeted group business procurement program;
- 2) efforts undertaken to identify small businesses and small targeted group businesses, and
- 3) efforts undertaken to encourage participation in the targeted group purchasing, and
- 4) recommendations for strengthening the small business and small targeted group business procurement program and delivery of services to small businesses.

Requires the MNSCU system to include provisions for procurement, including construction, from small targeted group businesses in their policies and procedures.

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# Capital Bonding\*

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\*Where amounts are not noted the project is part of a larger funding package.

## University of Minnesota

Design and construct women's athletic office space.

## Minnesota State Colleges and University System

Ridgewater Community and Technical College child care center.

## Department of Children, Families and Learning

\$5,000,000 to design, furnish, equip, renovate, replace or construct parks and recreation facilities and school facilities for youth enrichment grants for non-school-hour activities.

\$5,000,000 to construct or rehabilitate facilities for early childhood learning facilities.

## Capitol Area Architecture and Planning Board

\$150,000 to complete the Women's Suffrage Garden.

## Housing Finance Agency

\$4,000,000 for loans or grants for temporary or transitional housing including loans or grants for housing homeless youth, homeless families, battered women and individuals leaving prostitution.

## Early Childhood Learning and Child Protection Facilities

Changes priorities for grants to construct or rehabilitate facilities for Head Start, early childhood and family education grants and other early childhood intervention programs or demonstration family service centers to emphasize projects that collaborate with child care providers, including all day and school age child care programs, special needs care, sick child care and nontraditional hour care. Priority to grants for programs that increase child care workers' wages as a result of the grant.

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# Miscellaneous Legislation

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## Disaster Relief

\$250,000 to the commissioner of Children, Families and Learning for grants to counties for after-school and expanded day care services.

## Taxes

Requires the Metropolitan Council to consider incorporating a child care facility in its new transfer garage to assist in the recruitment and retention of metropolitan transit drivers.

Increases the Earned Income Tax Credit for low-income working families.

## Advance Health Care Directives

Combines the provisions of the living will and durable power of attorney for health care laws. Defines health care directive as a written instrument that includes either health care instructions, a health care power of attorney, both, or a durable power of attorney for health care and complies with the provisions defining what makes it legally sufficient.

## Corrections

\$4,645,000 for a 62-bed living unit at Shakopee.

# Vetoed Legislation

## U of M Law Clinics

Appropriated \$250,000 for the law school to provide legal services to more citizens with limited incomes.

## At Home Infant Care Program

Technical language which clarified that the program does not create an employer-employee relationship between the state and the program participants.

## Minimum Wage Waiver

Allowed self-employed individuals with an approved business plan to qualify for child care assistance without meeting the minimum wage requirement (for up to six months).

## Provider Payments

Directed counties to pay child care providers directly unless parent payment is accompanied by documentation that the money is being used for approved child care expenses.

## School-Age Care

Added "school age care" to statutes regarding community collaboration around child care, basic program services and assessment of needs; encourages local school districts to be involved with the coordination of school-age care programs.

## Special Needs

Added the identification of programs for children with disabilities and the coordination of these programs with child care services to the duties of the Interagency early intervention committees.

## Energy Assistance

Established a cash flow account for the purposes of buying fuel through a pre-season purchase program. This fuel is then available to households that qualify for the federal energy assistance program.

## Funding

Community Information and Referral Program	\$100,000
Gang Prevention Grants	\$200,000
Minnesota Family Assets for Independence	\$775,000
Dependent Care Tax Credits	\$4.9 million
Child Care Development Initiatives	\$5 million (TANF dollars)
Basic Sliding Fee	\$5 million*

\*The governor signed a bill allocating \$3.25 million to this program

## Telephone Assistance Plan

Provided a subsidy for basic phone service for low-income families and individuals and brought Minnesota into compliance with federal law.

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# Legislation by Bill Title & Number

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## Health and Human Services

SF 3346 (Chapter 407)

### Welfare Reform/MFIP-S

- Discontinuing Cash Payments
- Orientation Requirements
- Secondary Assessments
- Work Requirements
- Housing Subsidies

### Other Health and Human Services

- Crisis Nurseries
- TANF Transfer
- Fetal Alcohol Syndrome
- Cancer Screening
- Health Care Consumer Assistance
- Nursing Homes
- Pregnancy Medical Care
- Paternity/Medical Support
- Child Care Licensure
- Child Welfare Funding

## Housing/Economic Development

SS2 (SS Chapter 1)

- Displaced Homemakers
- Job Training
- Low-Income Housing
- Lead Abatement
- Transitional Housing

## Early Childhood and Family Ed.

SS2 (SS Chapter 1)

- Basic Sliding Fee
- Head Start
- Child Care Funds
- Age Groupings
- Family Asset Accounts
- Emergency Services Grants

## Child Welfare

HF 2985 (Chapter 406)

Some provisions in SF 3346 (Chapter 407)

- Child Abuse/Child Protection
- Coordination of Services
- Adoption/Concurrency Plans

## K - 12 Education

HF 2874 (Chapter 398)

- First Grade Preparedness
- Homeless Children

## Higher Education

SF 3297 (Chapter 384)

- Work Study
- Business/Industry Partnerships
- Half-time student
- Tuition

## Criminal Justice, Corrections, Judiciary

SF 3345 (Chapter 367)

- Parental Cooperation Task Force
- Breaking the Cycle of Violence
- Victims Services
- Orders for Protection

## Procurement Reform

SF 726 (Chapter 386)

- Small Business Procurement
- Targeted Group Purchasing
- Report

## Capital Bonding

HF 3843 (Chapter 404)

- University of Minnesota
- MN State Colleges & Universities
- Children, Families & Learning
- Capitol Area Architecture
- Housing Finance Agency
- Childhood Learning Facilities
- Corrections

## Other Legislation

**Data Privacy** (SF 1378/Chapter 371)

**Taxes** (HF 3840/Chapter 389)

**Spousal Credit History** (HF2309/Chapter 327)

**Advance Health Care Directives** (SF 2050/Ch. 399)

**Nursing Mothers** (SF 275/Chapter 369)

**Disaster Relief** (HF 3862/Chapter 383)