



Updates from Minnesota's 2008 legislative session

Family law: After years of debate about creating a presumption of joint physical custody, a new law now requires the state court administrator to convene a task force to study the issue. The task force will consist of 12 members and report back to the legislature by January 15, 2009. The task force must consider the following issues related to a presumption of joint physical custody: the positive and negative impact on parents and children, the fiscal impact, and the experiences of other states, as well as data and information from academic and research professionals. The composition of the task force is to include the viewpoint of parent advocacy groups, academics, policy analysts, judges, court administrators, attorneys, domestic violence advocates, and citizen members who are not associated with a parent advocacy group. MFFN has sought to be appointed to the task force. Also by Jan. 15, 2009, the state court administrator is to report on a plan to conduct a multidisciplinary, comprehensive study on family law to the chairs and ranking minority members of the Legislature's budget and policy committees.

Domestic abuse: The standard duration for an Order for Protection was changed from one year to two years, and courts are now allowed to issue an order for up to 50 years if the respondent has violated a previous order on two or more occasions, or if there have been two or more orders issued against the respondent. The law allows the order to be vacated or modified, upon request, if it has been in effect for five years and has not been violated. A separate law now gives domestic abuse advocates the same protection from being required to testify about information from their client that currently exists for attorneys, physicians, psychologists, clergy, and others, unless a court orders otherwise.

Child support: The practice of assigning pre-public assistance child support arrears to the

"Legislature", continued on page 2 . ►

Minnesota's highest court upholds unmarried fathers' rights in child protection cases

Two recent cases, heard by the Minnesota Supreme Court, send a strong message that child protection agencies need to improve services for fathers.

Overruling the Court of Appeals, the Minnesota Supreme Court reversed the termination of parental rights of an unmarried noncustodial father in an opinion filed May 30, 2008.

Although the case turned on the decision by the court that substance abuse alone does not render a parent palpably unfit (one standard by which a parent's rights can be terminated), the decision vindicates the rights of noncustodial parents in child protection cases.

In deciding whether the efforts made by the county social service agency to reunify the father with his daughter were reasonable, the court was "struck first by the disparity in services offered to" the mother, whose actions led to the child's out-of-home placement in the first place, and those offered to the father, "a noncustodial parent who is not alleged to have contributed in any way to [the child's] out-of-home placement." The court cited discrepancies offered to the parents in the areas of chemical dependency evaluation and treatment, and psychological and counseling help. The court also noted that the county social

"Court", continued on page 3 . ►



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.

2008 legislative update

◀ “Legislature”, continued from page 1.

state, as opposed to families, will end on October 1, 2009. Arrears that accumulate while a family is on public assistance will continue to be assigned to the state.

Child welfare: The adoption statute was amended to allow child protection workers to search the Minnesota Fathers’ Adoption Registry for a putative father when a CHIPS petition (Child in Need of Protection or Services) or other child protection petition has been filed (as opposed to waiting until later in the case). The child protection statutes were amended to require monthly visits by a case worker for children in foster care or on a trial home visit. For children aging out of foster care, courts are now required to review the child’s independent living plan at age 16 or older and make findings about the progress on specific goals and to make sure the social service agency assists the child in obtaining certain legal documents and contact information for siblings. A new section of law, “Child in Voluntary Foster Care for Treatment,” was created to provide new standards for the voluntary placement for treatment of children with mental health or developmental disabilities (“foster care” includes a variety of residential treatment options). These changes are intended to help parents get treatment for children but still maintain legal custody and decision-making rights.

Child care / early education: A new law removes requirements passed in 2007 that early childhood teachers be licensed in early childhood education (teachers must still be licensed as teachers, or obtain a variance from this requirement). The change was made to address problems in finding teachers with the required certification in rural areas. The Legislature created a Child Care Advisory Task Force, made up of counties, parents, providers and advocates, to make recommendations by January 15, 2010 on removing barriers facing families applying for and receiving child care assistance. Additionally, the Legislature created a State Advisory Council on Early Education and

Care, as required under federal law. In addition to the federal requirements, the Council will make recommendations on leveraging state and federal funding, how to coordinate early childhood and child care programs in one state Office of Early Learning, review program evaluations regarding high-quality early childhood programs, and make recommendations on how to most effectively create a high quality early childhood system in

Minnesota to improve the educational outcomes of children so that all children are school-ready by 2020.

Ex-offenders: Business screening services that charge fees to collect and disseminate individual criminal records will be required to only disseminate criminal records if they have been updated within a month of dissemination, and must correct incomplete or inaccurate records, including deleting records that have been sealed. This law does not apply to governmental entities or the news media.

Substance abuse: A working group is created to review the state’s laws on controlled substances such as sentencing guidelines, how to target particularly dangerous offenders, early release for nonviolent offenders, how to increase the effectiveness of treatment programs for offenders, etc. The report is due in January 2009.

Veterans: Courts are now required to ask if a convicted defendant is a member or veteran of the armed forces, whether he or she has been diagnosed with mental illness, and if so, to consider appropriate treatment in sentencing.

Funding cuts: To cover about a \$1 billion budget gap, the Legislature made cuts to several state agencies, cut funding for health and human services, higher education, and the courts. Cuts to the courts are of significant concern for fathers and families, as courts are likely to further scale back their public service hours and self-help services. In addition, the public defenders announced that effective July 2008, outside of Hennepin County, public defenders will no longer represent parents in child protection cases.

Details: Summaries of new laws in 2008 are available at: <http://www.house.leg.state.mn.us/hinfo/Newlaws2008-0.asp>



Recent funders

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

- Bush Foundation
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- McKnight Foundation
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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.



Statewide training sessions address fatherhood and children's mental health

Engaging Fathers in Supporting Healthy Development of Young Children: A series of seven workshops across Minnesota will provide a training opportunity for individuals working in family services, child welfare, family courts, parenting education, early childhood development, public health, child support enforcement, fatherhood advocacy and other social service organizations.

Training topics will include research and theory about parent-child mental health birth-to-three, mental health community support for parents, principles for engaging men as clients and colleagues, and community resources for promoting parent engagement in early childhood development. The sessions are offered by MFFN, Prevent Child Abuse Minnesota, DHS Children's Trust Fund, the Minnesota Initiative Foundations, and St. Cloud State University.

Registration is FREE to MFFN members, Child Abuse Prevention Council members, Early Childhood Initiative members, Thrive Initiative members, and Circle of Parents members. The nonmember registration fee is \$20.00.

Details and registration information is online at www.pcamn.org or call (651) 523-0099.

Dates and locations of statewide trainings:

Bemidji: Friday, Oct. 3, 10:00am - 3:00pm
 Little Falls: Tuesday, Oct. 7, 10:00am - 3:00pm
 Albert Lea: Friday, Oct. 10, 10:00am - 3:00pm
 Litchfield: Tuesday, Oct. 21, 10:00am - 3:00pm
 Twin Cities: Tuesday, Oct. 28, 10:00am - 3:00pm
 Duluth: Friday, Nov. 7, 10:00am - 3:00pm
 Alexandria: Friday, Nov. 21, 10:00am - 3:00pm

"Father involvement is related to positive mental health outcomes for children even after controlling for mother involvement."

Rob Palkovitz, Glen Palm, and Jane Ellison, 2008

Minnesota's highest court upholds fathers' rights

◀ "Court", continued from page 1.

worker (and guardian ad litem) never visited the father's home he rented, even though obtaining suitable housing was a condition of his case plan.

Even in the absence of this comparison between services provided to mother and father, the court found that the services provided to the father were not reasonable because no services were offered to address the father's lack of verbal skills and acknowledged difficulty in understanding the proceedings, both issues of which the county social worker and guardian ad litem were made aware.

The case was sent back to the district court in Anoka County for further proceedings. The 20-page opinion, authored by Justice Alan Page, can be found at: <http://www.lawlibrary.state.mn.us/archive/supct/0805/OPA070666-0530.pdf>.

In a separate ruling in February 2008 the Minnesota Supreme Court exercised its supervisory power to enforce the Rules of Juvenile Protection Procedure. The court reversed the termination of parental rights of an unmarried noncustodial father because the county failed to name the father as a party in the petition to terminate rights.

The case was reversed even though the father had an attorney for the termination of parental rights trial, actively participated in the trial, and through his attorney objected to the introduction of evidence, cross-examined witnesses, and made a closing argument. In deciding that failure to name the father as a party to the termination of parental rights petition required reversal of the order terminating his rights, the court said: "[T]he petition to terminate parental rights is the document that classifies interested individuals as parties or participants, thereby defining their rights in the proceeding. The filing of the petition also commences the action itself and triggers procedural safeguards, such as the pretrial admit/deny hearing, intended to protect the fundamental rights of parents to the custody and companionship of their children from undue interference by the government."

The case was sent back to Hennepin County for further proceedings. The 10-page opinion, authored by Justice Barry Anderson, can be found at: <http://www.lawlibrary.state.mn.us/archive/supct/0802/OPA070272-0221.pdf>.

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Public Policy for Fathers

In May 2008, MFFN conducted our first Public Policy Survey. We received 94 responses, representing all regions of the state.

The **systems of biggest concern** to respondents are family court, child support, education and workforce development. Not surprisingly, each of these systems is linked into the responsible fatherhood movement (see diagram).

The **policy issues of most concern** to respondents are:

1. how laws impact fathers,
2. understanding paternity,
3. parenting time problems (lack of time or lack of enforcement),
4. treatment of and sensitivity to fathers in family court,
5. child support orders under new child support guidelines, and
6. child support modification.

When asked about **resource gaps for fathers**, advocacy resources topped



the list; more than 50 percent of respondents said the need for advocates (non-attorneys) for fathers in court or social service systems was desperate, and 40 percent said the same of finding free or low-cost attorneys.

Several **common themes** emerged in the 159 comments:

- detrimental assumptions continue about dads (“dads are just for child support and don’t care about time with children”)
 - many fathers lack understanding of laws and court processes
 - fathers go through cycles of discouragement
 - many fathers need to take more responsibility but lack self-esteem and support
 - parenting time & child support are imbalanced
 - there is a general lack of compassion for fathers
 - large differences exist between judges
 - some fathers are embedded in a culture of poverty, where coping and communication skills are lacking

This summer we are meeting with various programs, practitioners and fathers across the state to get further input into the development of our policy agenda. If you have an idea you’d like to share, please contact Melissa Froehle. Survey details at www.mnfathers.org.