



Commission ON THE Economic Status OF Women

Newsletter #220

Room 85 State Office Building, St. Paul, MN 55155

June/July 1997

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IN THIS ISSUE

Summary of the 1997 legislative session, featuring issues concerning women's health and economic status and selected children, youth and family issues.

Bills not signed by the governor as of this writing are indicated by their bill number. When signed by the governor, they appear as chapter numbers, indicated their place in the session laws for 1997.

COMMISSION MEETING

The Commission will meet June 25 to review the 1997 session and to plan interim hearings. The meeting is 10 a.m., Room 300 South, State Office Building.

STALKING		
Violation of an Order for Protection	Expands the penalties for violation of an Order for Protection (OFP), making a second violation within 5 years a gross misdemeanor, and a third violation within 5 years a felony. A second violation while possessing a dangerous weapon also becomes a felony. A felony under this section requires a mandatory 30-day incarceration as a condition of probation as well as participation in counseling or other programs as ordered by the court.	Chap. 96
	Increases the penalties for certain violations of restraining orders.	
Harassment and Stalking	Makes harassment and stalking crimes for which mandatory minimum sentences must be served. Clarifies that the standard for harassment is intentional conduct which the actor "knows or has reason to know" would cause the victim to feel frightened, threatened, oppressed, persecuted or intimidated. Proof of specific intent will not be required.	
DOMESTIC ABUSE		
Prohibiting Lease Restrictions on Domestic Abuse Emergency Calls	Prohibits a landlord from barring or limiting a tenant's right to call for police or emergency assistance in response to domestic abuse or any other conduct. Prohibits local ordinances or rules which require eviction after a certain number of calls in response to domestic abuse or which provide that such calls can be used to charge a fee or penalty to a landlord. Allows local ordinances which penalize a landlord for conduct on the premises that constitutes a nuisance or other disorderly conduct.	Chap. 133
	Allows a tenant to bring a civil action for violation of this section and recover \$250 or actual damages. Gives the Attorney General the authority to investigate and prosecute violations.	
Orders for Protection	Allows a hearing to be held when an order for protection from another state is violated, if the petitioner and the respondent do not reside in the same state.	Chap. 239
	Adds provisions that an OFP must contain: a notice that states it is enforceable in all 50 states, the District of Columbia, tribal lands and U.S. territories; that violation of the order may also subject the respondent to federal charges and punishment under federal law (the Violence Against Women Act of 1994); and that pursuant to the federal Gun Control Act, the respondent may be prohibited from possessing, transporting or accepting a firearm.	
	Clarifies that domestic abuse OFPs or orders issued under a similar law in another state are enforceable in this state in the same manner as OFPs in this state.	
Family Visitation Centers	Requires the Commissioner of Children, Families and Learning to develop standards to ensure the safety of custodial parents and children in family visitation centers.	Chap. 239
	Requires Family Visitation Centers to have an individual knowledgeable about or experienced in providing services to battered women on its staff, its board or on a consultation basis.	
Judicial Training on Domestic Abuse	Requires the Supreme Court Judicial Education Program to include: 1) education on the impact of domestic abuse and domestic abuse allegations on children and 2) the importance of considering these impacts when making visitation and child custody decisions.	
Petition for Marriage Dissolution	Requires petitions for marriage dissolutions to state whether an OFP is in effect and, if so, the district court or other jurisdiction in which it was entered.	
Supervised Visitation	Requires judges or judicial officers to consider an OFP, if one is in effect, when a custodial parent requests supervised visitation in a marriage dissolution.	
	Requires the state court administrator to develop standards to be met by persons responsible for supervising visitation. Allows either parent to challenge the appropriateness of an individual selected to supervise visitation.	
Domestic Abuse Perpetrated by a Minor	Establishes a pilot program in Hennepin County to allow petitions (similar to the current OFP petition) for an OFP alleging the existence of domestic abuse perpetrated by minors. Requires the availability of an alternative safe living arrangement proposed by the petitioning parent or guardian if a court excludes the minor from the parent's or guardian's home. The alternative living arrangement must be separate from the victim of domestic abuse and safe for the minor respondent.	

WELFARE REFORM

The new welfare reform program, to be known as Minnesota Family Investment Plan-Statewide (MFIP-S) will go into effect January 1, 1998. Conversion of current Aid to Families with Dependent Children (AFDC) cases to MFIP-S will begin at that time and be completed by March 31, 1998. MFIP-S replaces AFDC and Family General Assistance (G.A.) for families with children and pregnant women.

Eligibility	<p>Eligibility for MFIP-S is similar to eligibility for AFDC.</p> <ol style="list-style-type: none"> 1. There must be a minor child or pregnant woman in the assistance unit. There does not have to be an absent parent. 2. The applicant must be a citizen of the United States, a qualified noncitizen as defined in the statute or a noncitizen who is otherwise residing lawfully in the United States. 3. An applicant may have assets up to \$2,000 and a licensed vehicle with a market value of up to \$7,500. On-going recipients may have assets up to \$5,000. Other property limitations, such as exempting the homestead, are similar to those in the AFDC program. 4. Legal immigrant families with minor children are eligible for MFIP-S. They will also receive assistance to replace the value of food stamps. Legal Immigrants are no longer eligible for federal food stamp benefits. 	Chap. 85
Ineligibility	<p>Persons are ineligible for MFIP-S if they are:</p> <ol style="list-style-type: none"> 1. Convicted of a drug offense after July 1, 1997, unless they submit to random drug testing and have their benefits paid directly to housing and utility services (vendor paid); 2. Violating parole, probation or supervised release; 3. Fleeing to avoid prosecution, custody or confinement after conviction of a felony; or 4. Convicted of fraudulently misrepresenting residency in order to become eligible for assistance in two or more states. These persons are ineligible for 10 years. 	
Residency	<p>Applicants for MFIP-S must have resided in the state for at least 30 days before receiving any benefits. Then they will receive the benefits level in the state they came from for the next 11 months. Time spent in a shelter for battered women counts toward satisfying the 30-day residency requirements.</p> <p>Residency requirements can be waived by the county when an unusual hardship would result from a denial of assistance. Unusual hardship is defined as without alternative shelter or without available resources for food.</p> <p>Migrant workers who have worked in the state within the last 12 months and have earned at least \$1,000 in gross wages during that time are exempt from the 30-day residency requirement.</p>	
Interstate Payment Standards	<p>Families who have not resided in the state of Minnesota for 12 months immediately preceding their application for assistance will receive the lesser of the amount they would have received in the state of immediate prior residence or the amount calculated according to AFDC or MFIP-S standards. This lesser payment will continue until the family has resided in the state for 12 months.</p> <p>If a family has exhausted benefits in the state from which they came, the family will not be eligible for any benefits in Minnesota for 12 months.</p>	
Pregnant or Parenting Minors	<p>A parenting or pregnant minor must live with a parent, another adult relative or caregiver or in an adult supervised living arrangement unless:</p> <ul style="list-style-type: none"> *there is no appropriate adult who allows the minor to live with them; *the minor has lived apart for at least one year before the birth of the child; or *the physical or emotional health or safety of the minor parent would be jeopardized if they were in the same household with their parent, adult relatives or legal guardian and there is no adult supervised living situation available. <p>The parent of a minor caregiver with a dependent child is financially responsible for that minor caregiver. The amount of support is based on a formula established in statute.</p> <p>Minor parents, or 18- or 19-year-old parents without a high school diploma or its equivalent must attend school unless:</p> <ul style="list-style-type: none"> * transportation or child care are not available; * the caregiver is ill or incapacitated; or * the caregiver is needed at home to care for a child under six, or an ill or incapacitated household member 	
60-month Time Limit	<p>Eligibility is limited to 60 months of assistance. This includes assistance received in another state. The 60 months does not apply to minor parents who are attending school and complying with their plan.</p>	

