

network notes

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Updates from Minnesota's 2009 legislative session

MFFN held its first ever, Fathers to the Forefront: Public Policy Year-in-Review event on July 23rd at Shriners Hospitals for Children, with support from the McKnight Foundation and the assistance of many collaborating non-profit organizations and government agencies. This event brought together 70-plus professionals to learn about and discuss the advances being made in public policy related to fathers. Handouts from this event, available on MFFN's public policy webpage, provide more details related to the following updates.

This year's legislative session was dominated by the \$6.4 billion state budget deficit. Federal stimulus dollars helped to resolve some of the budget problems, but health and human service programs took some of the biggest budget cuts. The General Assistance Medical Care (GAMC) program was completely eliminated by Governor Pawlenty's line item veto. This program serves some of the state's poorest individuals, those without dependent children, a majority of whom are men. No numbers are available on the number of noncustodial fathers affected by the elimination of GAMC, but national estimates put the figure at potentially 1/4 of this population. The child support program has also been hit by budget cuts through the Governor's use of "unallotments" to solve the budget deficit. \$3.4 million in state grants to counties used for child support administrative costs has been eliminated per year, for fiscal year 2010 and 2011. The effect on child support services remains to be seen.

Child welfare: Major changes were made to Minnesota's child protection statutes, brought forward by the Minnesota Department of Human Services, that affect—and in most instances improve—the law with regards to fathers. The changes include:

- the definition of parent is clarified to be consistent with other parts of Minnesota law;
- efforts to identify and locate fathers are improved with required steps now laid out in law;

"Legislature", continued on page 2 . ►

Minnesota's Court of Appeals issues decisions on child support and parenting time

Two recent published decisions from Minnesota's Court of Appeals set precedents for cases involving child support modifications and the presumption of parenting time.

Child Support: In *Rose v. Rose*, the Minnesota Court of Appeals answered a question of some debate since the change of the child support guidelines to an income-shares model in 2007. Can a child support order be modified solely on the basis that applying the new income-shares guidelines would result in an order that is at least 20 percent and at least \$75 per month higher or lower than the current order? In other words, can a child support order be modified solely on the basis of a change in the law that produces this result, without requiring another substantial change, such as a change in the obligor's or obligee's income?

The answer, ruled the Court, is yes. The income-shares guidelines may be used to demonstrate substantially changed circumstances justifying modification of a child support order. In so

"Court", continued on page 3 . ►



Hiking with Dad. Photo contributed by L. Gravelle.

Our mission

The Minnesota Fathers & Families Network enhances healthy father-child relationships by promoting initiatives that inform public policy and further develop the field of fatherhood practitioners statewide.

A voice for fatherhood

MFFN seeks to provide a voice for Minnesota's fatherhood and family services organizations. If you have a best practice or information you would like to share, please contact MFFN. *Network Notes* is published each February, May, August, and November.

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Leading Minnesota's campaign for healthy fatherhood.

2009 legislative update

◀ “Legislature”, continued from page 1.

- Minnesota’s Data Practices Act is amended to allow child support and child protection to exchange information to assist in locating fathers;
- there is more guidance on determining parental visitation when a child remains in foster care;
- both parents are now required to receive a summons to appear in court after a Child in Need of Protection or Services (CHIPS) petition is filed; and
- the effect on putative fathers registered with the Minnesota Fathers’ Adoption Registry is clarified as is the effect on the Safeplace for Newborns law.

MFFN’s two-page fact sheet, “legislative update 2009: child welfare”, provides greater details.

Ex-offenders and employment: Great progress was made this session on improving laws to help ex-offenders obtain employment. Minnesota is now the first state to require all public employers throughout the state (state, county, city and other government agencies) to wait until someone has been selected for a job interview before inquiring about criminal records. Dubbed “ban the box,” referring to eliminating the checkbox on job applications that asks about a criminal history, this requirement allows individuals with criminal records to have more opportunities to be evaluated based upon all their skills and qualifications, not just their criminal record.

Also becoming law this session is a “safe hiring” act that begins to clarify the liability of employers for hiring someone with a criminal record and limit liability regarding certain types of criminal records. The goal is to help employers who want to hire ex-offenders but may not do so out of fear of liability.

A third new law, the “higher education notice” act, requires all public and private postsecondary educational institutions within Minnesota to give notice to students regarding the possible impact of criminal records in limiting employment opportunities. The goal of this act is to prevent students from investing in their education only to later find out that their criminal record prevents them from finding a job within their field of study.

These laws are effective August 1, 2009. They were developed by the Council on Crime and

Justice, supported by the Second Chance Coalition, a group of twenty-plus organizations of which MFFN is a member, and succeeded with the help of strong legislative champions in both the House and Senate.

Family law and child support: Very few hearings were held in the 2009 legislative session on proposed family law legislation. Three bills were introduced that would affect custody and parenting time presumptions. Several child support bills were introduced, none passed. Unless withdrawn, action may be taken on any of the pending legislation next year (the second year of the legislative cycle). Summaries are available on the MFFN website. What did pass: Several modifications to laws governing marriage procedures in Minnesota (not all are listed here), including that both parties must apply for a marriage license, applicants no longer need to declare if they have children together, and a minor aged 16 or 17 years old who wants to get married must have consent from the person’s “legal custodial” parents.

Domestic abuse: The window of time to make an arrest for domestic abuse has expanded from the current 12 hours to 24 hours. The domestic fatality review team in Hennepin County is continued and all judicial districts are now authorized to create these review teams. The Safe at Home Program at the Office of the Minnesota Secretary of State has been amended to provide further safeguards for participants, and excludes predatory offenders from participating in the program which was designed to address confidentiality for victims of domestic violence, sexual assault, or stalking.

Child care and education: No funding cuts were made to early care and education programs during the session (Head Start, ECFE, School Readiness, Early Screening and Family Home Visiting). Through federal stimulus funds, Minnesota will receive another \$26 million in new funding for child care-related services. Legislation was passed to charge the state Early Childhood Advisory Council with creating an inventory of early childhood services. The family home visiting law was amended to allow local public health agencies to use the home visiting program to provide employment and training services for minor parents who are recipients of Minnesota Family Investment Program (MFIP). Also passed: A child’s parent or legal guardian can designate a “significant individual” to participate in a school conference with the parent’s prior written consent and receive data on the child relevant to the conference.

“Laws”, continued on page 3. ▶

Recent funders

MFFN thanks the following corporate and foundation donors who have made contributions or pledged for 2008:

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MFFN is a 501(c)3 non-profit organization. Donations are tax deductible to the extent allowable by law. Donate online at www.mnfathers.org or call for details at (651) 222-7432. Thank you.



Court decisions affect child support and parenting time

◀ "Court", continued from page 1.

ruling, the Court reversed the district court ruling that affirmed a child support magistrate's contrary conclusion. The case is a *published* decision of the Court of Appeals, meaning it has precedential value and is to be followed by the lower courts. The case was sent back to Chisago County for further proceedings. The 9-page opinion, authored by Judge Shumaker, can be found at: www.lawlibrary.state.mn.us/archive/ctappub/0905/opa081063-0512.pdf.

Parenting Time: The first appellate decision interpreting the 2006 law that put in place the 25 percent presumption of parenting time was issued earlier this year. In this case, the original order granted the father sole physical custody and granted parenting time to the mother on a schedule that reflected her planned move out of state to Arizona. (The order also preceded the enactment of the 25 percent parenting time law.) Many disputes ensued after the original order, but one issue on appeal was whether the mother, who had moved back to Minnesota, was now entitled to a presumption of 25 percent parenting time on her motion to modify the parenting time schedule.

In its published decision, the Court of Appeals concluded that this presumption does apply to motions to modify parenting time and should have been applied to the mother in this case. The district court decision was reversed and the case was sent back to Freeborn County District Court for further proceedings. The 12-page opinion, authored by Judge Schellhas, can be found at: www.lawlibrary.state.mn.us/archive/ctappub/0905/opa080580-0512.pdf.

We Can Parent Together: Tools for engaging fathers, mothers and others in co-parenting

Join our fall workshops, for professionals and community leaders across Minnesota.

Thur. Sept. 24, Fergus Falls

Fri. Sept. 25, Bemidji

Wed. Sept. 30, St. Paul

Wed. Oct. 14, Hermantown (Duluth area)

Thurs. Oct. 22, Owatonna

Tuesday Oct 27, West St. Paul

Fri. Oct. 30, Little Falls

Thur. Nov. 5, Redwood Falls

Details: www.mnfathers.org/events.html

Legislature passes laws that impact fathers, families

◀ "Laws", continued from page 2.

Unemployment benefits: Legislation passed early in the session to provide emergency funding for Minnesotans who exhaust regular unemployment benefits but miss out on a federal extension of unemployment benefits because they don't meet federal earning minimum requirements (expires June 30, 2010). Minnesota's unemployment insurance (UI) law is amended to allow eligibility for UI when the applicant quits work to care for a family member who is ill, injured or disabled, or quits due to domestic violence in the family, or quits to relocate to accompany a spouse whose job change made it impractical to commute. (Applicant must inform the employer of problem and request accommodation.) The law also clarifies that when a person is terminated for alleged misconduct, it cannot be for conduct that was the result of a person's mental illness or impairment; or an absence without proper notice to the employer, to care for an immediate family member who is ill, injured or disabled; or conduct necessitated due to domestic abuse experienced by an immediate family member.

Courts & Justice System: The justice system, including the courts, civil, legal, and pro bono programs and public defenders, was spared from large cuts that were feared early in the session. Budget cuts ranged from 3% (Board of Public Defense) to .8% (District Court, Court of Appeals, and Civil Legal Services). However, cuts were minimized partially by raising court filing fees. The cost of filing a divorce is now \$390 (higher in some counties—it is now \$402 in Hennepin and \$400 in Ramsey), all motion fees have increased to \$100—including child support, and other fees were increased, such as the cost of certified copies (raised from \$10 to \$14).

Also of interest: **Booster seat law.** Children in vehicles are now required to be in a restraint system until their eighth birthday or until they reach 4 feet 9 inches tall. It is a petty misdemeanor to violate the law, with a fine up to \$50. However, the fine will be waived if the driver proves within 14 days that a restraint system has been purchased.

Details: MFFN's public policy webpage is online at www.mnfathers.org/policy.html.

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Leading Minnesota's campaign for healthy fatherhood.



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Programs serve incarcerated parents

In Minnesota, over 10,000 children have a parent who is in prison or jail, based on data released by the Council on Crime and Justice. According to the Initiative Foundation, in Little Falls, Minnesota, many of these are young children, ages 0-5. The foundation explains, "Children with incarcerated parents are among the most vulnerable population of children, at high risk for neglect, abuse, behavioral health problems, delinquency and substance abuse. The issues, if left unattended, can produce intergenerational patterns of crime and violence."

Various programs in Minnesota are working to increase supports for children and parents during and following incarceration.

As a part of their effort to support young children and families facing high risk situations, the **Initiative Foundation** is launching the **Inside-Out Connections project**. The project is designed to build local, regional and statewide awareness about the effects on parental incarceration; create multi-sector coalitions to carry out local support



for children; implement parent education in county jail settings; offer training to professionals serving young children and families; and convene a statewide network to ensure success and share promising strategies. Learn more at www.ifound.org.

The **Minnesota Department of Corrections' Child Support Liaison** is working with incarcerated fathers at the St. Cloud Prison to ensure timely and accurate modifications for child support and to address questions fathers may have about staying current with payment upon reentry. By ensuring that fathers do not fall behind on payments during incarceration, the liaison is helping to ensure an easier transition back into the community after release. Learn more by contacting llofrano@scl.doc.state.mn.us.

The **Family Strengthening Project** at the **Council on Crime and Justice** offers family assessments, couples counseling, parenting classes, reentry planning, and various other services for families experiencing incarceration at various facilities of the Minnesota Department of Corrections. The project, which serves incarcerated fathers and their families, follows families for up to two years during incarceration and one year post-release. Learn more at www.crimeandjustice.org.