

Not Enough:

What TANF Offers Family Violence Victims

A joint report of

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The Women's Legal Defense
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National Resource Center on Domestic Violence

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Additional Resources

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Legal Momentum established the EndPovertyNow Coalition and listserv to promote a reauthorization that will make TANF a meaningful safety net and a true stepping stone to economic security. To subscribe to the listserv, send an email, with "join" in the subject line to tcasey@legalmomentum.org.

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The NRCDV provides a wide range of technical assistance, training and informational resources designed to enhance the accessibility and responsiveness of public safety net benefits to victims/survivors of domestic and sexual violence.

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I. Introduction

Domestic violence and poverty are intersecting issues. Significant numbers¹ of women² living in poverty are battered and the violence they experience can make the climb out of poverty unattainable. Poverty, in turn, can make it impossible to escape violence or deal with its effects. To be safe, victims need to be free from the violence and control of those who abuse them, but they must also be able to meet their basic human needs.

Some studies have found that over half of the women receiving public assistance (“welfare”) have reported being battered.³ This paper reports on a recent national survey documenting both the importance of the Temporary Assistance for Needy Families (TANF) program to victims of family violence, and difficulties victims may encounter when seeking assistance from TANF.⁴ Survey responses show that some victims in some places are getting the TANF resources – a financial bridge to safety – that they need. In these instances, TANF often represents the difference between safety and continued violence for a victim and her children.

Unfortunately though, the survey data also reveals a different reality – one marked by bureaucratic black holes, indifferent or even hostile staff, inadequate benefits, rules and practices that effectively bar victims from needed assistance, and in some circumstances, mandates and errors that put victims in more danger than before they sought help. For too many victims, TANF does not provide what they need to be safe. It is not enough.

Sexual Assault Survivors

Survey responses about the experience of sexual assault survivors showed that TANF can be an important and necessary resource for them. More information should be gathered to ensure a thorough understanding of the particular concerns and issues these survivors face with the TANF and Child Support Enforcement systems. Any reauthorization or rethinking of TANF/CSE programs should include the needs and perspectives of sexual assault survivors and their advocates.

■ TANF

In 1996, the federal government enacted sweeping welfare reform legislation,⁵ replacing AFDC⁶ with TANF as the national welfare program for families with children. Under TANF, the federal government provides funding to the states and each state then develops and administers its own TANF program. Although states must comply with some federal TANF requirements such as time limits on benefits, work requirements, and the pursuit of child support, each state determines the rules and scope of its program. For example, each state defines which families are eligible and determines the amount of aid provided to eligible families. The U.S. Department of Health and Human Services (HHS) supervises state compliance with federal requirements. TANF's current federal authorization expires on September 30, 2010.

The 1996 law establishing TANF placed a number of requirements and responsibilities on recipients of government benefits. At the same time, the new law included a provision⁷ called the Family Violence Option (FVO)⁸ that acknowledged the unique challenges facing victims of family violence who live in poverty.⁹ States may voluntarily adopt the FVO as part of their TANF plan. By adopting the FVO, a state certifies that it will screen to identify domestic violence victims while maintaining their confidentiality, will refer those victims to supportive services, and will waive program requirements such as time limits on the receipt of benefits, work requirements, or cooperation with child support enforcement if those requirements make it more difficult to escape the violence or would unfairly penalize the victim. All states have either formally certified adoption of the FVO (41) or reported to the federal government adoption of a comparable policy.¹⁰

TANF is a critically important safety net for single mothers and their children as they experience an exceptionally high poverty rate of over thirty-five percent.¹¹ About ninety percent of parents receiving TANF are single mothers.¹²

■ The Survey

In an effort to more fully understand how TANF, the Family Violence Option and related child support enforcement provisions are working for victims of domestic and sexual violence, Legal Momentum and the National Resource Center on Domestic Violence

(NRCDV) conducted a national survey in the Fall of 2009. Nearly 600 staff from domestic violence programs and other agencies working with victims on TANF related issues completed the survey. Respondents included individuals from all 50 states and Washington, D.C. The majority (78%) of respondents work at domestic violence or dual domestic violence/sexual assault programs. Also responding were staff from legal aid or other anti-poverty programs (13%) and from TANF/CSE agencies (5%). Most respondents (82%) provide direct services to victims.

In addition to twenty-four fixed choice questions, the survey offered respondents multiple opportunities to provide information to open-ended questions and thousands of responses were submitted. There was consistency in both the quantitative and qualitative results provided, and throughout the survey respondents raised many of the same issues, concerns, and suggestions, despite much local and state variation among TANF programs. These common themes are the focus of this report. Survey respondents also commented on how TANF should be changed to meet victims' needs. Their comments provide important guidance for federal and state TANF policy makers. Selected responses to the opened-ended questions appear in italics throughout this report. The Appendix sets out the survey questions and the aggregate responses to the fixed choice questions.

II. Survey Results

■ **Family violence victims living in poverty need TANF assistance and related services.**

It [TANF] can often mean the difference between a woman giving up and returning to her abuser and sticking out a difficult time and remaining independent.

Over 96% of survey respondents answered “yes” to the question “Is access to TANF financial assistance an important resource for a significant number of family violence victims?” Seventy-one percent estimated that at least half of the victims served by their agency needed TANF as part of their safety plan. [Please see the Appendix for a more detailed report of the data.] Here are some illustrative comments:

I have worked with many survivors that would have never left their abusive situation had they not had TANF as a resource.

[TANF] is often the difference between a survivor jumping from shelter to shelter, living in unsafe conditions, or returning to their abuser and actually gaining their own safety, stability, and self-sufficiency.

■ **When TANF family violence responses work well, they make significant differences in the lives of victims and their children.**

When the victim gets a case manager who knows the system and family violence, it works well. They advocate for her and help her through the system instead of creating barriers. We recently had a victim facing lethal danger who needed to get safely to another state. The victim got her grant quickly and was able to get safely out. When our agencies work well together we are able to save lives!

Few respondents rated the TANF family violence responses in their state as working well. Only 14% rated screening for family violence as “works well”, 9% gave the “works well” rating for extension of time limits, and 11% for exemption of work requirements due to family violence. The highest rated FV response (23%) was referrals to local domestic violence and/or sexual assault programs.

Survey comments indicate great inconsistency of response for victims seeking services. “These systems may work for some clients and not others. The outcome may, unfortunately, depend on the worker who gets the case.” A number of respondents indicated that the response “varies tremendously by county.”

Although still too few and far between, when an effort is made to help it has a tremendously positive impact, as the following comments illustrate:

I had a case where a client showed up for an interview, was referred to me, picked up her children and was helped to flee all in 6 hours. She literally did not have diapers or a bottle even. She was given transportation vouchers, clothing vouchers, diaper vouchers... then TANF put her up in a hotel in a new community and helped her get into shelter there. It was incredible to see them all come together and take action ...Overall she left knowing that there are people who care and will pull out the stops to keep her and her children safe.

The extension of time limits due to family violence helped two victims that our program has served. It gave them the extra time they needed to regroup, get counseling, find employment, and housing. The 6-month extensions really help them move forward with their lives.

When does a TANF system work well for family violence victims? Respondents identified the following elements:

- *Strong referral system and good communication between the domestic violence program and local TANF office.*
Over 35% of advocates said they work regularly with their local TANF office.
- *Good cause waivers.*
- *Domestic violence advocates stationed at the TANF office.*
Almost 11% of advocates said they were co-located in the TANF office.
- *Assigning TANF worker to domestic violence program as liaison.*
- *Training for TANF workers about domestic violence.*
- *Documentation [to prove eligibility or qualify for waivers of TANF requirements] is waived when victims are unable to get their paperwork.*
- *TANF system offers victims economic assistance, medical, and shelter/advocacy services, as well as educational supports.*
- *Victims in crisis situations receive expedited response time.*
- *Benefits are provided to immigrant victims of domestic violence who would not otherwise qualify under federal programs.*
- *TANF funding allows clients to establish savings, purchase necessities for themselves and their children.*
- *Residents of shelter automatically qualify for TANF/Food Stamps.*
- *Child support enforcement exemption due to safety concerns.*
- *If victim needs to be relocated for safety concerns, special service allowances can be accessed.*
- *Transportation to appointments.*

■ **For too many victims, TANF does not provide what they need to be safe.**

I. The TANF application process creates barriers to assistance and to appropriate family violence responses.

Victims feel lost, confused, and frustrated with the system and it gets to a point where going back to the abuser is easier than dealing with the current system.

TANF cannot be a path to safety if victims are unable to access the financial assistance that TANF is supposed to provide. The survey asked respondents to estimate the percentage of victims served by their agency who were able to access TANF benefits when needed as part of their safety plan. Forty-three percent of respondents estimated that fewer than half of victims were able to access benefits and 20% estimated fewer than one quarter.

Survey respondents described tremendous adversity for victims simply trying to contact the TANF office. Victims face endless busy signals, unreturned calls, no ready way to get to the office (particularly in rural areas), and if they have limited proficiency in English, they may not have any way to communicate with the TANF staff once contact is made. Here are a few of the respondents' descriptions of these barriers:

Getting an appointment simply doesn't happen within the time clients are in shelter. The circular phone system is a rat race and clients (and case managers alike) feel defeated from the start.

The local office numbers are unpublished and SUPER SECRET. Even as a referring agency that has worked with the system for years, I cannot be given the number and must go to the office to speak to someone. Applicants must be available for a telephone interview at a time set by the state. Many of our clients don't have phones. It is a mess.

Because of staff shortages and high demand, the [TANF] office sometimes locks its door!

Transportation for many Native families is a high level barrier; they find they are isolated and the challenge just to get into the TANF office is difficult.

Even if victims get through to the TANF office, the process can be overwhelming. "There are so many applications to fill out, paperwork to provide. All the processes seem

like a big wall.” Respondents report forms that are impossible to complete, victims needing to redo paperwork because it is lost in the system, and problems with paperwork following victims who must move for safety reasons.

A significant barrier for victims is the requirement to “prove” the violence. Respondents describe TANF staff requiring particular types of documentation, such as hospital records, even if the victim reports she’s not been to a hospital. Victims are also asked to produce paperwork that they left behind when escaping violence. Some TANF workers determine that a domestic violence shelter is not a “proper address,” thereby making it more difficult for victims to access benefits after they’ve sought the safety of a shelter. Requests for documentation may also come with an attitude of skepticism and ignorance – for example, one respondent wrote that workers often assume a victim in shelter does not need family violence protections because she’s “safe” and those who’ve yet to leave are endangering themselves and therefore not in need of a waiver or other family violence specific response. Frequent renewal of documentation may also be required, which *“in essence, asks that the victim expose herself to multiple instances of danger in order to renew her waiver.”*

For those victims who do not disclose family violence to a TANF worker, respondents also rated the reasons victims may have for not disclosing. While 61% said victims frequently don’t disclose because they fear it is unsafe to do so, 63% said victims frequently don’t disclose because they see the TANF worker or system as unsympathetic. Many respondents wrote specific comments about the impact of negative worker attitudes on victims’ access to benefits and overall well-being. Words such as hostile, demeaning, rude, humiliating, degrading, re-victimizing, unsympathetic, insensitive appear over and over again in the open-ended portions of this survey to describe the experience of victims seeking TANF assistance. The fear of child protection involvement is also identified by 73% of respondents as a significant factor in victims’ willingness to disclose family violence or ask for needed assistance, making it the highest rated reason for non-disclosure.

Given these multiple barriers caused by the system, it is not surprising that 47% of respondents estimated that over half of victims served by their agencies required an

advocate's assistance to obtain TANF benefits. One respondent commented that "unless an advocate accompanies the client, the special conditions allowed for domestic violence are not discussed."

Some respondents also identified eligibility barriers for immigrant victims as a significant barrier to safety. "Battered women who are immigrants need financial assistance to stay in this country while they go through the naturalization process and cannot get employment until they are allowed to do so." While immigrants wait for that permission, they have little or no means of supporting themselves and their children.

The TANF access issues raised in this survey are consistent with the statistical evidence of a sharp decline in participation since TANF was enacted in 1996. HHS reports that the number of children receiving benefits declined from 62% of the number of poor children in 1995 to 27% in 2006, and HHS estimates that the percentage of eligible families actually receiving benefits declined from 84% of eligible families in 1995 to 40% of eligible families in 2005.¹³

2. TANF assistance is inadequate – too little, too late.

I don't want to tell my worker about the violence; she'll just come take the kids. A welfare check won't even pay my rent if I move out. I'll also need HUD assistance and there's a huge waitlist. I can't pay utilities or buy my medicine. My friend got TANF and got a part-time job through it, but the job made her child support go down. What's the point of trying? [A respondent's description of what a victim might say about TANF.]

TANF undermines victims' efforts to escape abuse if the financial assistance that it provides does not allow victims to adequately provide for their own and their children's needs. As of July 2008, the monthly TANF benefit for a family of three in every state was far below the official 2008 poverty guideline of \$1,467, ranging from a low of 12% of the poverty guideline in Mississippi to a high of 50% of the guideline in Alaska, and equaling 29% of the guideline in the state with the median TANF benefit.¹⁴

The survey asked respondents to rate seven parts of the TANF system as "Works well", "Works OK", "Doesn't work", or "Don't know". Forty-seven percent of

respondents selected "Doesn't work" for the "amount of benefits paid." Respondents were given a list of twenty-two potential TANF changes and asked which two changes would be most important. Increasing TANF benefit levels was rated as "very important" by 81% of respondents.

Many respondents commented on inadequate benefits and the potential harm these posed for family violence victims. Some examples include:

I understand the philosophies behind the formation of TANF. I also understand the implications of TANF being a non-viable wage. For family violence survivors, the grant is so low that going back to a violent relationship seems like a more viable option.

The benefits grant is too low. Housing is not affordable for TANF people and low-income housing has dried up completely. This forces homelessness or substandard, unsafe living options.

The amount of money a person gets from TANF is ridiculously low and no one could possibly live on that. If a woman can't support her kids, she can't leave her abuser and TANF doesn't offer her the ability to financially do that.

When a victim and her children are fleeing a violent, dangerous partner, delays in processing applications and receiving benefits keep TANF from being the important resource victims need it to be. Although some respondents reported quick turn around times and even expedited processes for victims, many others described long delays with significant consequences.

From the time a victim applies for TANF until her first check can be upwards of 6 weeks. When a woman has left an abusive environment she doesn't often have 6 weeks to wait on a check. She is looking for work and trying to keep her children in a safe environment but when you're wondering where your next meal is coming from, many of the victims think it's better to go back to the abusive relationship than her children going hungry.

Most clients have to wait 6 months before they can receive benefits or renew benefits.

It is taking too long now for anyone to get benefits and it is eating up resources and we are having to turn people away [from our shelter] because the long staying residents cannot get any assistance to help them get their own place.

■ **The Family Violence Option (FVO) and other family violence responses inadequately address victims' unique issues.**

Victims can apply but access is very subjective. Unless a woman was recently beaten by her abuser she is not seen as a victim of domestic violence that should be waived from the employment requirements and she is told she must complete the 25 job searches. There is no consideration of the mental health aspect, ability to get a job, court dates, emotional confusion about the abuse and loss of being who she is. There will not be a waiver.

Federal regulations related to the FVO require seeking federal recognition for “good cause domestic violence waivers” to screen, maintain confidentiality, and refer victims to services, but leave the details of implementation to state discretion.¹⁵ Respondents were asked to rate eleven features of their state TANF family violence response policies, including the choices “Works well”, “Works OK” or “Doesn't work.”¹⁶ The list included such family violence-specific features as screening, extension of time limits, exemption from work requirements, and referrals to domestic violence programs.

None of these eleven features received a “Works well” rating from more than 23% of the respondents. The percentages of respondents rating those same features as “Doesn't work” ranged from 17% (Referrals to local domestic violence and/or sexual assault programs) to 36% (FV specific employment services). These generally critical ratings are consistent with the findings of other research on state FVO administration.¹⁷ Similarly, confirming findings of a 2005 GAO report,¹⁸ survey respondents reported a wide range of approaches to screening for family violence, notification of family violence specific waivers, options, or resources, and provision of family violence specific responses.

I. Victims are not consistently and effectively screened or notified of family violence specific responses, waivers, or protections.

Only 14% of respondents rated screening for family violence as working well and only 12% rated notification of the family violence option or other family violence

response as working well. Although larger percentages rated screening (42%) and notification (38%) as working “OK”, 28% said screening and 33% said notification don't work. As illustrated by the comments below, a number of respondents indicated a range of concerns, such as the lack of privacy, interviewing applicants in front of an abusive partner, workers unfamiliar with family violence provisions, and those who see the goal as disqualifying applicants for eligibility.

Screening for domestic violence doesn't work well. Oftentimes women are interviewed in public places like a counter, and also when the abuser is present, or not asked at all.

Survivors don't know what to ask for and workers are trying to screen people OUT, not in, so survivors are often denied emergency assistance. I don't think many workers even know there are family violence exceptions.

Screening is not happening properly. We constantly see clients who say they reported domestic violence at all steps in the application process, and they are still not assessed and referred properly.

Any applicant, including the family violence victim is strongly discouraged from applying for TANF. Many times victims give up on getting assistance because they have already been through so much and don't have the strength to fight for benefits.

Most TANF recipients I've spoken with were simply not aware they could receive an exemption due to experiencing domestic violence.

As mentioned earlier, worker skepticism and inaccurate assumptions regarding violence leads to burdensome and sometimes impossible documentation requirements and sometimes outright improper denial of options or services. A few excerpts from respondents comments gives a feel for the attitudes victims are facing:

Workers make statements, “Oh, she's just playing the domestic violence card.”

Mostly (workers) disbelieve survivors and do not accommodate.

Simply stated, folks don't believe victims about their experience of domestic violence, and so don't apply the exemptions.

2. Victims who disclose violence do not consistently receive the family violence specific responses, waivers, or protections that they need to be safe.

The response to applicants who do identify family violence is often discouraging. The FVO allows states to waive time limits or work requirements, as victims often need time to address safety or relocation issues or to overcome the traumatic effects of abuse. Yet, 34% of respondents rated FVO time limit extension policies as not working and 32% of respondents rated FVO work requirement exemption policies as not working.

Applying for domestic violence waivers remains a cumbersome, intrusive and arbitrary process, and the agency takes largely narrow view regard the scope of what can be waived.

There has been a recent trend in full waivers being denied to victims. The denial often endangers the life of a woman who recently fled her abuser.

The family violence exception is very hard to get. If granted, it requires monthly reevaluation at the TANF office which itself is a barrier.

When it comes to making referrals to local domestic violence programs and/or sexual assault programs, there is a brighter spot in the ratings, with 23% saying referrals work well, 47% reporting that they work OK, and only 17% rating referrals as not working.

Respondents also described the effect of denying waivers for time limits. For example, “any time limit to benefits for survivors is artificial as a victim’s ability to live free from domestic violence is more a result of her batterer’s behavior than it is anything she can do.” Similarly, the failure to waive work requirements or make them more flexible limits TANF’s effectiveness. For example, one respondent called for reducing, not eliminating, the work requirement in some circumstances because victims sometimes need the resources and supports that come with the employment programs but cannot realistically attend the 30 hours/week required of them. Another respondent describes a TANF policy under which recipients become ineligible or subject to sanction if they quit a job, and as a result making it more difficult for women who have left work due to abuse to maintain benefits.

3. Some TANF responses can make life more dangerous or difficult for victims.

Hearing horror stories about the difficulties and degradation experienced accessing benefits might cause a victim to decide not to leave an abusive situation.

In addition to the denial of benefits, waivers or options that can limit victims' ability to escape violence, some TANF responses can add to victims' struggle and danger. More than 25% of respondents said, "NO" when asked if family violence information disclosed by victims was handled in an appropriate way. Respondents described private information being disclosed to a victim's abusive partner and even the location of the shelter being disclosed. In one situation, a victim was told that the law required information be sent to her former home address rather than the shelter at which she was currently staying, putting the victim at increased safety risk. Respondents also described family violence related information not being properly handled by workers, including not being entered into the proper section of computer records, thereby giving a broader range of people and even outside contractors access to private information.

Forty percent of respondents indicated that victims granted an extension, exemption, or specialized response are likely to face other requirements or conditions. Respondents listed the following examples of mandated requirements for victims: work, contact a domestic violence program, make a police report, receive counseling or mental health treatment, waive confidentiality, obtain a protective order, cooperate with child protection, attend support group, notify TANF of any relocations, go into a domestic violence shelter, leave the family home, or not allow the abusive partner to have contact with the children.

Effective safety planning requires customized strategies to meet each victim's particular risks. Blindly applied across-the-board mandates can increase danger and reduce safety options for some victims. For example, respondents describe victims being required to conduct job searches or participate in job programs that put them in danger because an abuser is likely to find them or may even already be at the location.

In addition, such mandates do not follow the guidance of federal regulations and fail to meet the requirements for federal recognition of good cause domestic violence waivers that include “individualized assessment” and an appropriate services plan that reflects that individualized assessment.¹⁹ If victims are sanctioned for failing to comply with these mandated conditions, they will likely find that their safety and financial position is even more precarious.

■ **Child support enforcement inconsistently addresses safety and financial concerns.**

Child support enforcement has helped in many ways with some family violence victims that we have served and with others it has created more barriers for victims to overcome.

Federal law requires TANF recipients to cooperate with child support enforcement, unless there is good cause or other exception.²⁰ While child support enforcement can increase economic security for children, it can also place adult and child victims at risk if collection efforts trigger new violence or reveal the victims’ previously undisclosed location to an abusive parent. The FVO, therefore, allows states to waive the child support cooperation requirement.²¹

Only 12% of respondents reported the child support enforcement cooperation exemption due to family violence as working well, 35% as working OK, and 29% as not working. A frequent problem reported by respondents was the disclosure of confidential information to an abusive partner, including a victim’s hidden location. *“Many times abusers find out where to look for them (fleeing victims) from child support enforcement.”* One respondent described a situation in which the *“child support office disclosed all contact information including social security number to the abuser; on another occasion child support scheduled a meeting with both parties even though domestic violence was reported and flagged in the file.”*

The pressures on victims to cooperate with enforcement of child support can be great. One respondent reported that, *“workers constantly harass victims to establish support, even when it will expose them and their children to mortal danger.”* Another respondent wrote that

she has “women in tears, BEGGING that they not be forced to ask for child support and told that there is no choice.” And another wrote “in our area we have had a worker require a woman to give the name of her rapist to pursue child support.”

Although not as frequently reported as unwanted or unsafe enforcement, respondents also described situations in which victims want enforcement, but it is denied if family violence is disclosed. “They often exempt clients from child support enforcement when the client wants support. They also make it really hard to lift the exemption.”

■ **What changes would make TANF a more effective resource for victims?**

Respondents were given a list of twenty-one potential TANF changes. The seven top ranked changes were:

- **Increase employment services that lead to a living wage** - 88% ranked this very important

Most clients DO NOT want to be on welfare, but many of them don't see many options... especially if they have children and will have to pay for child care while they are working minimum wage jobs.

- **Increase access to childcare** – 88% ranked this very important.

Childcare is a must for domestic violence victims. Victims are stuck. They can't look for work without someone to watch the children. Victims don't have access to the same support systems as non-victims.

Respondents identified access to childcare as important not just for work but also while victims address violence issues (e.g. attending court or counseling) in preparation for employability.

- **Increase training for TANF and CSE staff workers around domestic and sexual violence** – 85% ranked domestic violence training and 81% ranked sexual violence training very important.

Training around domestic and sexual violence would enable workers to have a more understanding and compassionate take on dealing with these difficult situations.

Respondents also indicated training for advocates would be beneficial, including such topics as FVO implementation, TANF procedures, child support enforcement, government benefits, housing, and resources available to victims of sexual assault and to battered immigrants.

- **Provide emergency relocation and other related assistance to victims fleeing violence** - 84% ranked this very important.

For some clients this is the only option.

- **Increase transportation services** - 83% ranked this very important.

Many women flee their situations leaving behind their vehicles, many are not able to afford upkeep, and many times the vehicles are not in the victims' names.

- **Improve screening for family violence** – 81% ranked this very important.

Improving screening is so important. I believe it needs to be more of a conversation and one that happens more than once. Questions like, "Are you scared in your home?" sandwiched in between ten other questions do not help create an environment where survivors feel safe to share. Many women come to the TANF office for a specific reason, and are not prepared to talk about violence in their home.

- **Increase TANF benefit levels** – 81% ranked this very important.

This is a way to reduce anxiety and trauma in the midst of dealing with the immense changes in the family due to domestic violence.

Families cannot survive month to month on TANF. Survivors who leave our shelter with TANF as their only income are at great risk of homelessness. Even \$150 more dollars would be helpful.

The following are other changes respondents rated, or identified in open-ended questions throughout the survey, as important to victims:

- Shorten the application process and the amount of time it takes to receive benefits.
- Count education toward meeting the work requirement.

- Improve child support enforcement and the exemption from cooperation process where appropriate.
- Make work requirements more flexible. For example, reduce the number of hours required or count counseling and the pursuit of safety strategies.
- Reduce sanctions – in particular when a person does not understand the requirements or is unable to meet them.
- Improve screening for disabilities or other barriers to work.
- Eliminate or extend TANF time limits.
- Improve health care access.
- Increase access to trauma, substance abuse, and mental health intervention for adult victims and their children.
- Remove eligibility barriers to battered immigrants.
- Place on site advocates in TANF offices and/or, where appropriate, on site TANF staff at domestic violence agency offices.
- Improve confidentiality. Limit the access of TANF staff and/or contractors to family violence information, improve privacy protections in databases, and implement safeguards to prevent an abusive partner or ex-partner from obtaining a victim's undisclosed location if that would endanger the family.
- Increase specialized services for victims within TANF system.
- Reduce required documentation to establish the need for family violence waivers or other family violence specific response.
- Increase notification of family violence responses to TANF recipients and promote public awareness of TANF and family violence responses.
- Make the family violence exemptions more flexible and available to meet the unique safety needs of each victim.

III. Conclusion

TANF and related services are essential resources for victims of domestic and sexual violence and their children. All victims in poverty should be able to count on this basic assistance when they need it. Although TANF works well for some victims in some locations, access barriers are far too common and benefits far too low, and in many cases these inadequacies mean some victims will not be safe. Significant improvements are necessary to ensure that disclosure of family violence information to TANF workers leads to increased options and safety for victims.

Endnotes

¹ See, e.g., Eleanor Lyon, *Welfare, Poverty and Abused Women: New Research and its Implications*, National Resource Center on Domestic Violence (Oct. 2000), available at http://new.vawnet.org/Assoc_Files_VAWnet/BCS10_POV.pdf

² Current labels are inadequate descriptions of those experiencing domestic violence. This paper will use the terms “battered woman”, “victim” or “survivor” because they are commonly used and understood. Because most domestic violence victims are women abused by a male partner, this paper uses “she” and “woman” when referring to a victim of domestic violence. All victims deserve safety, financial security and advocacy including those in same-sex relationships and male victims abused by female partners.

³ See Taryn Lindhorst, Marcia Meyers, and Erin Casey, *Screening for Domestic Violence in Public Welfare Offices*, 14 *Violence Against Women* 5-28 (2008); Stephanie Riger, Susan L. Staggs, and Paul Schewe, *Intimate Partner Violence as an Obstacle to Employment Among Mothers Affected by Welfare Reform*, 60 *Journal of Social Issues* 801-818 (2004); Lyon, *supra* note 1.

⁴ The survey defined the term “family violence victims” to include victims of domestic and/or sexual violence.

⁵ Personal Responsibility and Work Opportunity Reconciliation Act of 1996, P.L. 104-193.

⁶ Aid to Families with Dependent Children.

⁷ 42 U.S.C. § 602 (a)(7):

(7) Optional certification of standards and procedures to ensure that the State will screen for and identify domestic violence

(A) In general

At the option of the State, a certification by the chief executive officer of the State that the State has established and is enforcing standards and procedures to--

- (i) screen and identify individuals receiving assistance under this part with a history of domestic violence while maintaining the confidentiality of such individuals;
- (ii) refer such individuals to counseling and supportive services; and
- (iii) waive, pursuant to a determination of good cause, other program requirements such as time limits (for so long as necessary) for individuals receiving assistance, residency requirements, child support cooperation requirements, and family cap provisions, in cases where compliance with such requirements would make it more difficult for individuals receiving assistance under this part to escape domestic violence or unfairly penalize such individuals who are or have been victimized by such violence, or individuals who are at risk of further domestic violence.

(B) Domestic violence defined

For purposes of this paragraph, the term “domestic violence” has the same meaning as the term “battered or subjected to extreme cruelty”, as defined in section 608(a)(7)(C)(iii) of this title.

⁸ For a detailed explanation of the FVO, see Wendy Pollack and Martha Davis, *The Family Violence Option of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996: Interpretation and Implementation*, 30 *Clearinghouse Review* 1079-1098 (1997).

⁹ Another provision of the TANF statute, 42 U.S.C. § 608 (a) (7)(C), also allows states to exempt a family from the time limit on assistance if the family includes an individual who has been battered or subjected to extreme cruelty.

¹⁰ HHS, *Temporary Assistance For Needy Families, Eighth Annual Report To Congress*, at Table 12-16, (2009), available at <http://www.acf.hhs.gov/programs/ofa/data-reports/annualreport8/ar8index.htm>

¹¹ U.S. Census Bureau table “POV04: Families by Age of Householder, Number of Children, and Family Structure: 2008,” available at http://www.census.gov/hhes/www/cpstables/032009/pov/new04_100_01.htm.)

¹² HHS, *Temporary Assistance to Needy Families, Eighth Annual Report to Congress*, Chapter X (2009), available at <http://www.acf.hhs.gov/programs/ofa/data-reports/annualreport8/chapter10/chap10.htm>.)

¹³ HHS, *Indicators of Welfare Dependence Annual Report to Congress 2008*, at Table IND 4a, page II-18 and Table TANF 2, p. A-9, available at <http://aspe.hhs.gov/hsp/indicators08/index.shtml>. See also Legal Momentum, *The Bitter Fruit Of Welfare Reform: A Sharp Drop In The Percentage Of Eligible Women And Children Receiving Welfare* (June 2009), available at <http://www.legalmomentum.org/assets/pdfs/lm-tanf-bitter-fruit.pdf>

¹⁴ Legal Momentum, *Meager And Diminishing Welfare Benefits Perpetuate Widespread Material Hardship For Poor Women And Children* (July 2009), available at <http://www.legalmomentum.org/assets/pdfs/tanf-meager-benefits.pdf>. The TANF benefit levels specified in this report were the figures compiled by the Center on Budget and Policy Priorities as reported in Schott & Levinson, *TANF Benefits Are Low And Have Not Kept Pace With Inflation*, (November 24, 2008), available at <http://www.cbpp.org/pdf/11-24-08tanf.pdf>.

¹⁵The HHS FVO regulations are set out at 45 C.F.R. §§ 260.50 – 260.59.

¹⁶ Respondents also could choose “Doesn’t exist in my state” or “Don’t Know”

¹⁷ See, e.g., National Law Center on Homelessness & Poverty, *Shortchanging Survivors: The Family Violence Option for TANF Benefits*, (2009), available at http://www.nlchp.org/content/pubs/Shortchanging_Survivors_Report_20091.pdf; Lindhorst et al., *supra* note 3; Lyon, *supra* note 1; Legal Momentum, *Dangerous Indifference: New York City's Failure to Implement the Family Violence Option* (2000).

¹⁸ Government Accountability Office Report to Congressional Requesters: *TANF: State Approaches to Screening for Domestic Violence Could Benefit from HHS Guidance*, August 2005, available at <http://www.gao.gov/new.items/d05701.pdf>.

¹⁹ 45 C.F.R. § 260.55.

²⁰ 42 U.S.C. § 608(a)(2).

²¹ 42 U.S.C. § 602 (a)(7).