

**NLWJC - Kagan**

**DPC - Box 060 - Folder-003**

**Welfare - Domestic Violence [2]**

Kevin  
Lup

(E) **Berger summary of your 126 military and veterans events in your first term.** You met formally with the Joint Chiefs on 10 occasions. You visited U.S. military units deployed in eight foreign countries. You spoke at all four Service academies' commencements. You visited Arlington National Cemetery 11 times for veterans-related events (Reagan only visited twice during his first term and Bush once while in office). You participated in nearly 30 veterans events (half related to WWII). And, you have been aboard five active aircraft carriers and two other Navy surface combatants.

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(F) **Sec. Kantor memo on Chrysler's January 7 fuel cell prototype announcement.** Kantor reports that Chrysler's plan to develop a fuel cell prototype that would use gasoline was made possible by research funded by the Partnership for a New Generation of Vehicles (PNGV), which is administered by Commerce's Technology Administration. The PNGV is a partnership between industry and government agencies to develop the technology base for environmentally-friendly cars that will go 80 miles per gallon without sacrificing affordability, safety or performance. It draws on resources from 8 Federal agencies, the national laboratories, universities, suppliers, and the United States Council for Automotive Research (a cooperative research effort between Chrysler, Ford and GM). Under Secretary of Technology Mary Good is working with Chrysler to give PNGV proper credit for their role in the project.

X

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(G) **"Is Welfare Reform Really Conservative," Wisconsin Interest.** Via Sec. Shalala who says, "I thought the title alone was worth the article."

✓

(H) **"Crossing the border: Illegal and dangerous," The Orange County Register, January 19, 1997.** Via Rahm. The article notes that Operation Gatekeeper has made illegal immigration crossings around San Diego difficult.

We have also received the following items.

✓  
C. Brown  
Klein

**Secs. Shalala and Reno report on agency efforts to implement your directive on implementing the family violence provisions in the new welfare law.** Through close collaboration with state and local partners, they are working to build temporary assistance systems that require work, promote responsibility, protect children, and recognize the unique needs and circumstances of battered women as well as provide them with the supports they need to move successfully from welfare to work. *We have a copy of the report in our office should you wish to review it.*

**President's Council on Sustainable Development progress report.** Via Katie McGinty. The Council has been working to implement the recommendations it made to you in March 1996. Their work has ranged from efforts to build sustainable communities at the local level to preparations for international activities to commemorate the fifth anniversary of the Rio Earth Summit in 1997. *We have a copy of the report in our office should you wish to review it.*

ELWA -  
What goes around comes around.  
No action necessary (but don't  
tell that to Betsy) - BR



THE SECRETARY OF HEALTH AND HUMAN SERVICES  
WASHINGTON, D.C. 20201

January 10, 1997

MEMORANDUM FOR THE PRESIDENT

'97 JAN 13 PM 6:29

We are pleased to provide you with a progress report on our agencies' efforts to implement your directive of October 3 entitled "Guidelines to States for Implementing the Family Violence Provisions."

Your continued attention to the issue of domestic violence has been critical to building public awareness and creating both the will and the capacity in states and local communities to address this issue. The complex linkages between domestic violence and welfare are critical, but not well understood. The family violence provisions in the new welfare law create even greater opportunity to expand our knowledge base, disseminate information and guidance and work with our state and local partners to create new avenues for stopping violence in the home. Through close collaboration with these partners we can build temporary assistance systems that require work, promote responsibility and protect children, and that also recognize the unique needs and circumstances of battered women, and provide them with the supports they need to move successfully from welfare to work.

The enclosed progress report demonstrates that our on-going work is proving extremely valuable and instructive in shaping technical assistance, policy guidance and the development of standards and procedures for meeting the needs of battered women.

Thank you again for your leadership on this issue.

Donna E. Shalala  
Secretary  
Department of Health  
and Human Services

Janet Reno  
Attorney General  
Department of Justice

Enclosure

**Progress Report**  
**on**  
**Guidelines to States**  
**for Implementing the Family Violence Provisions**  
**in the New Welfare Law**

**U.S. Department of Health and Human Services**  
**U. S. Department of Justice**

**January 3, 1997**

**Progress Report on  
Guidelines to States  
for Implementing the Family Violence Provisions  
in the New Welfare Law**

**INTRODUCTION**

The Clinton Administration has been a leader in combating the violence that continues to plague our homes and communities. The President, Vice President and members of the Cabinet have consistently and successfully used various forums to highlight the issue and to challenge states, communities and individuals to join together in putting an end to domestic violence.

This Administration has launched a number of new initiatives to improve protections for battered women and to increase the availability of desperately needed resources and services (see ATTACHMENT 1 for list of administration accomplishments). Additional activity generated by the family violence provisions in the new welfare law will build substantially on these efforts.

**THE FAMILY VIOLENCE PROVISIONS IN THE NEW WELFARE LAW AND THE  
PRESIDENT'S DIRECTIVE OF OCTOBER 3, 1996**

Signed by the President on August 22, 1996, the Personal Responsibility and Work Opportunities Reconciliation Act of 1996 (PRWORA) recognizes that welfare-to-work programs must have the tools, training and flexibility to help battered women move to self-sufficiency successfully. Welfare reform presents us with an important opportunity to build on the progress we have made: to establish services, supports and work opportunities for battered women; to further our knowledge about the links between domestic violence and welfare; to disseminate new information as it emerges; and to encourage replication of best practices across the country.

The Wellstone/Murray provision (section 402(a)(7) of the Social Security Act as amended by the PRWORA, also known as the Family Violence Amendment (or FVA) was enacted to help ensure that battered women are given the comprehensive assistance they need to move from welfare to work, and that their unique needs are considered as states develop their plans to help families achieve self-sufficiency. The FVA invites states to develop a three-pronged strategy to: 1) identify a battered woman as she enters the public benefits system; 2) waive certain program requirements if compliance would put her at risk of further violence; make it more difficult for her to escape violence, or otherwise unfairly penalize her; and 3) provide referrals for supportive

services.

Following passage of the new welfare law, states began to focus intently on the broader implementation issues before them. As a first step in addressing the interplay between welfare reform and domestic violence, HHS' guidance to states on Temporary Assistance to Needy Families (TANF) state plans explicitly asked that states consider how they would identify victims of domestic violence and provide them with additional, targeted support (see TANF Guidance at ATTACHMENT 3). Of the 39 states that have submitted their TANF plans, 11 have certified that they will implement the Family Violence Amendment; an additional 17 states have included a discussion about addressing the needs of battered women seeking to gain independence from welfare; and 11 states do not mention the issue (see chart at ATTACHMENT 4). As state legislatures convene, amendments to TANF plans -- some of which may explicitly address domestic violence issues -- may begin to emerge.

On October 3, President Clinton launched National Domestic Violence Awareness month by strongly encouraging states to implement the Wellstone/Murray and other family violence provisions of the new welfare law. He made a commitment to offer states assistance in their efforts to implement the family violence provisions. The President issued a directive to the Secretary of Health and Human Services and the Attorney General to:

1. Develop guidance for states to assist and facilitate the implementation of the family violence provisions.
2. Work with states, domestic violence experts, victims' services programs, law enforcement, medical professionals and others involved in fighting domestic violence in crafting guidance.
3. Recommend standards and procedures that will help make transitional assistance programs fully responsive to the needs of battered women.
4. Provide states with technical assistance as they work to implement the family violence provisions.
5. Make it a priority to understand the incidence of statutory rape, domestic violence and sexual assault in the lives of poor families, and to recommend the best assessment, referral and delivery models to improve safety and self-sufficiency for poor families who are victims of domestic violence. (See additional discussion at ATTACHMENT 2)

On October 30, Secretary Shalala sent a letter to all 50 Governors transmitting the President's directive, and stating that the Administration believes it is critical for states to consider issues about domestic violence as they develop their new transitional assistance programs for families (at ATTACHMENT 5). The Secretary's correspondence also reminded states that even if they do not initially opt to implement the family violence provisions, their plans can be modified to

include the certification at any point during the two-year period for which it is in effect.

## PROGRESS TOWARD THE PRESIDENT'S GOALS, AND PLANS FOR THE FUTURE

Our efforts to fulfill the President's directive and facilitate state and local efforts on behalf of battered women in the welfare and child support systems build on the work already undertaken by this Administration. Specific actions undertaken in the five areas outlined by the President and plans for future activity are detailed below.

### **1. Develop guidance for states to assist and facilitate the implementation of the family violence provisions.**

#### To date:

- **Family Violence Amendment.** HHS is reviewing the implications of a range of policy interpretations on the interaction between the Family Violence Amendment and other requirements specified in the law. Because few decisions regarding the welfare law stand alone, decisions about individual aspects of the law must be made in a broader context, and the issuance of policy guidance must be coordinated with other related sections of the law.
- **Immigrant provisions.** DOJ, HHS and other Federal agencies are reviewing the implications of the provisions in the welfare law, as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, relating to the treatment of certain categories of battered immigrants as "qualified aliens." Among other things, they are developing interim guidance for (1) defining "battery" and "extreme cruelty"; (2) determining when there is a substantial connection between the battery or cruelty inflicted on an alien and the alien's need for services; and (3) establishing procedures for verifying a battered immigrant is a qualified alien. Finally, DOJ and HHS also met with immigration advocates to discuss the structure and content of the interim guidance. DOJ, HHS and other agencies have proposed a technical amendment to the welfare law to clarify the scope of that section and the agencies' responsibility for implementing that section.
- **Guidance on standards and procedures related to domestic violence.** (See #3 below).

#### Future plans:

DOJ, with HHS and other Federal agencies, is preparing interim guidance on how certain categories of battered aliens can demonstrate eligibility for certain types of federal public means-tested benefits. This guidance is expected to be issued in early 1997.

**2. In crafting the guidance, work with states, domestic violence experts, victims' services programs, law enforcement, medical professionals and others involved in fighting domestic violence.**

To date:

- **State and local welfare officials.** HHS has also consulted with state and local welfare officials across the country, sharing information about domestic violence and welfare reform and exploring issues of interest and concern. Examples of issues raised thus far by state welfare officials include:
  - how to maintain confidentiality and also maintain complete case records;
  - how to place responsibility on the batterer for interference in a woman's efforts to enter the workforce;
  - how to enhance services for this population given a lack of resources;
  - how to address issues of cultural diversity;
  - how, within the capacity constraints of the welfare office, to establish a workable referral process and ensure follow-up; and
  - how to corroborate victimization.
- **Experts.** HHS and DOJ have met with domestic violence experts, victims' services programs, and others involved in preventing domestic violence to explore their views on the kinds of guidance that would be most useful to states and to develop processes for working through difficult issues such as:
  - how various state agencies can work together while maintaining the confidentiality of battered women;
  - how notification and screening can be institutionalized without putting women at risk; and
  - how casework plans can be crafted so that they meet new federal and state requirements but are also sensitive to and consistent with the particular circumstances a battered woman faces.

Information gathered in these discussions is forming the basis for the technical assistance efforts detailed in numbers 3 and 4 below. The consultations to date have provided an opportunity to identify what is needed in the area of technical assistance, as well as an opportunity to educate

participants about the dynamics of domestic violence and about the intersections of domestic violence and welfare reform.

Future plans:

In order to meet the changing needs of states as they implement new welfare systems, consultations with experts, providers, and state partners will be an ongoing endeavor. Additional consultations pursuant to the President's directive will further shape the development and provision of ongoing technical assistance:

- **Intergovernmental.** A consultation with intergovernmental groups, including the National Governors' Association, the National Conference of State Legislatures, the American Public Welfare Association, the American Public Health Association, the Association of State and Territorial Health Officials, the National Association of Counties, the U. S. Conference of Mayors, and the National League of Cities is being planned for January. These groups are clearly playing a significant role in implementation of new welfare reform and child support enforcement systems on the state and local level, and their input, as well as the opportunity to provide them with information on this issue will be critical.
- **Health.** HHS has begun to share information on domestic violence and welfare linkages with health organizations and other groups that interact with health providers, and is working with the Family Violence Prevention Fund -- the National Health Resource Center on Domestic Violence funded by HHS -- to establish a consultation process with this community.
- **Law enforcement.** Building on relationships already established by the Violence Against Women Office and the Office of Community Oriented Policing Services through their Community Policing to Combat Domestic Violence grants, DOJ will confer with all major law enforcement organizations as well as the National District Attorneys Association and the National Association of Attorneys General for input on the implementation of the Family Violence Amendment. These groups will help in forging the necessary collaboration between law enforcement, emergency services and welfare providers and identifying the immediate and long term needs of victims of domestic violence from law enforcement's standpoint. This dialogue also builds on relationships already established with the U.S. Attorneys Offices.

**3. Recommend standards and procedures that will help make transitional assistance programs fully responsive to the needs of battered women.**

To date:

Through the consultation process described above, our departments have identified the need for

recommended standards and procedures in several areas. HHS's National Resource Center on Domestic Violence is working in consultation with a range of partners in the domestic violence community to begin developing a series of recommended standards and procedures in the areas of notification, screening and identification, corroboration, and referral.

**Future plans:**

As recommended standards and procedures are completed, they will be forwarded to states, tribes and local domestic violence coalitions for inclusion in a growing technical assistance resource "notebook". (see number 4 below for more detail on the "notebook").

As implementation of welfare and child support enforcement reform proceeds, technical assistance and consultation efforts will enable federal agencies to obtain feedback about the need for standards and procedures in other areas.

**4. Provide states and tribes with technical assistance as they work to implement the family violence provisions.**

**To date:**

Consultations, conferences and technical assistance packages have been and will continue to be vehicles for promoting awareness about the Family Violence Amendment, and for providing states and local communities with information about the dynamics of domestic violence, about what is known of the interaction between domestic violence and welfare, about best practices, and about federal, state and local referral resources. Activities to date include:

- On August 19, the Office of Family Assistance/HHS sponsored a "Tribal Roundtable" for the Native American population in Region 5 (Illinois, Indiana, Michigan, Minnesota, Ohio and Wisconsin) to discuss welfare reform and other issues. A session addressing domestic violence was included, in which participants received information on identifying and recognizing victims of abuse, and on referral mechanisms and supportive services available to victims.
- Following the issuance of the President's directive, the Offices of Child Support Enforcement and Family Assistance in HHS sent "Dear Colleague" letters about the directive and the Family Violence Amendment to all State Welfare Administrators, every state and territory's child support director, and all federal regional office child support program managers. The transmittals included background information on domestic violence and welfare as well as referral resources (at ATTACHMENT 6).
- On September 3, the Office of Family Assistance/HHS provided technical assistance to its "Welfare Culture Change" grantees -- the States of Alaska, Oregon, Nevada, Pennsylvania and South Carolina, and Napa County, California, Denver County,

Colorado, and Anne Arundel County, Maryland --concerning issues of domestic violence. The Welfare Culture Change initiative was launched in 1995 to work intensively with states to reorient welfare offices toward work. The Anne Arundel County grantee has been provided additional funds to develop training for front-line workers to help them identify victims of domestic abuse and make referrals to appropriate services.

- On October 24, the Office of Family Assistance/HHS held a conference call with state welfare officials and regional office staff from 40 states. Domestic violence experts provided information about domestic violence and welfare dependence, discussed barriers to employment, and provided referral resources. Participants also engaged in a dialogue about the challenges involved in serving battered women more effectively through the welfare system.
- On October 29 -31, HHS convened a conference of over 300 Tribal administrators and others to discuss welfare reform implementation and develop partnerships to improve service delivery and outcomes for Indian families and children. Breakout sessions on the links between domestic violence and welfare were held, and a range of implementation issues raised and discussed. Critical to the discussions of domestic violence and welfare reform were the issues of coordination and services integration.
- In October and November, the Office of Child Support Enforcement/HHS held workshops and discussions on domestic violence at each of 3 national welfare reform conferences in Portland, Dallas, and Washington, DC. Attendees included representatives from federal and state child support, TANF, Head Start, and child care offices, as well as academics, and advocacy groups. Material on domestic violence and welfare reform was included in conference notebooks that were disseminated to approximately 1000 individuals.
- On December 18, the Office of Family Assistance/HHS held a follow-up conference call with state and local welfare officials to continue the dialogue about these issues.
- An article on the domestic violence provisions of the new law and the President's proclamation were published in the Office of Child Support Enforcement/HHS's December newsletter, disseminated to some 2000 child support practitioners, State, local, and advocacy groups (at ATTACHMENT 7).
- To date, HHS's National Resource Center on Domestic Violence has provided ongoing telephone technical assistance to over 10 states on issues related to the implementation of the Family Violence Option or other provisions developed to recognize the safety concerns of battered women and their children.

### Future plans:

Based on initial consultations held with experts and advocates, it is clear that the provision of technical assistance on these issues must be an ongoing process. The field is new and information, best practices and policy options are still emerging.

- **Resource Notebook.** HHS and DOJ envision an approach whereby key contacts -- including Governors, welfare directors, child support directors, tribal leaders, victims assistance coordinators, state directors of family violence programs, law enforcement, domestic violence coalitions -- receive an expandable resource "notebook." New and updated information would be sent regularly for inclusion in this notebook. The preliminary set of materials for the notebook would likely include the following:
  - Background (Statute, President's directive, Secretary's letter to Governors).
  - A summary of what is known from research about the incidence, prevalence and dynamics of domestic violence.
  - A summary of what is known from research and experience about the dynamics of battered women on welfare, as they relate to work and child support enforcement.
  - A paper on possible standards and procedures for screening, notification, case assessment and corroboration.
  - Listings of local, state and federal resources, including information on the Domestic Violence Hotline funded by HHS.
  - A paper on domestic violence and child support enforcement: issues, practices, policy options, linkages with TANF implementation.
  - A paper on battered aliens: the law and state responsibilities.
  - A discussion of planning issues for welfare administrators, such as: who should be involved; staffing needs; procedural needs; training needs; and policy issues.
  - A paper on confidentiality issues.
  - Lessons learned and information from HHS's welfare culture change demonstrations.
  - Information on local, state and federal law enforcement.

It is anticipated that the notebook -- with some of the above listed material -- will be sent

to key contacts in 1997.

- **Child Support Forum.** The Office of Child Support Enforcement/HHS has plans to hold a forum early in 1997 on the issues of cooperation and good cause exemptions -- i.e. how states will determine whether someone may be exempted from cooperating with paternity establishment and child support enforcement requirements because of domestic violence or other reasons. Federal, State, and local representatives from child support agencies, TANF, Food and Nutrition Services, DOJ, and Medicaid programs, and fathers' and mothers' advocacy groups will be invited. Technical assistance and training needs, desired policy, and "best practices" will be discussed.
- **National Resource Center.** The National Resource Center on Domestic Violence will continue to respond to requests for assistance in preparing teleconferences and regional training on TANF and domestic violence issues, as well as from TANF State administrators seeking information and guidance.
- **Health provider training.** The Centers for Disease Control and Prevention (CDC)/HHS is preparing an annotated bibliography and summary of health care provider training materials and programs for identifying and treating victims of intimate partner violence and sexual assault. The programs' descriptions, contact persons, list and description of available materials, and target audiences will be available for organizations looking to implement appropriate provider training programs.
- **Substance abuse treatment protocols.** The Substance Abuse and Mental Health Services Administration/HHS is developing a Treatment Improvement Protocol -- a series of technical assistance publications for substance abuse treatment programs -- on how to address domestic violence within substance abuse treatment programs.
- **TANF worker training.** The Office for Victims of Crime/DOJ has offered to begin including TANF workers in the training that it provides Victims of Crime Act grantees on identifying referral services for victims of domestic violence.

**5. To make it a priority to understand the incidence of statutory rape, domestic violence and sexual assault in the lives of poor families, and to recommend the best assessment, referral and delivery models to improve safety and self-sufficiency for poor families who are victims of domestic violence.**

To date, there is a limited body of research on the incidence of domestic violence and ways this problem affects women's ability to participate in work programs. In addition, we are only beginning to understand the intersection of domestic violence and child support enforcement requirements.

Recent studies, while limited, can be helpful in two areas but additional research is needed. On

the incidence of domestic violence in the AFDC caseload, a study conducted by the Commonwealth of Massachusetts of all women receiving AFDC at the time of recertification indicates that about 20 percent of women report having experienced behavior by intimate partners in the last year that might be described as "seriously abusive." While many more may have experienced such behavior during their lives, it is likely that welfare systems will need to attend most closely to those who faced domestic violence in the recent past. Since for some battered women work can provide a route to independence from an abusive relationship, it is not likely that all of the 20% would need special attention, and probably only a smaller number would need to be relieved of work requirements at any one time. However, until there is experience in practice we will not know with precision how many woman may need exemptions.

We are also beginning to see useful research about the ways that domestic violence serves as a barrier to work. A study by the Manpower Development Research Corporation of the New Chance welfare to work program, indicates that 16 percent of the young mothers participating in the program had been abused by a partner. For many, the abuse served as a barrier to working. Also, an HHS-funded Urban Institute study on barriers to employment identified domestic violence as a problem increasingly recognized by welfare caseworkers. Moreover, studies by the Taylor Institute in Chicago provide evidence of how battering can limit work: batterers have been found to sabotage work by causing physical injuries, destroying clothes, stalking women at work and preventing them from sleeping, among other things.

To date:

There are also a number of federally-funded research efforts currently underway which should yield new information about the links between domestic violence and welfare:

- The National Institutes of Health/HHS, in collaboration with CDC/HHS, the Administration for Children and Families/HHS and DOJ recently committed over \$5 million over several years to fund research on family violence. Awards for 10 studies were made this year, including:
  - Children of Battered Women: Reducing the Risk
  - Protection of Women: Health and Justice Outcomes
  - Understanding Partner Violence in Native American Women
  - Domestic Violence Among Latinos: Description and Intervention
- CDC/HHS and the National Institute of Justice/DOJ are collaborating on a national survey on violence against women. The survey will estimate levels of intimate partner violence and assess health outcomes (e.g., injury) regarding family and intimate violence in the general population.

- CDC/HHS is also supporting extramural research projects for identifying modifiable risk factors associated with family and intimate violence and evaluating the effectiveness of a broad range of intervention activities.
- CDC/HHS is evaluating two existing programs for training health care providers in the identification, referral, and treatment of victims of family and intimate violence. A medical school training program at UCLA and a hospital-based training program called 'WomanKind' are being evaluated for their effectiveness in preparing health care providers and for desirability as model programs.

In addition to current research initiatives, HHS has several demonstration projects underway which are exploring the links between domestic violence, welfare reform and child support enforcement.

- The Office of Family Assistance/HHS's Welfare Culture Change Initiative described above has three continuing grantees in FY 1996.
- The Office of Child Support Enforcement has funded an expansion of the Colorado model office project -- one of a series of demonstrations aimed at improving efficiency in child support enforcement -- which will look at the incidence of domestic violence as a factor in noncooperation with child support enforcement. Results are anticipated in late 1997.

**Future plans:**

HHS and DOJ will share with key contacts ongoing results from these demonstrations as they become available. In addition HHS and DOJ are considering various research options for the future. Of immediate priority is obtaining and disseminating research findings from recent studies on the role of domestic violence as a barrier to working, the incidence of domestic violence in the AFDC caseload, and how child support enforcement cooperation requirements impact on battered women. In addition:

- The Office of the Assistant Secretary for Planning and Evaluation/HHS, with other HHS and DOJ offices, is planning a study of state practices and policies that address domestic violence in the TANF and child support enforcement programs. Models will be identified and described and then disseminated.
- The Office of Child Support Enforcement/HHS's FY 1997 research budget includes a commitment to examine the intersection of domestic violence and the requirements of cooperation and good cause exception.
- As a result of the recommendations contained in "Understanding Violence Against Women," a report mandated by congress in the Crime Act of 1994 and conducted and

published by the National Research Council, CDC/HHS and NIJ/DOJ are proposing a coordinated collaborative research initiative to understand the extent of violence against women, its causes and consequences and to assess the best means for preventing violence against women. This program of basic research is directly relevant to implementation of the Family Violence Amendment as it includes examination of the dynamics of domestic violence in impoverished and minority communities and an analysis of domestic violence and work.

- As part of the DOJ implementation of Section 906 of the PRWORA, NIJ/DOJ and OVC/DOJ are developing a strategy for studying the relationship between statutory rape and teen pregnancy and exploring the incidence of battering in relationships between older men and young girls. Related implementation activities are discussed at ATTACHMENT 2.
- Finally, federal and non-federal researchers in the area of domestic violence/welfare linkages convened at the University of Michigan in November, 1996, to present their work and findings to date. As a result of this conference, several compilations of findings are being prepared and will be disseminated to state welfare officials and others as they become available. Experts at this session agreed that the research to date in this area is inconclusive and leaves many urgent questions unanswered. NIJ/DOJ has agreed to host a strategic planning session this spring to plan a research agenda to answer these questions.

## CONCLUSION

The family violence provisions in the new welfare reform law and the President's Directive of October 3, 1996, have created an important opportunity to build on the steps taken by the Clinton Administration to raise public awareness about domestic violence and create new avenues for stopping the violence. Through close collaboration with state and local partners, we can build temporary assistance systems that require work, promote responsibility and protect children while recognizing the unique needs and circumstances of battered women, and successfully providing the supports they need to move from welfare to work and independence.

ATTACHMENT 1 - Administration accomplishments: "Preventing Violence Against Women"

ATTACHMENT 2 - Department of Justice Activities under Section 906 of the PRWORA

ATTACHMENT 3 - Excerpt from: "State Guidance for the Temporary Assistance for Needy Families Program"

ATTACHMENT 4 - Charts depicting state TANF plan certifications

ATTACHMENT 5 - Secretary's October 30 letter to Governors

ATTACHMENT 6 - "Dear Colleague" letters and supporting materials

ATTACHMENT 7 - Article in the Office of Child Support Enforcement/HHS's December newsletter

**ATTACHMENT 1**

**Administration Accomplishments:  
“Preventing Violence Against Women”**

January, 1997

## PREVENTING VIOLENCE AGAINST WOMEN

*"I call on American men and women in families to give greater respect to one another. We must end the deadly scourge of domestic violence in our country."*

*-- President Clinton, State of the Union address, 1996*

### **The National Domestic Violence Hotline**

The hotline has received over 50,000 calls since it was launched by President Clinton on February 21, 1996. The vast majority of these calls are from individuals who have never before reached out for assistance. To support the tremendous response to this service, the hotline will receive \$1.2 million in funding for FY 1997 – an \$800,000 increase over its original 1997 authorization. A 24-hour, toll-free service, the hotline provides crisis assistance and local shelter referrals for callers across the country. It represents a major step towards the Clinton Administration's goal of ensuring that every woman has access to information and emergency assistance, wherever and whenever she needs it. The hotline is operated by the Texas Council on Family Violence, through an HHS grant. The voice number is 1-800-799-SAFE, and the TDD number for the hearing impaired is 1-800-787-3224.

### **Executive Action on Domestic Violence**

On October 3, 1996, President Clinton urged all states to implement the Family Violence provisions included in the welfare bill he signed on August 22, 1996. To help welfare recipients who are victims of domestic violence move successfully into work, the provisions give states the option to screen welfare recipients for domestic abuse; refer them to counseling and supportive services; and temporarily waive – if the state chooses – any program requirements that would prevent recipients from escaping violence or would unfairly penalize them. The President also directed the Department of Health and Human Services and the Justice Department to develop guidance for states and assist them in implementing the provisions.

### **New Federal Anti-Stalking Law and Domestic Violence Gun Law**

On September 23, 1996, President Clinton signed into law the Interstate Stalking Punishment and Prevention Act of 1996, which dramatically toughens the law against stalkers. For the first time, this law makes it a Federal crime for any stalker to cross state lines to pursue a victim, regardless of whether there is a protection order in effect, they have committed an actual act of violence, or they are a spouse or intimate of the victim. In addition, on September 30, the President signed legislation to keep guns away from people convicted of misdemeanor crimes of domestic violence.

### **The Advisory Council on Violence Against Women**

The Advisory Council on Violence Against Women was created on July 13, 1995. Co-chaired by Attorney General Janet Reno and Secretary of Health and Human Services Donna Shalala, the Council

consists of 47 experts -- representatives from law enforcement, media, business, sports, health and social services, and victim advocacy -- working together to prevent violence against women.

- o **A Checklist for Communities** On October 1, 1996, the Attorney General and Secretary Shalala announced the creation of a "Community Checklist," to help ensure that every community in the country has resources in place for domestic violence prevention and intervention. The checklist lists steps that every facet of a community can take to prevent domestic violence; it includes recommendations for police departments, businesses, social service groups, religious organizations, athletic organizations, the media, and others.
- o **Workplace Awareness** The Workplace Resource Center is organized by the Family Violence Prevention Fund and supported by many corporations, state and local governments, labor unions, and the Advisory Council. The Center provides help and education to employees in the private and public sectors concerning domestic violence -- though newsletters, information fairs, and workplace assistance. On October 1, 1996, businesses around the country kicked-off activities for Workplace Awareness Day, and President Clinton urged all corporations to join the campaign. The Federal government, under the President's direction, is also implementing an Employee Awareness Campaign on Violence Against Women.

### **Immigration Bill Provision for Domestic Violence Victims.**

At the Administration's urging, Congress included a provision in the immigration bill that the President signed on September 30, 1996, to ensure that immigrant women and children who are victims of domestic violence are eligible for vital public health services and are not denied services due to changes in deeming rules. The Administration also succeeded in removing provisions from the bill that would subject battered immigrants to deportation for receiving these vital services. In addition, the immigration bill now makes battered immigrants eligible for cash assistance and Medicaid if the states exercise their option under the welfare law to make legal immigrants eligible for such programs.

### **The Violence Against Women Act**

The Violence Against Women Act (VAWA), passed as part of the Crime Act of 1994, is landmark bipartisan legislation -- combining tough new penalties with programs to prosecute offenders and help women victims of violence.

VAWA is authorized to provide \$1.6 billion over five years to hire more prosecutors and improve domestic violence training among prosecutors, police officers, and health and social services professionals. It provides for more shelters, counseling services, and research into causes and effective public education campaigns.

In addition, VAWA takes domestic violence seriously by setting new federal penalties for those who cross state lines to continue abuse of a spouse or partner. VAWA has now been used in 20 prosecutions, in addition to those taking place at the state and local levels. VAWA makes it unlawful for any person who is subject to a restraining order to possess ammunition or a firearm. It also requires states to honor protective orders issued in other states and gives victims the right to

mandatory restitution and the right to address the court at the time of sentencing.

The Department of Health and Human Services and the Justice Department are leading the following initiatives under the Violence Against Women Act:

### **Health and Human Services Programs under VAWA**

- o **Grants for Battered Women's Shelters.** In 1997, HHS will award \$72.8 million to states, territories, and tribes to expand the availability of shelter services to victims of family violence and their dependents -- an increase of 52 percent over the \$47.6 million available in 1996. These resources will also support related services, such as community outreach and prevention, children's counseling, and linkage to child protection services. The Crime Act provided new resources to extend these services under the existing Family Violence Prevention and Services Act.
- o **Education and Prevention Grants to Reduce Sexual Assaults Against Women.** Under this program, HHS provides grants to states for rape prevention and education programs conducted by rape crisis centers or similar nongovernmental, nonprofit entities. The funds will support educational seminars, the operation of hotlines, training programs, preparation of informational materials, and other activities to increase awareness of and to help prevent sexual assault. States receiving grants must devote at least 25 percent of their funds to education programs targeted to middle school, junior high school, or high school students. CDC will receive \$35 million for this program in FY 1997, an increase of 22 percent over its 1996 appropriation.
- o **Coordinated Community Responses to Prevent Intimate Partner Violence.** This program, administered by CDC, will help build new community programs aimed at preventing intimate partner violence, as well as strengthen and better coordinate existing community intervention and prevention programs. The program will also evaluate the impact of comprehensive community programs on preventing intimate partner violence. This program was appropriated \$6 million for FY 1997, an increase of 100 percent over its 1996 appropriation.
- o **Youth Education on Domestic Violence.** Four model curricula for youth education about domestic violence will be recommended to Congress for use in primary, middle and secondary schools, as well as higher education levels. The curricula will be chosen in consultation with an expert panel, and will be used as model programs for schools across the country. This program was given a one-year appropriation of \$400,000 in FY 1996.
- o **Education and Prevention Services to Reduce Sexual Abuse Among Runaway, Homeless, and Street Youth.** This program was authorized under the Crime Act to provide street-based outreach and education, including treatment, counseling, and provision of information and referrals to runaway, homeless, and street youth who have been subjected to or are at risk of sexual abuse. The program was appropriated \$8 million for FY 1997, an increase of 42 percent over FY 1996.

### **Justice Department Programs under VAWA and Related Efforts**

- o The Justice Department's STOP (Services, Training, Officers, Prosecutors) grant program assists law enforcement officers and prosecutors in developing better strategies to combat violence against women. In FY 1997, the Justice Department will provide \$145 million to states and territories to support coordinated approaches to combating domestic violence and sexual assault, an 11 percent increase over FY 1996.
- o In addition, the Justice Department has awarded over \$46 million to 122 communities to help investigate and prosecute domestic abuse as a crime. Justice will also provide \$8 million to fund rural domestic violence programs in FY 1997, an increase of 14 percent over FY 1996.
- o The Clinton Administration has designed a new \$46 million Community Policing to Combat Domestic Violence Program. The Justice Department's COPS office is providing funds to over 300 jurisdictions around the country under this initiative to run innovative community policing programs focused on domestic violence.
- o Section 2265 of the Violence Against Women Act (VAWA) provides that a civil protection order issued by the courts of one state or Indian Tribe shall be accorded full faith and credit by the courts of another state or tribe and be enforced as if it were the order of the court of the second state or tribe if the due process requirements of the issuing state or tribe were met. DOJ has adopted an implementation strategy involving federal leadership through outreach, research and the provision of training, technical assistance and opportunities for collaboration at the national, state and district levels. The Department's Office of Justice Programs awarded funding for a cooperative agreement with the Battered Women's Justice Project to support the development of a resource clearinghouse and implementation tools. The Department has also funded a regional pilot project in Kentucky to test interstate and intrastate verification systems for facilitating the street level enforcement of protection orders. In addition, the Department has awarded funding for a joint task force of the Conference of Chief Justices and the Conference of State Court Administrators that will focus on full faith and credit.
- o In August, 1996, at the direction of the President, the Attorney General developed and presented a plan for a national registry to track convicted sex offenders, including rapists and child molesters. The FBI is currently implementing that plan.
- o The Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, enacted as part of the 1994 Crime Act, was amended by the federal Megan's Law, signed by the President on May 17, 1996, and by the Pam Lychner Act, enacted October 3, 1996. Under these statutes, convicted sex offenders and child molesters must register information about their whereabouts with appropriate state law enforcement agencies for ten years after release from prison and state officials must notify local law enforcement when they are released or move. States must notify the public about the release of registered sex offenders when necessary for public safety.
- o *Violence Against Women Act News* is a monthly publication of the Violence Against Women Office that provides victims' groups, public agencies, and individuals with current information about legislation, programs, and policies concerning domestic violence and sexual assault. First distributed in July 1996, the newsletter is disseminated through a growing list of

subscribers and includes examples from the field of how state and local groups are working against violence.

### **Other Efforts at the Department of Health and Human Services**

- o In 1994, the Centers for Disease Control and Prevention and its National Injury Center, working with the Department of Justice, expanded their public prevention and awareness efforts in a new initiative to research the prevalence of domestic violence.
- o The Substance Abuse and Mental Health Services Administration (SAMHSA) administers several programs that both research and work to address substance abuse and mental health issues among victims of domestic violence.
- o The Administration on Aging (AOA) has funded the creation and operation of the National Center on Elder Abuse, which focuses on training, technical assistance, research, and information dissemination related to elder abuse, neglect, and exploitation. In addition, AOA has funded six project grants to link state and local domestic violence and aging organizations to protect older women against domestic violence. In addition to this AOA project, HHS funds four national resource centers which provide information, technical assistance, and research findings on domestic violence.
- o The Health Resources and Services Administration (HRSA) has funded two grants to prevent domestic violence. One grant supports the development of professional training curricula for all nurse-midwives and the other supports training of providers in both frontier and urban communities statewide in Alaska.
- o HHS also funds several programs that aim to strengthen families, prevent the abuse of women and children, and help families provide a healthy and safe environment for children. These programs include the Family Preservation and Support program; Community Schools; and Child Abuse Prevention and Treatment Act grants.

### **Background**

Recent statistics show that nearly 30 percent of all female homicide victims were known to have been killed by their husbands, or boyfriends.<sup>1</sup>

**ATTACHMENT 2**

**Department of Justice Activities  
under Section 906 of the PRWORA**

**Department of Justice Activities under Section 906 of the  
Personal Responsibility and Work Opportunities Reconciliation Act of 1996 (PRWORA)**

Section 906 of the PRWORA directs the Attorney General to establish and implement by January 1, 1997 a program that does the following: (a) studies the linkages between statutory rape and teen pregnancy, particularly by older, predatory men committing repeat offenses; and (b) educates state and local criminal law enforcement officials on prevention and prosecution of statutory rape, especially the commission of statutory rape by predatory older men committing repeat offenses, and any links to teen pregnancy.

Section 906 also directs the Department of Justice's Violence Against Women Act (VAWA) initiative to address the statutory rape issue, with an emphasis on predatory older men committing repeat offenses.

### **Research Agenda**

NIJ/DOJ and OVC/DOJ are developing a research strategy for understanding the linkages between statutory rape, teen pregnancy and domestic violence.

### **Statutory Rape Under State Law**

The Department of Justice plans to review state and local initiatives and prosecutorial practices. DOJ will conduct a symposium for the National District Attorneys Association, the National Association of Attorneys General, and others involved in statutory rape prosecution and prevention to discuss this crime from a multidisciplinary perspective. The symposium will also draw on the expertise of the directors of an American Bar Association-Progressive Foundation study of predatory sexual activity directed at young females and law enforcement's response to these crimes. Dissemination of the symposium's findings and related technical assistance will probably be the most effective and credible approach to "educating" state and local law enforcement about statutory rape.

### **Statutory Rape Under Federal law**

The Department of Justice will convene a working group to examine current practices in federal prosecution and sentencing of statutory rape.

### **VAWA Initiative**

The VAW Grants Office plans to bring attention to the issue through several of the VAWA grant programs. The Violence Against Women Office Director has already flagged the concern in correspondence to all 50 Governors. At least one state, Connecticut, is already using VAWA grant funds to support a related initiative.

**ATTACHMENT 3**

**Excerpts from: “State Guidance for the  
Temporary Assistance for Needy Families Program”**

# DRAFT

*"...our nation's answer to this great social challenge will no longer be a never-ending cycle of welfare, it will be the dignity, the power and the ethic of work. Today, we are taking an historic chance to make welfare what it was meant to be: a second chance, not a way of life." President William J. Clinton*

**STATE GUIDANCE  
FOR THE  
TEMPORARY ASSISTANCE  
FOR  
NEEDY FAMILIES  
PROGRAM**



Department of Health and Human Services  
Administration for Children and Families  
370 L'Enfant Promenade, S.W., Washington, D.C. 20447  
September 1996

# DRAFT

## A New Beginning...

### The Temporary Assistance for Needy Families (TANF) Program

On August 22, President Clinton signed into law the "Personal Responsibility and Work Opportunity Reconciliation Act of 1996," a comprehensive bipartisan welfare reform bill that establishes the Temporary Assistance for Needy Families (TANF) program. This legislation will dramatically change the nation's welfare system into one that requires work in exchange for time-limited assistance. It contains strong work requirements, a performance bonus to reward States for moving welfare recipients into jobs, State maintenance of effort requirements, comprehensive child support enforcement, and supports for families moving from welfare to work.

In signing the bill, President Clinton said, "This is not the end of welfare reform, this is the beginning." He went on to say:

Today, we are ending welfare as we know it. But I hope this day will be remembered not for what it ended, but for what it began -- a new day that offers hope, honors responsibility, rewards work, and changes the terms of the debate....

The new legislation gives States the opportunity to create a new system that promotes work and responsibility, and strengthens families. It challenges us all to remedy what is wrong with the old system, and to provide opportunities that will help needy families under a framework of new expectations.

### Starting the Program

The new TANF program replaces the AFDC, JOBS and EA programs with a new block grant program. A State is eligible to participate in the new program no earlier than the submittal of its State TANF plan. A State will receive its block grant funds once the Secretary has found the State's plan to be complete.

States must submit their TANF plans no later than July 1, 1997, but can submit them earlier if they choose. States should consider several factors in deciding whether to implement the TANF program prior to July 1, 1997. In States with reduced caseloads, funding for the AFDC, EA and JOBS programs may be less than the amounts the States would receive under the new block grant. Thus, it may be financially advantageous for some States to accelerate their effective date.

In addition to the financial implications, States should also weigh other considerations in determining when to implement the new program. Given the complexity of the new legislation and the tremendous range of options available, designing and implementing a new program will require a significant effort on the part of States. They must consult and coordinate with numerous parties, undertake staff training and modify computer systems.

Inadequate attention to these activities could undermine the long-term effectiveness of the State's program. Further, once States submit their plans, the work requirements and the 5-year time limit begin. Penalty and data collection requirements begin July 1, 1997, or 6 months after the plan has been submitted, whichever is later.

## **Suggested State Plan Outline**

The statute requires States to outline how they intend to conduct a program that provides assistance to needy families with children and provide parents with job preparation, work and support services to enable them to leave the program and become self-sufficient.

We recommend that States use the State plan process to consider and address a set of important questions, and to outline to the citizens of the State, other interested parties, and the Federal government how those questions will be addressed in the operation of the State's program. Toward that end, we suggest that a State plan include discussion of the issues outlined below as well as addressing all other requirements specified in the law. Attachment A provides a copy of the statutory text.

A possible format is a 15-20 page document that describes the State's program goals, approach, and program features. Some States may emphasize some areas more than others depending on the circumstances in the State. States must submit plans every two years. They may submit amendments to keep the plan current whenever they wish to make changes in the administration or operation of the program. A State plan will be considered complete as long as it includes the information required by the Act.

## **GOALS, RESULTS AND PUBLIC INVOLVEMENT**

What are the overarching goals for your program? How were local governments and private sector organizations involved in designing the TANF plan? How has the public been involved in program design and has the public had the opportunity to provide input? How will you judge and measure progress toward goals? What results will be measured and how will accountability be ensured?

## **NEEDY FAMILIES**

Who will be assisted under this program? How will "needy families" be defined? Will all families in the State have access to the same program or will it vary? Will the same services be offered to families who have moved from another State? How will eligible non-citizens be treated within the program? How will the privacy of families be protected? What rights will applicants and beneficiaries have to challenge decisions?

# DRAFT

## WORK AND SELF-SUFFICIENCY

What are your overall goals for work and self-sufficiency? How will the program move families to work and ultimately to self-sufficiency? What services will be available to move clients to work? How will you identify and provide additional, targeted support to victims of domestic violence and others who may have particular difficulty successfully making the transition from welfare to work? How will current workers be protected from displacement? How will various community, education, business, religious, local government, and non-profit organizations be involved in the effort to provide work for clients? How will the delivery of services vary across the State?

## BENEFITS

What benefits will be given to needy families? Will benefits be delivered through cash, in-kind, vouchers, or electronic benefits transfer (EBT)? How will time limits and sanctions be incorporated into the program? What supportive services will be available to clients? How will child care be provided to allow parents to go to work?

## CULTURE CHANGE

What measures will be taken to change the culture of the welfare office to support work and self-sufficiency? What kind of training will take place for staff who will be involved in administering the program?

## PARENTAL RESPONSIBILITY

How will parental responsibility be encouraged? How will child support enforcement interact with the TANF program? Will non-custodial parent be involved in any work programs? What efforts will be made to reduce the incidence of out-of-wedlock births? How will problems of domestic violence and statutory rape be addressed?

## TRIBES

How will you ensure equitable access to your program for members of Indian tribes who are not eligible for assistance under a tribal family assistance plan? How will you assist tribes in implementing their programs? What kind of assistance will be available to tribes in implementing their programs?

## ADMINISTRATION

What is the structure of the agency administering the program? What will be the role of public or private contractors in the delivery of services? How will elements of the program be phased-in? Will the implementation date differ from the plan submittal date?

# DRAFT

## WAIVERS

Do you intend to continue one or more individual waivers as provided under section 415? If so, please identify each waiver provision and each provision of new law that you believe are inconsistent, and provide the basis for your assessment of inconsistency. (You may wish to consult with the chief law officer of your State in making this assessment.) What is the name of the 1115 demonstration which contains the waiver? What are the beginning and ending dates of the demonstration? Is the waiver incorporated into your TANF plan applicable statewide? If not, how will TANF operate in those areas of the State not covered by the continuing waiver? Note: Future legislative or regulatory action may limit which provisions of the TANF may be considered inconsistent with waivers for purposes of determining penalties. If this happens, States will have an opportunity to submit a new plan in order to come into compliance with the requirements.

## Description of Attachments

In additions to this guidance, we are providing three attachments that State policy makers may wish to use in developing their State TANF plans. Attachment A is a copy of the statutory requirements regarding the state plan. Attachment B contains suggested formats for the required certifications that must be submitted with a state plan. Attachment C provides technical information for financial officers of the program regarding funding and a mechanism for States to request TANF funds.

## Paperwork Reduction Act

The information in the State TANF plan is collected in accordance with section 402 of the Social Security Act, as amended. Information received in the State plans sets forth how the TANF program will be administered and operated in the States.

The response burden for this collection of information is estimated to be 60 hours per response, including the time for reviewing the statute, this guidance gathering and preparing the information, and reviewing the information.

The information collected is mandatory in accordance with the above-mentioned citations.

This information is not considered confidential; therefore, no additional safeguards are considered necessary beyond that customarily applied to routine government information.

## Inquiries

Inquiries should be addressed to the appropriate Regional Administrator, Administration for Children and Families. Information about all State plans will be posted on the ACF home page.

**DRAFT**

**Statutory Text**

the State that, during the fiscal year, the State will provide each member of an Indian tribe, who is domiciled in the State and is not eligible for assistance under a tribal family assistance plan approved under section 412, with equitable access to assistance under the State program funded under this part attributable to funds provided by the Federal Government.

**(6) CERTIFICATION OF STANDARDS AND PROCEDURES TO ENSURE AGAINST PROGRAM FRAUD AND ABUSE.-**A certification by the chief executive officer of the State that the State has established and is enforcing standards and procedures to ensure against program fraud and abuse, including standards and procedures concerning nepotism, conflicts of interest among individuals responsible for the administration and supervision of the State program, kickbacks, and the use of political patronage.

**(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) PUBLIC AVAILABILITY OF STATE PLAN SUMMARY.-**The State shall make available to the public a summary of any plan submitted by the State under this section.

**DRAFT**

**Certifications**

2

5. Provide each member of an Indian tribe, who is domiciled in the State and is not eligible for assistance under a Tribal Family Assistance plan approved under Section 412, with equitable access to assistance under the State program funded under this part attributable to funds provided by the Federal Government.
6. Establish and enforce standards and procedures to ensure against program fraud and abuse, including standards and procedures concerning nepotism, conflicts of interest among individuals responsible for the administration and supervision of the State program, kickbacks, and the use of political patronage.
7. Make available to the public a summary of the State plan; and

**OPTIONAL CERTIFICATION**

- [ ] The State has established and is enforcing standards and procedures to:
- (1) Screen and identify individuals receiving assistance under this part with a history of domestic violence while maintaining the confidentiality of such individuals;
  - (2) Refer such individuals to counseling and supportive services; and
  - (3) Waive, pursuant to a determination of good cause, other program requirements such as time limits (for as long as necessary) for individuals receiving assistance, residency requirements, child support cooperation requirements, and family cap provisions, in case 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.

**CERTIFIED BY THE CHIEF EXECUTIVE OFFICER OF THE STATE:**

\_\_\_\_\_  
Date

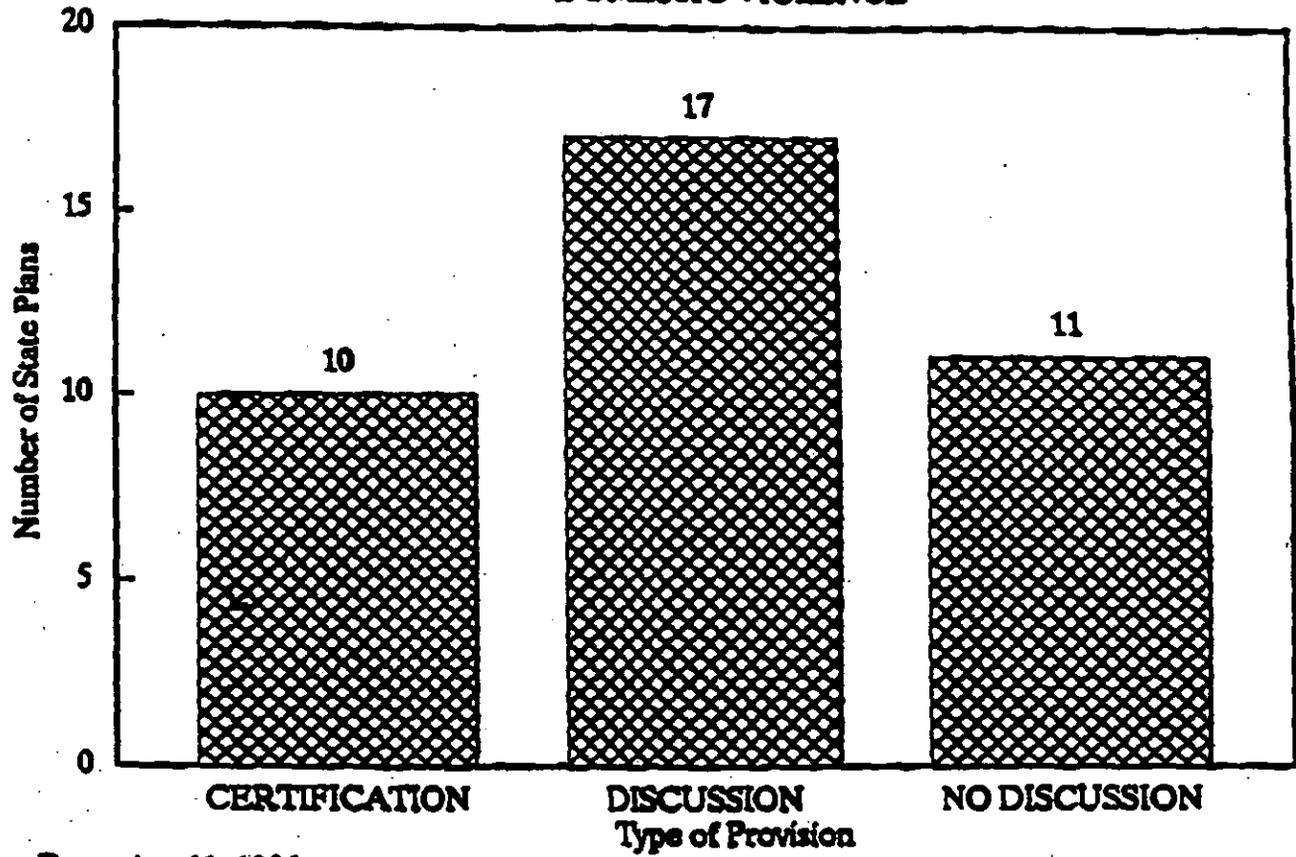
\_\_\_\_\_  
Signature and Title

**ATTACHMENT 4**

**Charts Depicting State TANF Plan Certifications**

# TANF STATE PLANS

## DOMESTIC VIOLENCE



December 11, 1996

## TANF STATE PLANS: DOMESTIC VIOLENCE

STATE	OPTIONAL CERTIFICATION	OTHER DISCUSSION	NO DISCUSSION
Alabama		✓	
Arizona			✓
California		✓	
Connecticut			✓
District of Columbia		✓	
Florida	✓		
Georgia	✓		
Indiana		✓	
Iowa	✓		
Kansas			✓
Kentucky		✓	
Louisiana		✓	
Maine			✓
Maryland	✓		
Massachusetts		✓	
Michigan	✓		
Mississippi		✓	
Missouri		✓	
Montana	✓		
Nebraska	✓		
Nevada		✓	
New Hampshire		✓	
New Jersey			✓

January 2, 1997.

STATE	OPTIONAL CERTIFICATION	OTHER DISCUSSION	NO DISCUSSION
New York			✓
North Carolina		✓	
Ohio			✓
Oklahoma		✓	
Oregon		✓	
South Carolina		✓	
South Dakota		✓	
Tennessee	✓		
Texas			✓
Utah	✓		
Vermont			✓
Virginia			✓
Washington	✓		
West Virginia	✓		
Wisconsin		✓	
Wyoming			✓
TOTAL	11	17	11

January 2, 1997.

**ATTACHMENT 5**

**Secretary's October 30 letter to Governors**



THE SECRETARY OF HEALTH AND HUMAN SERVICES  
WASHINGTON, D.C. 20201

OCT 30 1996

The Honorable Fob James, Jr.  
Governor of Alabama  
Montgomery, Alabama 36130

Dear Governor James:

On October 3, President Clinton spoke to the nation about the violence that continues to plague our homes and our communities. In recognition of October as National Domestic Violence Awareness Month, he praised the expansion of the Brady Law to protect women and their children by taking guns out of the hands of batterers. The President also issued an executive order regarding the need to address domestic violence as we work over the coming months to implement sweeping changes to our nation's welfare system. This is why I am writing you today.

As you know, domestic violence has a devastating impact on all of its victims, but it can be particularly damaging to women and children in low-income families. The mental and physical effects of domestic violence can interfere with victims' efforts to pursue education or employment successfully, and sometimes abusers themselves fight to keep their victims from becoming independent.

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), the new welfare law, recognizes that welfare-to-work programs must have the tools, training, and flexibility to help battered women move to self-sufficiency. The Wellstone/Murray provision (section 402(a)(7) of the Social Security Act as amended by the PRWORA) invites states to develop a three-pronged strategy for helping battered women move successfully into the workforce. The strategy includes: 1) identifying a battered woman as she enters the system; 2) waiving certain program 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 3) providing referrals for supportive services.

The Wellstone/Murray provision is in the law to help ensure that battered women are given the tools they need to move from welfare to work, and that their needs are recognized as communities develop their plans to move women to self-sufficiency. In implementing these provisions there are several issues to be considered. It is important to pay careful attention to a woman's safety and confidentiality. In addition, it is also important to balance the need for protection with the need for assistance such that battered women who may be temporarily exempted from a work requirement are not "exempted" from the

assistance they will need to eventually move into the workforce and build a better life for themselves.

The Administration believes that it is critical for states to consider these strategies as you develop your new transitional assistance programs for families. Giving battered women support so that they can move successfully from welfare to work will help them make progress toward independence and help your state meet the work participation requirements in the new law. The President has directed the Department of Health and Human Services and the Department of Justice to develop guidance and provide technical assistance to states in this area. In crafting our guidance, we will consult with you, the states, in addition to domestic violence experts, medical professionals, law enforcement, victims' services programs, and others involved in fighting domestic violence. We will also recommend standards and procedures to ensure that your welfare-to-work programs are responsive to the needs of battered women. (Please see attached Directive).

As a first step, in the guidance we sent you on developing your state plan for the Temporary Assistance for Needy Families (TANF) program, we asked that you consider how you plan to identify victims of domestic violence and provide them with additional, targeted support. If you have not chosen to implement the Wellstone/Murray provision in your initial (TANF) plan, please keep in mind that your plan can be modified to include this certification at any point during the two-year period for which the plan is in effect.

The Administration believes that the new welfare law offers us an historic opportunity to change the culture of welfare so that it requires work, promotes parental responsibility, and protects children. We stand ready to work with you over the coming months to ensure that welfare workers are sensitive to the needs of battered women and their families, and to ensure that systems are in place to provide the supports these women need to move from welfare to work. If you need any additional information, please feel free to contact Olivia Golden, Acting Assistant Secretary at the Administration for Children and Families.

Sincerely,



Donna E. Shalala

Enclosure

**ATTACHMENT 6**

**“Dear Colleague” Letters and Supporting Materials**



DEPARTMENT OF HEALTH & HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES  
370 L'Enfant Promenade, S.W.  
Washington, D.C. 20447

October 25, 1996

DC-96-56

TO ALL STATE IV-D DIRECTORS

Dear Colleague:

On October 3, 1996, President Clinton issued a proclamation declaring October National Domestic Violence Awareness Month, and encouraging all States to adopt the family anti-violence provisions contained in section 402(a) (7) of title I of the Personal Responsibility and Work Reconciliation Act of 1996 (P.L. 104-193).

The President also urged the Departments of Health and Human Services (HHS) and Justice (DOJ) to work together to develop guidance for States to assist them in implementing the new provisions. The President specified that in crafting this guidance, HHS and DOJ should work with States, domestic violence experts, victims' services programs, law enforcement, medical professionals, and others involved in fighting domestic violence, and recommend standards and procedures that will help make transitional assistance programs fully responsive to the needs of battered women. The proclamation directed the Secretary of HHS to provide States with technical assistance as they work to implement the family anti-violence provisions. Secretary Shalala and the Attorney General are to report to the President in 90 days from the date of the issuance of the proclamation on the specific progress that has been made in fulfilling its directives.

The family anti-violence language of the new law, also called the Wellstone/Murray provisions, allows States the option to certify whether they have established and are enforcing standards and procedures to screen and identify individuals receiving assistance under the TANF program with a history of domestic violence. States must maintain the confidentiality of individuals, refer them to counseling and supportive services, and waive, subject to a finding of good cause, other program requirements such as child support cooperation requirements and family cap limits in cases where compliance would make it more difficult for individuals to escape domestic violence or unfairly penalize persons who are, or who have been, victimized by such violence, or who are at risk of further violence.

Representatives of the Administration for Children and Families and OCSE are working to implement the President's proclamation. Last week we held a focus group meeting with representatives of the domestic violence community to exchange information and explore how we can work together to implement the President's directives. OCSE is incorporating sessions on domestic violence and welfare reform at each of the upcoming national conferences. We will continue to discuss these complex issues and implement the President's proclamation. If you have questions please contact Susan Notar at (202) 401-4606.

Thank you for your work on behalf of the nation's children.

Sincerely,



David Gray Ross  
Deputy Director  
Office of Child Support  
Enforcement

cc: RO Program Managers I-X

Attachments



DEPARTMENT OF HEALTH & HUMAN SERVICES

---

ADMINISTRATION FOR CHILDREN AND FAMILIES  
370 L'Enfant Promenade, S.W.  
Washington, D.C. 20447

October 29, 1996

Dear Colleague:

On October 3, 1996, President Clinton issued a proclamation declaring October National Domestic Violence Awareness Month, and encouraging all States to adopt the family anti-violence provisions contained in section 402(a)(7) of title I of the Personal Responsibility and Work Reconciliation Act of 1996 (P.L. 104-193) Temporary Assistance to Needy Families (TANF).

You will note that the proclamation also directed the Secretary of the Department of Health and Human Services, to provide States with technical assistance as they work to implement the family anti-violence provisions.

The family anti-violence language of the new law, also called the Wellstone/Murray provisions, allows States the option to certify whether they have established and are enforcing standards and procedures to screen and identify individuals receiving assistance under the TANF program with a history of domestic violence. States must maintain the confidentiality of individuals, refer them to counseling and supportive services, and waive, subject to a finding of good cause, other program requirements such as child support cooperation requirements and family cap limits in cases where compliance would make it more difficult for individuals to escape domestic violence or unfairly penalize persons who are, or who have been, victimized by such violence, or who are at risk of further violence.

In recognition of this, the Administration for Children and Families (ACF), Office of Family Assistance, as part of its ongoing technical assistance activities, conducted a teleconference call for ACF Regional Office staff, State and local partners. The purpose of this call was to promote an awareness of the Wellstone/Murray amendment and engage in a discussions around the issues of domestic violence and welfare reform.

The presenters were:

Anne E. Menard, Director  
National Resource Center on Domestic Violence

Joan Meier, Professor of Clinical Law, and  
Founding Director of the Domestic Violence Advocacy Project  
George Washington Law School

Jody Raphael, Director  
Taylor Institute

Enclosed are a number of informative packages we hope will help guide your decisions around implementing the Wellstone/Murray Family Violence provisions. As indicated in the attachment from President Clinton, "These provisions invite States to increase services for battered women through welfare programs and help these women move successfully and permanently into the workplace."

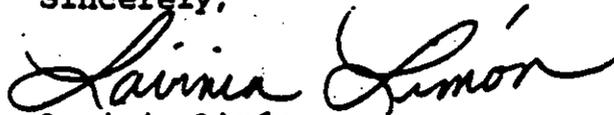
In our continuing effort to provide technical assistance, it would be helpful to the Department if you would send us information about what you are currently doing to provide services to victims of domestic violence. We are also interested in your concerns and issues related to implementation of the Wellstone/Murray provisions. That information should be mailed to:

Yvonne C. Howard or Ella Lawson  
DHHS/ACF/OFA/DSSP  
370 L'Enfant Promenade, S.W. - 5th Floor East  
Washington, DC 20447

If you have questions please contact Yvonne Howard at (202) 401-4619 (e-mail: [yhoward@acf.dhhs.gov](mailto:yhoward@acf.dhhs.gov)) or Ella Lawson at (202) 401-4963 (e-mail: [elawson@acf.dhhs.gov](mailto:elawson@acf.dhhs.gov)).

Thank you in advance for your consideration of this important issue.

Sincerely,



Lavinia Limón  
Director  
Office of Family Assistance

Attachments (7)

Addressees: State Welfare Administrators  
ACF Regional Offices

**Report from "Changing the Culture of Welfare" Grantee Meeting  
September 4, 1996**

**Presenter: Joan Meier, Professor of Clinical Law and Director, Domestic Violence Advocacy Project, George Washington University Law School**

**Professor Meier is the founder and Director of The George Washington University Law School's Domestic Violence Advocacy Project, where law students represent domestic violence victims in court. She also serves on the National Task Force on Women, Welfare and Abuse, and has worked extensively on the "Battered Women's Employment Protection Act" introduced in Congress this summer. This "Bill" establishes unemployment compensation and unpaid leave for victims of domestic violence who lose their jobs, and miss work because of domestic violence.**

**BARRIERS TO EMPLOYMENT: DOMESTIC VIOLENCE - A HIDDEN CHALLENGE**

**Professor Meier noted that the link between work and domestic violence is a new focus of study, but one that's particularly important with the passage of the "Temporary Assistance for Needy Families Act" imposing time limits and work requirements for welfare recipients. She said that when domestic violence "spills over" outside of the home it's most often because of an intentional act on the part of batterers. Furthermore, in her experience with clients in her program, batterers view their partners' working and/or becoming more financially independent as a threat. Because domestic violence is about "power and control," the desire to possess and dominate another person, such abusers will try to undermine their partners' ability to work by beating them up on the way to work or the night before an important exam, interfering with child care, by calling welfare agencies and accusing the victims of welfare fraud, or calling child protective services and accusing the victims of neglect or child abuse. The abuser will also call employers with whom victims have had job interviews and tell lies about the victims so the prospective employer won't hire them.**

**Professor Meier also noted that it's difficult for victims of domestic violence to end the violence by leaving. In fact, the risk of violence and homicide rate increases when the victim attempts to leave. Thus, leaving may not make victims safer; it may actually put them and their children at greater risk.**

**How great a problem is this for the welfare population?**

**Preliminary data from welfare-to-work programs shows 20-60% of women receiving welfare have been, or currently are, victims of domestic violence. New and more comprehensive studies should be released soon.**

Professor Meier spoke of the real need for child support and other agencies to develop mechanisms to identify victims of domestic violence. There was a lot of discussion about how this should be done, including suggestions about having videos showing that domestic violence is a common problem so that women will feel more comfortable talking about it, support groups, and discussions with shelters and legal clinics. Apparently some hospital emergency rooms have routine screening procedures in place for domestic violence, and something along those lines might be adaptable. However, a preferable approach would be to invite voluntary disclosure from welfare applicants after giving them information about how disclosure may be relevant to their receipt of welfare.

Professor Meier emphasized that the Family Violence Amendment (Section 402(a)(B)(7) of Title 1, TANF) allows states to opt to identify domestic violence victims among the welfare caseload, to make referrals for domestic violence services, and to waive TANF requirements where such requirements would place the recipient in danger of domestic violence or would unfairly penalize such victims. In implementing that amendment, states may, among other things, be able to treat counseling and legal assistance for battered women as the equivalent of "work," at least for purposes of some of TANF's work requirements.

Professor Meier also emphasized the importance of welfare agencies making referrals for counseling, shelters, and legal services. In response to a question about the availability of such services, she noted that even where services are insufficient to completely eradicate the problem, a sympathetic acknowledgment by welfare workers of the problem of domestic violence can help battered women feel empowered and validated.

Finally, Professor Meier noted that President Clinton was considering a directive (which he has since signed) that would urge the states to exercise their option to implement the family Violence Amendment. She urged welfare agencies to address the problems of battered women in meeting TANF requirements by consulting and working closely with local and national domestic violence programs and state coalitions.



DEPARTMENT OF HEALTH & HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILI  
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TO: Heads of State Domestic Violence Coalitions

FROM: <sup>Ann Rosewater</sup> Ann Rosewater Deputy Assistant Secretary for  
Policy and External Affairs, Administration for  
Children and Families, U.S. Department of Health  
and Human Services

SUBJECT: Information on the new welfare reform law

As you know, on August 22 President Clinton signed the "Personal Responsibility and Work Opportunity Reconciliation Act of 1996" into law. The enactment of this major welfare reform legislation presents an important opportunity for states and communities to redesign their welfare systems to focus on work and enable more people to achieve self-sufficiency. It also places significant responsibility on states and communities to find jobs for welfare recipients, to put supports in place that will ensure successful employment, and to protect vulnerable children and families.

The new welfare reform law may affect many low-income women who have been battered. As many of you are aware, the law includes an option for states to take steps to address the issue of domestic violence as they design new systems for assisting needy families.

I am enclosing summary information about the new law, which I hope you will find useful. The law has many components, and ACF will be happy to try to answer any questions you may have -- please do not hesitate to contact your ACF regional office (list attached).

Enclosures.

cc. William Riley, Office of Community Services, ACF

# Prisoners of Abuse: Policy Implications of the Relationship Between Domestic Violence and Welfare Receipt

by Jody Raphael

## I. Introduction

New research linking long-term welfare receipt and domestic violence has important implications for the current drift of welfare reform policy at both the federal and state levels.<sup>1</sup> Given

*Time-limited welfare-to-work proposals will serve to exacerbate domestic violence where it currently exists or cause it to arise.*

emerging evidence of the high percentages of current and past domestic violence victims within the Aid to Families with Dependent Children (AFDC) caseload, the conclusion is inescapable that time-limited welfare proposals will serve to exacerbate domestic violence where it currently exists or cause it to arise. Moreover, unless specialized domestic violence services are made available to victims who continue to suffer from the effects of past trauma, they will be unable to sustain employment over time. This article summarizes

the recent research and offers some basic guidance for the development of welfare policies at the state level that are more sensitive to the unique needs of AFDC recipients who are domestic violence victims and survivors.<sup>2</sup>

## II. Research Data

Over the past few years, grassroots welfare-to-work and job training providers have learned that many women on welfare have a formidable obstacle on the road to work. Many of the men who move in and out of the lives of women on AFDC do not want their partners to become independent. In fact, many women, and the welfare-to-work and job training programs that help them, report that these men sabotage their efforts to move from welfare to work and frequently resort to violence to prevent the women from completing employment training programs or from entering the work force.<sup>3</sup> Anecdotal reports from grassroots welfare-to-work programs around the country describe multiple

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<sup>1</sup> JODY RAPHAEL, PRISONERS OF ABUSE: DOMESTIC VIOLENCE AND WELFARE RECEIPT (Apr. 1996) (Clearinghouse No. 51,815) (hereinafter PRISONERS OF ABUSE). See also JODY RAPHAEL, DOMESTIC VIOLENCE: TELLING THE UNTOLD WELFARE-TO-WORK STORY (Jan. 30, 1995) (Clearinghouse No. 51,820) (hereinafter TELLING THE UNTOLD WELFARE-TO-WORK STORY).

<sup>2</sup> Policy recommendations contained in this article reflect the ongoing work of Taylor Institute's Women, Welfare and Abuse National Task Force.

<sup>3</sup> See PRISONERS OF ABUSE, *supra* note 1.

cases of sabotage, from physical violence, emotional coercion, destruction of books and homework assignments, and harassment on the job, to turning off alarm clocks and failure to show up to drive their partners to important job interviews or the general equivalency diploma (GED) examination.<sup>4</sup>

Nor do the sabotage and violence end when women leave their abusers. Although divorced and separated women comprise only 10 percent of all women in this country, they account for three-quarters of all battered women. Divorced and separated women report being physically abused 14 times as often as women still living with their partners.<sup>5</sup> Programs report that survivors of domestic violence often face more violence and potential injury when they end abusive relationships and attempt to leave welfare through work. Stalking, kidnapping, and physical violence and harassment on the job often force

women to quit work to hide out; sometimes, unfortunately, these women are severely injured and even killed.<sup>6</sup>

Program providers also report that women on AFDC who have effectively removed themselves from a violent relationship can suffer effects of prolonged trauma that interfere with their ability to succeed on the job. Often labeled post-traumatic stress, symptoms include poor concentration, markedly diminished interest in significant activities, failure to sleep at night, and a sense of a fore-shortened future.<sup>7</sup> Some trauma victims describe difficulty in dealing with control and supervision on the job. Still others have low reading skills because living with long-term, persistent violence has temporarily interfered with their ability to read, to process new information, or to learn, a result of disassociation, the coping mechanism used by trauma victims to deal with the reality of the violence.<sup>8</sup> Domestic violence experts

<sup>4</sup> *Id.* at 6-10. Other patterns of sabotage include: men battering their partners in highly visible places, so that the women become too embarrassed or too injured to expose their black eyes, bruises, and cigarette burns to the outside world; abusers engaging their partners in nightlong quarrels the night before an entrance examination or job interview and leaving the women sleep-deprived and unable to perform well; abusers coming to the job training program itself and making threats of violence to project staff, most likely hoping that their behavior will result in the participants being barred from the programs; partners visiting the job site and creating embarrassing or threatening situations, causing them to lose their jobs, or calling the women on the job and harassing them; abusers hiding or destroying women's clothing, including their winter coats, so that they are unable to leave the house to take the general equivalency diploma (GED) test or to complete an important job interview; abusers promising to provide needed child care for an important job interview and failing to show up or appearing inebriated; and abusers cutting off women's hair so that they will be too embarrassed to return to work.

<sup>5</sup> CAROLINE WOLF HARLOW, U.S. DEPT OF JUSTICE, *FEMALE VICTIMS OF VIOLENT CRIME 5* (1991).

<sup>6</sup> In September 1995, Betty Clark and her three children were blown up and killed by her ex-husband Mark. Betty Clark had left her husband, had obtained her GED from a program in rural Maryland, and was enrolled in a medical secretarial training program in Baltimore, Maryland, when the incident occurred. Galina Komar finally decided to press charges against abuser Benito Oliver and, after she left him, obtained a job at an automobile dealership in Woodside, Queens. Oliver, threatening to kill her, tracked her down on the job and was evicted from the premises when he showed up there to harass her. In February 1996, Oliver returned to the dealership, shot Galina Komar in the head with a .44-caliber revolver, and then shot himself in the head. Both died instantly. *PRISONERS OF ABUSE*, *supra* note 1, at 10.

<sup>7</sup> PATRICIA A. MURPHY, *A CAREER AND LIFE PLANNING GUIDE FOR WOMEN SURVIVORS: MAKING THE CONNECTIONS WORKBOOK 53-56* (1995). Unless proper assessment of domestic violence becomes routine in welfare department offices, the story recently recounted by one Chicago job placement provider may prove all too typical. A participant suffering from profound depression as a result of past domestic violence had received a mandatory referral to the program from the welfare department. Under pressure to go to work, she locked herself in the program's bathroom and attempted to commit suicide by slitting her wrists.

<sup>8</sup> *Id.* at 235.

believe that these factors account for the difficulty some women have in successfully completing job training programs and finding and keeping work.

Moving from the collection of anecdotal information to determining the extent of the problem has proven difficult. To date, only one formal study to determine the number of AFDC participants who are affected by domestic violence has been undertaken. In 1992, the Washington State Institute for Public Policy's Family Income Study asked a representative sample of the entire AFDC population in the state of Washington if they had been physically or sexually abused as adults. Sixty percent reported some type of abuse.<sup>9</sup> Unfortunately the study did not differentiate between current and past abuse.

Until a comprehensive survey of a state's AFDC caseload is completed,<sup>10</sup> it

*Sixty percent of the Aid to Families with Dependent Children recipients surveyed in Washington State in 1992 reported having suffered some type of domestic abuse.*

will be necessary to rely on data from programs working at the grassroots with welfare participants in literacy, GED, job training, and job placement activities. Recent data compiled as a result of interviews with welfare-to-work program providers conducted by Taylor Institute, a Chicago-based research and advocacy organization, uncovered startlingly high percentages of domestic violence among participants.

The Chicago Commons West Humboldt Employment Training Center

(ETC), a comprehensive welfare-to-work program on Chicago's west side, has been tracking the incidence of domestic violence since 1991 and discovered that, of approximately 90 participants who entered the program between July 1, 1994, and June 30, 1995, 58 percent were current victims of domestic violence and 26 percent were past victims. Twenty-three percent were currently addicted to drugs or abusing alcohol, and 15 percent were past or recovering drug or alcohol abusers. Twelve percent were past victims of sexual assault or incest survivors.<sup>11</sup>

Available figures from other programs around the country confirm ETC's experience. The Passaic County Board of Social Services annually provides services to 845 women who are required to participate by the local welfare department. From an initial sample of 105 participants gathered in December 1995, the board found that 58 percent reported having been a victim of physical domestic abuse in the past, and 66 percent reported having been a victim of verbal or emotional abuse. Sixty-seven percent of respondents were currently in a relationship with a man; of those, 21 percent were currently a victim of physical domestic abuse, and 36 percent were currently a victim of verbal or emotional abuse. Forty-nine percent of the respondents stated that their boyfriends did not encourage education or training efforts, and 16 percent that their boyfriends prevented them from obtaining education or training. In addition, 27 percent had been victims of sexual assault; 21 percent, childhood molestation; 13 percent, incest; 25 percent, sexual abuse. Fourteen percent had a problem with

<sup>9</sup> PEGGY ROVER & GREGORY WIEERS, WASHINGTON STATE INST. FOR PUB. POLICY, *OVER HALF OF THE WOMEN ON PUBLIC ASSISTANCE IN WASHINGTON STATE REPORTED PHYSICAL AND SEXUAL ABUSE AS ADULTS* (1993).

<sup>10</sup> The results of a face-to-face randomized survey of 800 Aid to Families with Dependent Children (AFDC) participants in Massachusetts, including questions about past and current abuse, will be available late in 1996. The study, the first of its kind, is being undertaken by the Center for Social Policy Research and the Center for Survey Research at the University of Massachusetts-Boston.

<sup>11</sup> PRISONERS OF ABUSE, *supra* note 1, at 11. The Employment Training Center defined domestic violence as both verbal and physical abuse and coercion serving as a major barrier to program participation.

drugs or alcohol.<sup>12</sup> Welfare-to-work programs in Colorado Springs, Colorado;<sup>13</sup> Kansas City, Missouri;<sup>14</sup> Marshalltown, Iowa;<sup>15</sup> and one southeastern state<sup>16</sup> report similar data.

### III. Policy Implications

Domestic violence may be exacerbated where it already exists, or arise for the first time, when women receiving AFDC are required to work for the first time and under extremely tight deadlines. Anecdotal evidence suggests that many men, threatened by their partners' education and job training, continue to prevent them from working, even at the risk of losing welfare benefits.<sup>17</sup> Although ultimately time limits may encourage many women to end violent and abusive relationships in an effort to go to work, the welfare-to-work transition could result in serious injury, or even death, if attention is not paid to the

issue of domestic violence.<sup>18</sup> Certainly, short time limits will restrict some women's ability to make and implement safe choices for themselves and their families. Past victims may also need more time and access to specialized services than will be available under some states' time-limited programs.

That percentages of domestic violence victims and survivors in AFDC

*Anecdotal evidence suggests that many men, threatened by their partners' education and job training, continue to prevent them from working, even at the risk of losing welfare benefits.*

caseloads is large should not paralyze state advocates or policymakers. With proper assessment, effective case management, and service referral, many

<sup>12</sup> *Id.* at 12-13. The survey of participants is ongoing. However, the questionnaire is administered in the second week of the program, and participants who drop out before that time and are not surveyed are probably those with the most problems of one kind or another. For this reason, the program's staff believe that the survey undercounts the incidence of domestic violence and trauma.

<sup>13</sup> Staff at Goodwill Industries' New Directions Program, which provides comprehensive welfare-to-work services to AFDC participants, find that approximately 50 percent of those who come through the program each year are current domestic violence victims. *Id.* at 14.

<sup>14</sup> In Kansas City, Missouri, the Women's Employment Network, which provides job readiness and placement services for women on welfare, reported that 75-80 percent of its participants self-reported domestic violence during the course of the program. TELLING THE UNTOLD WELFARE-TO-WORK STORY, *supra* note 1, at 3.

<sup>15</sup> In 1993, Mid-Iowa Community Action (MICA), a comprehensive family development and self-sufficiency program in rural Iowa, conducted a survey of 91 heads of household participating in its family development program who had been on welfare for two years or longer. From this study MICA learned that 22 percent were current domestic violence victims; 51 percent, past victims. *Id.*

<sup>16</sup> One welfare program in a southeastern state, which has asked to remain anonymous, obtained information from a questionnaire administered in its program to a sample of 216 mandatory AFDC participants in 1995. Of the responders, 55.1 percent had been physically abused by husbands, boyfriends, or family members as adults; 9 percent were currently being physically abused by a man with whom they had a relationship; and 25.9 percent had been involved in a relationship in which they were physically abused within the last three years. PRISONERS OF ABUSE, *supra* note 1, at 14.

<sup>17</sup> TELLING THE UNTOLD WELFARE-TO-WORK STORY, *supra* note 1, at 9.

<sup>18</sup> More time and less pressure might have enabled Roberta Lee Russell, 18, to locate child care for her two young children while she attended school in Milwaukee, Wisconsin. The babies' father, David Hall, 24, became increasingly recalcitrant about providing child care. Hall wanted Russell to quit school and stay at home to care for the children, but she refused. When their seven-month-old baby began to cry, Hall lost his temper and punched the boy three times in the stomach. The child stopped crying. Then Hall, thinking the boy needed to be burped, pushed on the boy's distended stomach. The next day the baby stopped breathing and died. *Id.* at 10.

## Technical Assistance for STOP Grant Applicants

A Service, Training, Officers, Prosecutors (STOP) Grants Technical Assistance Office has been established to give technical assistance to state administrators and applicants for STOP grants. Under the Violence Against Women Act, each year federal funds are appropriated to the states to fund criminal justice and victim services activities for victims of domestic violence. State administrators determine which grant applications to fund on the basis of state and local priorities. State administrators or local applicants for STOP grant funds interested in technical assistance should contact Joan Kuriansky at 2001 S St. NW, Suite 309, Washington, DC 20009; (800) 256-5883 (voice); (202) 265-0579 (fax).

women may be able to go to work within time limits. Clearly, failure to assess and refer women properly will doom many domestic violence victims to multiple failures, will waste scarce programmatic resources, and may leave many women without welfare benefits and hence more dependent upon their male abusers than ever before.

### A. Policy Principles

The interconnection of AFDC and domestic violence compels a new way of looking at welfare reform. Accordingly, state welfare reform programs must consider the safety of women and their children first. Next, programs must offer sufficient time and supportive services to allow current victims or survivors of domestic violence the opportunity to recover from trauma in a way that honors and deals with what has happened to them. Experts know that the recognition of trauma as the source of dysfunctional symptoms such as depression or persistent anxiety is essential to recovery from the effects of domestic violence.<sup>19</sup>

To accomplish these goals, up-front assessment of domestic violence in wel-

fare department offices must be mandatory. If women are to be safe and to recover from the trauma resulting from domestic violence, the inherent difficulties in its assessment in welfare offices—most important, resolution of the issue of confidentiality—must be overcome.

Whenever possible, a welfare-to-work system must be flexible with the amount of time and services offered to domestic violence victims, who suffer from differing degrees of crisis and have widely divergent needs. Some domestic violence victims want to work, and their choice should be honored. For others, 24-month limits can be more than adequate, provided that domestic violence support services are made available. For still others, the difficulties or danger to themselves and/or their children must be acknowledged and an appropriate safety plan designed and executed before employment is a viable option. Some women with large families, for example, need time to plan for an affordable housing arrangement before they can escape from violence. Because entry-level jobs paying the minimum wage do not often provide enough income to make independent living possible, short-term job training—with its promise of higher wages—is often a better option. What domestic violence victims and survivors need is information and choices. At the same time, they must have the flexibility to be able to revisit their decisions when an emergency arises and the family is put in danger of violence.

Lastly, an integrated, community-based services system must be developed to meet the specific and specialized needs of AFDC recipient domestic violence victims. Undoubtedly, early assessment and referral by welfare departments will overwhelm already overstretched and underfunded local

<sup>19</sup> "When survivors recognize the origins of their psychological difficulties in an abusive . . . environment, they no longer need attribute them to an inherent defect in the self." JUDITH HERMAN, *TRAUMA AND RECOVERY* 127 (1992). According to Dr. Herman, a domestic violence victim's recovery must occur in several stages: recognition of the trauma; confrontation of the events that caused the trauma; reconnection to the world around her; and achievement of a sense of commonality with others. Over time, the action of telling the story of the trauma can reverse the neurosis induced by terror.

domestic violence services.<sup>20</sup> Domestic violence victims making the transition from welfare to work need information and referral, group support and other therapeutic activities, assistance in safety planning and locating affordable housing, and information about using the legal system, as well as skills enhancement through literacy, GED, job training, or preemployment job placement programs. Not surprisingly, their children may suffer trauma, and treatment services for them are in order.<sup>21</sup> Because it is highly unlikely that one agency can provide all the necessary assistance, an enhanced level of coordination and integration of services is necessary. Battered women's service providers must work with welfare-to-work, literacy, and job training providers to create and implement such systems within their communities.

#### B. The Issue of Time

A welfare reform plan should allow domestic violence victims or survivors the time needed for safety planning and recovery. In such a system, women who were in crisis because of domestic violence, and for this reason were not job ready, would be referred to domestic violence services and provided the time needed until the crisis abated.<sup>22</sup> This flexibility can take the form of an up-front exemption from state time limits—a provisional pause—or an extension of time, provided by the welfare caseworker when necessary. In addition to gauging the effects of current domestic violence, the assessment process

must also be capable of determining whether the participant is in crisis due to the effects of past domestic violence or sexual assault, including depression and other symptoms of posttraumatic stress disorder.

For some victims or survivors, domestic violence may not be creating current barriers to labor market participation, and they may be considered "job ready." However, welfare departments must be careful to pay attention in employment planning to the issue of domestic violence and, during the assessment process, to the likelihood of the ex-abuser's sabotaging the employa-

*Welfare reform plans should allow domestic violence victims or survivors the time needed for safety planning and recovery.*

bility plan. Moreover, if domestic violence does recur or become exacerbated during the welfare-to-work process, participants must be reassessed as being in a crisis.

#### C. The Assessment Process

Assessment for domestic violence should be viewed as a process during which participants obtain information and, in partnership with their caseworkers, make choices regarding their own safety and that of their children. Women's ability to evaluate their potential risk at the hands of an abusive partner should be given credence.

<sup>20</sup> Experts estimate that less than 2 percent of battered women can find shelter space. Joan Zorza, *Woman Battering: A Major Cause of Homelessness*, 25 *CLEARINGHOUSE REV.* 421 (Special Issue 1991).

<sup>21</sup> Experts now believe that children exposed to domestic violence display the same symptoms as children who are actually abused, including symptoms related to posttraumatic stress disorder. See P.G. JAFFE ET AL., *CHILDREN OF BATTERED WOMEN* 71 (1990).

<sup>22</sup> Domestic violence victims and survivors of domestic violence can find themselves in various crisis situations, each requiring a different service approach. Where danger is present, the AFDC participant needs safety planning, shelter, and an order of protection. Because of a high level of danger, another participant may be better off hiding out from the stalker and using the legal system. Still another participant may be suffering from depression or have other symptoms necessitating a formal recovery process before she can be successful on the job. Another participant may require alcohol or drug treatment. Intensive literacy services or special educational services may be the prerequisite for still another because living with long-term, persistent violence has temporarily interfered with her ability to read, to process new information, or to learn.

### 1. Confidentiality

In the past, AFDC recipients would not share information with the welfare department about domestic violence for obvious reasons lest their eligibility for AFDC be compromised or they lose custody of their children due to the violence in the home. In order for welfare departments to obtain information about domestic violence, participants must be informed that all information given will be held in confidence and will not affect eligibility for AFDC. For this reason, assessment for current or past domestic violence, sexual assault, or incest should not occur during the financial eligibility process in the welfare department office. Participants are at their most anxious during the AFDC eligibility process.

One welfare department explains that, in assessing domestic violence, it does not ask whether the abuser is in the home and what the participant's relationship is to the abuser. This practice ensures that eligibility-related information not relevant to the screening for domestic violence is not collected during the assessment.<sup>23</sup>

### 2. Assessment Method

The challenge for welfare reform advocates is to devise an assessment method that works best within the context of a state's welfare-to-work system. The assessment protocol is best designed by using the expertise of domestic violence practitioners and welfare department staff. One welfare department has successfully experimented with a written self-assessment questionnaire, which asks participants open-ended questions and allows them to express themselves freely.<sup>24</sup>

A different assessment strategy in-

volves a group orientation process of at least two days. A group facilitator, often a former victim, presents information about domestic violence, sexual assault, incest, and drug and alcohol abuse and tells her own successful welfare-to-work story. Even within the welfare office, most participants will talk about their own situations as long as they feel safe and comfortable and confidentiality is assured. Information about components, services, and referrals can be given. At its end, the welfare case manager can approve the welfare-to-work module and services selected by the participant.<sup>25</sup>

All AFDC participants should be informed in writing about the assessment process and the procedure for changing from one module to another if a crisis due to domestic violence develops. Optimally, standard protocols to define crisis situations, possible referrals, and the time frame for progress should be created jointly by welfare departments and domestic violence experts so that case workers have some standard policies and procedures and know what is expected. Of course, such protocols should be flexible enough for caseworkers to make necessary judgments about individual participants' needs. Obviously, caseworkers need training in the use of the protocol, the menu of services, and information about domestic violence services available in the community.

### D. Paternity and Child Support

Current federal law mandates a "good cause" exemption from mandatory cooperation in paternity and child support collection efforts if the participant is afraid that serious physical or emotional harm will come to her or her

<sup>23</sup> Interview with William Curcio, Assistant Training Supervisor, Passaic County Board of Social Services (Mar. 21, 1996).

<sup>24</sup> Interview with Mary Lloyd of the Utah Single Parent Employment Demonstration Program, Kearns Unit (Apr. 9, 1996).

<sup>25</sup> Life Skills Modules employing the group support method are being successfully used in various milieus. The Passaic County Board of Social Services currently employs the model in its own offices over an eight-week period; in sixteen primarily rural counties in east Tennessee, the model was used in the Fresh Start program, an off-site, three-week curriculum that all nonexempt AFDC participants were required to attend in 1995. Numerous nonprofit welfare-to-work programs around the country also employ the model.

children as a result of child support enforcement.<sup>26</sup> According to the Department of Health and Human Services, less than 1 percent of AFDC recipients nationally use the exemption for good cause.<sup>27</sup> This low percentage raises questions about whether AFDC participants are being told about the exemption or whether worries about confidentiality affect its use.

Many domestic violence victims who have gone "underground" to avoid violence cannot seek child support because they might alert their abusers to their location. By their very nature, paternity and child support enforcement court proceedings involve physical contact with the abuser in the courtroom, and this often leads to renewed violence or stalking. Advocates have seen that many abusers react to child support enforcement by beginning or reviving efforts for visitation and child custody, which could endanger the women and children. For these reasons, several important policy principles must be implemented within the context of paternity and child support enforcement.

#### 1. Information

AFDC participants need written information about the paternity and child support requirement, what participation means, and the exemption that is available to them. Domestic violence experts should work with welfare departments to design these materials. Optimally, participants should sign a statement indicating that they have received, read, and understood them. The process should facilitate the AFDC participants' ability to make the best decisions about their and their children's potential risk and safety.

#### 2. Timing

Many state welfare reform schemes have placed new emphasis on child support collection efforts. In many welfare offices, information about paternity

and child support is now obtained during the first eligibility interview. This upfront placement of child support enforcement works against domestic violence victims and survivors. Applicants do not readily give information about domestic violence at the intake level when financial eligibility for needed AFDC benefits is at stake. Child support enforcement information should be given to applicants during the domestic violence assessment process. In that

*Aid to Families with Dependent Children participants need written information about paternity and child support requirement, what participation means, and the exemption that is available to them.*

context, the information given is confidential and the participant is being attended to in a safe setting by a caseworker with some knowledge and understanding about domestic violence.

#### 3. Location

Many states are adopting systems that begin the paternity and child support enforcement process at the hospital bedside after the birth of the child. A hospital worker is activating a legal process when the participant is not at her most alert or at ease and when her abuser might also be present in the hospital room. All hospital workers involved in the paternity process ought to have comprehensive training in domestic violence as well as written materials to leave with participants.

#### 4. Corroboration

Federal regulations require AFDC participants claiming good cause for failure to cooperate to furnish corroborative evidence of their claims of domestic violence.<sup>28</sup> Sworn statements from individuals other than the appli-

<sup>26</sup> 42 U.S.C. § 602(a)(26)(B) (West Supp. 1995).

<sup>27</sup> See 60 Fed. Reg. 33211 (June 27, 1995).

<sup>28</sup> 45 C.F.R. § 232.43(b).

cant with knowledge of the circumstances are allowed under the regulations and should be relied on as much as possible.<sup>29</sup> Any requirement for orders of protection or police reports as corroboration of domestic violence can put women in danger. Police involvement increases the amount of danger many domestic violence victims face, and as a result these victims often choose not to seek the protection that the legal system theoretically gives. Advocates should work carefully to ensure that an AFDC participant's invocation of the good-cause exemption does not result in a legal inquisition that further victimizes a woman coming forward to admit she is living with domestic violence. The federal regulations also make clear that a claim can be credible without corroborative evidence.<sup>30</sup>

#### IV. Conclusion

The process of building a state welfare reform model more sensitive to domestic violence victims, survivors, and their children involves dialogue between domestic violence providers and experts, welfare-to-work providers and advocates, and welfare department

officials. In each locality, a structure should be created to bring about this dialogue. This structure should allow for training both welfare department caseworkers and workers in other portions of the social service delivery system (literacy, GED, job training and job placement providers). All need extensive information about domestic violence in order better to serve their participants and to make on-site accommodations to victims' needs.

In the long run, however, new assessment procedures and training in their use will prove ineffective unless a delivery system in the locality can bring the necessary services and supports for battered women on AFDC. In most communities, these services are poorly funded and cannot offer the full range of opportunities required for the welfare-to-work transition. Nor are there many national models to draw upon. In this era of declining resources, the extension of existing services and creation of new supports require all the coordination and innovation that advocates working with low-income persons can provide.

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<sup>29</sup> *Id.* § 232.43(c)(6).

<sup>30</sup> *Id.* § 232.43(f)(1).

SUPPORTING CHILDREN  
RAISING HOPES



CHILD SUPPORT  
FOR VICTIMS OF  
DOMESTIC VIOLENCE



State of Maryland  
Parris N. Glendening, Governor  
Department of Human Resources  
Alvin C. Collins, Secretary  
Child Support Enforcement Administration  
311 West Saratoga Street  
Baltimore, Maryland 21201-3521  
Equal Opportunity Employer

Child Support Enforcement

## Domestic Violence Order

The award you received for family maintenance, as a victim of domestic violence, is an emergency order that will last for a limited period of time.

You may be eligible to receive child support services from the Child Support Enforcement Administration. A child support court order, unlike an emergency order, generally remains in effect until a child reaches 18 years of age.



## The Child Support Enforcement System

Child support enforcement services are available to help you secure support from the absent parent.

These are some of the services available through child support enforcement agencies in Maryland:

- Searching for the absent parent
- Legally establishing who the father of your child is
- Getting a court order for child support and health insurance coverage
- Collecting support payments
- Enforcing the court order
- Reviewing and modifying the court order

The best way to get child support services is to cooperate with the child support enforcement agency in any effort they make to provide the services.

## Locating Absent Parents

If you do not know where your child's other parent is, the child support enforcement agency will search for the absent parent. To help do this, you should be prepared to provide as much information about the missing parent as you can. The more information you can furnish, the easier it will be to find the absent parent.

## Establishing Paternity

If you were not married to your child's father, the child support enforcement agency will help you prove that he is legally the father. This is important not only because the father will pay support, but also because your child will be entitled to his or her father's social security or retirement benefits and inheritance.

If the man admits he is the father, it is not always necessary to have a court trial to establish paternity.

## Court Order for Support

You do not need to hire a lawyer. The child support enforcement agency has lawyers who will take your case to court. If the case is successful, the court will order the absent parent to pay regularly for the support of your child.

The court may also order the absent parent to obtain medical insurance for your child if it can be obtained through employment or any health insurance organization at a reasonable cost.

## Change in the Child Support Amount

Either you or the absent parent may request a periodic review of your case for a possible change in the court-ordered amount of your child support.

## What if the Absent Parent Lives in Another State?

The child support enforcement agency can go after child support for your child even if the absent parent lives in another state -- and sometimes, even in another country.

## Collection of Support Payments

If you do not receive AFDC payments, the child support enforcement agency will send you all money collected on your behalf within 7 days of receipt.

If you receive AFDC, you may receive up to the first \$50 a month of your child support payment as a pass-through (bonus) payment. Any amount over \$50 will be kept by the state to repay your AFDC payments.

If you no longer receive AFDC, your current child support will be sent to you. If past due child support is owed to the state, any amount collected over the current child support obligation amount will be kept by the state to pay back the AFDC payments you received. Once the past due support owed to the state is collected, all support will be sent to you.

## What if the Absent Parent Doesn't Pay?

The child support enforcement agency may be able to get the absent parent to pay child support in a number of ways.

If the absent parent does not pay, does not pay on time, or does not pay the full amount, the child support enforcement agency can usually get the payments taken out of his or her paycheck. The absent parent may have to go back to court to explain why payments are not being made.

If the absent parent still does not pay, he or she may be sentenced to jail.

## What if the Absent Parent Doesn't Provide Health Insurance Coverage?

If the absent parent does not provide health insurance coverage, and if he or she is employed, the child support enforcement agency can send a copy of the court order to his or her employer. The employer must enroll your child in any health insurance available to the absent parent. The employer will also deduct the premium for the health insurance coverage from the absent parent's pay.



## **Domestic Violence Hot Lines**

(defined as toll-free, 24-hour, crisis intervention phone lines)

<b>National</b>	<b>Hot Line Number</b>	<b>Office Number</b>
(800) 799-SAFE (7233)	(800) 787-3224 TDD	(512) 453-8117
<b>State</b>	<b>Hot Line Number</b>	<b>Office Number</b>
<b>Arizona</b>	(800) 786-7380	(602) 279-2900
<b>Florida</b>	(800) 500-1119	(904) 668-6862
<b>Indiana</b>	(800) 332-7385	(317) 543-3908
<b>Iowa</b>	(800) 942-0333	(515) 281-7284
<b>Maryland</b>	(800) 634-3577	(301) 942-0900
<b>Minnesota</b>	(800) 646-0994	(612) 646-6177
<b>Nebraska</b>	(800) 876-6238	(402) 476-6256
<b>Nevada</b>	(800) 500-1556	(702) 358-1171
<b>New Hampshire</b>	(800) 852-3388	(603) 224-8893
<b>New Jersey</b>	(800) 572-7233	(800) 224-0211
<b>(battered lesbian hot line)</b>		(609) 584-8107
<b>New Mexico</b>	(800) 773-3645	(505) 246-9240
<b>New York</b>	(800) 942-6906	(518) 432-4864
<b>North Dakota</b>	(800) 472-2911	(701) 255-6240
<b>Ohio</b>	(800) 934-9840	(614) 784-0023
<b>Rhode Island</b>	(800) 494-8100	(401) 467-9940
<b>South Carolina</b>	(800) 260-9293	(803) 254-3699
<b>South Dakota</b>	(800) 430-7233	(605) 225-5122
<b>Tennessee</b>	(800) 356-6767	(615) 386-9406
<b>Utah</b>	(800) 897-5465	(801) 538-4100
<b>Vermont</b>	(800) 228-7395	(802) 223-1302
<b>Virginia</b>	(800) 838-8238	(804) 221-0990
<b>Washington</b>	(800) 562-6025	(206) 352-4029
<b>Wyoming</b>	(800) 990-3877	(307) 266-4334

\*In almost all cases, the 800 number listed above work only if called from within the state. In states with no crisis hot line number listed, victims of domestic violence should be encouraged to call the emergency police phone number, which is 911 in most areas. Victims can also call the operator or look under the community or social service pages in their local phone book for the nearest domestic violence program. Such programs are usually listed under these headings: abuse, crisis intervention, domestic or family violence, and emergency shelters.

## Resources for Advocates of Domestic Violence Victims

### BATTERER TREATMENT PROGRAMS AND RELATED ISSUES

#### **AMEND**

777 Grant St., Suite 600  
Denver, CO 80202  
(303) 832-6363  
Contact: Rob Gallup

#### **EMERGE: Counseling and Education to Stop Male Violence**

2380 Massachusetts Ave., Suite 101  
Cambridge, MA 02140  
(617) 547-9879 (voice)  
(617) 547-0904 (fax)  
Contact: Prof. Edward Gondolf at (414) 357-4405

#### **Men Stopping Violence**

Contact: Brian Nichols at (404) 686-1376

*Advocates for the prevention of rape and domestic violence.*

#### **Montreal Men Against Sexism**

913 de Bienville  
Montreal (Qc) H2J 1V2 Canada  
Contact: Martin Dufresne at (514) 563-4428

#### **National Resource Center on Domestic Violence**

c/o Pennsylvania Coalition Against Domestic Violence  
6400 Flank Dr., Suite 1300  
Harrisburg, PA 17112  
(717) 545 6400 or (800) 537-2238  
Contact: Anne Menard

### INTERNATIONAL CHILD ABDUCTION/KIDNAPPING

#### **Child Quest International, Inc.**

1625 The Alameda, Suite 400  
San Jose, CA 95126  
(408) 287-HOPE (4373)  
(408) 287-4676 (fax)

*A nonprofit corporation devoted to the protection and recovery of missing, abused, and exploited children. Provides services free of charge to the families of missing, abused, and exploited children. Hot line operates 24 hours daily nationwide and in Canada, Mexico, Puerto Rico, and the Virgin Islands.*

#### **Office of Children's Issues**

Room 4811  
Overseas Citizens Services  
Bureau of Consular Affairs  
U.S. Department of State  
Washington, DC 20520-4818  
(202) 647-2688 (voice)  
(202) 647-2835 (fax)  
(202) 647-3000 (autofax)  
(202) 736-7000 (record information)

*Assists parents in filing an application with foreign authorities for return of the child; through U.S. embassies and consulates abroad, attempts to locate, visit, and report on the child's general welfare; informs the left-behind parent about the country to which the child was abducted, including its legal system, family laws, and a list of its attorneys willing to accept American clients; in all cases provides a point of contact for the left-behind parent at a difficult time; monitors judicial or administrative proceedings overseas; assists parents in contacting local officials in foreign countries or contact them on the parent's behalf; gives information on domestic remedies, such as warrants, extradition, and passport revocation; alerts foreign authorities to any evidence of child abuse or neglect.*

### DISABILITY

#### **Advocacy Center for Persons with Disabilities, Inc.**

2671 Executive Center Circle West, Suite 100  
Tallahassee, FL 32301-5024  
(904) 488-9071

2901 Stirling Road, Suite 206  
Ft. Lauderdale, FL 33312  
1-800-350-4566 (voice, TDD, or Spanish)  
(954) 967-1493 (voice or TDD)

3101 Maguire Blvd., Suite 150  
Orlando, FL 32803  
(800) 408-3074 (voice or TDD)

*Publishes A Separate Voice newsletter. The center promotes, expands, protects, and seeks to assure the human and legal rights of people with disabilities through the provision of information and advocacy.*

*Continued on next page*

## Resources for Advocates of Domestic Violence Victims, cont'd

**Disability Rights Education and Defense Fund**  
2212 6th St.  
Berkeley, CA 94710  
(510) 644-2555  
(510) 841-8645 (fax)

*Publishes Disability Rights News.*

### **BATTERED WOMEN WITH DISABILITIES**

**Domestic Violence Initiative for Women with Disabilities**

P.O. Box 300535  
Denver, CO 80203  
(303) 839-5510 (voice/TDD)

### **Barrier Free Living**

Attn: Family Violence Coordinator  
270 East 2d Street  
New York, NY 10009  
(212) 677-6668

### **GAY AND LESBIAN BATTERING**

**Abused and Battered Lesbians (ABLE)**  
909 Northeast 43d St., Suite 208  
Seattle, WA 98105  
(206) 547-8191

**National Coalition Against Domestic Violence (NCADV)**

P.O. Box 18749  
Denver, CO 80218-0749  
(303) 839-1852 (voice)  
(303) 831-9251 (fax)

**Network for Battered Lesbians**

P.O. Box 6011  
Boston, MA 02114  
(617) 424-8611

**NYC Gay and Lesbian Anti-Violence Project, Inc.**

647 Hudson St.  
New York, NY 10014  
(212) 807-6761

*Publishes Stop the Violence newsletter.*

**Sanctuary for Families**

105 Chambers St., Suite 5A  
New York, NY 10007  
(212) 349-6009

Contact: Beth Silverman-Yam, clinical director

### **IMMIGRANT BATTERED WOMEN**

**Asian Women's Center**

39 Bowery  
New York, NY 10002  
(212) 732-5230 (24-hour hot line)

*Direct services include safe shelter, crisis intervention, counseling, and advocacy. Languages: English, Chinese, Japanese, Korean, Malay, Tagalog, Vietnamese.*

**AYUDA**

1736 Columbia Rd. NW  
Washington, DC 20009  
(202) 387-0434

**Center for Immigrants Rights**

48 St. Mark's Place  
New York, NY 10003  
(212) 505-6890

**Coalition for Immigrant and Refugee Rights**

995 Market St., Suite 1108  
San Francisco, CA 94103  
(415) 234-8215

**Committee for Humanitarian Assistance to Iranian Refugees (CHAIR)**

Office:

42 Broadway, 10th Floor, Room 46  
New York, NY 10004  
(212) 747-1046

Mailing Address:

P.O. Box 7051  
New York, NY 10116

*CHAIR is committed to empowering Iranian immigrants to promote and protect their rights within a participatory framework, locally and globally.*

*Continued on next page*

## Resources for Advocates of Domestic Violence Victims, cont'd

**Community University Health Care Center**  
Program for Southeast Asian Battered Women  
2001 Bloomington Ave. S.  
Minneapolis, MN 55404-3089  
(612) 627-6888

**East Harlem Violence Intervention Project**  
P.O. Box 136  
Triboro Station  
New York, NY 10035  
(212) 360-5090

**La Casa de las Madres**  
965 Mission St., Suite 300  
San Francisco, CA 94103  
(415) 777-1808

**MANAVI Support Group for South Asian  
Battered Women**  
P.O. Box 614  
Bloomfield, NJ 07003  
(908) 687-2662

**SAKHI for South Asian Battered Women**  
20208 Greeley Square Station  
New York, NY 10001-0006  
(212) 695-5447 (hot line)  
(212) 714-9153 (office)  
(212) 564-8745 (fax)

*Provides direct services for South Asian women of New York City, including crisis intervention, legal advocacy, and referrals. Community education workshops concerning domestic violence and women's rights. Languages: English, Bengali, Gujarati, Hindi, Malayalam, Marathi, Urdu.*

**San Francisco Asian Women's Shelter**  
3543 18th St., Box 19  
San Francisco, CA 94110  
(415) 751-7110

### **MILITARY**

**Military Family Resource Center**  
OUSD (Personnel and Readiness)  
Ballston Centre Tower Three,  
Suite 903

4015 Wilson Blvd.  
Arlington, VA 22203-5190  
(703) 696-5806 (voice)  
(703) 696-1703 (fax)

*Publishes Military Family newsletter.*

### **VIOLENCE AGAINST WOMEN ACT**

**Legal Clearinghouse on Violence Against Women**

National Organization for Women Legal Defense and Education Fund  
120 Maryland Ave. NE  
Washington, DC 20002  
(202) 544-4470 (voice)  
(202) 546-8605 (fax)

*Monitors litigation and other developments concerning legal remedies under the Violence Against Women Act.*

### **CRIMINAL JUSTICE**

**Office for Victims of Crime Resource Center**  
(800) 627-6872

*Responds to requests from researchers, professionals, and individual victims for victim-related information.*

**Bureau of Justice Statistics Clearinghouse**  
(800) 732-3277

*Responds to requests for Bureau of Justice statistics by offering documents data base searches, statistics information packages, referrals, and other related products and services.*

**Bureau of Justice Assistance Clearinghouse**  
(800) 688-4252

*Provides reference and referral services, publication distribution, participation and support for conferences, and other outreach activities in connection with initiatives to strengthen the criminal justice system.*

*Continued on next page*

## Resources for Advocates of Domestic Violence Victims, cont'd

### **PUBLICATIONS**

#### **Journal of Interpersonal Violence**

Sage Publications  
2455 Teller Rd.  
Thousand Oaks, CA 91320  
(805) 499-0721

*Quarterly journal devoted to the study and treatment of victims and perpetrators of interpersonal violence.*

#### **American Journal of Orthopsychiatry**

330 Seventh Ave., 18th Floor  
New York, NY 10001

*Quarterly journal dedicated to informing public policy and professional practice concerning mental health and human development from a multidisciplinary and interprofessional perspective; regularly features articles on interpersonal violence.*

## National Domestic Violence Organizations

National Domestic Violence Hotline (800) 799-7233  
3616 Far West Blvd., Suite 101-297  
Austin, TX 78731-3074  
Office: (512) 453-8117  
Fax: (512) 453-8541  
TTY: (800) 787-3224  
Contact: Ms. Ellen Rubenstein Fisher

National Resource Center on Domestic Violence  
Pennsylvania Coalition Against Domestic Violence  
6400 Flank Dr., Suite 1300  
Harrisburg, PA 17112-2778  
Office: (800) 537-2238  
Fax: (717) 545-9456  
TTY: (800) 553-2508  
Contact: Ms. Aune Menard

Battered Women's Justice Project—  
Civil Justice Issues  
c/o PCADV—Legal Office  
524 McKnight St.  
Reading, PA 19601  
Office: (800) 903-0111 or (610) 373-5697  
Fax: (610) 373-6403  
Contact: Ms. Michele Olvera

Battered Women's Justice Project—  
Criminal Justice Issues  
c/o Minnesota Program Development, Inc.  
4032 Chicago Ave. S.  
Minneapolis, MN 55407  
Office: (800) 903-0111  
Fax: (612) 824-8965  
TTY: (612) 824-8768  
Contact: Ms. Denise Gamache

Battered Women's Justice Project  
c/o National Clearinghouse for the Defense of  
Battered Women  
125 S. 9th St., Suite 302  
Philadelphia, PA 19107  
Office: (800) 903-0111 or (215) 351-0010  
Fax: (215) 351-0779  
Contact: Ms. Sue Osthoff

Health Resource Center on Domestic Violence  
c/o Family Violence Prevention Fund  
383 Rhode Island St., Suite 304  
San Francisco, CA 94103-5133  
Office: (800) 313-1310  
Fax: (415) 252-8991  
Contact: Ms. Janet Nudelman

Resource Center on Child Protection and Custody  
NCJFCJ  
P.O. Box 8970  
Reno, NV 89507  
Office: (800) 527-3223  
Fax: (702) 784-6160  
Contact: Ms. Merry Hofford

American Bar Association Commission on  
Domestic Violence  
740 15th St. NW  
9th Floor  
Washington, DC 20005-1009  
Office: (202) 662-1737  
Fax: (202) 662-1594  
Contact: Ms. Roberta Valenze

Center for the Prevention of Sexual and  
Domestic Violence  
936 N. 34th St., Suite 200  
Seattle, WA 98103  
Office: (206) 634-1903  
Fax: (206) 634-0115  
Contact: Rev. Dr. Marie M. Fortune

Family Violence Prevention Fund  
383 Rhode Island St., Suite 304  
San Francisco, CA 94103-5133  
Office: (415) 252-8900  
Fax: (415) 252-8991  
Contact: Ms. Esta Soler

Mending the Sacred Hoop, National Training Project  
206 W. Fourth Street  
Duluth, MN 55806  
Office: (218) 722-2781  
Fax: (218) 722-0779  
Contact: Liz LaPrairie

National Battered Women's Law Project  
National Center on Women and Family Law  
275 Seventh Ave., Suite 1206  
New York, NY 10001-6708  
Office: (212) 741-9480  
Fax: (212) 741-6438

National Coalition Against Domestic Violence—  
Administrative Office  
P.O. Box 18749  
Denver, CO 80218  
Office: (303) 839-1852  
Fax: (303) 831-9251  
Contact: Ms. Rita Smith

*Continued on next page*

## National Domestic Violence Organizations, cont'd

National Coalition Against Domestic Violence—  
Public Policy Office  
P.O. Box 34103  
Washington, DC 20043-4103  
Office: (703) 765-0339  
Fax: (202) 628-4899

National Network to End Domestic Violence—  
Administrative Office  
701 Pennsylvania Ave. NW, Suite 900  
Washington, DC 20004  
Office: (202) 434-7405  
Fax: (202) 434-7400  
Contact: Ms. Debra Royal

National Network to End Domestic Violence—  
Policy Office  
701 Pennsylvania Ave. NW, Suite 900  
Washington, DC 20004  
Office: (202) 434-7405  
Fax: (202) 434-7400  
Contact: Ms. Sherry Erleson

## State Domestic Violence Coalitions

Alaska	Lauree Hugonin	(907) 586-3650
Alabama	Carol Gundlach	(334) 832-4842
Arkansas	Beth George	(501) 399-9486
Arizona	Sharon Ersch	(602) 279-2900
California	Donna Garske	(415) 457-2464
Colorado	Jan Mickish	(303) 573-9018
Connecticut	Sylvia Gafford-Alexander	(203) 524-5890
District of Columbia	Donna Edwards	(202) 543-0773
Florida	Patricia Hinton	(904) 668-6862
Georgia	Suzanne Pogue	(404) 524-3847
Hawaii	Carol C. Lee	(808) 593-3900
Iowa	Laurie Schipper	(515) 244-8028
Idaho	Sue Fellen	(208) 529-4352
Illinois	Vickie Smith	(217) 789-2830
Indiana	Laura Berry	(317) 543-3908
Kansas	Trish Bledsoe	(913) 232-9784
Kentucky	Sherry Currens	(502) 875-4132
Louisiana	Patsy Taylor	(504) 542-446
Massachusetts	Carolyn Ramsey	(617) 248-0922
Maryland	Lorraine Chase	(301) 942-0900
Maine	Tracy Cooley	(207) 941-1194
Michigan	Julie Hagstorm	(317) 484-2924
Minnesota	Marsha Frey	(612) 646-6177
Missouri	Colleen Coble	(314) 634-4161
Mississippi	Emily Smith	(601) 981-9146
Montana	Jackie Garcia	(406) 245-7990
North Carolina	Kathy Hodges	(919) 956-9124
North Dakota	Bonnie Palecheck	(701) 255-6240
Nebraska	Sarah O'Shea	(402) 476-6256
New Hampshire	Grace Matern	(603) 224-8893
New Jersey	Barbara Price	(609) 584-8107
New Mexico	Mary Ann Copas	(505) 296-7876
Nevada	Sue Meuschke	(702) 358-1171
New York	Sherry Frohman	(518) 432-4864
Ohio	Daryl Ann Kross	(614) 784-0023
Oklahoma	Georgie Rasco	(405) 557-1210
Oregon	Judith Armata	(503) 239-4486
Pennsylvania	Susan Kelly-Dreiss	(717) 545-6400
Rhode Island	Mary Trinity	(401) 467-9940
South Carolina	Lynn Hawkins	(803) 254-3699
South Dakota	Brenda Hill	(605) 945-0869
Tennessee	Kathy England	(615) 386-9406
Texas	Debby Tucker	(512) 794-1133
Utah	Diane Stuart	(801) 538-4100
Virginia	Christie Van Audenhove	(804) 221-0990
Vermont	Judy Rex	(802) 223-1307
Washington	Mary Pontarolo	(206) 352-4029
Wisconsin	Mary Lauby	(608) 255-0539
West Virginia	Sue Julian	(304) 765-2250

## Domestic Violence Resource Network

### National Resource Center on Domestic Violence

800-537-2238  
fax 717-515-9156

HARRISBURG, Pa. — Provides comprehensive information and resources, policy development and technical assistance designed to enhance community response to and prevention of domestic violence.

### Battered Women's Justice Project 800-903-0111

MINNEAPOLIS, Minn. — Provides training, technical assistance and other resources through a partnership of three nationally-recognized organizations:

• **Domestic Abuse  
Intervention Project** fax 612-824-8965

Addressing the criminal justice system's response to domestic violence including the development of batterers' programs.

• **National Clearinghouse for  
the Defense of Battered Women** fax 215-351-0779

Addressing issues raised when battered women are accused of committing crimes, including killing an abusive partner.

**Pennsylvania Coalition  
Against Domestic Violence** fax 610-373-6103

Addressing civil court access and legal representation issues of battered women.

### Resource Center on Child Protection/Custody

800-527-3223  
fax 702-781-6160

RENO, Nev. — Provides resource materials, consultation, technical assistance and legal research related to child protection/custody in the context of domestic violence.

### Health Resource Center on Domestic Violence

800-313-1310  
fax 415-252-8991

SAN FRANCISCO, Ca. — Provides specialized information packets designed to strengthen the health care system's response to domestic violence, as well as technical assistance and library services to support health care-based domestic violence training and program development.

## The National Resource Center, on Domestic Violence

As a source of comprehensive information, training and technical assistance on domestic violence prevention and intervention, the National Resource Center (NRC) supports and expands the capacity of those providing services to battered women and their children. The primary objectives of the NRC are:

- to serve as a central resource for the collection, preparation, analysis and dissemination of information and statistics on domestic violence;
- to identify and/or support the development of innovative and exemplary intervention and prevention resources, including model practices, protocols and policies; and
- to work closely with the special issue resource centers to maintain a comprehensive database of information and to coordinate resource development and technical assistance activities.

While a particular focus of the NRC is to support and expand the work of domestic violence programs and state coalitions, assistance is also provided to federal, state and local government agencies, Indian tribal organizations, policy leaders, the media and other professionals and volunteers involved in responding to or preventing domestic violence.

The NRC is a project of the Pennsylvania Coalition Against Domestic Violence (PCADV), which has been recognized nationally as a key resource for policy development, training and technical assistance for the past 15 years.

## The Battered Women's Justice Project

The Battered Women's Justice Project (BWJP) provides training, technical assistance and other resources on three aspects of domestic violence: civil court access and representation, criminal justice response, and battered women's self-defense issues. The services provided by the BWJP are intended to assist legal advocates, law enforcement personnel, corrections agents, judges, attorneys, domestic violence organizations, government agencies, students and concerned citizens. Although the BWJP does offer technical assistance, it does not take on individual cases.

The criminal justice component of the BWJP, located in Minneapolis, Minn., focuses on the criminal justice system's response to domestic violence. This BWJP partner stresses that effective intervention requires inter-agency coordination and policy development that guides individual practitioners in the use of arrest, prosecution, sentencing of abusers, victim safeguards, and, when appropriate, rehabilitation of abusers. In addition, this component also handles information requests about domestic violence and the military and community intervention strategies within the Native American communities.

The National Clearinghouse for the Defense of Battered Women in Philadelphia, Pa. addresses issues that arise when battered women are charged with crimes. The National Clearinghouse is the only national organization that provides critical assistance, resources and support to battered women who kill their abusers while defending themselves or their children from life-threatening violence or who are coerced by their abusers into committing a crime. The National Clearinghouse strives to prevent battered women defendants from being re-victimized by the criminal justice system and has developed comprehensive resources to support attorneys, expert witnesses, advocates and others working with battered women charged with crimes.

The legal staff of the Pennsylvania Coalition Against Domestic Violence provide important leadership aimed at enhancing justice for battered women and their children in the civil legal arena by improving battered women's access to civil court options and legal representation in civil court processes. The PCADV legal staff provides consultation to advocates, attorneys, court personnel and policy makers in state-of-the-art advocacy and court system approaches, model protocols and practices and public policy.

## The Health Resource Center on Domestic Violence

Improving health care providers' response to the crisis of domestic violence is the focus of the Health Resource Center on Domestic Violence. Goals for the Health Resource Center include:

- developing multi-disciplinary protocols in primary care, emergency department, obstetric/gynecology, and other medical subspecialties;
- creating a model training manual and educational slide show describing appropriate health care responses to domestic violence; and
- building a national pool of experts available for public speaking, training and consultation on improving the health care system's response to domestic violence.

The Health Resource Center is a project of the Family Violence Prevention Fund, which is known for its innovative efforts to prevent family violence. Among the Fund's nationally-recognized domestic violence initiatives are: the national public education campaign, "There's No Excuse for Domestic Violence," which was designed to change society's acceptance and misconceptions about domestic violence; a national judicial education program; a project to educate family preservation workers; and a battered immigrant and refugee women's rights project.

## The Resource Center on Child Protection and Custody

The mission of the Resource Center on Child Protection and Custody is to provide access to the best possible source of information and tangible assistance to those working in the field of domestic violence and child protection and custody. Target groups include family court judges, child protection workers, family preservation workers, domestic violence victims' advocates, attorneys and others. In addition, the center identifies and develops model policies, protocols and programs that are sensitive to the legal and psychological dynamics of child protection and custody cases involving family violence.

The Family Violence Project of the National Council of Juvenile and Family Court Judges operates the Resource Center on Child Protection and Custody as one of several ongoing projects. Other efforts are focused on: improving the court system's response to family violence cases; providing training for judges and court workers nationwide; and developing and promoting model state legislation on domestic and family violence.

## Domestic Violence Resource Network

If you would like to be included in the network mailing list, please complete and mail this card to the National Resource Center. (Please print clearly)

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Organization: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

My/our organization affiliation is: \_\_\_\_\_ domestic violence program

\_\_\_\_\_ state coalition \_\_\_\_\_ resource center \_\_\_\_\_ media \_\_\_\_\_ corporation

\_\_\_\_\_ researcher \_\_\_\_\_ social service provider \_\_\_\_\_ educator \_\_\_\_\_ student

\_\_\_\_\_ government agency (circle one: local, state, federal) \_\_\_\_\_ clergy/church

\_\_\_\_\_ state/national domestic violence assoc. \_\_\_\_\_ legislator \_\_\_\_\_ individual

\_\_\_\_\_ law enforcement \_\_\_\_\_ legal \_\_\_\_\_ health \_\_\_\_\_ mental health \_\_\_\_\_ court

\_\_\_\_\_ other: \_\_\_\_\_

## Domestic Violence Resource Network

National Resource Center  
on Domestic Violence  
(800) 537-2238  
Fax (717) 545-9456  
6100 Hank Drive, Suite 1300  
Harrisburg, PA 17112-2778

Battered Women's  
Justice Project  
(800) 903-0111  
Fax (612) 824-8905  
4052 Chicago Ave., South  
Minneapolis, MN 55407

Health Resource Center  
on Domestic Violence  
(800) 313-1310  
Fax (415) 252-8991  
383 Rhode Island Street, Suite 304  
San Francisco, CA 94103-5133

Resource Center on  
Child Protection/Custody  
(800) 527-3223  
Fax (702) 781-6160  
P.O. Box 8970  
Reno, NV 89507

## DOMESTIC VIOLENCE RESOURCE NETWORK

**National Resource Center  
on Domestic Violence** 800-537-2238  
fax 717-545-9456

HARRISBURG, Pa. — Provides comprehensive information and resources, policy development and technical assistance designed to enhance community response to and prevention of domestic violence.

**Battered Women's Justice Project** 800-903-0111

MINNEAPOLIS, Minn. — Provides training, technical assistance and other resources through a partnership of three nationally-recognized organizations:

• **Domestic Abuse  
Intervention Project** fax 612-821-8965

Addressing the criminal justice system's response to domestic violence including the development of batterers programs.

• **National Clearinghouse for  
the Defense of Battered Women** fax 215-351-0779

Addressing issues raised when battered women are accused of committing crimes, including killing an abusive partner.

• **Pennsylvania Coalition  
Against Domestic Violence** fax 610-373-6103

Addressing civil court access and legal representation issues of battered women.

**Resource Center on  
Child Protection/Custody** 800-527-3223  
fax 702-781-6160

RENO, Nev. — Provides resource materials, consultation, technical assistance and legal research related to child protection/custody in the context of domestic violence.

**Health Resource Center  
on Domestic Violence** 800-313-1310  
fax 415-252-8991

SAN FRANCISCO, Ca. — Provides specialized information packets designed to strengthen the health care system's response to domestic violence, as well as technical assistance and library services to support health care-based domestic violence training and program development.

## on Domestic Violence

As a source of comprehensive information, training and technical assistance on domestic violence prevention and intervention, the National Resource Center (NRC) supports and expands the capacity of those providing services to battered women and their children. The primary objectives of the NRC are:

- to serve as a central resource for the collection, preparation, analysis and dissemination of information and statistics on domestic violence;
- to identify and/or support the development of innovative and exemplary intervention and prevention resources, including model practices, protocols and policies; and
- to work closely with the special issue resource centers to maintain a comprehensive database of information and to coordinate resource development and technical assistance activities.

While a particular focus of the NRC is to support and expand the work of domestic violence programs and state coalitions, assistance is also provided to federal, state and local government agencies, Indian tribal organizations, policy leaders, the media and other professionals and volunteers involved in responding to or preventing domestic violence.

The NRC is a project of the Pennsylvania Coalition Against Domestic Violence (PCADV), which has been recognized nationally as a key resource for policy development, training and technical assistance for the past 15 years.

## The Battered Women's Justice Project

The Battered Women's Justice Project (BWJP) provides training, technical assistance and other resources on three aspects of domestic violence: civil court access and representation, criminal justice response, and battered women's self-defense issues. The services provided by the BWJP are intended to assist legal advocates, law enforcement personnel, corrections agents, judges, attorneys, domestic violence organizations, government agencies, students and concerned citizens. Although the BWJP does offer technical assistance, it does not take on individual cases.

The criminal justice component of the BWJP, located in Minneapolis, Minn., focuses on the criminal justice system's response to domestic violence. This BWJP partner stresses that effective intervention requires inter-agency coordination and policy development that guides individual practitioners in the use of arrest, prosecution, sentencing of abusers, victim safeguards, and, when appropriate, rehabilitation of abusers. In addition, this component also handles information requests about domestic violence and the military and community intervention strategies within the Native American communities.

The National Clearinghouse for the Defense of Battered Women in Philadelphia, Pa. addresses issues that arise when battered women are charged with crimes. The National Clearinghouse is the only national organization that provides critical assistance, resources and support to battered women who kill their abusers while defending themselves or their children from life-threatening violence or who are coerced by their abusers into committing a crime. The National Clearinghouse strives to prevent battered women defendants from being re-victimized by the criminal justice system and has developed comprehensive resources to support attorneys, expert witnesses, advocates and others working with battered women charged with crimes.

The legal staff of the Pennsylvania Coalition Against Domestic Violence provide important leadership aimed at enhancing justice for battered women and their children in the civil legal arena by improving battered women's access to civil court options and legal representation in civil court processes. The PCAADV legal staff provides consultation to advocates, attorneys, court personnel and policy makers in state-of-the-art advocacy and court system approaches, model protocols and practices and public policy.

## The Health Resource Center on Domestic Violence

Improving health care providers' response to the crisis of domestic violence is the focus of the Health Resource Center on Domestic Violence. Goals for the Health Resource Center include:

- developing multi-disciplinary protocols in primary care, emergency department, obstetric/gynecology, and other medical specialties;
- creating a model training manual and educational slide show describing appropriate health care responses to domestic violence; and
- building a national pool of experts available for public speaking, training and consultation on improving the health care system's response to domestic violence.

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## Domestic Violence Resource Network

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Name: \_\_\_\_\_

Title: \_\_\_\_\_

Organization: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

My/our organization affiliation is:  domestic violence program  
 state coalition  resource center  media  corporation  
 researcher  social service provider  educator  student  
 government agency (circle one: local, state, federal)  clergy/church  
 state/national domestic violence assoc.  legislator  individual  
 law enforcement  legal  health  mental health  court  
 other: \_\_\_\_\_

Dear Anne

## Domestic Violence Resource Network

**National Resource Center on Domestic Violence**  
 (800) 537-2238  
 Fax (717) 545-9456  
 6100 Hook Drive, Suite 1300  
 Harrisburg, PA 17112-2778

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 383 Kinole Island Street, Suite 301  
 San Francisco, CA 94103-5133

**Resource Center on Child Protection/Custody**  
 (800) 527-3223  
 Fax (702) 784-6160  
 P.O. Box 8970  
 Reno, NV 89507

**ATTACHMENT 7**

**Article in the Office of Child Support  
Enforcement/HHS's December Newsletter**

# Welfare Reform: Domestic Violence Provisions

By: Susan Notar

As states implement welfare reform, one important issue is domestic violence. Some data show a high incidence of domestic violence among welfare recipients.

Children, also, are more likely to be abused in a household where domestic violence is occurring, and research has established that children suffer long-term effects from witnessing abuse or being abused themselves. It is possible that increased efforts at enforcing child support obligations may aggravate domestic tensions and could lead women to avoid cooperating with the establishment of paternity and enforcement of support.

Welfare reform imposes a five year lifetime limit on the benefits a family can receive under the Temporary Assistance for Needy Families (TANF) program. Recipients of TANF must begin work efforts within two years of receiving benefits. States must meet specified percentages of recipients moving off welfare and into work to receive federal funding for their assistance programs without financial penalties. And states must meet a 90 percent paternity establishment standard.

Exceptions in the law will enable states to exclude some cases from being counted against them where domestic violence is a factor. But some researchers suggest that there may be too many domestic violence cases among welfare recipients for states to ignore the problem and still meet mandatory work and paternity establishment percentages.

Attentive to this problem, President Clinton, declaring October to be National Domestic Violence Awareness Month, urged the Departments of Health and Human Services and Justice to work together to assist the states in implementing the family anti-violence language of the new welfare reform law. (See box.) DHHS Secretary Donna Shalala wrote to the Nation's Governors, encouraging them to include the anti-violence language, also called the Wellstone/Murray provisions, in their TANF state plans.

(Continued on page 7)

## Domestic Violence Proclamation

On October 3, 1996, President Clinton issued a proclamation declaring October National Domestic Violence Awareness Month and encouraged all States to adopt the family anti-violence provisions contained in section 402(a)(7) of Title I of the Personal Responsibility and Work Reconciliation Act of 1996 (P.L. 104-193).

The President also urged the Departments of Health and Human Services (DHHS) and Justice (DOJ) to work together to develop guidance for States to assist them in implementing the new provisions. The President specified that in crafting this guidance, DHHS and DOJ should work with states, domestic violence experts, victims' services programs, medical professionals, law enforcement, and others involved in fighting domestic violence, and recommend standards and procedures that will help make transitional assistance programs fully responsive to the needs of battered women.

The proclamation directed DHHS Secretary Donna Shalala to provide states with technical assistance as they work to implement the family anti-violence provisions. Secretary Shalala and Attorney General Janet Reno are to report to the President on specific progress that has been made in fulfilling its directives. □

### We'd Like to Hear From You

Your opinion matters to us. Any comments, concerns, or compliments you can share with us will help us do a better job for you. Tell us how we can improve *CSR* to make it a more useful publication to your needs. Take a minute to send a note to Phil Sharman, Editor, *Child Support Report*, 370 L'Enfant Promenade SW, 4th Floor, Washington, DC 20447. Or call (202) 401-4626.

# Domestic Violence

(Continued from page 4)

Wellstone/Murray allows a state the option to certify whether it has established and is enforcing standards and procedures to screen and identify individuals who have a history of domestic violence and are receiving assistance under the TANF program. Confidentiality is maintained, and such persons may be referred to counseling and other supportive services. Also, in certain cases states may waive, subject to a finding of good cause, other program requirements such as time limits, residency requirements, child support cooperation requirements, and family cap provisions. This must involve circumstances where compliance with such provisions would make it more difficult for individuals receiving assistance to escape domestic violence, or unfairly penalize persons who are or have been victimized by such violence, or who are at risk of further domestic violence.

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*States must have procedures to prohibit IV-D agencies from releasing information on the whereabouts of any person to another person against whom a protective order has been entered.*

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For example, states may exempt a family from the five year lifetime limit for receiving TANF if the family includes an individual who has been battered or subjected to extreme cruelty. States must have procedures in place prohibiting IV-D agencies from releasing information on the whereabouts of a party to another party against whom a protective order has been entered, or where the state has reason to believe that the release of the information may result in physical or emotional harm. States may also exclude recipients of IV-A or Title IX services from having to cooperate with paternity establishment and child support enforcement by allowing them to claim "good cause." While the new law allows States to define good cause, domestic violence is generally classified under that precept.

ACF has recently awarded two grants on domestic violence. The first, in Anne Arundel County, Maryland, trains Department of Social Services staff (including many IV-D staff) on what domestic violence is and how often it is occurring among the population served. The second is a supplemental grant to a Colorado project, with the focus on domestic violence as it relates to cooperation and good cause.

More information on the link between domestic violence and welfare is needed to improve child support enforcement services and to ensure the full success of welfare reform. OCSE will be working with IV-D practitioners, as well as those in other fields, to gain a better understanding of this problem and how best to respond to it.

If you would like further information, contact Susan Notar at (202) 401-4606. □

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*Susan Notar is an Attorney in OCSE's Division of State and Local Assistance.*



## Conference Calendar

Want to know who's meeting, where, and when? Check out the ACF Bulletin Board or Internet listings, where the Calendar is routinely updated. If you're planning a meeting and would like to have it listed, call Roy Nix at (202) 401-5685. □

For Immediate Release

October 3, 1996

October 3, 1996

**MEMORANDUM FOR THE SECRETARY OF HEALTH AND HUMAN SERVICES  
THE ATTORNEY GENERAL****SUBJECT: Guidelines to States for Implementing  
the Family Violence Provisions**

Domestic violence has a devastating impact on families and communities. Each year, hundreds of thousands of Americans are subjected to assault, rape, or murder at the hands of an intimate family member. Our children's futures are severely threatened by the fact that they live in homes with domestic violence. We know that children who grow up with such violence are more likely to become victims or batterers themselves. The violence in our homes is self-perpetuating and eventually it spills into our schools, our communities, and our workplaces.

Domestic violence can be particularly damaging to women and children in low-income families. The profound mental and physical effects of domestic violence can often interfere with victims' efforts to pursue education or employment -- to become self-sufficient and independent. Moreover, it is often the case that the abusers themselves fight to keep their victims from becoming independent.

As we reform our Nation's welfare system, we must make sure that welfare-to-work programs across the country have the tools, the training, and the flexibility necessary to help battered women move successfully into the work force and become self-sufficient.

For these reasons, I strongly encourage States to implement the Wellstone/Murray Family Violence provisions of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996 (Public Law 104-193, section 402(a)(7)). These provisions invite States to increase services for battered women through welfare programs and help these women move successfully and permanently into the workplace. The Family Violence provisions are critical in responding to the unique needs faced by women and families subjected to domestic violence.

As we move forward on our historical mission to reform the welfare system, this Administration is committed to offering States assistance in their efforts to implement the Family Violence provisions.

Accordingly, I direct the Secretary of the Department of Health and Human Services and the Attorney General to develop guidance for States to assist and facilitate the implementation of the Family Violence provisions. In crafting this guidance, the Departments of Health and Human Services and Justice should

more

(OVER)

work with States, domestic violence experts, victims' services programs, law enforcement, medical professionals, and others involved in fighting domestic violence. These agencies should recommend standards and procedures that will help make transitional assistance programs fully responsive to the needs of battered women.

The Secretary of Health and Human Services is further directed to provide States with technical assistance as they work to implement the Family Violence provisions.

Finally, to more accurately study the scope of the problem, we should examine statutory rape, domestic violence, and sexual assault as threats to safety and barriers to self-sufficiency. I therefore direct the Attorney General and the Secretary of Health and Human Services to make it a priority to understand the incidence of statutory rape, domestic violence, and sexual assault in the lives of poor families, and to recommend the best assessment, referral, and delivery models to improve safety and self-sufficiency for poor families who are victims of domestic violence.

I ask the Secretary of Health and Human Services and the Attorney General to report to me in writing 90 days from the date of this memorandum on the specific progress that has been made toward these goals.

WILLIAM J. CLINTON

###

STATE CAPITOL, ROOM 2080  
SACRAMENTO, CA 95814  
(916) 445-1353

10951 W. PICO BLVD., #202  
LOS ANGELES, CA 90064  
(310) 441-9084

**Senate**  
**California Legislature**

**TOM HAYDEN**  
SENATOR  
TWENTY-THIRD DISTRICT



COMMITTEES:  
NATURAL RESOURCES AND  
WILDLIFE, CHAIR  
SELECT COMMITTEE ON  
HIGHER EDUCATION, CHAIR  
EDUCATION  
ENERGY, UTILITIES  
AND COMMUNICATIONS  
TOXICS AND PUBLIC SAFETY  
MANAGEMENT  
TRANSPORTATION

January 7, 1996

Carol Rasco, Assistant to the President for Domestic Policy  
The White House  
1600 Pennsylvania Ave.  
Old Executive Office Building, Rm 213  
Washington, DC 20502

Dear Ms. Rasco,

In our efforts to restructure welfare, we must not endanger domestic violence survivors by applying every provision of HR3734 to them. Creating obstacles for battered women who need to leave abusive relationships would in no way reform our welfare system.

Consequently, I am writing to urge you to issue a timely and decisive advisory opinion finding that the Family Violence Amendment's waivers do not count toward a state's 20% "hardship" waivers. These are two fundamentally distinct provisions. The Amendment was designed to waive program requirements for an unlimited number of domestic violence survivors for "so long as necessary." By contrast, the hardship clause specifies that states may select 20% of their welfare cases to permanently exempt from the 60-month lifetime limit on benefits. In the number of waivers they grant, their reasons for allowing such exemptions, and the duration of their waivers, these two parts of HR3734 clearly differ. States should be allowed to temporarily protect domestic violence survivors from threatening requirements and not lose their option to designate 20% of recipients as hardship cases.

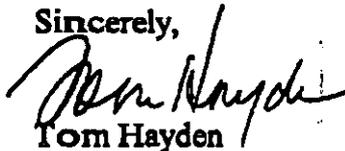
Public assistance has long been an avenue toward independence for battered women and their children. We must keep this avenue clear of roadblocks. Frequently discouraged from working or completing their education while in abusive relationships, these women must be guaranteed outside support in order to leave unsafe situations. Once on their own, domestic violence survivors must confront particular challenges. In addition to intense emotional trauma, they face the threat of further violence at a workplace or school where their past abuser can locate them. The Family Violence

Amendment recognizes these difficulties and gives states the opportunity waive work requirements such as the 60-month lifetime limit.

If these waivers are counted toward the 20% hardship exemptions, an ugly political dogfight will ensue. Recipient group will be set against recipient group. Inevitably, either the legitimate claims of hardship by many recipients will be ignored or the intent of Congress to protect battered women will be flouted. This grim battle can be avoided if you keep separate these two waiver programs which differ in their purpose, language, and scope. Please issue an advisory opinion to this effect as soon as possible.

We must concentrate on reforming welfare, not punishing those who most need our help. If states are made to indiscriminately enforce all provisions of the federal welfare reform bill, they will jeopardize the abilities of domestic violence survivors to change their lives.

Sincerely,



Tom Hayden

# Law relevant to Domestic Violence Direc.

Public Law 104-193  
104th Congress

## An Act

To provide for reconciliation pursuant to section 201(a)(1) of the concurrent resolution on the budget for fiscal year 1997.

Aug. 22, 1996  
[H.R. 3734]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Personal Responsibility and Work Opportunity Reconciliation Act of 1996".

Personal  
Responsibility  
and Work  
Opportunity  
Reconciliation  
Act of 1996.  
42 USC 1305  
note.

### SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

#### TITLE I—BLOCK GRANTS FOR TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

- Sec. 101. Findings.
- Sec. 102. Reference to Social Security Act.
- Sec. 103. Block grants to States.
- Sec. 104. Services provided by charitable, religious, or private organizations.
- Sec. 105. Census data on grandparents as primary caregivers for their grandchildren.
- Sec. 106. Report on data processing.
- Sec. 107. Study on alternative outcomes measures.
- Sec. 108. Conforming amendments to the Social Security Act.
- Sec. 109. Conforming amendments to the Food Stamp Act of 1977 and related provisions.
- Sec. 110. Conforming amendments to other laws.
- Sec. 111. Development of prototype of counterfeit-resistant Social Security card required.
- Sec. 112. Modifications to the job opportunities for certain low-income individuals program.
- Sec. 113. Secretarial submission of legislative proposal for technical and conforming amendments.
- Sec. 114. Assuring medicaid coverage for low-income families.
- Sec. 115. Denial of assistance and benefits for certain drug-related convictions.
- Sec. 116. Effective date; transition rule.

#### TITLE II—SUPPLEMENTAL SECURITY INCOME

- Sec. 200. Reference to Social Security Act.

##### Subtitle A—Eligibility Restrictions

- Sec. 201. Denial of SSI benefits for 10 years to individuals found to have fraudulently misrepresented residence in order to obtain benefits simultaneously in 2 or more States.
- Sec. 202. Denial of SSI benefits for fugitive felons and probation and parole violators.
- Sec. 203. Treatment of prisoners.
- Sec. 204. Effective date of application for benefits.

##### Subtitle B—Benefits for Disabled Children

- Sec. 211. Definition and eligibility rules.
- Sec. 212. Eligibility redeterminations and continuing disability reviews.



of hardship or if the family includes an individual who has been battered or subjected to extreme cruelty.

"(ii) **LIMITATION.**—The number of families with respect to which an exemption made by a State under clause (i) is in effect for a fiscal year shall not exceed 20 percent of the average monthly number of families to which assistance is provided under the State program funded under this part.

"(iii) **BATTERED OR SUBJECT TO EXTREME CRUELTY DEFINED.**—For purposes of clause (i), an individual has been battered or subjected to extreme cruelty if the individual has been subjected to—

"(I) physical acts that resulted in, or threatened to result in, physical injury to the individual;

"(II) sexual abuse;

"(III) sexual activity involving a dependent child;

"(IV) being forced as the caretaker relative of a dependent child to engage in nonconsensual sexual acts or activities;

"(V) threats of, or attempts at, physical or sexual abuse;

"(VI) mental abuse; or

"(VII) neglect or deprivation of medical care.

"(D) **DISREGARD OF MONTHS OF ASSISTANCE RECEIVED BY ADULT WHILE LIVING ON AN INDIAN RESERVATION OR IN AN ALASKAN NATIVE VILLAGE WITH 50 PERCENT UNEMPLOYMENT.**—In determining the number of months for which an adult has received assistance under the State program funded under this part, the State shall disregard any month during which the adult lived on an Indian reservation or in an Alaskan Native village if, during the month—

"(i) at least 1,000 individuals were living on the reservation or in the village; and

"(ii) at least 50 percent of the adults living on the reservation or in the village were unemployed.

"(E) **RULE OF INTERPRETATION.**—Subparagraph (A) shall not be interpreted to require any State to provide assistance to any individual for any period of time under the State program funded under this part.

"(F) **RULE OF INTERPRETATION.**—This part shall not be interpreted to prohibit any State from expending State funds not originating with the Federal Government on benefits for children or families that have become ineligible for assistance under the State program funded under this part by reason of subparagraph (A).

"(8) **DENIAL OF ASSISTANCE FOR 10 YEARS TO A PERSON FOUND TO HAVE FRAUDULENTLY MISREPRESENTED RESIDENCE IN ORDER TO OBTAIN ASSISTANCE IN 2 OR MORE STATES.**—A State to which a grant is made under section 403 shall not use any part of the grant to provide cash assistance to an individual during the 10-year period that begins on the date the individual is convicted in Federal or State court of having made a fraudulent statement or representation with respect to the place of residence of the individual in order to receive assistance simultaneously from 2 or more States under pro-

includes an adult who has received a grant funded under this part attributable to the Federal Government or under the program defined in section 3(h) of the Food and Nutrition Assistance Act if the minor child fails to attend school as required by the State program funded under this section and such adult does not have, or is not attending, a secondary school diploma or its equivalent.

SECTION 403. (a) A grant made under this section shall be made to a family that includes an adult who is younger than age 51 and who has not received a secondary school diploma or its equivalent from the Federal Government or any other State, as defined in section 3(h) of the Food and Nutrition Assistance Act, if such adult does not have, or is not attending, a secondary school diploma or its equivalent.

SECTION 404. (a) The Secretary shall pay each grant payable under this section in quarterly installments, subject to the following conditions:

(1) The first installment shall be paid no later than 3 months before the payment of the grant to a State, the Secretary shall determine the amount of any reduction determined under this section.

SECTION 405. CERTIFICATION OF PAYMENTS TO STATES

(a) The Secretary shall estimate the amount of the grant payable to each eligible State for each quarter and the amount to be based on a report filed by the State of the total amount of the grant payable to the State in the quarter under this part and such other information as may be necessary.

(b) The Secretary of Health and Human Services shall determine the amount of any overpayment or underpayment of a grant payable to a State under this part and such other information as may be necessary.

(c) The Secretary of the Treasury shall determine the amount of any overpayment or underpayment of a grant payable to a State under this part and such other information as may be necessary.

SECTION 406. WELFARE PROGRAMS

(1) IN GENERAL.—The Secretary shall make loans to any loan-eligible State, for a period to maturity of not more than 3 years.

(2) LOAN-ELIGIBLE STATE.—As used in paragraph (1), the term 'loan-eligible State' means a State against which a penalty has not been imposed under section 409(a)(1).

(b) RATE OF INTEREST.—The Secretary shall charge and collect interest on any loan made under this section at a rate equal to the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the period to maturity of the loan.

(c) USE OF LOAN.—A State shall use a loan made to the State under this section only for any purpose for which grant amounts received by the State under section 403(a) may be used, including—

- (1) welfare anti-fraud activities; and
(2) the provision of assistance under the State program to Indian families that have moved from the service area of an Indian tribe with a tribal family assistance plan approved under section 412.

(d) LIMITATION ON TOTAL AMOUNT OF LOANS TO A STATE.—The cumulative dollar amount of all loans made to a State under this section during fiscal years 1997 through 2002 shall not exceed 10 percent of the State family assistance grant.

(e) LIMITATION ON TOTAL AMOUNT OF OUTSTANDING LOANS.—The total dollar amount of loans outstanding under this section may not exceed \$1,700,000,000.

(f) APPROPRIATION.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated such sums as may be necessary for the cost of loans under this section.

SEC. 407. MANDATORY WORK REQUIREMENTS.

42 USC 607.

(a) PARTICIPATION RATE REQUIREMENTS.—

(1) ALL FAMILIES.—A State to which a grant is made under section 403 for a fiscal year shall achieve the minimum participation rate specified in the following table for the fiscal year with respect to all families receiving assistance under the State program funded under this part:

Table with 2 columns: 'If the fiscal year is:' and 'The minimum participation rate is:'. Rows include years 1997 (25), 1998 (30), 1999 (35), 2000 (40), 2001 (45), and 2002 or thereafter (50).

(2) 2-PARENT FAMILIES.—A State to which a grant is made under section 403 for a fiscal year shall achieve the minimum participation rate specified in the following table for the fiscal year with respect to 2-parent families receiving assistance under the State program funded under this part:

Table with 2 columns: 'If the fiscal year is:' and 'The minimum participation rate is:'. Rows include years 1997 (75), 1998 (75), and 1999 or thereafter (90).

**"(b) CALCULATION OF PARTICIPATION RATES.—****"(1) ALL FAMILIES.—**

**"(A) AVERAGE MONTHLY RATE.—**For purposes of subsection (a)(1), the participation rate for all families of a State for a fiscal year is the average of the participation rates for all families of the State for each month in the fiscal year.

**"(B) MONTHLY PARTICIPATION RATES.—**The participation rate of a State for all families of the State for a month, expressed as a percentage, is—

**"(i) the number of families receiving assistance under the State program funded under this part that include an adult or a minor child head of household who is engaged in work for the month; divided by**

**"(ii) the amount by which—**

**"(I) the number of families receiving such assistance during the month that include an adult or a minor child head of household receiving such assistance; exceeds**

**"(II) the number of families receiving such assistance that are subject in such month to a penalty described in subsection (e)(1) but have not been subject to such penalty for more than 3 months within the preceding 12-month period (whether or not consecutive).**

**"(2) 2-PARENT FAMILIES.—**

**"(A) AVERAGE MONTHLY RATE.—**For purposes of subsection (a)(2), the participation rate for 2-parent families of a State for a fiscal year is the average of the participation rates for 2-parent families of the State for each month in the fiscal year.

**"(B) MONTHLY PARTICIPATION RATES.—**The participation rate of a State for 2-parent families of the State for a month shall be calculated by use of the formula set forth in paragraph (1)(B), except that in the formula the term 'number of 2-parent families' shall be substituted for the term 'number of families' each place such latter term appears.

**"(3) PRO RATA REDUCTION OF PARTICIPATION RATE DUE TO CASELOAD REDUCTIONS NOT REQUIRED BY FEDERAL LAW.—**

**"(A) IN GENERAL.—**The Secretary shall prescribe regulations for reducing the minimum participation rate otherwise required by this section for a fiscal year by the number of percentage points equal to the number of percentage points (if any) by which—

**"(i) the average monthly number of families receiving assistance during the immediately preceding fiscal year under the State program funded under this part is less than**

**"(ii) the average monthly number of families that received aid under the State plan approved under part A (as in effect on September 30, 1995) during fiscal year 1995.**

The minimum participation rate shall not be reduced to the extent that the Secretary determines that the reduction in the number of families receiving such assistance is required by Federal law.

Regulations.

**PARTICIPATION RATES.—**

**MONTHLY RATE.—**For purposes of sub-  
participation rate for all families of a  
is the average of the participation  
of the State for each month in the

**PARTICIPATION RATES.—**The participa-  
for all families of the State for a  
percentage, is—

or of families receiving assistance  
program funded under this part that  
a minor child head of household  
work for the month; divided by  
by which—

number of families receiving such  
ing the month that include an adult  
head of household receiving such  
ids

number of families receiving such  
are subject in such month to a  
d in subsection (e)(1) but have not  
such penalty for more than 3  
the preceding 12-month period  
onsecutive).

**MONTHLY RATE.—**For purposes of sub-  
participation rate for 2-parent families  
is the average of the participation  
es of the State for each month

**PARTICIPATION RATES.—**The participa-  
2-parent families of the State  
calculated by use of the formula  
(X)(B), except that in the formula  
ent families' shall be substituted  
families' each place such latter

**ADJUSTMENT OF PARTICIPATION RATE DUE TO  
REQUIREMENTS BY FEDERAL LAW.—**  
Secretary shall prescribe regu-  
latory participation rate other-  
than for a fiscal year by the number  
of families to the number of percentage

monthly number of families receiv-  
ing the immediately preceding fiscal  
program funded under this part

monthly number of families that  
State plan approved under part  
September 30, 1995) during fiscal

participation rate shall not be reduced to  
less than the rate determined by  
which determines that the reduction  
in participation rate is warranted  
for a family receiving such assistance is

**“(B) ELIGIBILITY CHANGES NOT COUNTED.—**The regula-  
tions required by subparagraph (A) shall not take into  
account families that are diverted from a State program  
funded under this part as a result of differences in eligi-  
bility criteria under a State program funded under this  
part and eligibility criteria under the State program oper-  
ated under the State plan approved under part A (as such  
plan and such part were in effect on September 30, 1995).  
Such regulations shall place the burden on the Secretary  
to prove that such families were diverted as a direct result  
of differences in such eligibility criteria.

**“(4) STATE OPTION TO INCLUDE INDIVIDUALS RECEIVING  
ASSISTANCE UNDER A TRIBAL FAMILY ASSISTANCE PLAN.—**For  
purposes of paragraphs (1)(B) and (2)(B), a State may, at its  
option, include families in the State that are receiving assist-  
ance under a tribal family assistance plan approved under  
section 412.

**“(5) STATE OPTION FOR PARTICIPATION REQUIREMENT EXEMPT-  
IONS.—**For any fiscal year, a State may, at its option, not  
require an individual who is a single custodial parent caring  
for a child who has not attained 12 months of age to engage  
in work, and may disregard such an individual in determining  
the participation rates under subsection (a) for not more than  
12 months.

**“(c) ENGAGED IN WORK.—**

**“(1) GENERAL RULES.—**

**“(A) ALL FAMILIES.—**For purposes of subsection  
(b)(1)(B)(i), a recipient is engaged in work for a month  
in a fiscal year if the recipient is participating in work  
activities for at least the minimum average number of  
hours per week specified in the following table during  
the month, not fewer than 20 hours per week of which  
are attributable to an activity described in paragraph (1),  
(2), (3), (4), (5), (6), (7), (8), or (12) of subsection (d), subject  
to this subsection:

<b>“If the month is in fiscal year:</b>	<b>The minimum average number of hours per week is:</b>
1997 .....	20
1998 .....	20
1999 .....	25
2000 or thereafter .....	30.

**“(B) 2-PARENT FAMILIES.—**For purposes of subsection  
(b)(2)(B), an individual is engaged in work for a month  
in a fiscal year if—

**“(i) the individual is making progress in work  
activities for at least 35 hours per week during the  
month, not fewer than 30 hours per week of which  
are attributable to an activity described in paragraph  
(1), (2), (3), (4), (5), (6), (7), (8), or (12) of subsection  
(d), subject to this subsection; and**

**“(ii) if the family of the individual receives feder-  
ally-funded child care assistance and an adult in the  
family is not disabled or caring for a severely disabled  
child, the individual's spouse is making progress in  
work activities during the month, not fewer than 20  
hours per week of which are attributable to an activity**

described in paragraph (1), (2), (3), (4), (5), or (7) of subsection (d).

“(2) LIMITATIONS AND SPECIAL RULES.—

“(A) NUMBER OF WEEKS FOR WHICH JOB SEARCH COUNTS AS WORK.—

“(i) LIMITATION.—Notwithstanding paragraph (1) of this subsection, an individual shall not be considered to be engaged in work by virtue of participation in an activity described in subsection (d)(6) of a State program funded under this part, after the individual has participated in such an activity for 6 weeks (or, if the unemployment rate of the State is at least 50 percent greater than the unemployment rate of the United States, 12 weeks), or if the participation is for a week that immediately follows 4 consecutive weeks of such participation.

“(ii) LIMITED AUTHORITY TO COUNT LESS THAN FULL WEEK OF PARTICIPATION.—For purposes of clause (i) of this subparagraph, on not more than 1 occasion per individual, the State shall consider participation of the individual in an activity described in subsection (d)(6) for 3 or 4 days during a week as a week of participation in the activity by the individual.

“(B) SINGLE PARENT WITH CHILD UNDER AGE 6 DEEMED TO BE MEETING WORK PARTICIPATION REQUIREMENTS IF PARENT IS ENGAGED IN WORK FOR 20 HOURS PER WEEK.—For purposes of determining monthly participation rates under subsection (b)(1)(B)(i), a recipient in a 1-parent family who is the parent of a child who has not attained 6 years of age is deemed to be engaged in work for a month if the recipient is engaged in work for an average of at least 20 hours per week during the month.

“(C) TEEN HEAD OF HOUSEHOLD WHO MAINTAINS SATISFACTORY SCHOOL ATTENDANCE DEEMED TO BE MEETING WORK PARTICIPATION REQUIREMENTS.—For purposes of determining monthly participation rates under subsection (b)(1)(B)(i), a recipient who is a single head of household and has not attained 20 years of age is deemed, subject to subparagraph (D) of this paragraph, to be engaged in work for a month in a fiscal year if the recipient—

“(i) maintains satisfactory attendance at secondary school or the equivalent during the month; or

“(ii) participates in education directly related to employment for at least the minimum average number of hours per week specified in the table set forth in paragraph (1)(A) of this subsection.

“(D) NUMBER OF PERSONS THAT MAY BE TREATED AS ENGAGED IN WORK BY VIRTUE OF PARTICIPATION IN VOCATIONAL EDUCATION ACTIVITIES OR BEING A TEEN HEAD OF HOUSEHOLD WHO MAINTAINS SATISFACTORY SCHOOL ATTENDANCE.—For purposes of determining monthly participation rates under paragraphs (1)(B)(i) and (2)(B) of subsection (b), not more than 20 percent of individuals in all families and in 2-parent families may be determined to be engaged in work in the State for a month by reason of participation

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graph (1), (2), (3), (4), (5), or (7) of

**SPECIAL RULES.—**  
**WEEKS FOR WHICH JOB SEARCH COUNTS**

**NOTWITHSTANDING** paragraph (1) an individual shall not be considered to be engaged in work by virtue of participation in an activity described in subsection (d)(6) of a State under this part, after the individual has performed such an activity for 6 weeks (or, if the unemployment rate of the State is at least 50 percent of the unemployment rate of the State for 4 consecutive weeks), or if the participation is immediately followed by 4 consecutive weeks of participation.

**AUTHORITY TO COUNT LESS THAN FULL WEEK OF PARTICIPATION.**—For purposes of clause (i) of paragraph (1), on not more than 1 occasion a State shall consider participation in an activity described in subsection (d)(6) of a State for 4 days during a week as a week of participation by the individual.

**INDIVIDUAL WITH CHILD UNDER AGE 6 DEEMED TO BE PARTICIPATING IN WORK FOR 20 HOURS PER WEEK.**—For purposes of clause (i) of paragraph (1), the monthly participation rates under this part for a recipient in a 1-parent family who has not attained 6 years of age and who is engaged in work for an average of at least 20 hours per month during the month.

**INDIVIDUAL WHO MAINTAINS SATISFACTORY ATTENDANCE DEEMED TO BE MEETING PARTICIPATION REQUIREMENTS.**—For purposes of clause (i) of paragraph (1), a recipient who is a single head of household who has attained 20 years of age is deemed, for purposes of clause (D) of this paragraph, to be engaged in work for an average of at least 20 hours per month in a fiscal year if the recipient

maintains satisfactory attendance at secondary school during the month; or if the recipient is engaged in education directly related to the minimum average number of hours specified in the table set forth in subsection (D) of this paragraph.

**REASONS THAT MAY BE TREATED AS VALID REASONS FOR TERMINATING MONTHLY PARTICIPATION UNDER SUBSECTION (D)(B)(1) AND (2)(B) OF THIS PART.**—The reasons that may be treated as valid reasons for terminating monthly participation under subsection (D)(B)(1) and (2)(B) of this part are the reasons specified in subsection (D)(B)(1) and (2)(B) of this part.

in vocational educational training or deemed to be engaged in work by reason of subparagraph (C) of this paragraph.

**(d) WORK ACTIVITIES DEFINED.**—As used in this section, the term “work activities” means—

- “(1) unsubsidized employment;
- “(2) subsidized private sector employment;
- “(3) subsidized public sector employment;
- “(4) work experience (including work associated with the refurbishing of publicly assisted housing) if sufficient private sector employment is not available;
- “(5) on-the-job training;
- “(6) job search and job readiness assistance;
- “(7) community service programs;
- “(8) vocational educational training (not to exceed 12 months with respect to any individual);
- “(9) job skills training directly related to employment;
- “(10) education directly related to employment, in the case of a recipient who has not received a high school diploma or a certificate of high school equivalency;
- “(11) satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalence, in the case of a recipient who has not completed secondary school or received such a certificate; and
- “(12) the provision of child care services to an individual who is participating in a community service program.

**(e) PENALTIES AGAINST INDIVIDUALS.**—

**(1) IN GENERAL.**—Except as provided in paragraph (2), if an individual in a family receiving assistance under the State program funded under this part refuses to engage in work required in accordance with this section, the State shall—

- “(A) reduce the amount of assistance otherwise payable to the family pro rata (or more, at the option of the State) with respect to any period during a month in which the individual so refuses; or
- “(B) terminate such assistance,

subject to such good cause and other exceptions as the State may establish.

**(2) EXCEPTION.**—Notwithstanding paragraph (1), a State may not reduce or terminate assistance under the State program funded under this part based on a refusal of an individual to work if the individual is a single custodial parent caring for a child who has not attained 6 years of age, and the individual proves that the individual has a demonstrated inability (as determined by the State) to obtain needed child care, for 1 or more of the following reasons:

- “(A) Unavailability of appropriate child care within a reasonable distance from the individual’s home or work site.
- “(B) Unavailability or unsuitability of informal child care by a relative or under other arrangements.
- “(C) Unavailability of appropriate and affordable formal child care arrangements.

**(f) NONDISPLACEMENT IN WORK ACTIVITIES.**—

**(1) IN GENERAL.**—Subject to paragraph (2), an adult in a family receiving assistance under a State program funded under this part attributable to funds provided by the Federal

Government may fill a vacant employment position in order to engage in a work activity described in subsection (d).

"(2) NO FILLING OF CERTAIN VACANCIES.—No adult in a work activity described in subsection (d) which is funded, in whole or in part, by funds provided by the Federal Government shall be employed or assigned—

"(A) when any other individual is on layoff from the same or any substantially equivalent job; or

"(B) if the employer has terminated the employment of any regular employee or otherwise caused an involuntary reduction of its workforce in order to fill the vacancy so created with an adult described in paragraph (1).

"(3) GRIEVANCE PROCEDURE.—A State with a program funded under this part shall establish and maintain a grievance procedure for resolving complaints of alleged violations of paragraph (2).

"(4) NO PREEMPTION.—Nothing in this subsection shall preempt or supersede any provision of State or local law that provides greater protection for employees from displacement.

"(g) SENSE OF THE CONGRESS.—It is the sense of the Congress that in complying with this section, each State that operates a program funded under this part is encouraged to assign the highest priority to requiring adults in 2-parent families and adults in single-parent families that include older preschool or school-age children to be engaged in work activities.

"(h) SENSE OF THE CONGRESS THAT STATES SHOULD IMPOSE CERTAIN REQUIREMENTS ON NONCUSTODIAL, NONSUPPORTING MINOR PARENTS.—It is the sense of the Congress that the States should require noncustodial, nonsupporting parents who have not attained 18 years of age to fulfill community work obligations and attend appropriate parenting or money management classes after school.

"(i) REVIEW OF IMPLEMENTATION OF STATE WORK PROGRAMS.—During fiscal year 1999, the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate shall hold hearings and engage in other appropriate activities to review the implementation of this section by the States, and shall invite the Governors of the States to testify before them regarding such implementation. Based on such hearings, such Committees may introduce such legislation as may be appropriate to remedy any problems with the State programs operated pursuant to this section.

42 USC 608.

**"SEC. 408. PROHIBITIONS; REQUIREMENTS.**

"(a) IN GENERAL.—

"(1) NO ASSISTANCE FOR FAMILIES WITHOUT A MINOR CHILD.—A State to which a grant is made under section 403 shall not use any part of the grant to provide assistance to a family—

"(A) unless the family includes—

"(i) a minor child who resides with a custodial parent or other adult caretaker relative of the child; or

"(ii) a pregnant individual; and

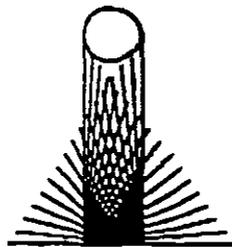
"(B) if the family includes an adult who has received assistance under any State program funded under this part attributable to funds provided by the Federal Government, for 60 months (whether or not consecutive) after

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**ANALYSIS OF CERTAIN STATUTORY  
INTERPRETATION QUESTIONS CONCERNING  
THE FAMILY VIOLENCE AMENDMENT  
TO THE PRWORA AND ITS RELATIONSHIP  
TO OTHER LEGISLATIVE PROVISIONS**

*Prepared By:*

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**NOW Legal Defense and Education Fund**

*October 7, 1996*

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## INTRODUCTION

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), P.L. 104-193, contains the Wellstone/Murray Family Violence Amendment, an important provision to allow states to address domestic violence in crafting state welfare programs. Sec. 402(a)(7) (attached at Tab 1).<sup>1</sup> There are three areas where the legislation should be correctly interpreted in order to carry out Congressional intent and allow states the flexibility to give the maximum effect to the Family Violence Amendment. These interpretative questions are:

- ▶ **Does the 20% cap on hardship exemptions from the five-year time limit, Sec. 408(a)(7)(C)(ii), restrict in any way the ability of states to make temporary good cause waivers of time limits under the Family Violence Amendment, Sec. 402(a)(7)(A)(iii)?**
- ▶ **Will a financial penalty apply to states that fail to meet mandatory monthly work participation rates required by Sec. 407 because they have granted flexible good cause waivers in cases of domestic violence?**
- ▶ **May states choose to grant flexible good cause waivers of any program requirements, not just the specific examples listed in Sec. 402(a)(7)(A)(iii), where compliance would make it harder for welfare recipients to escape domestic violence, or where the requirements would unfairly penalize past, present or potential victims of physical or sexual violence?**

After reviewing the history of the adoption of the Family Violence Amendment, as well as prior legislation in the 104th Congress to make welfare rules more flexible for battered women and their families, this analysis examines the statutory text, legislative history and other relevant factors to answer these questions.

## LEGISLATIVE HISTORY

The Wellstone/Murray Family Violence Amendment, an amendment to the Senate version of H.R. 3734, the PRWORA, culminated a year of legislative attempts in the 104th Congress to ensure that changes in federal welfare law address the needs of women and families living with or fleeing from violence. Fueled by emerging research, such as the Taylor Institute's 1995 report, *Domestic Violence: Telling the Untold Welfare-to-Work Story*, advocates, legislators and the public became educated about the additional hurdles battered women face in

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<sup>1</sup>Section references in H.R. 3734, and in P.L. 104-193, are to subsections under 103(a)(1) "Part A -- Block Grants to States for Temporary Assistance for Needy Families."

successfully transitioning from welfare to work.<sup>2</sup> Senator Paul Wellstone (D-MN) took a leadership role, joined by Representative Lucille Roybal-Allard (D-CA) and Senator Patty Murray (D-WA), in forging public policy solutions.

These legislators made clear in letters to their colleagues and statements on the floor citing this research and supporting legislative solutions that violence makes and keeps women poor. They continually emphasized how emerging research documented that large numbers -- from 50 to 80 percent -- of women currently receiving AFDC were current or past victims of abuse.<sup>3</sup> The legislators repeatedly explained how it may be difficult and dangerous for battered women and victims of sexual assault to meet stringent welfare requirements.<sup>4</sup>

As described in their letters and statements urging support for legislative provisions addressing violence and poverty, the physical and mental effects of domestic violence, as well as direct efforts by abusers to interfere with their victims' education and employment, have serious implications for welfare-to-work programs.<sup>5</sup> Thus, certain proposed rules and requirements for

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<sup>2</sup> See, e.g., Jody Raphael, *Domestic Violence: Telling the Untold Welfare-to-Work Story* (Taylor Institute 1995) (hereinafter "1995 Taylor Institute Study"); Jody Raphael, *Prisoners of Abuse: Domestic Violence and Welfare Receipt* (Taylor Institute 1996) (hereinafter "1996 Taylor Institute Study"); Washington State Institute for Public Policy, *Over Half of the Women on Public Assistance in Washington State Reported Physical or Sexual Abuse As Adults* (Oct. 1993) (hereinafter "Washington State Study"); Martha F. Davis and Susan J. Kraham, *Protecting Women's Welfare in the Face of Violence*, 22 FORDHAM URBAN L.J. 1141 (1995). The 1995 Taylor Institute Study (and subsequent 1996 study), the Washington State Study, and the research cited in *Protecting Women's Welfare* were all cited in the floor statements, Dear Colleague letters and other legislative materials supporting legislative options, and in the findings of Sen. Wellstone and Rep. Roybal-Allard's Sense of Congress Joint Resolution. See nn. 3-5, 8-9, *infra*. Materials in the popular press brought these issues before the public. See, e.g., Barbara Ehrenreich, *Battered Welfare Syndrome*, TIME MAGAZINE at 82 (April 3, 1995); Carol Jouzaitis, *Abuse Traps Women in Welfare*, CHICAGO TRIBUNE at 1 (February 19, 1995); Martha F. Davis & Susan J. Kraham, *Beaten, Then Robbed*, NEW YORK TIMES (January 13, 1995).

<sup>3</sup> See, e.g., *Cong. Rec.* S13525 (Sept. 13, 1995) (statement of Sen. Wellstone in support of Family Violence Exemption discussing studies) (attached at Tab 3); *id.* at S13525-26 (statement of Sen. Murray in support of same discussing Washington State study) (attached at Tab 3); *Cong. Rec.* S5220 (May 17, 1996) (statement of Sen. Wellstone in support of Joint Resolution discussing studies) (attached at Tab 2); *Cong. Rec.* S8141 (July 18, 1996) (statement of Sen. Wellstone in support of Family Violence Amendment discussing Taylor Institute research) (attached at Tab 1).

<sup>4</sup> See, e.g., *Cong. Rec.* S13525 (Sept. 13, 1995) (statement of Sen. Wellstone in support of Family Violence Exemption) (Tab 3); *id.* at S13525-26 (statement of Sen. Murray in support of same) (Tab 3); *Cong. Rec.* S5220 (May 17, 1996) (statement of Sen. Wellstone in support of Joint Resolution) (Tab 2); *Cong. Rec.* S8141 (July 18, 1996) (statement of Sen. Wellstone in support of Family Violence Amendment) (Tab 1); *Cong. Rec.* H7747 (July 17, 1996) (statement of Rep. Roybal-Allard in opposition to House version of H.R. 3734) (attached at Tab 1); House of Representatives, Committee on the Budget, Transcript of Markup of FY 1997 Budget Reconciliation Bill 265, 266 (May 9, 1996) (statement of Rep. Roybal-Allard in support of Joint Resolution) (attached at Tab 2).

<sup>5</sup> See, e.g., *Cong. Rec.* S13527 (Sept. 13, 1995) (statement of Sen. Wellstone in support of Family Violence Exemption) (Tab 3); *Cong. Rec.* S5220 (May 17, 1996) (statement of Sen. Wellstone in support of Joint

welfare programs could endanger or unfairly penalize battered women. Legislators tailored their legislative proposals to address these concerns, particularly that arbitrary and inflexible time limits may need to be modified where violence prevents a woman from working.<sup>6</sup> These legislators also responded to other issues, *e.g.*, that child support cooperation requirements may subject women to retaliatory abuse, or that residency requirements may harm women crossing state lines to flee a dangerous living situation.<sup>7</sup>

The first legislative initiative addressing violence in the lives of welfare recipients was an amendment in the Senate to H.R. 4, the welfare bill passed by the Senate in September 1995 and later vetoed by President Clinton. Senator Wellstone succeeding in passing Amendment 2584, the Family Violence Exemption, by unanimous consent in the Senate. *Cong. Rec.* S13562 (Sept. 14, 1995) (attached at Tab 3). That Amendment, co-sponsored by Senator Murray, had as its purpose “[t]o exempt women and children who have been battered or subjected to extreme cruelty from certain requirements of the bill.” Amendment 2584, *id.* at S13561 (attached at Tab 3). It gave states the option to “exempt from (or modify) the application” of time limits, work requirements and other provisions specified in the amendment. *Id.* Senators Wellstone and Murray referred to new research documenting the connection between violence and poverty, and Senator Wellstone urged his fellow Senators to enact “national level” standards for states because “[w]e do not want to force a woman and her children because of their economic circumstances back into a brutal situation, back into. . . a very dangerous home.” *Cong. Rec.* S13525 (Sept. 13, 1995) (attached at Tab 3). The Conference Committee dropped that amendment from the final version of H.R. 4, without comment. *Cong. Rec.* H15391-92 (Dec. 21, 1995) (attached at Tab 3).

Building on these legislative efforts, and spurred by a subsequent, more comprehensive report by the Taylor Institute incorporating new research, *Prisoners of Abuse: Domestic Violence and Welfare Receipt*, Sen. Wellstone and Rep. Roybal-Allard in May 1996 proposed a Sense of Congress Joint Resolution. S. Con. Res. 66/H.Con. Res. 195 (attached at Tab 2).<sup>8</sup> That

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Resolution) (Tab 2); Dear Colleague Letter of June 18, 1996 from Sen. Wellstone, Rep. Roybal-Allard and co-sponsors (attached at Tab 2); Dear Colleague Letter of July 3, 1996 from Rep. Roybal-Allard and co-sponsors (attached at Tab 2); Dear Conferees Letter of July 25 (attached at Tab 1).

<sup>6</sup> All of the proposals include time limits as a provision that could be exempted, waived or tolled. *Cong. Rec.* S13561 (Sept. 14, 1995) (text of Family Violence Exemption) (attached at Tab 3); *Cong. Rec.* S7191 (June 27, 1996) (text of Joint Resolution) (attached at Tab 2); *Cong. Rec.* S8141 (text of Family Violence Amendment) (attached at Tab 1).

<sup>7</sup> These requirements were specifically mentioned as provisions that could be waived in the two most recent legislative proposals. *Cong. Rec.* S7191 (June 27, 1996) (Tab 2); *Cong. Rec.* S8141 (July 18, 1996) (Tab 1).

<sup>8</sup> Senator Wellstone and Representative Roybal-Allard held a press conference to release the 1996 Taylor Institute study, and then referenced the press conference in the Dear Colleague letter they circulated urging support for the joint resolution. Senate Dear Colleague Letter of June 18, 1996 from Sen. Wellstone, Rep. Roybal-Allard and co-sponsors (Tab 2); *see also* Dear Colleague Letter of June 18, 1996 from Rep. Roybal-Allard and co-sponsors

resolution also addressed the correlation between violence and poverty, and the need for more flexibility in imposing time limits, work requirements and other rules on battered women and their families. It listed detailed findings about the numbers of women affected by domestic violence, and ways that violence interferes with their ability to become self-sufficient. *Id.* It expressed the sense of Congress that both federal and state welfare legislation should incorporate mechanisms to address these issues. *Id.*

However, the substance of the Joint Resolution differed from the Family Violence Exemption in several important aspects. Following the President's veto of H.R. 4, advocates suggested to members of Congress that pure exemptions could prove detrimental in some cases to battered women seeking self-sufficiency. Permanent exemptions might lead to exclusions from job training and placement opportunities. Based on this input from advocates, the legislators concluded that "stopping the clock" for a period of time would be preferable to an outright exemption, and would meet the goals of case-by-case consideration repeatedly emphasized by Senator Wellstone.<sup>9</sup> While some women would need little or no extra time, others would need longer periods. In addition, states could provide more than just relief from the operation of some statutory rules, but could also offer supportive services to help ensure both physical and subsequent economic security. S. Con. Res. 66/H. Con. Res. 195. Accordingly, the Joint Resolution called for *tolling* time limits, rather than permanently exempting individuals, *id.* at §4(C), and for providing referrals to "counseling and supportive services." *Id.* at §4(B).

A shortened version of that Joint Resolution, but a version including many of the Congressional findings about the importance of addressing the impact of violence on poverty, was adopted by both the House and the Senate on the Budget Reconciliation Bill. *Cong. Rec.* S5220 (May 17, 1996) (attached at Tab 2); House of Representatives, Committee on the Budget, Transcript of Markup of Fiscal Year 1997 Budget Reconciliation Bill at 265, 268 (May 9, 1996) (hereinafter "Budget Committee Transcript") (attached at Tab 2). The Budget Reconciliation Bill, H. Con. Res. 178, a non-binding resolution setting out the budget priorities for the 1997 fiscal year, passed both houses of Congress. *Cong. Rec.* H6267 (June 12, 1996); *Cong. Rec.* S6168 (June 13, 1996). As passed, Section 412 of that resolution stated the sense of Congress that, in enacting welfare reform provisions, Congress should consider whether the proposed legislation would increase dangers for battered women, make it more difficult to escape violence, or "unfairly punish women victimized by violence," and also stated the sense of Congress that welfare legislation should *require* that any welfare to work, education, or job placement programs implemented by the States address the impact of domestic violence on welfare recipients." *Cong. Rec.* H6016 (June 7, 1996) (attached at Tab 2).

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(discussing 1996 Taylor Institute study) (Tab 2).

<sup>9</sup> He urged that because of the impact of violence, welfare reform could not be "one size fits all." *See, e.g.* *Cong. Rec.* S8141 (July 18, 1996) (statement of Sen. Wellstone) (Tab 1); *Cong. Rec.* S5220 (May 17, 1996) (statement of Sen. Wellstone) (Tab 2).

Finally, in August 1996, during consideration of H.R. 3734, Senators Wellstone and Murray implemented the directive of the Joint Resolution, and sought an amendment to welfare legislation creating flexibility for victims of domestic violence. Like the approach of the Joint Resolution, and in contrast to the H.R. 4 amendment, the Wellstone/Murray Family Violence Amendment included flexible waivers of Temporary Assistance to Needy Families (TANF) program requirements, including time limits. Under the Family Violence Amendment, good cause waivers may be granted -- for so long as necessary -- where the requirements would make it harder for welfare recipients to escape domestic violence, or where the requirements would unfairly penalize past, present or potential victims of physical or sexual violence. Sec. 402(a)(7)(A)(iii). The Family Violence Amendment also provides for increased services, including confidential screening and referral. Sec. 402(a)(7)(A)(i)&(ii).

The Family Violence Amendment was introduced on July 18, 1996. At that time, the Senate welfare bill under consideration already contained one provision -- a hardship exemption -- specifically addressing domestic violence. The Family Violence Amendment cross-references the hardship exemption's definition of battering or extreme cruelty. Sec. 402(a)(7)(B). However, the hardship exemption, which also appeared in the House-passed version and in the final bill, H. Rep. No. 104-725, 104th Cong., 2d Sess., 288-89 (July 30, 1996) (attached at Tab 4), operates quite differently from the Family Violence Amendment. The hardship exemption, Sec. 408(a)(7)(C) (attached at Tab 4), permits states to exempt up to 20% of their caseload from the operation of the five-year time limit, for reason of hardship (which is undefined) or in the case of battering or extreme cruelty, defined in Sec. 408(a)(7)(C)(iii).<sup>10</sup> Unlike the Family Violence Amendment, which states that waivers are for "so long as necessary," the hardship exemption has no language limiting the time that an exemption will last. The hardship exemption also does not contain the "good cause" language of the Family Violence Amendment. Sec. 408(a)(7)(C).

As proposed by Senator Wellstone, and unanimously adopted by the Senate, the Family Violence Amendment mandated that states provide services and make flexible waivers. *Cong. Rec. S. 8141-8142* (July 18, 1996) (attached at Tab 1). The Conference Committee changed the Family Violence Amendment to a state option, but made no other alterations to the provision. H. Rep. 104-725 at 267 (Tab 1). Thus, as adopted by Congress and signed by the President, the PRWORA contains two distinct mechanisms for state flexibility in cases of domestic violence: (1) under the Family Violence Amendment, states may make flexible good cause waivers of all TANF program requirements and may increase services in cases of domestic violence and sexual abuse, P.L. 104-193, §103(a)(1), Sec. 402(a)(7); and (2) under the hardship exemption, states may exempt up to 20% of their caseload from the operation of the five year time limit. *Id.* at Sec. 408(a)(7)(C).

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<sup>10</sup> H.R. 4 contained a 15% exemption from the operation of the five-year time limit. The Conference Committee that dropped the Family Violence Exemption from H.R. 4 also added battering or extreme cruelty as a specific ground for a hardship exemption, while clarifying that states did not have to provide such exemptions. *Cong. Rec. H15324, H15402* (December 21, 1995) (attached at Tab 4).

**ISSUE (1): Does the 20% cap on hardship exemptions from the five-year time limit, Sec. 408(a)(7)(C)(ii), restrict in any way the ability of states to make temporary good cause waivers of time limits under the Family Violence Amendment, Sec. 402(a)(7)(A)(iii)?**

The Family Violence Amendment allows states to waive for good cause numerous TANF requirements, according to need and without a numerical ceiling on the number of cases. Sec. 402(a)(7)(A)(iii). Only one requirement that states may waive under the Family Violence Amendment -- the state's lifetime limit on assistance -- is also covered by another exception in the statute. That exception, the hardship exemption, does have a 20% numerical limitation on how many cases may be exempted. Sec. 408(a)(7)(C)(ii). Comparing the explicit text of the Family Violence Amendment and the hardship exemption, the best and most consistent reading, giving full effect to both provisions, is that they create alternate mechanisms. Thus states making good cause waivers would not be bound by the 20% limitation in Sec. 408(a)(7)(C).

Consequently, states retain the option to continue to pay benefits out of federal funds for more than 60 months to individuals who have been granted good cause waivers under the Family Violence Amendment from the operation of the five-year time limit, without a specific numerical limitation on the number of waivers and without counting those individuals subject to waivers toward the 20% cap on hardship exemptions. Clearly no other provisions of the Family Violence Amendment are even arguably subject to any numerical limitation.

The legislative history, while not explicit on this point, fully supports the interpretation that the Family Violence Amendment provides states the option of creating a separate, alternate track to deal with cases of battering or extreme cruelty. Further, a reading that transports the limitations of the hardship exemption into the Family Violence Amendment is strained in light of the Amendment's text and, in fact, nullifies the clear statutory language.

*(a) The text of the two provisions create different mechanisms -- waivers vs. exemptions.* The statutory language is the clearest distinction between the Family Violence Amendment and the hardship exemption. While the hardship exemption creates long-term exemptions from the five-year time limit, the Family Violence Amendment creates variable good cause waivers, for a necessary period of time, of any program requirement. Black letter principles of statutory interpretation dictate that in interpreting any legislative provision, one looks first to the actual language for guidance. *Marshall v. El Paso Natural Gas Co.*, 874 F.2d 1373, 1383 (10th Cir. 1989). Words are to be given their ordinary and common meanings, and a "common sense," reasonable construction. See, e.g., *First United Methodist Church v. United States Gypsum Co.*, 882 F.2d 862, 868 (4th Cir. 1989), cert. denied, 493 U.S. 1070 (1990); *Caminetti v. United States*, 242 U.S. 470, 485 (1917). The best reading of the two provisions, one using non-limited "exempt" language and the other using "waive. . . (for so long as necessary)" is that the two mechanisms are different in scope and application. Compare Sec. 408(a)(7)(C)(i) with 402(a)(7)(A)(iii).

The fact that the language used in an amendment is different than that used by the

existing text of the bill being amended is particularly significant. Where language is the same in an amendment as in the existing bill, they are considered to have the same meaning, but an amendment using a change in language indicates a change in meaning. See Norman J. Singer, *Statutes and Statutory Construction* §§ 22.29, 22.35 (5th ed. 1994); cf. *Aetna Casualty & Surety Co. v. Buck*, 594 So.2d 280, 283 (Fla. 1992); see also *Marshall*, 874 F.2d at 1500 (construction that renders some words surplusage to be avoided). Indeed, any amendment is presumed to have as its purpose to change some aspect of the existing statute, and by looking to the language used and changes made one can discern that purpose. See *In re Marriage of Hawking*, 608 N.E.2d 327, 330 (Ill. App., 1st Dist. 1992), *appeal denied*, 612 N.E.2d 513 (1993).

Other aspects of the text of the two provisions show that they are conceptually and operationally distinct. For example, there is no numerical limit of any kind in the text of the Family Violence Amendment, no reference whatsoever to the 20% limit specified in Sec. 408(a)(7)(C)(ii), and no suggestion that any of its provisions cannot be used to its full extent. Sec. 402(a)(7). Significantly, the hardship exemption is not specifically a domestic violence provision; it allows the states to define hardships that may include battering or extreme cruelty under other possibilities, but it does not encompass the other mechanisms established in the Family Violence Amendment for addressing domestic violence, such as screening and referrals, and relief from other welfare requirements. Compare Sec. 408(a)(7)(C) with Sec. 402(a)(7). Moreover, the hardship exemption contains no reference to the definitions or waivers the state may have adopted under Sec. 402(a)(7), indicating that whether the state considers domestic violence in its definition of hardship and how it does so has nothing to do with whether or how the state adopted the Family Violence Amendment. *Id.*

The sole point of comparison between these provisions, the fact that they both rely on the same definition to create flexibility in the operation of welfare rules, is not enough to overcome the vast differences in language and structure between these two provisions. See, e.g., *Sanchez v. Alexis*, 131 Cal. App. 3d 709, 715 (Ct. App., 4th Dist. 1982) (language to be construed in context and with respect to entire statute, and conforming to apparent legislative purposes). The statute gives states many ways to consider domestic violence when implementing its TANF program. One way is to adopt the option in the Family Violence Amendment to implement a program that deals with domestic violence and allows waivers of whatever program requirements the state believes should be waived to help victims of domestic violence. Another approach would be for states to include domestic violence as a one of the criteria under Sec. 408(a)(7)(C) for determining who will be exempt from the durational limitation on assistance. Like the Family Violence Amendment, the hardship exemption is permissive. Sec. 408(a)(7)(C). A state could choose to utilize one, both or neither. Reading these provisions as giving states the option of a separate track for domestic violence gives the fullest effect to both provisions. See, e.g., *Marshall*, 874 F.2d at 1501 (reasonable construction harmonizing disparate statutory sections).

(b) *The legislative history supports the clear textual evidence that Congress intended to create a new, separate system for cases of domestic violence.* The legislative history, although not explicit on this point, is fully consistent with a legislative intent to distinguish between long-

term exemptions and flexible waivers. The change in language from the Family Violence Exemption adopted in H.R. 4, to the tolling/waiver language used in the Joint Resolution and the Family Violence Amendment, demonstrates a change in intent. Senator Wellstone's floor statements emphasize the need for flexible, case-by-case consideration. As he stated in proposing the Family Violence Exemption, "we cannot have 'one size fit all.'" *Cong. Rec.* S8141 (July 18, 1996) (Tab 1). The fact that the Family Violence Amendment was adopted after the hardship exemption further emphasizes that Congress did not intend to be limited by the terms of the existing hardship exemption, for when an amendment and an existing provision are in potential conflict, it is the last statement of legislative will that governs. Singer at § 22.35.

As explained above, this choice of the term "waiver" rather than "exemption" was deliberate. Waivers are responsive to the policy goal of making welfare-to-work programs *work* for battered women, rather than considering them universally permanently unemployable. While in some cases, long-term physical or mental disabilities may require permanent exemptions, in many cases a temporary waiver will be the best solution. The waiver can enable an individual sufficient time to recover from the effects of violence, or to move to a place of safety, or can ensure that no unfair penalty results when fears, threats or actual reprisals from an abuser make a woman unable to meet a requirement.

It is noteworthy that a letter sent to the welfare Conferees by the co-sponsor of the Joint Resolution, Rep. Roybal-Allard, and co-signed by Rep. Sue Myrick (R-NC) stressed that "because circumstances differ, the amount of time battered women need to rebuild their lives varies," and that women covered by the Family Violence Amendment "are not permanently disabled and should not be included in the 20% permanent exemption." Dear Conferees Letter of July 25, 1996 (attached at Tab 1).

Finally, Congress knew the numbers of women who may have need of some form of waiver provision. As Senator Wellstone stated in introducing the amendment, "the Taylor Institute in Chicago . . . documented that between 50 and 80 percent of women receiving AFDC are current or past victims of domestic abuse." *Cong. Rec.* S8141 (July 18, 1996) (Tab 1). Given such evidence, it is much more consistent to read Congress' intent to provide sufficient, temporary waivers for all, rather than to allow an insufficient number of permanent exemptions. The presence of a good cause requirement, Sec. 402(a)(7)(A)(iii), means that Congress' grant is not completely open-ended, but responsive to the need.

Since "the primary goal of statutory construction is to ascertain and follow the intent of the legislature," *Marshall*, 874 F.2d at 1383, reading the provisions as separable is the most consistent with both the statutory language and intent of Congress. *See also Hawking*, 608 N.E.2d at 329.

***(c) The policies underlying the welfare bill and the Family Violence Exemption, as explicitly expressed by Congress, would be undermined by a contrary interpretation.***  
Interpreting family violence waivers as distinct from the terms of the hardship exemption will

advance the policies expressed in the welfare bill of promoting state flexibility and individual self-sufficiency. It will also more fully address the concerns specifically detailed in the Joint Resolution that led Congress to adopt the Family Violence Amendment.

As the welfare legislation specifically states, the purpose of the TANF program is to "increase the flexibility of states" and for states to adopt programs promoting job preparation and work. P.L. 104-193, §103(a)(1), Sec. 401 (attached at Tab 4). Allowing states to choose between utilizing either or both of these differing mechanisms, depending on the need, is the most consistent with increasing the flexibility of states. It also promotes job preparation and work, by encouraging states to look to temporary waivers, along with services to move battered women to self-sufficiency at an appropriate pace. Since presumably the purpose of limiting the number of hardship exemptions was to ensure that states did not simply abandon a large percentage of difficult cases and pay benefits indefinitely, and since the Family Violence Amendment specifically rejected exemptions in favor of temporary waivers, there is no reason to numerically limit the number of temporary waivers and every reason to encourage them.

Finally, this interpretation best serves the underlying purposes of the Family Violence Amendment, as stated explicitly by the 104th Congress in the Joint Resolution, and as reflected by the floor statements of Senator Wellstone, and by Congress' ongoing commitment to end violence against women expressed by passage of the Violence Against Women Act. An interpretation that favors increased safety and self-sufficiency for battered women and their families, and that encourages states to design welfare programs to address domestic violence and sexual abuse if they so choose, without capping to the numbers of women who may need waivers of time limits on receiving assistance, is the interpretation that best serves Congress' purpose in passing the legislation.

**Issue (2): Will a financial penalty apply to states that fail to meet mandatory monthly work participation rates required by Sec. 407 because they have granted flexible good cause waivers in cases of domestic violence?**

States adopting the Family Violence Amendment may make good cause waivers of that state's work requirements, including the mandatory federal two-year time limit before work is required, for individuals in cases of domestic violence. However, when a state chooses to address the needs of battered women by adjusting work requirements, a state could fear incurring a financial penalty under Sec. 409(a)(3) for failing to meet mandatory monthly work participation rates. Reviewing the existing evidence of legislative intent, and the relevant language, the best reading of how these two provisions interact is that the adoption of the Family Violence Amendment option constitutes reasonable cause for failing to meet the participation rates mandated by Sec. 407 of the TANF program. Thus, no financial penalty for failing to meet monthly work participation rates would apply to states in such a case. Indeed, an alternate reading that financially penalized states for carrying out the dictates of the Family Violence Amendment would essentially nullify its effectiveness.

The text of the Family Violence Amendment does not state that good cause waivers will count against a state. In the absence of a clear statutory directive, one looks to evidence of Congressional intent for the best interpretation. *First United Methodist Church*, 882 F.2d at 868. However, the statute does contain an explicit textual basis for excusing penalties for reasonable cause, Sec. 409(b) (attached at Tab 4). The language clearly contemplates that participation rate failures may be excused. While there are specific textual exceptions to "reasonable cause," they do not include the work participation rates. Sec. 409(b)(2). Further, the PRWORA contains an explicit grant of authority to states to modify the work requirements and time limits for battered women and their families. Exercising this authority and furthering the clear legislative intent to address obstacles to employment caused by domestic violence meets any common sense definition of the term "reasonable cause." See *Marshall*, 874 F.2d at 1500.

As discussed above, the Family Violence Amendment is a reflection of Congress' serious commitment to addressing all forms of violence against women, and particularly responds to research showing that violence hinders successful welfare-to-work transitions. As Rep. Roybal-Allard stated to her colleagues on the House Budget Committee in urging them to adopt the Joint Resolution, "[t]hese are not women who are lazy or don't want a job. These women want to work but. . . their efforts of self-improvement are often sabotaged. . . One of the challenges that we in Congress face is to reform the welfare system in a way that helps women who are victims of abuse, not punishes them." Budget Comm. Trans. at 267 (Tab 2). Clearly, Congress was concerned particularly with the ability of battered women to quickly move to self-sufficiency, and built in a mechanism, the Family Violence Amendment, to respond to that problem.

The findings in the Joint Resolution expressly documented facts on the correlation between violence and difficulties with employment. *Cong. Rec.* H6015-16 (June 7, 1996) (Tab 2). These findings included: one quarter of battered women surveyed lost a job due at least in part to domestic violence, over half reported harassment by their abuser at work, over fifty percent of women in welfare to work programs have been or are currently victims of domestic violence, and batterers often sabotage women's efforts at self-improvement. *Id.* at 6015. This resolution was passed by both houses of Congress only a few weeks before the Senate passed the Family Violence Amendment, and is a clear statement of legislative concern with the effect on work. Senator Wellstone's statement in introducing the Family Violence Amendment used the illustrative example of Monica Seles, and her difficulties in returning to work after a violent assault, as support for the proposition that "one size" does not "fit all." *Cong. Rec.* S. 8141 (July 18, 1996) (Tab 1).

The 104th Congress also had knowledge that participation rate penalties could be an impediment to the successful implementation of any form of work requirement waiver or exemption. In offering the Family Violence Exemption attached to H.R. 4, Senator Wellstone stated that "it is extremely important that States be allowed to [provide exemptions]. Otherwise they will be penalized for not reaching their employment goal." *Cong. Rec.* S. 13525 (Sept. 13, 1995) (Tab 3). The Senator's statement refers to the fact that, when abuse prevents women from working, the state may, as a practical result, face a penalty because the state will be unable to move

that individual as quickly into the workforce. Unless the state has a way to avoid including that individual in determining participation rates, the net effect of the incidence of violence in the lives of welfare recipients will be the failure of state programs to meet their employment goals.<sup>11</sup>

Giving effect to Congress' intent to allow states to make case-by-case determinations rather than "one size fits all" requirements in situations of domestic violence, requires waiving penalties for failing to meet participation rates as a result of implementing the Family Violence Amendment. The ability of states to grant waivers will be seriously compromised if that waiver counts against the state when calculating mandatory participation rates. Indeed, these waivers will become, as a practical matter, unavailable. It will serve none of the goals of increased state flexibility, successful transition to self-sufficiency, or protection of battered women, if states are punished for granting waivers.

Since statutes should be construed "to effectuate their intent and beneficial purposes, not to defeat them," *Colorado Health Care v. Colorado Dept. of Social Services*, 842 F.2d 1158, 1171 (10th Cir. 1988), the Department should refrain from penalizing a state's failure to meet mandatory monthly participation rates, when that failure results from the state's program for addressing domestic violence. This construction best comports with the legislative intent, and best carries out the beneficial purpose of the Family Violence Amendment. *See also Esta Cater Charters, Inc. v. Ignacio*, 875 F.2d 234, 238-39 (9th Cir. 1989) (avoid construction that causes injustice or exacerbates harsh consequences).

**ISSUE (3): May states choose to grant flexible good cause waivers of any program requirements, not just the specific examples listed in Sec. 402(a)(7)(A)(iii), where compliance would make it harder for welfare recipients to escape domestic violence, or where the requirements would unfairly penalize past, present or potential victims of physical or sexual violence?**

Based on the explicit text of the Family Violence Amendment, states may choose to waive any program requirements that fit the definition contained in the Amendment. The evidence of the legislature's intent further supports this reading.

The amendment's text states that a state may "waive pursuant to a determination of good cause, other program requirements such as" and then lists several examples. Sec. 402(7)(A)(iii). Under tenets of statutory interpretation, the phrase "such as" clearly means that the listed programs are exemplary and not exhaustive. *See, e.g., Pacific Mutual*, 722 F.2d at 1500; *Caminetti*, 242 U.S. at 485. Determining what requirements qualify for a waiver requires applying the principle contained in the amendment itself. The waiver must be in a case "where

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<sup>11</sup> That state option amendment, in fact, explicitly stated that waived individuals would not be counted towards calculation of participation rates. *Cong. Rec.* S13561 (September 13, 1995) (Tab 3).

compliance 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." Sec. 402(7)(A)(iii). Thus, the list is not completely open-ended, but limited by the application of this principle.

This interpretation gives full effect to the policies and purposes behind the amendment. As described above, Congress was concerned with the serious barriers that domestic violence poses for economic self-sufficiency, and with encouraging states to ensure that new welfare requirements did not jeopardize the safety of battered women. Congress had knowledge about how a wide range of requirements could be difficult or dangerous to meet or work an unfair penalty. However, the freedom and flexibility of a block grant system means that requirements will vary widely from state to state. Thus, an exhaustive list of covered programs is not as effective as a general principle against which any requirement may be measured. Permitting states to grant waivers in any cases where compliance with any program requirement would make it difficult or dangerous or works an unfair penalty is the only interpretation consistent with legislative intent and policy.

#### **ADDITIONAL ISSUES FOR FURTHER CONSIDERATION**

In addition to answering these questions, our conversations have addressed other aspects of the PRWORA where interpretations of the statute could benefit battered women moving to self-sufficiency, and assist states in addressing their needs. These are noted here briefly. We and other advocates are available to discuss these issues further if the Department views them as promising avenues of exploration.

In addition to the interpretations discussed under Issues I & II above, HHS should consider defining reasonable cause for exceeding the 20% limit on hardship exemptions to include state programs providing services to address domestic violence in the welfare-to-work transition. Thus, in states that do not adopt the Wellstone/Murray Family Violence Exemption, where the state is providing assistance in the form of both benefits and services to battered women who may need additional time to successfully retain employment, no financial penalty would apply under Sec. 409(a)(9), because of reasonable cause for failure to comply under Sec. 409(b).

Another area for further consideration is the flexibility of the definition of work. States may need guidance from HHS in interpreting "work activities." Tailoring that definition to assist battered women who may need to pursue legal, medical, psychological, and other forms of assistance in order to successfully retain employment would benefit both the individuals involved and advance the long-term policy goals of the statute.

Finally, we look forward to continuing to work with the Department on implementation

issues, such as fashioning appropriate guidelines for screening and referrals and determination of good cause for granting waivers.

## CONCLUSION

After considering the text of the legislation, the documented legislative history, and the expressed intent of Congress, and applying basic principles of statutory interpretation, the following are the most supportable interpretations:

- (1) The 20% cap on continuous hardship exemptions from the five-year time limit, Sec. 408(a)(7)(C)(ii), does not restrict in any way the ability of states to make temporary good cause waivers of time limits under the Family Violence Amendment, Sec. 402(a)(7)(A)(iii).**
- (2) A financial penalty should not apply to states that fail to meet mandatory participation rates required under Sec. 407 because they make flexible good cause waivers in cases of domestic violence.**
- (3) States may choose to grant flexible good cause waivers of any program requirements, not just the examples listed in Sec. 402(a)(7)(A)(iii), where compliance would make it harder for welfare recipients to escape domestic violence, or where the requirements would unfairly penalize past, present or potential victims of physical or sexual violence.**

We urge the Department to adopt these interpretations in any relevant regulations or guidance documents issued to the states, as well as taking steps to promote the successful implementation of the Family Violence Amendment by state governments.

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THE WHITE HOUSE

WASHINGTON

October 3, 1996

MEMORANDUM FOR THE SECRETARY OF HEALTH AND HUMAN SERVICES  
THE ATTORNEY GENERAL

SUBJECT: Guidelines to States for Implementing  
the Family Violence Provisions

Domestic violence has a devastating impact on families and communities. Each year, hundreds of thousands of Americans are subjected to assault, rape, or murder at the hands of an intimate family member. Our children's futures are severely threatened by the fact that they live in homes with domestic violence. We know that children who grow up with such violence are more likely to become victims or batterers themselves. The violence in our homes is self-perpetuating and eventually it spills into our schools, our communities, and our workplaces.

Domestic violence can be particularly damaging to women and children in low-income families. The profound mental and physical effects of domestic violence can often interfere with victims' efforts to pursue education or employment -- to become self-sufficient and independent. Moreover, it is often the case that the abusers themselves fight to keep their victims from becoming independent.

As we reform our Nation's welfare system, we must make sure that welfare-to-work programs across the country have the tools, the training, and the flexibility necessary to help battered women move successfully into the work force and become self-sufficient.

For these reasons, I strongly encourage States to implement the Wellstone/Murray Family Violence provisions of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996 (Public Law 104-193, section 402(a)(7)). These provisions invite States to increase services for battered women through welfare programs and help these women move successfully and permanently into the workplace. The Family Violence provisions are critical in responding to the unique needs faced by women and families subjected to domestic violence.

As we move forward on our historical mission to reform the welfare system, this Administration is committed to offering States assistance in their efforts to implement the Family Violence provisions.

Accordingly, I direct the Secretary of the Department of Health and Human Services and the Attorney General to develop guidance for States to assist and facilitate the implementation of the Family Violence provisions. In crafting this guidance, the Departments of Health and Human Services and Justice should work with States, domestic violence experts, victims' services programs, law enforcement, medical professionals, and others involved in fighting domestic violence. These agencies should recommend standards and procedures that will help make transitional assistance programs fully responsive to the needs of battered women.

The Secretary of Health and Human Services is further directed to provide States with technical assistance as they work to implement the Family Violence provisions.

Finally, to more accurately study the scope of the problem, we should examine statutory rape, domestic violence, and sexual assault as threats to safety and barriers to self-sufficiency. I therefore direct the Attorney General and the Secretary of Health and Human Services to make it a priority to understand the incidence of statutory rape, domestic violence, and sexual assault in the lives of poor families, and to recommend the best assessment, referral, and delivery models to improve safety and self-sufficiency for poor families who are victims of domestic violence.

I ask the Secretary of Health and Human Services and the Attorney General to report to me in writing 90 days from the date of this memorandum on the specific progress that has been made toward these goals.

William J. Clinton