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DOMESTIC VIOLENCE VICTIMS: WAIVE WORK REQUIREMENTS

House Bill 4811 with committee amendment First Analysis (6-18-97)

Sponsor: Rep. Liz Brater
Committee: Human Services and Children

THE APPARENT PROBLEM:

The 1996 amendments to the federal Social Security Act introduced a new direction in welfare legislation: to change the culture of welfare so that it requires work and promotes parental responsibility. However, research indicates that domestic violence may be a problem for many women on welfare. Specifically, battered women generally find it difficult to find work, and so may not be able to fulfill the work requirements of new state public assistance programs. President Clinton has recognized that domestic violence can be particularly damaging to women and children in low-income families. At his direction, the secretary of the Department of Health and Human Services (HHS) and the Department of Justice are developing guidelines and technical assistance for states to allow them to implement the provisions of Section 402(a)(7) of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA). Normally referred to as the "Family Violence Option," the provision allows each state, when implementing its Temporary Assistance for Needy Families (TANF) program, to increase services for battered women through welfare programs.

According to an April 9, 1997, memo to state legislators from the secretary of Health and Human Services, the purpose of the Family Violence Option is to focus a response to the needs faced by women and families subjected to domestic violence and to enable them to find work. States are invited to adopt a three-pronged strategy that would identify a battered woman when she first enters the public assistance system; waive certain work requirements if compliance would put her at risk of further violence, make it more difficult for her to escape violence, or unfairly penalize her; and provide referrals for supportive services. As of May, 1997, eighteen states and the Territory of Guam had adopted provisions of the Family Violence Option in their public assistance programs. The District of Columbia and sixteen other states, including Michigan, had some domestic violence language or provisions in their programs. In Michigan, the Family Independence Agency (FIA) has begun incorporating the provisions of the Family Violence Option into current programs.

During 1997, for example, supervisors will receive training to ensure that they understand the needs of battered women and their families. In addition, the Domestic Violence Prevention and Treatment Board within the FIA administers \$4.6 million in state and federal funds for shelters and advocacy for victims, develops policy, and trains FIA employees in identifying and interviewing victims. Now, legislation has been introduced to adopt the federal option.

THE CONTENT OF THE BILL:

House Bill 4811 would add a new section to the Social Welfare Act (MCL 400.56i) to require that the Family Independence Agency (FIA) develop a method of identifying victims of domestic violence; provide referrals for counseling and supportive services; and waive certain requirements if there is a determination of good cause, and compliance with these requirements would unfairly penalize or make it more difficult for individuals to escape domestic violence.

Waivers. The bill would require that the FIA establish and enforce the following standards and procedures regarding domestic violence victims:

- Screen and identify individuals receiving family independence assistance who have a history of being domestic violence victims, and maintain confidentiality over the information.
- Refer those individuals identified as having a history of domestic violence for counseling and supportive services.
- In accordance with a determination of good cause, waive certain FIA program requirements in cases where compliance would make it more difficult for individuals receiving assistance to escape domestic violence; or would unfairly penalize individuals who were, or had been, victimized by domestic violence, or individuals who were at risk of further domestic violence.

Certification by the governor that the state had established and was enforcing these standards and procedures would have to be included by the FIA in the state plan required for federal Temporary Assistance for Needy Families (TANF) block grants. In addition, the bill would require that the FIA collect and compile data regarding the administration of the waiver, including information regarding individuals screened and identified, and information regarding individuals actually granted a waiver. The information collected and compiled under the provisions of the bill would be reported annually to the legislature by the FIA.

FISCAL IMPLICATIONS:

A Family Independence Agency (FIA) analysis of the bill reports that approximately 2,400 Family Independence Specialists and 438 Family Independence Managers would have to be trained to implement the provisions of the bill. However, the FIA estimates that the bill would have no fiscal implications for the state, since staff training costs have been incorporated into the current FIA budget. (6-26-97)

ARGUMENTS:

For:

Domestic violence has a devastating impact on families and communities, as noted by President Clinton in an October 3, 1996, memo that urged states to adopt Section 402(a)(7) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 [(PRWORA), Public Law 104-193], commonly referred to as the "Family Violence Option." Children who grow up with violence are likely to become abusers or victims themselves. Moreover, such violence eventually spills over into communities, schools, and workplaces.

Women who are poor and who are victims of domestic violence face other challenges. It is often the case that abusers fight to keep their victims from becoming independent. In *Prisoners of Abuse*, one of a series of *Battered Women on Welfare* Reports by the Chicago-based Taylor Institute, Jody Raphael notes that job training providers have learned over the past few years that many women on welfare associate with men who sabotage their efforts to move from welfare to work, frequently resorting to violence to prevent them from doing so. Other battered women who receive public assistance find that ongoing abuse is a barrier to keeping a job: they are often late for work, or more frequently are absent.

While research on this issue is fairly new, the Michigan League for Human Services (MLHS) estimated, in written testimony presented to the House Committee on Human Services and Children on June 17, 1997, that the number of female public assistance recipients in

Michigan who are abused ranges from between 27,100 and 108,400. Furthermore, as noted in the report, leaving an abusive situation is dangerous for these women, both financially and psychologically. Such women are dependent upon their abusers because they do not feel that they can support themselves.

Historically, many of these women have sought public assistance, job training, and state-ordered child support enforcement as bridges out of such relationships. Still other battered women who must overcome the trauma of persistent poverty, chronic homelessness, and other concerns may never be able to achieve the self-sufficiency required under the provisions of the state's public assistance programs. For such women, temporary exemptions or extensions from Family Independence Agency (FIA) rules are needed to enable them to cope with their situations; and policies concerning confidentiality are needed to assure that participants who report violence are sheltered from negative consequences.

Against:

Family Independence Agency (FIA) employees who interview clients will receive training to assist them in appropriately understanding the dynamics of domestic violence, and to ensure that claims of domestic violence are not used to subvert the intent of the law. However, in order to allow the Family Independence Agency time to train its staff and to work to develop policy changes with those who would be affected by the provisions of the bill, the bill's effective date should be delayed until January 1, 1998, as proposed by the FIA.

POSITIONS:

The Family Independence Agency (FIA) supports the bill. (6-17-97)

The Michigan League for Human Services (MLHS) supports the bill. (6-17-97)

The Michigan County Social Services Association (MCSSA) supports the bill. (6-17-97)

The Michigan Coalition Against Domestic and Sexual Violence supports the bill. (6-17-97)

The National Organization for Women (NOW), Michigan Conference, supports the bill. (6-17-97)

The Center for Civil Justice supports the bill. (6-17-97)

Analyst: R. Young

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.