

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File No. 958

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 10/26/82
DATE FOR REVIEW 11/4/82
DATE DUE 11/9/82

Adopted w/a hearing _____
Adopted w/o hearing ✓
Temporary rule _____

Approved 11-5-82 Disapproved _____ Returned to Agency _____

Resubmitted _____ Due _____
Approved _____ Disapproved _____ Returned to Agency _____

Date filed w/Secretary of State _____ Revisor approved 10/27/82
disapproved _____

✓ Rule as Adopted

✓ Rule as Proposed see SR

✓ Order Adopting 10.25.82 Date

✓ Notice of Intent to Solicit Outside Opinion 8.18.80 + comments

✓ Order for rulemaking
N/A date of Hearing

N/A Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking
✓ Sufficiency

✓ Affidavit of Mailing Notice or rulemaking
7.29.82 At least 30 days prior to ~~hearing~~/adoption
Affidavit of Add. Mailing

_____ Mailing list Certificate

✓ Publication in State Register
8.2.82 At least 30/~~20~~ days prior to ~~hearing~~/adoption

N/A Hearing Examiner's Report

_____ Chief Hearing Examiner's Report(s)
_____ Approving H.E.'s Report
_____ Approving agency action

✓ Agency's Findings of Fact

N/A LCRAR Report or agency Affidavit

_____ Certificate of Board's Resolution Adopting Rules

✓ Order Approving Incorporation by Reference

✓ Statement of Need and Reasonableness

N/A Petition for Adoption of a Rule

✓ Record (includes transcript or tape, exhibits, comments received by agency, requests for a hearing, and other relevant materials)

✓ Certificate of Compliance w/Rulemaking Procedures

N/A Affidavit of Mailing Notice of Submission to Attorney General

✓ Notice of Submission to the Attorney General
see attached affidavit

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO ARTHUR E. NOOT
Commissioner of Public Welfare

DATE: 11/4/82

FROM TED A. MARTINEZ
Special Assistant
Attorney General

PHONE: 296-4692

SUBJECT: In the Matter of the Proposed Adoption of the Department of Public Welfare Rule Governing Services to Pregnant Women and Mothers, 12 MCAR § 2.222

Attn: Vicki Sleeper
Special Assistant
Attorney General

Enclosed herewith are the rules you have submitted for approval. These rules have been approved by this office and filed with the Secretary of State. Please note that they have not been filed with the State Register. This must be done promptly by your agency.

Upon receipt and before transmittal to your agency, however, it is important that you recheck these rules as to:

1. Affixation of stamps of the Attorney General and Secretary of State;

2. Coverage by these stamps of all rules submitted; and

3. Inclusion of all pages to the rules in the approved set.

If you have any questions in this regard, please contact me.

Encs.

ls
cc: Ms. Kathy Burek
Mr. Duane Harves

AG copy

Department of Public Welfare

Social Services Bureau

Adopted Rule Governing Services to Mothers and Pregnant Women

(12 MCAR S 2.222)

Rule as Adopted

12 MCAR S 2.222 Services to mothers and pregnant women ~~and mothers who are minors~~.

A. Applicability; purpose. This rule governs the offer and provision of services to mothers and pregnant women ~~and to mothers~~. The purpose of this rule is to ~~define the types of~~ establish criteria for mothers and pregnant women ~~and mothers~~ who shall be offered social services and the responsibility of local agencies to offer services to ~~them~~ women who meet these criteria as required by Minnesota Statutes, section 257.33.

B. ~~Definition~~ Definitions. As used in 12 MCAR S 2.222, "local social services agency" means the agency responsible for social services which is under the authority of the board of county commissioners or human services board; and "appropriate social services" are those services identified ~~and labelled~~ as appropriate social services by the local social services agency.

C. Eligibility criteria for women. The local agency shall offer the services required under D. to women who meet one or more of the following criteria:

1. women who are minors and are either pregnant or already have a child;

2. mothers who are referred to the agency because they did not have prenatal care;

3. mothers who request assistance in establishing paternity for their children;

4. women who request assistance in deciding if they want to parent their child; and

5. mothers who are referred to the agency because they have physical, mental, or emotional problems which limit the care that they are able to provide for their children.

D. Local social services agency responsibilities. The local agency shall:

1. Contact each minor mother who is reported by a hospital as having given birth to a child and offer appropriate social services to her; and

2. Offer appropriate social services to women who meet one or more of the criteria of C.

APPROVED AS TO LEGALITY

Nov. 4 19 82

WARREN SPANNAUS, ATTORNEY GENERAL

BY Ted A. Mankus

SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
NOV 8 1982
Joan Anderson Growe
Secretary of State

3:47 p.m.

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC WELFARE

In the Matter of the Proposed Adoption of the Department of Public Welfare Rule Governing Services to Pregnant Women and Mothers, 12 MCAR §2.222

ORDER ADOPTING RULES

Notice of the Commissioner's intent to adopt the above-entitled rule without a public hearing was published in the State Register on August 2, 1982 and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes Section 15.0412, subdivision 4 on July 26, 1982. After affording interested and affected persons an opportunity to submit comments for 30 days after notice, receiving fewer than seven written requests for a public hearing within the 30-day comment period, reviewing and considering the comments, and determining the need for and reasonableness of the above-captioned rule,

NOW, THEREFORE, IT IS ORDERED that this rule identified as 12 MCAR §2.222, Services to Pregnant Women and Mothers, is adopted this 20 day of October, 1982 pursuant to authority vested in me by Minnesota Statutes, Section 257.33.

STATE OF MINNESOTA

COMMISSIONER OF PUBLIC WELFARE

All interested or affected persons or groups are invited to participate. Statements of information and comment may be made orally or in writing. Written statements may be addressed to:

Wally Goettl
Client Eligibility Unit
Assistance Payments Division
Minnesota Department of Public Welfare
Space Center Building, 2nd Floor
444 Lafayette Road
St. Paul, Minnesota 55101

Oral statements of information and comment will be received during regular business hours over the telephone at (612) 296-1387.

All statements of information and comment must be received by November 15, 1980. Any written material related to this solicitation and received by the Department shall become a part of the hearing record.

Department of Public Welfare
Social Services Division

Notice of Intent to Solicit Outside Opinion Concerning A Proposed Rule Relating to Social Services for Pregnant Women and for Mothers and Their Children

Notice is hereby given that the Minnesota Department of Public Welfare is considering adoption of a rule which would define the criteria under which services would be provided to pregnant women and also criteria under which services would be provided to these women and their children after the birth of their child.

The proposed rule is required by Minn. Stat. § 257.33. This statute was amended by the 1980 Legislature by repealing the requirement of the commissioner to provide services to children born out of wedlock and by adding a section which requires the Commissioner of Public Welfare to offer appropriate social services to any pregnant women in need of social services under criteria prescribed by rule of the commissioner, and to the woman and her child after the birth of her child.

The proposed rule would define the responsibilities of the local social service agencies, the services that will be offered, and the criteria for determining need for social services.

All interested or affected persons or groups may submit information on this subject. Written or oral information and comment should be addressed to:

Clayton Hagen
Division of Social Services
Department of Public Welfare
Centennial Office Building
St. Paul, MN 55155
Telephone: (612) 296-2279

All statements of information and comment must be received by November 1, 1980. Any written material received by this date will become part of the record of any rules hearing held on this subject.

Department of Revenue

Notice of Intent to Prepare Department of Revenue List for Future Rulemaking Hearings

In accordance with Minnesota Laws of 1980, Ch. 615, the Department of Revenue is establishing a list of persons to receive official notice of its rulemaking proceedings. That law requires each agency or department to establish and maintain such a list to replace the existing secretary of state's list.

If you wish to receive notice of rulemaking proceedings of the Department of Revenue, please so notify this department in writing. You will then receive notice of any rulemaking proceedings initiated after the date your written request for notice was received by this

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC WELFARE

In the Matter of the Proposed Adoption of Rules of the State Department of Public Welfare Governing Services to Pregnant Women and Mothers who are Minors, 12 MCAR § 2.222.

ORDER FOR NOTICE OF INTENT TO ADOPT RULES WITHOUT PUBLIC HEARING

IT IS ORDERED this 8 day of July, 19 82 that a Notice of Intent to Adopt Rules Without Public Hearing in the above-entitled matter be given to all persons who have registered their names with the State Department of Public Welfare for that purpose and be published in the State Register.

STATE OF MINNESOTA

Commissioner of Public Welfare

BM/aaa

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC WELFARE

In the Matter of the Proposed Adoption of a Rule of the State Department of Public Welfare Governing Services to Pregnant Women and Mothers who are Minors, 12 MCAR §2.222.

NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the State Department of Public Welfare proposes to adopt the above-entitled rule without a public hearing. The Commissioner has determined that the proposed adoption of this rule will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes section 15.0412, Subdivision 4h (1980).

Persons interested in this rule shall have 30 days to submit comment on the proposed rule. The proposed rule may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language.

Unless seven or more persons submit written requests for a public hearing on the proposed rule within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota Statutes section 15.0412, Subdivisions 4-4f.

Persons who wish to submit comments or a written request for a public hearing should submit such comments or request to:

Clayton Hagen
Department of Public Welfare
Social Services Division
4th Floor, Centennial Building
St. Paul, Minnesota 55155

Comments or requests for public hearing must be submitted by September 1, 1982, which is the expiration date for the 30-day comment period.

Authority for the adoption of this rule is contained in Minnesota Statutes §257.33 (1981). Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Clayton Hagen, Department of Public Welfare, upon request.

Upon adoption of the final rule without a public hearing, the proposed rule, this Notice, the Statement of Need and Reasonableness, all written comments received, and the final rule as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rule as proposed for adoption, should submit a written statement of such request to Clayton Hagen, Department of Public Welfare.

Rule 222 will govern the offer and provision of services to pregnant women and mothers. The rule contains the eligibility criteria for women to meet to obtain these services. The rule also contains the local agency responsibilities in the administering of these services.

Copies of this Notice and the proposed rule are available and may be obtained by contacting Clayton Hagen, Department of Public Welfare.

The adoption of this rule should not require the expenditure of additional public monies by local public bodies.

STATE OF MINNESOTA

Commissioner of Public Welfare

July 14 1982
Date

BT/17

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC WELFARE

IN THE MATTER OF THE PROPOSED ADOPTION OF A RULE OF THE STATE DEPARTMENT OF PUBLIC WELFARE GOVERNING SERVICES TO PREGNANT WOMEN AND MOTHERS WHO ARE MINORS, 12 MCAR §2.222.

AFFIDAVIT OF MAILING

Wendy Johnson, being first duly sworn, deposes and says:

That on the 26th day of July, 1982, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Notice of Intent to Adopt a Rule Without a Public Hearing by depositing in the State of Minnesota Central Mail System for first class mailing, a copy thereof, properly enveloped, with postage prepaid, on all persons and associations who have requested that their names be placed on file with the Department of Public Welfare for the purpose of receiving notice of the proposed adoption of rules by this Department.

Wendy Johnson

Subscribed and sworn to before me

this 29 day of July, 1982.

Margaret Holt

MARGARET HOLT
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
My Comm. Expires Sept. 22, 1984

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC WELFARE

IN THE MATTER OF THE PROPOSED ADOPTION OF A RULE OF THE STATE DEPARTMENT OF PUBLIC WELFARE GOVERNING SERVICES TO PREGNANT WOMEN AND MOTHERS WHO ARE MINORS, 12 MCAR §2.222.

AFFIDAVIT OF ADDITIONAL MAILING

Wendy Johnson, being first duly sworn, deposes and says:

That on the 26th day of July, 1982, at the City of St. Paul, County of Ramsey, State of Minnesota, in addition to serving the attached Notice of Intent to Adopt a Rule Without a Public Hearing to all persons and associations who have requested that their names be placed on file for the purpose of receiving notice of the proposed adoption of rules by this Department, she also served the attached Notice by depositing in the State of Minnesota Central Mail System for first class mailing a copy thereof, properly enveloped, with postage prepaid to the following agencies:

Catholic Charities of St. Paul & Mpls.
Lutheran Social Service of Minnesota
Catholic Social Service Diocese of Winona
Catholic Social Service Association
Caritas Family Service
Childrens Home Society of Minnesota

Wendy Johnson

Subscribed and sworn to before me
this 29 day of July, 1982.

Margaret Holt

MARGARET HOLT
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
My Comm. Expires Sept. 22, 1984

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC WELFARE

IN THE MATTER OF THE PROPOSED ADOPTION OF A RULE OF THE STATE DEPARTMENT OF PUBLIC WELFARE GOVERNING SERVICES TO PREGNANT WOMEN AND MOTHERS WHO ARE MINORS, 12 MCAR §2.222.

CERTIFICATE

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minn. Stat. §15.0412, subd. 4, that their names be placed on file with and maintained by the Department of Public Welfare for the purpose of receiving notice of the proposed adoption of rules by this Department is accurate and complete as of 4:00, P.M., this 26th day of July, 1982.



STATE OF MINNESOTA

DEPARTMENT OF PUBLIC WELFARE

In the Matter of the Proposed Adoption of a Rule of the State Department of Public Welfare Governing Services to Pregnant Women and Mothers, 12 MCAR §2.222

FINDINGS OF FACT

Notice of the Commissioner's intent to adopt the above-entitled rule without a public hearing was published in the State Register on August 2, 1982 and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes Section 15.0412, subdivision 4 on July 26, 1982. After affording interested and affected persons an opportunity to submit comments for 30 days after Notice, receiving fewer than seven written requests for a public hearing within the 30-day comment period, reviewing and considering the comments, and determining the need for and reasonableness of the above-captioned rule, I find the following:

Rule 12 MCAR §2.222 is to be adopted as proposed with the following amendments:

Lines 8 and 9	Cross out "who are minors". The reason for this change is that the title of the proposed rule as it is, could mean that services are only to pregnant women and mothers who are minors.
Lines 11 & 12	Cross out "and to mothers" and insert "Mothers and" before pregnant women. The reason for the change is only to make for a simpler sentence.
Lines 12 & 13	Cross out "define the types of" and insert "establish criteria for". The reason for the change is that "establish criteria for" is more clear than "define the types of".
Lines 15 & 16	Cross out "them" and insert "women who meet these criteria". The reason for the change is to make more clear that the responsibility of local agencies pertain to women who meet the established criteria.
Lines 18 & 19	Insert "social services agency" and "responsible for social services" to make it clear that the responsibility for offering social services belong to the local social services agency.
Lines 20, 21 and 22	Add definition of "appropriate social services". The reason for the addition is to clarify what kind of services the local agency is responsible for.

STATE OF MINNESOTA

COMMISSIONER OF PUBLIC WELFARE

KM/35

PROPOSED RULES

Pursuant to Minn. Laws of 1980, § 15.0412, subd. 4h, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless seven or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules;

and

4. that the rule may be modified if modifications are supported by the data and views submitted.

If, during the 30-day comment period, seven or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of § 15.0412, subds. 4 through 4g, which state that if an agency decides to hold a public hearing, it must publish in the *State Register* a notice of its intent to do so. This notice must appear at least 30 days prior to the date set for the hearing, along with the full text of the proposed rules. (If the agency has followed the provisions of subd. 4h and has already published the proposed rules, a citation to the prior publication may be substituted for republication.)

Pursuant to Minn. Stat. § 15.0412, subd. 5, when a statute, federal law or court order to adopt, suspend or repeal a rule does not allow time for the usual rulemaking process, temporary rules may be proposed. Proposed temporary rules are published in the *State Register*, and for at least 20 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Department of Public Safety
Bureau of Criminal Apprehension

Notice of Withdrawal of Rules Governing the Issuance of Permits for the Use of Police Communications Equipment in Motor Vehicles

The rules proposed and published at *State Register*, Volume 6, Number 51, p. 2308, June 21, 1982 (6 S.R. 2308) are withdrawn in their entirety by the Department of Public Safety. As a result of public comment, the department intends to propose to the Legislature amendments to Minn. Stat. § 299C.37 prior to any subsequent rulemaking.

Department of Public Welfare
Social Services Bureau

Proposed Rule Governing Services to Pregnant Women and Mothers Who Are Minors (12 MCAR § 2.222)

Notice of Intent to Adopt a Rule without a Public Hearing

Notice is hereby given that the State Department of Public Welfare proposes to adopt the above-entitled rule without a public hearing. The commissioner has determined that the proposed adoption of this rule will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes § 15.0412, subd. 4h (1980).

Persons interested in this rule shall have 30 days to submit comment on the proposed rule. The proposed rule may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language.

Unless seven or more persons submit written requests for a public hearing on the proposed rule within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota Statutes § 15.0412, subds. 4-4f.

Persons who wish to submit comments or a written request for a public hearing should submit such comments or request to:

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Clayton Hagen
Department of Public Welfare
Social Services Division
4th Floor, Centennial Building
St. Paul, Minnesota 55155

Comments or requests for public hearing must be submitted by September 1, 1982, which is the expiration date for the 30-day comment period.

Authority for the adoption of this rule is contained in Minnesota Statutes § 257.33 (1981). Additionally, a statement of need and reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Clayton Hagen, Department of Public Welfare, upon request.

Upon adoption of the final rule without a public hearing, the proposed rule, this notice, the statement of need and reasonableness, all written comments received, and the final rule as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rule as proposed for adoption, should submit a written statement of such request to Clayton Hagen, Department of Public Welfare.

Rule 222 will govern the offer and provision of services to pregnant women and mothers. The rule contains the eligibility criteria for women to meet to obtain these services. The rule also contains the local agency responsibilities in the administering of these services.

Copies of this notice and the proposed rule are available and may be obtained by contacting Clayton Hagen, Department of Public Welfare.

The adoption of this rule should not require the expenditure of additional public monies by local public bodies.

July 14, 1982

Arthur E. Moot
Commissioner of Public Welfare

Rule as Proposed (all new material)

12 MCAR § 2.222 Services to pregnant women and mothers who are minors.

A. Applicability; purpose. This rule governs the offer and provision of services to pregnant women and to mothers. The purpose of this rule is to define the types of pregnant women and mothers who shall be offered services and the responsibility of local agencies to offer services to them as required by Minn. Stat. § 257.33.

B. Definition. As used in 12 MCAR § 2.222, "local agency" means the agency under the authority of the board of county commissioners or human services board.

C. Eligibility criteria for women. The local agency shall offer the services required under D. to women who meet the following criteria:

1. women who are minors and are either pregnant or already have a child;

2. mothers who are referred to the agency because they did not have prenatal care;

3. mothers who request assistance in establishing paternity for their children;

4. women who request assistance in deciding if they want to parent their child; and

5. mothers who are referred to the agency because they have physical, mental, or emotional problems which limit the care that they are able to provide for their children.

D. Local agency responsibilities. The local agency shall:

1. Contact each minor mother who is reported by a hospital as having given birth to a child and offer appropriate social services to her; and

2. Offer appropriate social services to women who meet one of the criteria of C.

STATE OF MINNESOTA

IN THE MATTER OF THE PROPOSED
ADOPTION OF DPW RULE 222
GOVERNING THE ADMINISTRATION AND
PROVISION OF SERVICES TO PREGNANT
WOMEN, AND TO MOTHERS AND CHILDREN

STATEMENT OF NEED AND REASONABLENESS

A. Introduction

This Rule is being promulgated in order to implement Minn. Stat. 257.33 1980. This statute requires the Commissioner of Public Welfare to offer appropriate social services to any pregnant women in need of social services under criteria prescribed by rule of the Commissioner, and also to offer appropriate social services to the woman and her child after the birth of the child. It is necessary then to define the criteria for which pregnant women and mothers shall be offered social services, and the responsibility of the local agency to offer social services to her.

B. Definitions

Local Agency

It is necessary to define the local agency, as that term is used in the rule. The definition is consistent with the definition in other rules promulgated by the Department of Public Welfare.

C. Criteria for pregnant women and mother who are to be offered service

This section is necessary because Minn. Stat. 257.33 requires the Commissioner to define the criteria to whom the agency shall offer social services by rule.

The proposed criteria are intended to include those pregnant women and mothers who have, or are at the risk of having, unique problems or needs which are different in nature or kind from the problems that any mother may have. The criteria are reasonable because these unique problems can be addressed with the kinds of social services local agencies are able to offer and provide.

The criteria are further intended to include those pregnant women and mothers who have special needs or problems which are not met, or are not predictably met, by the programs and services that are already established for families and children. Therefore, the criteria do not include mothers, or pregnant women, with such problems as the need for financial assistance, housing, day care, education, medical care or other needs who are eligible for assistance through different programs directed to such needs.

The proposed criteria are believed to be consistent with Minn. Stat. 257.33 as it is reasonable to conclude that by requiring the Commissioner to prescribe criteria for those to whom service must be offered, the legislature intended that services be offered to those pregnant women and mothers who are in need of special attention.

The following criteria are proposed to include those who have such needs.

Criteria for Pregnant Women and Mothers to be Served

1. Pregnant Women and Mothers who are Minors.

Although adult mothers may have the same problems as minor mothers, such as a need for financial assistance, medical care, housing, child care, etc., the minor's young age and lack of experience makes her more vulnerable in being able to deal with such problems.

A Social Service subcommittee of the Legislature was concerned with just this problem of young parents being able to care for their children and held meetings throughout the state in the summer of 1980. Testimony was received from social workers, nurses, teachers and parents about the problem young parents had in being parents. The problem that were identified are contained in the report "1980 Interim Hearing on Teen-Age Pregnancy", Minnesota House of Representatives, March, 1981.

One of the specific concerns that was identified at the hearing was that many adolescents are not aware of services that are available, or how to go about obtaining them.

As a result of these hearings an amendment was added to Minn. Stat. 257.33 which requires hospitals to report birth to minors to the Commissioner. It is reasonable to conclude than, that because of the concerns of the Legislature about teen-age pregnancies, and the requirement that births to minors be reported to the Commissioner, that the Legislature intended that minor age be one of the criteria for pregnant women and mothers who must be offered services.

2. Mothers who did not Receive Pre-Natal Care

This criterion is needed because mothers who did not receive prenatal care may need the assistance of as agency to obtain medical services for problems they or their children may have as a result of not receiving medical care. The assistance of an agency may be needed because some mothers may not have the financial means to afford medical care, and not know the services that are available to them or may simply not know how to get to a clinic or a physician.

It may also be that some mothers did not seek prenatal care because they did not recognize the importance of medical care, or did not accept or face the fact of their pregnancy. Social workers have long reported instances of mothers who denied they were pregnant, some even to the time of delivery. Although there are no studies, it would seem that the fact that a woman did not seek something so universally known and accepted in our society as prenatal care is significant and a possible indicator of denial or ambivalence about being pregnant.

The concern here is that mothers who are ambivalent about their pregnancy, or deny it, may also be ambivalent about being a parent. Ambivalence about being a parent may mean that a mother would not obtain satisfactory medical care for her child when born, just as she did not provide prenatal care. Such ambivalence may also mean that the mother is not able, or willing, to provide adequate daily care and supervision for her child.

The offer of sevice to mothers who did not receive pre-natal care, may not identify, or reach, all mothers who are ambivalent. However, a contact with these mothers may reach some mothers who could not express their ambivalence verbally but did express their ambivalence about being parents by not seeking pre-natal care.

3. Mothers who Request Assistance in Establishing Paternity.

This criterion is needed because some mothers may need the assistance of an agency in order to establish paternity for their children.

The establishment of paternity is important because children who do not have legal paternity do not have the benefits that they could have.

Some of the benefits of legal paternity are financial, such as eligibility for social security and workmen's compensation payments, and the right to inherit from the father. As important as the financial advantages for some children may be the psychological benefits of knowing their father and that he has legally recognized them.

Mothers who have decided to seek to have paternity established for their children may only need to be referred to an attorney. However, it may be important for some to begin with the agency. They may already be familiar with the agency, or uncertain about how to obtain the services of an attorney. Other mothers may need agency services to make a decision to establish paternity for their children. Some may not have recognized the importance of legal paternity for their children, or have assumed it was only necessary in order to obtain child support. Other may be concerned about what legal paternity may mean for them and their child. Social workers report that many mothers are unwilling to seek legal paternity, or even receive child support, as they think that it will give the father right that they are not sure they want him to have, such as control of how the child should be raised, unwelcome visitations, or opposition to the child being adopted by her husband if she marries. Although many of the concerns will need to be directed to an attorney, the mother may first need the services of an agency to recognize what she wants to do, and to mobilize her strengthes and act on her decisions.

This criterion is also needed to protect the interests of the child. Minn. Stat. §257.33 (Supp. 1981) requires the Commissioner to offer services to the child as well as the mother. The responsibility to provide services for the child is also supported by Minn. Stat. §393.07, Subd. 1, b(2) (1980). This statute requires county boards to assure care for the protection of a child who is illegitimate. The criterion is reasonable, then, as children who do not have legal paternity do not have the benefits they should have.

This criterion is also reasonable as the number of children who are born to parents who are unmarried is significant. In 1978, 10% of all children born in Minnesota were born to parents who were not married, according to statistics reported by the Minnesota Department of Health. It seems reasonable to make provision for them to have the benefits they could be eligible for.

4. Mothers who Request Assistance in deciding if they wish to parent their child.

This criterion is intended to include those mothers who are not sure that they want to be a parent.

They may not have wanted to get pregnant and are not ready to be a parent at this time in their lives. Or they may have wanted a child, but found that being a parent is not what they expected or hoped.

A pregnant woman, or a mother may need help in making a decision about whether or not to place her child. This decision is one of the most important a person has to make. She must resolve her own conflicts and assumptions of what she feels she should do in order to decide what she wants to do. She must also deal with what society in general and her friends in particular expect her to do. Social workers report that the reason some women decide to parent their child is not because they want to be a mother, but because others will be critical of her if she places her child. In order to make such decisions, or to act on a decision they want to make, they may need the services of a social worker.

A mother may also need help with her questions or concerns about the father's rights to the child if she decides to place the child for adoption, or if she decides to parent the child herself.

If her questions about the father's rights are only of a legal nature, the only help she needs is referral to an attorney. However, some mothers may come first to the agency before seeking the services of an attorney. Some because they know the agency and don't know an attorney. Others may need the services of an agency, before going to an attorney, to deal with their feelings and concerns about the reactions of the father if they decide to place, or if they decide to parent their child.

Assistance in planning for a child is a need that most mothers do not have. However, it is reasonable for the agency to make provisions for those that need with assistance.

5. Mothers who are referred to the agency because they have physical or emotional problems which affect the care they are able to provide for their children.

This criterion is proposed in order to include those mothers who have problems or limitations which may limit or affect the care that they are able to give to their children. Such problems or limitations include mental retardation, physical disadvantages, chemical

dependency, mental illness, emotional disturbance, delinquency, or other conditions which affect the parenting of a child. There are, of course, programs for women with such problems or limitations. However, it is not certain that these programs can provide service for needs that these women may have if they become parents. Therefore, it is reasonable that mothers with limitations that affect their parenting ability be one of the groups that are to be offered services.

If a mother with problems or limitations neglects or abuses her child she must be referred to protective services. This criterion then, is not intended to include mothers who neglect their children, but rather to provide assistance to strengthen their parenting ability if needed in order to prevent abuse or neglect.

D. Local Agency Responsibilities

The purpose of this section is to define the responsibility of local agencies to offer services to pregnant women and mother.

This section is necessary because Minn. Stat. §257.33 (Supp. 1981) requires the Commissioner to offer services to every pregrant women or mother who is in need of social service under criteria prescribed by rule of the Commissioner.

It is necessary to require local agencies to offer services to mothers who meet the criteria of this rule because Minn. Stat. §393.07, Subd. 2, (1980) requires the County Welfare board to administer all forms of public welfare, responsibility for which is may be imposed on the Commissioner by law.

The responsibilities of local agencies are reasonable because agencies are not required to seek out mothers who meet the criteria but simply offer services to those who are referred to the agency, or who request services.

The responsibilities are also reasonable as the local agencies are free to determine what services an individual mother needs.

C-CHD

Arthur E. Noot
Commissioner of Public Welfare

In the Matter of the Proposed
Adoption of Rules of the State
Department of Public Welfare
Governing Services to Pregnant Women
and Mothers who are Minors,
12 MCAR §2.222.

STATEMENT OF COMPLIANCE
WITH RULE-MAKING PROCEDURES

I, Vicki Sleeper do hereby declare that I have examined the rules and all related documents and that, based on my examination and my personal familiarity with the applicable procedures, the Administrative Procedures Act, the rules of the Office of Administrative Hearings, and the rules of the Attorney General have been followed. Any exceptions are noted below.

Vicki Sleeper
Special Assistant - Attorney General

Dated: 10-26-82

In the Matter of the Proposed Adoption of the Department of Public Welfare Rule Governing Services to Pregnant Women and Mothers, 12 MCAR §2.222

AFFIDAVIT OF MAILING NOTICE OF SUBMISSION TO THE ATTORNEY GENERAL

STATE OF MINNESOTA)
) SS
COUNTY OF RAMSEY)

Wendy Johnson, being first duly sworn deposes and says:

That as of this 25 day of October, 1982, no persons or associations have requested notice of when the rules in the above-entitled matter are submitted to the Attorney General. Therefore, no mailing has been made announcing submittal to the Attorney General.

Subscribed and sworn to before me
this 25th day of October, 1982.

Margaret Holt

MARGARET HOLT
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
My Comm. Expires Sept. 22, 1984