

## Special Settings: Public Assistance (TANF)

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The issues of substance abuse and domestic violence have important implications for welfare clients. On August 22, 1996, President Clinton signed the Personal Responsibility and Work Reconciliation Act ending open-ended entitlement for needy families. Aid to Families with Dependent Children (AFDC) was replaced by Temporary Assistance for Needy Families (TANF). The legislation creating TANF shifted welfare policy from economic security to stressing work and self-sufficiency. It establishes time limits and work requirements, and emphasizes personal responsibility.

### Prevalence of Substance Abuse and Domestic Violence

There is a wide range of estimates of the prevalence of substance abuse and domestic violence among TANF families. Many studies lack common definitions, resulting in a wide range of estimates:

- Prevalence rates for substance abuse vary from 6.6 percent to 37 percent of the caseload (Olson & Pavetti, 1996). The general consensus is that 25 percent of TANF clients have substance abuse problems that are likely to interfere with their ability to get and keep a job (Young & Gardner, 1998).
- As more TANF clients go to work and leave the caseload, the percentage of TANF clients with substance abuse problems will likely increase. A study of 25 state programs by the U.S. Department of Health and Human Services found substance abuse to be among the most frequently identified

functional impairments preventing clients from leaving welfare (U.S. Department of Health and Human Services, 1992).

- The estimates of women TANF recipients who experience domestic violence range from 20 percent to 80 percent. However, welfare reform demonstration projects from several states reveal lower rates of domestic violence than these estimates. In Illinois, less than 1 percent of the 57,985 clients screened as part of an employability review self-reported domestic violence (Illinois Department of Human Services, 1998). The disparity between the estimates and actual reports may be attributed to several factors. It may reflect a woman's reluctance to acknowledge that she is living with a man who may or may not be the father of her children. She may be reluctant to disclose for fear that financial and food stamp benefits will be reduced. She may also fear that disclosure may trigger child welfare involvement.

### Implications for TANF Families

#### *Time Limits*

The focus of TANF is on transitional services. Federal law limits cash benefits to a maximum of five years in a lifetime. The law allows states to set limits at less than five years and to exempt 20 percent of the caseload from time limits. Illinois has established two time limits for TANF families:

- The time limit for all families is 60 months. Assistance received in other

states or in nonconsecutive months counts toward the time limit.

- However, families whose youngest child is age 13 or older are assigned to the Targeted Work Initiative and are limited to 24 months of cash assistance unless the adult is working. Adults who cannot find a job are given the opportunity to earn a TANF payment in a pay-after-performance program (Work First).

In Illinois, time limits began on July 1, 1997, with the implementation of TANF.

Assistance received prior to this date does not count toward the time limits. Benefits paid under the following circumstances will come from state funds and will not count toward the time limits:

- Payments made to single-parent households when the adult is working 30 hours per week in a paid job.
- Payments made to families headed by a teen parent.
- Payments made to two-parent households if the adults are working a total of 35 hours per week.
- Payments made to single-parent households when the adult is attending an accredited post-secondary education program full time. The adult must maintain a cumulative 2.5 grade point average.

### ***Work Requirements***

Welfare reform places a greater emphasis on engaging TANF clients in work as quickly as possible.

- TANF requires most clients to work or participate in work-related activities.

After 24 months of TANF, the adult must have a job or be taking part in work activities for the family to continue to receive cash assistance.

- The hours spent in substance abuse treatment and domestic violence counseling count toward meeting the work requirement.

### ***Personal Responsibility***

The TANF law stresses personal responsibility.

- Clients convicted of a felony crime after August 21, 1996, that involves possession, use, or distribution of a controlled substance are not eligible for cash assistance.
- Clients who are convicted of any other drug-related felony and don't enter treatment or an aftercare program will remain ineligible for two years.
- Clients who have additional children once they start receiving TANF benefits do not receive an increase in cash benefits.
- Clients must cooperate in establishing paternity and obtaining child support. A woman may receive an exemption from establishing paternity or obtaining child support if doing so will place her or her children at risk of harm.
- Clients must meet child support requirements, cooperate in work and training activities, cooperate in referral and treatment for substance abuse, and follow through on their service plan or face sanctions.
- Sanctions are imposed at three levels:

1. At the first level, the cash benefit is reduced by 50 percent. Benefits are restored as soon as the client cooperates.
2. At the second level, the cash benefit is reduced by 50 percent for three months. If by the fourth month the client has not cooperated, the entire cash benefit is stopped.
3. At the third level, the entire cash benefit is stopped for three months. The client must cooperate for benefits to be restored.

### ***Need for Collaboration***

Helping families struggling with poverty and domestic violence and/or substance abuse requires the coordinated efforts of TANF, domestic violence and substance abuse treatment agencies.

- The imposition of time limits on welfare receipt necessitates that service/treatment plans incorporate the goal of employment.
- The reality of sanctions necessitates that DHS offices are informed of any circumstance that would keep a client from complying with a program requirement. Agencies need to communicate and work together to develop coordinated, rather than conflicting, service plans.
- The complexity of multiple problems often requires joint intervention. TANF policy requiring cooperation with a substance abuse treatment plan may be used to motivate a client. Supportive services such as child care and transportation are available to assist TANF clients with their service plan.

# Special Settings: The Criminal Justice System

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## Common Perspectives

Although this best practice manual is targeted to direct service providers working in the substance abuse and/or domestic violence field, the collective authors of this manual concluded that the large number of domestic violence perpetrators involved in the criminal justice system necessitated the development of a separate chapter. This chapter is not sufficiently comprehensive to delineate all of the “best practices” within the intricacies of the criminal justice system; rather, it is intended to raise the general awareness of the system in its response to and treatment of the dual issues of domestic violence and substance abuse, and to encourage the system to undertake a more holistic approach to these dual issues.

A survey conducted by the American Correctional Association in 1990 found that more than half of female inmates report being victims of physical abuse and 36 percent report being victims of sexual abuse (that often occurred when they were adolescents or children).

The Illinois compiled statutes (ILCS), Chapter 750, defines domestic violence/abuse as “physical abuse, harassment, intimidation of a dependent, interference with personal liberty or willful deprivation,” but does not include reasonable direction of a

minor child by a parent or person in loco parentis. It also defines “family or household member” as inclusive of spouses, former spouses, parents, children, stepchildren and other persons related by blood or by present or prior marriage, persons who share or formerly shared a common dwelling, persons who have or allegedly have a child in common, persons who share or allegedly share a blood relationship through a child, persons who have or had a dating or engagement relationship, and persons with disabilities and their personal assistants.

## Relationship Between Substance Use and the Crime of Domestic Violence

A National Institute of Justice study (1997), *Drugs, Alcohol, and Domestic Violence in Memphis*, indicates the following:

- 92 percent of domestic violence assailants had used drugs or alcohol during the day of the assault.
- 67 percent had used a combination of cocaine and alcohol.
- 45 percent of assailants were described as using alcohol, drugs, or both daily to the point of intoxication during the past month.
- 9 percent of assailants were either in treatment or had previously received treatment for substance abuse.
- 89 percent of victims were repeat victims of current assailants.
- 67 percent of assailants were on probation or parole at the time of assault.
- 72 percent of victims were female;

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percent of assailants were male.

- 42 percent of victims used alcohol or drugs the day of the assault — 15 percent had used cocaine; about one half using cocaine reported being forced to by the assailant.
- 68 percent of the assault episodes included use of a weapon, primarily blunt instruments such as hammers, baseball bats, etc.
- 85 percent of the assaults were witnessed by children under the age of 18.
- 15 percent of the victims in the survey were younger than 18 years and most were assaulted after witnessing assaults on their mother.

## **Batterers' Services**

In July 1998, NIJ published a research brief titled *Batterer Programs: What Criminal Justice Agencies Need to Know* (Healey & Smith). The highlights of the brief provide this information:

Batterer intervention programs were originally established in the late 1970s as feminists and others called attention to the victimization of women through domestic violence, grassroots programs sprang up, and service providers recognized that the offenders' behavior needed to be addressed. The requirement that batterers attend intervention programs as a condition of probation or as part of pretrial or diversion is fast becoming a part of the response to domestic violence in many jurisdictions. However, judges and probation officers often lack basic information about program goals and methods. This report, a summary of the

full-length study, attempts to meet that need by presenting information about batterer intervention programs operating throughout the country. The interventions described were selected to represent the range of programming available and include the established or "mainstream" programs as well as innovative approaches.

All programs are structurally similar, proceeding from intake through assessment, victim contact, group treatment, and completion; but each program is based on one of several theoretical approaches to domestic violence. Most of the pioneers in intervention use the feminist model, which attributes the problem to societal values that legitimate male control. This model, exemplified in the "Duluth Curriculum," uses education and skills building to re-socialize batterers. The less common family systems interventions, based on the notion that violent behavior stems from dysfunctional family interactions, emphasize building communication skills within the family. Psychotherapeutic and cognitive-behavioral interventions are based on the belief that domestic violence is related to the offender's psychological problems and, as a result, emphasize therapy and counseling. The EMERGE and AMEND models represent a blend of the feminist

educational approach with more in-depth and intensive group work. Increased awareness of the diversity of the batterer population has given rise to the belief that more specialized approaches are needed. One trend reflects the idea that interventions should be based on various typologies or categories of batterers. Of these, the typologies that group offenders by their psychological factors may be less useful for criminal justice purposes than those that do so by degree of risk for dropping out or re-offending. Other specialized approaches are designed to enhance program retention of specific populations based on sociocultural characteristics such as poverty, race, ethnicity, nationality, gender, or sexual orientation.

Batterer intervention programs cannot deter domestic violence unless they are supported by the criminal justice system. Criminal justice responses to domestic violence should be coordinated to support batterer intervention. For example, the integrated criminal justice responses studied for this report included coordination among agencies; use of victim advocates throughout the system; designation of special, dedicated batterer intervention units; and provision of training for agency personnel. Probation officers have a key role as the critical link between the justice system and batterer interventions.

### **Victims' Perspective**

Another NIJ study (Keilitz et. al., 1998), *Civil Protection Orders: Victims' Views on Effectiveness*, indicated the following:

- Effectiveness depends on how

specific and comprehensive the orders are and how well they are enforced.

- Victims indicated that effectiveness depended on how accessible the courts are for victims and *how well-established the links are between public and private services and support resources for victims.*
- Violations of the protection order increase and *reported effectiveness decreases as the criminal record of the abuser becomes more serious.*
- Victims reported that the orders protected them against repeated incidents of physical and psychological abuse and were valuable in helping them regain a sense of well-being.
- The study confirmed a strong correlation between the severity and duration of abuse — the longer women experience abuse, the more intense the behavior is likely to become and the more likely women are to be severely injured by their abusers.

### **Recent Legislation**

The following legislation, which became effective in Illinois on Jan. 1, 1999, enhances the criminal justice system's ability to respond to and deter further family violence:

- *First Degree Murder:* Amends the Criminal Code to state that a defendant, who is at least 18 years of age and who is guilty of first degree murder, is eligible for the death penalty when the victim had an

order of protection against the defendant.

- *Domestic Battery and Violation of Order of Protection:* Enhances a domestic battery and violation of order of protection charge from a Class A misdemeanor to a Class 4 felony if the defendant has a prior conviction for domestic battery or violation of order of protection.
- *Insurance:* Forbids a company issuing property or casualty insurance from using the fact that an applicant incurred bodily harm as the result of domestic violence as the sole reason for a rating, underwriting, or claims handling decision.
- *Elder Abuse:* Amends the Elder Abuse and Neglect Act to include a requirement that certain individuals report suspected elder abuse or neglect when it is believed that the elder is unable to seek help on his or her own.

## **Best Practices**

The previously mentioned NIJ studies suggest the following:

- Screen and/or test assailants at the time of arrest for alcohol or drug intoxication.
- Detoxify arrested drug- or alcohol-dependent assailants prior to release from jail.
- Assess children who directly witness domestic violence to determine if services are needed.
- Allow domestic violence assault victims to swear out arrest warrants at the assault scene.
- Provide services for women whose self-esteem has been eroded by the manipulative and coercive behavior of a batterer.
- Safety planning must begin at the earliest point of contact with the victim and continue throughout the process.
- Accurate and complete information about the defendant (including previous arrests, substance abuse history, involvement with child protective services, and experience with batterer intervention) should be used to assist in making decisions concerning plea bargains, bail, and supervision and in fashioning the protection order.
- Reduce time between arrest and intervention program enrollment for batterers.
- Track participants more efficiently — practices currently involve referrals to a wide array of services.
- Centralized dockets created to handle domestic violence cases result in increased expertise, and access to all criminal justice system players and services.
- Opportunities for coordination by the criminal justice system include integrating batterer intervention with court-ordered substance abuse treatment.

- Program and sentencing options are needed for the full range of batterers, not just the low-risk male heterosexuals (the most common category).
- Further research is needed on the interactive aspects of domestic violence, such as use of criminal history information in crafting orders and counseling victims; effects and enforcement of specific terms of protection orders; and actions of police and prosecutors.