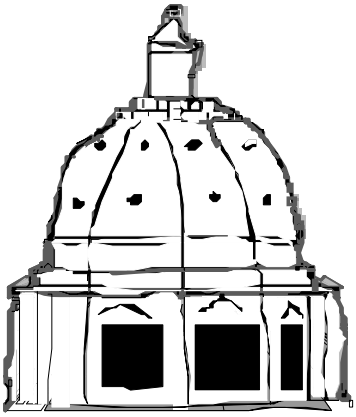
June 2001
Newsletter #253



Minnesota Legislative Commission *on the* Economic Status *of* Women

COMMISSION MEMBERS

Senate
Linda Berglin, Minneapolis
Leo Foley, Anoka
Becky Lourey, Kerrick
Claire Robling, Prior Lake
Julie Sabo, Minneapolis, *vice-chair*

House
Karen Clark, Minneapolis
Betty Folliard, Hopkins
Eric Lipman, Lake Elmo
Connie Ruth, Owatonna
Barb Sykora, Excelsior, *chair*

Staff
Aviva Breen, *Director*
Cheryl Hoium, *Assistant Director*
Michelle Adamiak, *Communications and Policy Specialist*

CONTACT INFORMATION

LCESW
85 State Office Building
St. Paul, MN 55155

Phone: 651-296-8590 or 1-800-657-3949

Fax: 651-297-3697

E-mail:
lcesw@commissions.leg.state.mn.us

Internet:
www.commissions.leg.state.mn.us/lcesw

TTY/TTD communication:
contact us through the Minnesota Relay Service at 1-800-627-3529

Minnesota Legislative Session 2001

This issue highlights and summarizes selected legislative changes related to the economic status of women.

Contents

2001 Regular Session. 2
2001 First Special Session
Higher Education. 3
Family and Early Childhood Programs. 3
Jobs and Economic Development. 5
Criminal Justice. 6
Health and Human Services. 7
State Government. 10
Council/Commission Leadership History. 11

Notes:

Legislation is ordered by chapter number beginning with the regular session chapters followed by the first special session chapters.

FY = state fiscal year (July 1st to June 30th)

Biennium = July 1, 2001 - June 30th, 2003

Appropriations are indicated with "•" symbol

Announcements

- Aviva Breen is retiring at the end of July after nearly 18 years as director of the Commission. We thank her for her leadership and many contributions to improve the economic status of women and wish her well in her retirement.

- The Commission celebrates its 25th anniversary this year. The Advisory Council on the Economic Status of Women (the forerunner to the Commission) was established May 1, 1976. A Council/ Commission leadership history is included on the last page of this newsletter.

- The Commission is currently planning its interim 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.

- 2000 Census data has been recently added to our website. We will continue to compile and post data as it becomes available.

2001 Legislative Session

Family Law — Chapter 51, H.F. 1260

Makes no substantive changes, but eliminates the terms "custodial" and "noncustodial" from the family law statutes and replaces these terms with more descriptive language, depending on the situation to which it refers.

Child Support/Maintenance — Chapter 134, S.F. 2022

- Requires that child support payments not made under income withholding be credited as of the date payment is received by the central collections unit and that automated enforcement remedies take into account the time periods required for crediting payments before enforcement remedies begin.
- Does not allow the public authority to submit debts for revenue recapture until the arrears for child support or maintenance or both is greater than the total monthly support or if the debt has been docketed as a judgment.

Chapter 158, S.F. 1944

- Adds language to the mandatory notice that failure to pay court ordered child support or maintenance may result in misdemeanor, gross misdemeanor or felony charges.
- Clarifies when failure to pay support to a spouse or child is a gross misdemeanor and when it is a felony.
- Requires that a person may not be criminally charged with failure to pay support unless there has been an attempt to obtain a contempt order.
- Allows an affirmative defense that a person had a lawful excuse for failure to provide care and support.
- Provides procedures for dismissal of the charges of failure to pay child support.

Marriage — Chapter 158, S.F. 1944

Clarifies that spouses are jointly liable for all necessary medical services furnished to either spouse.

Unemployment Compensation: Domestic Violence Exception — Chapter 175, H.F. 655

Creates an exception from disqualification from unemployment compensation for a person whose quitting is necessitated because of domestic abuse of the applicant or the applicant's minor child. Domestic abuse must be shown by a court order for protection or other documentation of relief issued by a court, a police record, documentation that the abuser was convicted of domestic abuse, medical documentation or certification by a social worker, clergy, shelter worker or other professional who has assisted the applicant. Domestic abuse is defined as in the domestic abuse act.

Human Rights — Chapter 186, H.F. 1892

Prohibits credit discrimination based on receipt of public assistance, including medical assistance, and prohibits discrimination in the extension of personal or commercial credit against a person who is a tenant receiving a housing or rent subsidy.

Chapter 194, S.F. 1215

Allows the commissioner of human rights to make investigative data in an open case file accessible to others if access will aid in the investigative and enforcement process.

Health — Chapter 211, H.F. 1406

Authorizes the commissioner of health to conduct maternal death studies to reduce the numbers of preventable maternal deaths in Minnesota. Provides criteria for access to medical data and health records, management of the records and classification of data.

HIGHER EDUCATION

FIRST SPECIAL SESSION - CHAPTER 1, S.F. 11

Child Care Grants

- Appropriates $4.74 million each year in FY2002 and FY2003 for higher education child care grants. Increases the maximum grant for child care to $2,600 for each eligible child per academic year. Grants may be increased by up to ten percent for infant care. Increases eligibility for a child care grant of a full-time undergraduate student to a maximum of ten semesters.

FAMILY AND EARLY CHILDHOOD EDUCATION

FIRST SPECIAL SESSION - CHAPTER 3, H.F. 4

Child Care

Basic Sliding Fee Child Care Assistance

- Appropriates $71.28 million in FY2002 and $70.68 million in FY2003 for basic sliding fee child care assistance.

MFIP Child Care Assistance

- Appropriates $83.97 million in FY2002 and $80.40 million in FY2003 for MFIP and transition year (the first 12 months after a family leaves MFIP) child care assistance.

Transition Year (TY) Families

- Appropriates $3.62 million in FY2002 and $4.04 million in FY2003 to provide uninterrupted child care assistance for families completing transition year child care assistance.

MFIP Social Services Child Care

- Appropriates $3.30 million in FY2002 and $2.87 million in FY2003 for social services child care costs of eligible MFIP participants.

At-Home Infant Care (AHIC)

Increases the maximum rate of assistance to families from 75 to 90 percent of the rate established for infants in licensed family child care in the applicant's county of residence. Changes the criteria by which the assistance is calculated to the family's actual income level and family size while the family is participating in the AHIC program.

Child Care Report

Directs the commissioner of children, families and learning (CFL) to report information on the number of families served and the cost of direct services per family for each child care assistance program administered by the commissioner by November and February of each year. The report must include the number of families that would be served at income entrance and exit eligibility levels based on both the federal poverty guidelines (FPG) and state median income (SMI).

Child Care Development Fund (CCDF): Plan Development and Review

Directs the commissioner of CFL to present a draft copy of the Minnesota child care development fund plan to the legislative committees that oversee child care assistance funding no less than 30 days prior to the required federal deadline. Allows the Legislature to submit adjustments to the plan. Requires the commissioner to present a copy of the final federal plan to the committee chairs prior to the deadline for submission of the plan to the federal government.

Early Childhood and Family Support Programs

Early Childhood Family Education (ECFE)

- Appropriates $20.76 million in FY2002 and $20.66 million in FY2003 for ECFE programs.

Health and Development Screening Aid

- Appropriates $2.66 million each year in FY2002 and FY2003 for health and development screening aid.

School Readiness Program

- Appropriates $10.40 million each year in FY2002 and FY2003 for school readiness programs.
  Establishes a reserve account for school readiness revenue (which includes aids, fees, grants, and all other revenues received by the district for school readiness programs) within the community service fund.

Head Start

- Appropriates $18.38 million each year in FY2002 and FY2003 for Head Start Programs.
  $1 million each year must be used for grants to local Head Start agencies for full-year programming for children ages zero to three.

Way to Grow

- Appropriates $475,000 each year in FY2002 and FY2003 for grants for existing Way to Grow programs.

Prevention Programs

Family Services Collaboratives

- Appropriates $1.48 million in FY2002 and $863,000 in FY2003 for existing family services collaboratives.
  No new family services collaboratives will be funded with this appropriation.

Violence Prevention Education Grants

- Appropriates $1.31 million in FY2002 and $1.45 million in FY2003 for violence prevention education grants.

Family Visitation Centers

- Appropriates $296,000 each year in FY2002 and FY2003 for family visitation centers.

After-School Enrichment Grants

- Appropriates $5.51 million each year in FY2002 and FY2003 for after-school enrichment grants.

Children's Trust Fund

- Appropriates $875,000 each year in FY2002 and FY2003 for the children's trust fund.
  The commissioner of CFL shall develop a plan to disburse money from the trust fund ensuring all geographic areas of the state have an equal opportunity to establish prevention programs and receive trust fund money.
  The commissioner shall also encourage the development of prevention programs, including programs that provide support for adolescent parents, fathering education programs and other prevention activities designed to prevent teen pregnancy.

Educational Programs for Pregnant Minors and Minor Parents (Adolescent Parenting Grants)

Repealed. See Children's Trust Fund.

Male Responsibility and Fathering Grants

Repealed. See Children's Trust Fund.

Trade and Economic Development

- Appropriates $300,000 for one-time grants to nonprofit agencies to provide technical assistance to individuals to support the start-up and growth of self-employment and microenterprise businesses. Eligible businesses employ fewer than 5 people plus the owner and require under $35,000 or no capital to start or expand. Only organizations that have appropriate expertise may receive grants and preference will be given to organizations that target nontraditional entrepreneurs such as women, members of a minority, low income individuals or persons seeking work who are currently on or recently left public assistance or have been recently laid off.

WomenVenture

- Appropriates $530,000 for the FY2002-2003 biennium to WomenVenture for women's business development programs.

Economic Security

- Appropriates $3.65 million for the FY2002-2003 biennium for state displaced homemaker programs. The commissioner is required to report to the legislature by February 15, 2003 on outcomes of these programs. Displaced homemaker is now defined as an individual who has spent a substantial number of years in the home providing homemaking service and (1) has been dependent upon the financial support of another and now, due to divorce, separation, death or disability of that person, must find employment for self support, or (2) an individual who derived the substantial share of support from public assistance on account of dependents in the home and now no longer receives that support.

Parental Leave Study

- Appropriates $35,000 for a report by February 1, 2002 to the legislature on the costs and benefits of providing paid or insured wage replacement during parental leave.

Labor and Industry

- Appropriates $5,000 for a study and report by January 15, 2002 on the extent of wage disparities in the public and private sector between men and women, minorities and non minorities, factors causing the disparities, consequences of the disparities on the economy and the family and actions that would eliminate and prevent such disparities.

Family Homelessness Prevention

- Appropriates $3.75 million each year in FY2002 and FY2003 for the family homeless prevention and assistance program.

Supreme Court

- Appropriates $7.73 million each year in FY2002 and FY2003 for legal services to low-income clients and for family farm legal assistance. Of this appropriation, $877,000 each year is to improve access of low-income clients to legal representation in family law matters.

District Courts

- Allows up to $99,000 each year to be used to implement two pilot programs in the 9th Judicial District.
  - The six month review pilot establishes a review date six months after a child support, custody or parenting order is entered and requires a hearing if either party requests one in writing. The hearing reviews whether child support is current and whether both parties are complying with the parenting time provisions.
  - The second pilot allows a court to order an accounting of the use or disposition of child support funds received if a motion is made asserting specific allegations of misuse or misapplication of child support and that the child's needs are not being met.

Domestic Violence Provisions

- Adds interference with an emergency call to the definition of domestic abuse.
- Creates the term "Qualified domestic violence-related offense" to include all categories of domestic violence offenses in the criminal statutes.
- Clarifies that there are no residency requirements for an order for protection.
- Clarifies the notice provisions to the person who is being restrained under an order for protection.
- Sets out criteria for court ordered domestic abuse counseling or educational programs.
- The center for crime victims services is to make recommendations for accountability measures and outcome studies for domestic abuse counseling and educational programs.
- Enhances some penalties for domestic abuse violations.
- Requires the director of the center for crime victims services to study domestic violence as it pertains to both men and women and to make recommendations.
- Requires the interagency task force on domestic violence and sexual assault prevention to study gender and domestic violence and to assess the needs of male victims of domestic violence, including false assault accusations and to report findings and recommendations to the legislature.

Crime Victims Services Center

- Appropriates $1.00 million each year for an increase in per diem funding for shelters for battered women. This money cannot be used for the construction of new shelters or safe homes.

Law Enforcement and Community Grants

- Appropriates $197,000 (one-time) to the Ramsey County attorney's office for the joint domestic abuse prosecution unit to provide for continued operation and a meaningful evaluation that will benefit other jurisdictions. The goals of the project are to recognize children as victims and witnesses in domestic abuse situation, respect the interests of children and reduce the exposure of children and adults to domestic violence.

Changes in the Minnesota Family Investment Program (MFIP)

- Indexes the Minnesota Family Investment Program (MFIP) exit level so that it remains at 120% of the poverty level.
- Requires a notice to each assistance unit when there are 12 months of TANF assistance remaining and each month thereafter. The notice must include information about the limits, the number of months remaining, the hardship extension policy and any other information deemed pertinent.
- Requires a case review within 180 days but not less than 60 days before the end of the 60th month of assistance. A face-to-face meeting must be attempted.
- Does not count cash assistance received by a victim of family violence toward the 60 month limit in a month when the caregiver has complied with a safety plan or an alternative employment plan. An alternative employment plan is one that is based on an individual assessment of need and is developed with a person trained in domestic violence. It must address safety, legal or emotional issues and other demands on the family as a result of the family violence. The goal of the alternative employment plan is to ensure the safety of the caregiver and the children.

Hardship Extensions for Persons who are Ill, Incapacitated or Hard to Employ

- Allows a hardship extension to be given only when a participant has received 60 months of assistance and is in compliance in the month the participant is applying for the extension.
- A participant is in compliance any month when the participant has not been sanctioned.
- Counties must review cases granted a hardship extension under these provisions every 6 or 12 months as appropriate.

  Hardship extensions may be granted to:
  - a participant who has a professionally certified illness, injury or incapacity expected to continue for more than 30 days;
  - a participant whose presence in the home is required as a caregiver because of the illness or incapacity of another member of the assistance unit;
  - caregivers with a disabled child or adult in the household;
  - a participant who is diagnosed as mentally retarded or mentally ill and that condition prevents them from obtaining or retaining unsubsidized employment,
  - a participant who is assessed by a vocational specialist or the county to be unemployable because of an IQ below 80 or who is employable but cannot perform work activities for at least 30 hours per week; or
  - a participant who is determined to be learning disabled. Learning disabled has a specific definition in this statute and the criteria differ for persons who are non-English-speaking.

- Persons receiving assistance under a hardship extension in these categories may continue to receive assistance as long as the criteria are met.

Hardship Extensions for Persons who are Employed

An employed participant is eligible for a hardship extension if:

- in a one-parent assistance unit, the person is participating in work activities at least 30 hours per week, of which at least 25 hours per week each month are in employment; or
- in a two-person assistance unit, the participants are in work activities at least 55 hours per week, of which 45 hours per week each month are in employment.

Employment means: unsubsidized employment; subsidized employment; on-the-job training; apprenticeship; supported work; a combination of these; or child care if it is in combination with paid employment.

Changes in the Minnesota Family Investment Program *continued*

Hardship Extensions for Persons who are Employed *continued*

- To qualify for the hardship extension for employed participants the participant must be in compliance for at least ten of the twelve months immediately preceding the 61st month on assistance.
- If one parent in a two-parent assistance unit is out of compliance the remaining unit may be treated as a one-parent assistance unit for purposes of meeting the work requirements and the grant will be recalculated.

- Extensions for employed participants end on June 30, 2004

Sanctions for Extended Cases

- Sanctions for extended cases can result in permanent disqualification if noncompliance is repeated.
- Sanctions for the first occurrence of noncompliance result in a 10 percent decrease in the assistance grant.
- Sanctions for the second or third occurrence result in vendor payment of shelter costs and a 30 percent decrease in the remaining grant, if there is any.
- For a fourth occurrence of noncompliance, the assistance unit is disqualified from MFIP.
- A participant who is disqualified may be approved for MFIP if the participant complies with the program for one month. No assistance is paid during that period. If the participant is sanctioned again and there is a subsequent occurrence of noncompliance the participant is permanently disqualified.
- Prior to disqualification the county must review the case to determine if the employment plan is still appropriate and attempt a face-to-face meeting with the participant. In a face-to-face meeting the county must:
  - determine whether the continued noncompliance can be explained and mitigated;
  - determine whether the participant qualifies for a good cause exception;
  - inform the participant of the sanction status and explain the consequences of continued noncompliance;
  - identify other resources that may be available; and
  - inform the participant of the right to appeal.
- County agencies have the option to modify sanctions for noncompliance for a sixth or subsequent occurrence of noncompliance. The agency must include the sanction policy as part of its local service unit plan.
  - The options may include vendor payment of shelter and/or utility costs up to the amount of the cash grant with no additional payment or disqualification from MFIP.

Education

Expands the education provision to allow a job counselor to approve an education or training plan which can be completed within 24 months.

Family Violence

- Requires claims of family violence to be documented by a sworn statement supported by collateral documentation such as police or court reports, a statement from a battered women's shelter staff, a sexual assault or domestic violence advocate or professionals from whom the applicant or recipient has sought assistance for the abuse.
- Sets out criteria for reviewing alternative employment plans (formerly referred to as safety plans).
- Provides that the commissioner of human services provide training for county agency staff to receive specialized domestic violence training in order to carry out the responsibilities under these provisions.

Assistance for Low Income Participants Ineligible for MFIP

Funds are set aside for grants to counties or tribes to assist participants who are no longer eligible for MFIP but whose income is below 120% of the federal poverty guidelines.

Child Support

- Establishes a fee structure to be paid to financial institutions for providing account information to the public authority in order to collect unpaid child support.
- Makes clear that child support payments made directly to recipients of TANF or MFIP are counted as unearned income.
- Establishes financial sanctions which may be assessed against an employer who fails to comply with income withholding requirements.
- Allows a court to order retroactive modification of a child support order if the party seeking modification was institutionalized or incarcerated for an offense other than nonsupport of a child during the period when modification was sought and the person did not have the ability to pay the support ordered during that time period.
- Clarifies the procedures for contesting a cost of living adjustment in child support or maintenance and requires the court administrator to make pro-se motion forms available.

Health

Medical Assistance for Persons Breast or Cervical Cancer Treatment

Allows medical assistance to be paid for persons who have been screened for breast or cervical cancer under the Minnesota breast and cervical cancer control program, have been determined to need treatment, meet the eligibility guidelines for the program, are under 65 and are not otherwise eligible for medical assistance or otherwise covered. Medical assistance will be provided during the period that the person receives treatment for breast or cervical cancer.

Medical Assistance Demonstration Project for Family Planning Services

A medical assistance demonstration project for family planning services is established to determine whether improved access to coverage of prepregnancy family planning services reduces medical assistance and MFIP costs.

Health Disparities

- Appropriates $2.20 million each year in FY2002 and FY2003 for competitive grants to eligible applicants to reduce health disparities in breast and cervical cancer screening rates, HIV/AIDS and sexually transmitted infection rates, cardiovascular disease rates, diabetes rates, and rates of accidental injuries and violence.

MN ENABL (Minnesota Education Now and Babies Later)

- Appropriates $1.00 million each year in FY2002 and FY2003 for the MN ENABL program.

Home Visiting Program

- Appropriates $4.00 million each year in FY2002 and FY2003 for the home visiting program.

Commission on the Economic Status of Women

Continues funding for the commission.

Marriage: Premarital Education

Establishes a reduced marriage license fee of $20 for a couple who has completed at least 12 hours of premarital education. Specifies who may provide the education and the minimum course contents.

Pay Equity

Requires the commissioner of employee relations to study the practices and progress of the local government pay equity act and report to the legislature by January 15, 2002.

Pension Service Credit Purchase for Parental/Family Leave

Allows employees of public pension plans with at least three years of allowable service to purchase up to five years time spent on authorized family or parental leave.

COUNCIL/COMMISSION LEADERSHIP HISTORY

Council on the Economic Status of Women

	Chair	Vice-Chair
1976-1981	Rep. Linda Berglin	Sandra Melberg (Public Member)
1981-1983	Rep. Linda Berglin	Elsa Carpenter (Public Member)

	Director
1976-1983	Nina Rothchild

Commission on the Economic Status of Women

	Chair	Vice-Chair
1983-1985	Rep. Carolyn Rodriguez	Sen. Marilyn Lantry
1985-1987	Sen. Ember Reichgott	Rep. Sidney Pauly
1987-1989	Rep. Gloria Segal	Sen. Gary Decramer
1989-1991	Sen. Pat Piper	Rep. Katy Olson
1991-1993	Rep. Katy Olson	Sen. Janet Johnson
1993-1995	Sen. Janet Johnson	Rep. Betty McCollum
1995-1997	Rep. Betty McCollum	Sen. Pat Piper
1997-2001	Sen. Becky Lourey	Rep. Barb Sykora
2001-2003	Rep. Barb Sykora	Sen. Julie Sabo

	Director
1983-2001	Aviva Breen

Three former members of the Commission are now serving in the U.S. House of Representatives

Rep. Jim Ramstad
Rep. Betty McCollum
Rep. Bill Luther

Legislative Commission *on the* Economic Status of Women

Legislative Commission on the Economic Status of Women
85 State Office Building
St. Paul, MN 55155

Bulk Rate
U.S. Postage
Paid
Permit #4698

ADDRESS CORRECTION REQUESTED

Newsletter #253
Minnesota Legislative Session 2001

If you no longer wish to receive this newsletter, please call, write or e-mail the Commission office.