

WP Domestic Violence

10/28 draft revised by DPC

MEMORANDUM FOR ERSKINE BOWLES

FROM: Jack Lew and Bruce Reed

SUBJECT: Domestic Violence Waivers

We recommend that we oppose any legislative change regarding welfare reform and domestic violence waivers in the Labor-HHS conference because we believe the issue will be better addressed by our forthcoming regulations. Secretary Shalala strongly concurs with our recommendation.

This memo provides talking points describing our position and provides a brief comparison of domestic violence waiver amendment offered by Senator Murray to the Temporary Assistance for Needy Families (TANF) regulations currently under review.

Talking Points

- We share Senator Murray's goal of allowing states to grant temporary waivers from the work rules and time limits to victims of domestic violence while ensuring that these women receive the services they need to become self-sufficient.
- We disagree with Senator Murray about how to best to achieve these goals. We believe Senator Murray's proposal would allow states to largely escape the new welfare law's work rules and time limits.
- We have developed a regulatory proposal that we will make public in the next month which will encourage states to provide temporary waivers to victims of domestic violence while maintaining the welfare law's strong work focus.

Background

Senator Murray has long advocated a proposal that would exclude victims of domestic violence from the welfare work requirements and time limits. The Senate adopted her amendment as part of the Senate Labor-HHS bill, which is now in conference. Senator Murray's proposal has passed the Senate several times, but has always been dropped in conference. Our Statement of Administration Position on the bill does not mention her amendment. Senator Murray has long been aware that both the DPC and HHS have serious reservations about her approach to this issue.

Labor-HHS

Currently, states can exempt victims of domestic violence from work requirements and time limits, so long as they put 30 percent of their overall caseload to work and enforce the time limit for 80 percent of their caseload. Senator Murray's approach would change the law by

allowing states to grant exemptions to these women wholly independently of the overall work and time requirements. This approach would significantly weaken the welfare law's emphasis on work: for example, if 15 percent of the caseload were granted domestic violence waivers, then only 15 percent of the total caseload would have to work. At the same time, the proposal would do nothing to ensure that victims of domestic violence actually get the intensive assistance they need to become self sufficient; indeed, the proposal might well lead states to wholly ignore these women.

^{OMB,} DPC and HHS believe there is a better way to meet our and Senator Murray's joint goals. We have been working on regulations clarifying that HHS will not subject states to penalties if they fail to meet the work rates ~~on time~~ ^{because they have exempted victims of domestic violence, so long as their exemptions are temporary and the state also provides services to help these women become self-sufficient.} In particular, the proposed reg will:

- Ensure that domestic violence waivers (1) be based on an individualized assessment, (2) have limited duration and (3) be accompanied by an appropriate services plan designed to provide safety and lead to work. ^{these provisions should prevent states from seeking excessive waivers} ^{would help ensure that victims of domestic violence get the assistance they need and that states grant waivers only for individuals who need them.}
- Excuse states from a penalty for failing to meet its work participation rate if the State meets the rate for the part of its TANF population that has not been granted domestic violence waivers.
- Not permit states to exceed the 20% hardship exemption to the 5-year time limit, despite the number of domestic violence waivers it has granted.

HHS objects to the last point, and we are currently discussing possible middle ground positions to provide states with some flexibility to exceed the 20% limit on an individual by individual basis, but which prevents states from substantial and unwarranted increases in the number of individuals granted waivers from the 5-year time limit.

Both OMB and DPC believe that the proposed rule we are working on with HHS will result in a fair application of the domestic violence option. ^{policy which balances our goals of protecting victims of domestic violence while ensuring the strong work focus of welfare reform.} We believe it is critical that real services be provided to victims of domestic violence and that states not be penalized for providing these specialized services, but also that states not be given loopholes to escape work requirements or time limits.

Despite our efforts to address Senator Murray's concerns, we do not expect that she will be satisfied with any proposal that falls short of her Amendment. ^{We do, however, believe that other domestic violence advocates will be pleased with our proposal.}

Livingston/Porter
Give us needles
Need to know our position
Black + Hispanic
↓ ↓
no trading Supp. test
School constr. in Spanish
 we paid for

Goodling -- allow devel., no admin who authoriz.
Thinks we'll lose on override

We need to cut deal w/ Repubs.

Obey - doesn't work w/ Repubs
No:TY

- Barbara Chou

Hitley - will call
Larry
Bar

SPECTER

Domestic Violence Waivers

WORK PARTICIPATION RATES

Examples assume a caseload of 100,000, a 30 percent work rate, and 10,000 welfare recipients receiving good cause domestic violence waivers, which must be temporary and must include services to ensure safety, promote independence, and prepare recipients for employment.

	DISCRETION	PARTICIPATION RATE CALCULATION	END RESULT
HHS	Discretion: If HHS determines that the states do not meet the work participation rates because they've granted good cause domestic violence waivers, then HHS will not penalize them.	30% of 100,000 or 30,000 must work.	HHS can allow states to lower the number of people working from 30,000 to 20,000 without penalty, if they find they have granted 10,000 good cause domestic waivers.
OMB	No Discretion: If HHS determines that the states do not meet the work participation rates because they've granted good cause domestic violence waivers, then HHS will not grant them a reasonable cause exception to the penalties.	If a state grants 10,000 domestic violence waivers, then 30% of 90,000 or 27,000 must work.	States have to put 27,000 people to work or be subject to penalties.
IDEAL	Discretion: If HHS determines that the states do not meet the work participation rates because they've granted good cause domestic violence waivers, then HHS will not penalize them.	30% of 100,000 or 30,000 must work.	HHS can allow states to lower the number of people working from 30,000 to 27,000 without penalty, if they find they have granted 10,000 good cause domestic violence waivers.

Murray

HHS must recognize waivers

30% of ~~100,000~~
90,000 must work

States only have to put 20,000 to work



FAX

U.S. SENATOR PATTY MURRAY

To: Cynthia Rice

DATE: 10/9/97

FROM: Anne Gray

0152e - 74301

PAGES SENT (INCLUDING COVER SHEET): _____

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**Comments on Proposed Changes to Murray Amendment
(Family Violence Option Clarification Bill):**

Summary: Our primary concerns are twofold:

(1) The proposed revision will discourage states from adopting and fully implementing the FVO by placing the burden on the states to resolve issues regarding calculation of work participation rates and, to a somewhat lesser extent, the time limit penalties;

(2) In adopting federal statutory definitions of "waiver" and "temporary," the proposed revision usurps state authority (which has already been exercised in many states), and undermines the purpose of the FVO to provide flexibility to states as well as individual domestic violence victims.

Specific Comments:

Sec.(a)(2): The deletion of specific language clarifying that the Family Violence Option (FVO) is separate and independent from the hardship exemption and other provisions of the Social Security Act is particularly problematic in light of the addition of Sec.(d), discussed below, which appears to extend time limits under Section 408(a)(7) to all recipients "notwithstanding any other provision of law." In addition, the addition of language emphasizing the "law's goals of work and personal responsibility" may be problematic and undermine the intent of the Family Violence Option insofar as it interacts with new language proposed at Secs.(b)(1)(E) and (F).

Sec.(b)(1)(D)(1): This change deviates from the FVO Clarification in that it places the onus on states to raise domestic violence waivers as a "defense" to potential penalties, giving HHS discretion to determine the state's "eligibility" for a good cause exception, rather than simply setting out the appropriate calculation for determining such penalties. As such, the provision could serve to discourage states from taking implementing waivers, since they cannot anticipate whether they will be found "eligible."

Sec.(b)(1)(D)(2): This proposed change is extremely problematic, in that it will have the effect of discouraging states from providing waivers of work requirements. Under the proposed provision, states "may" choose such a method of calculating participation requirements. But the term "may" puts the issue back in the state political arena, where it may take years to resolve. It would be more appropriate for HHS to simply inform states of the appropriate procedures for calculating participation rates, rather than continue to leave the status of battered women open to question.

Sec.(b)(1)(E) and (F): Most states which have considered and adopted the Family Violence Option have already adopted legislation and are in the process of promulgating regulations which address the issues in these sections. This federal legislation would usurp state authority. Indeed, the Sections impose requirements on states that are narrower than the requirements that many

states have adopted to date. Consistent with the FVO, most state domestic violence advocates have argued for flexibility in designing service plans for waiver recipients. For example, New York legislation requires reassessment of FVO waivers every four months, at the time of the welfare recipients' recertification. Though it is acceptable to domestic violence advocates in the state and gives women appropriate flexibility to address domestic violence as well as provision of services, this state statute might not meet the new requirements of Sec.(b)(1)(F) as written. The additional mandates will unnecessarily interfere with the work of state-level advocates, and would best be addressed in the context of regulations, where the states will have an opportunity to comment.

X
Sec.(d): (Waivers). This proposed change appears to have nothing to do with the Family Violence Option, but instead attempts to amend the general Personal Responsibility Act provision for states operating programs under a federal waiver, by adding a new requirement not in the original legislation. Thus, this change deviates completely from the intent of the Senate, which was to make a limited clarification of the Family Violence Option and not to address other portions of the PRA. Further, because of the proposed change in the findings at (a)(2) above, there may be questions about the "notwithstanding any other provision of law" language. Instead of clarifying requirements, this now creates a potential conflict with the language about the interaction of the hardship exemption and the FVO under (b)(1)(D). This proposed change appears to be an attempt to take advantage of Congress' efforts to clarify two questions about the FVO by slipping in some broader changes to the welfare law, and should be jettisoned.

WR Domestic Violence

Domestic Violence

The Administration firmly supports welfare reform that:

- ▶ protects victims of domestic violence and encourages States to adopt the Family Violence Option (FVO).
- ▶ promotes work and ensures that states meet the work participation rates (which require that 30% of States' adult caseload participate in work activities in FY 98, rising to 50% by FY 2002.)
- ▶ provides assistance to needy families on a temporary basis and ensures that states meet five year time limits on federal assistance (for 80% of their caseload).
- ▶ provides states with broad flexibility to design welfare programs, while holding them accountable for meeting critical work and time limit provisions.

Since the enactment of the historic welfare reform legislation, the Administration has worked with federal, state and local officials, experts and advocates, including domestic violence advocates, all around the country to develop policies to ensure that the new legislation is implemented in a manner that is consistent with the above goals. The development of policies to strictly enforce the work and time limit provisions and to give states incentives to implement the Family Violence Option was an especially important challenge.

The Administration believes that this challenge can be met with a policy that:

- ▶ requires States to include victims of domestic violence in the calculations of their work participation rates and the time limit exceptions.
- ▶ endorses the Family Violence Option and clearly advises states that temporary waivers from program requirements may be granted to victims of domestic violence.
- ▶ clearly protects States that adopt the FVO from financial penalties when their failure to meet work and time limit requirements is attributable to the granting of domestic violence waivers that are based on individual assessments, are temporary, and include individualized safety and service plans.

By allowing States this critical protection from financial penalties, we believe that the policy encourages States to adopt the Family Violence Option (nearly 30 States have adopted the FVO to date) and gives them a strong incentive to provide appropriate services to protect the safety of victims and prepare them for work. At the same time, this policy holds States accountable for meeting the tough work participation rate and time limit provisions in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

Harber report language (plus)
- fields should be replaced

Comments on
Reviews - temporary
- not possible
- only proposal based

- low cost

WR - Domestic
Violence

Calculation of those subject to the work requirement.

The Murray amendment would automatically reduce the number of people subject to the work requirement one-for-one by the number of individuals granted "good cause" family violence waivers. There would be no requirement for the waived people to participate in any specific activities.

The DPC option would grant "good cause" waivers under family violence only to individuals who are participating in temporary services designed to ensure safety, promote independence and prepare for employment. This would effectively lower a state's work requirement simply by counting these individuals as working, albeit for a "temporary" period.

One way to ensure that there are no dramatic reductions to the work requirement would be to remove these individuals from the numerator *and* the denominator of the work requirement calculations.

Consider, for example, a state that has 100,000 welfare recipients and in FY98 is required to place 30,000 in work (i.e. 30% work rate).

Under Murray's option, if 10,000 were exempt under the family violence option, this state would only need to place 20,000 of its recipients to meet the work requirement.

Under DPC, the number would be the same so long as the waived individuals participate in temporary services that help them prepare for work (which may be less intensive than work activities).

Under our alternative, the 10,000 would be removed from the denominator, resulting in 30% of 90,000 (or 27,000) recipients who need to be placed in work. This would help guard against a "gutting" of the work requirements.

While we think this option is least likely of the three to undermine the work requirements, other groups might later seek similar relief, arguing they too should be removed from the base for purposes of calculating participation rates, and therefore exempt from work requirements. This, of course, could lead to a large exempt pool as became the case under the JOBS program.

Proposed Amendment

(Additions to Murray Amendment are underlined; deletions are stricken)

SEC. . PROTECTING VICTIMS OF FAMILY VIOLENCE.

(a) Findings.--Congress finds that--

(1) the intent of Congress in amending part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) in section 103(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193; 110 Stat 2112) was to allow States to take into account the effects of the epidemic of domestic violence in establishing their welfare programs, by giving States the flexibility to grant individual, temporary waivers for good cause to victims of domestic violence who meet the criteria set forth in section 402(a) (7) (B) of the Social Security Act (42 U.S.C. 602(a) (7) (B));

(2) the allowance of waivers under such sections was not intended to be ~~limited by other, separate, and independent provisions of part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.)~~ undermine the law's goals of work and personal responsibility;

(3) under section 402(a) (7) (A) (iii) of such Act (42 U.S.C. 602(a) (7) (A) (iii)), requirements under the temporary assistance for needy families program under part A of title IV of such Act may, for good cause, be waived for so long as necessary; and

(4) good cause waivers granted pursuant to section 402(a) (7) (A) (iii) of such Act (42 U.S.C. 602(a) (7) (A) (iii)) are intended to be temporary and directed only at particular program requirements when needed on an individual case-by-case basis, and are intended to facilitate the ability of victims of domestic violence to move forward and meet program requirements when safe and feasible without interference by domestic violence.

(b) Clarification of Waiver Provisions.--

(1) In general.--Section 402(a) (7) of the Social Security Act (41 U.S.C. 602(a) (7)) is amended by adding at the end the following:

(C) No numerical limits.--In implementing this paragraph, a State shall not be subject to any numerical limitation in the granting of good cause waivers under subparagraph (A) (iii).

(D) Treatment of waived individuals for purposes of certain other provisions of this part.--

(1) A state will be eligible for a reasonable good cause exception as defined in Section 409(b) if it demonstrates that its failure to meet the requirements of 408(a)(7) is attributable to its provision of good cause domestic violence waivers.

(2) For purposes of determining compliance with the participation rate requirements set forth in section 407(a), a State may exclude recipients of good cause domestic violence waivers from the base, as defined in section 407(b)(1)(B)(ii)(I), in calculating its monthly participation rate.

~~Any individual to whom a good cause waiver of compliance with this Act has been granted in accordance with subparagraph (A)(iii) shall not be included for purposes of determining a State's compliance with the participation rate requirements set forth in section 407, for purposes of applying the limitation described in section 408(a)(7)(C)(ii), or for purposes of determining whether to impose a penalty under paragraph (3), (5), or (9) of section 409(a).~~

(E) Good cause domestic violence waiver defined. -- A good cause domestic violence waiver means a waiver granted in accordance with subparagraph (A)(iii) that is (i) temporary; (ii) based on an individualized evaluation of need; and (iii) includes services designed to ensure safety, promote independence, and prepare for employment.

(F) For purposes of subparagraph (E), the Secretary shall define the term "temporary," consistent with subsection (a)(2), and for the minimum period of time necessary to meet the requirements of this section.

(2) Effective date.--The amendment made by paragraph (1) takes effect as if it has been included in the enactment of section 103(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193; 110 Stat. 2112).

(c) Federal Parent Locator Service.--

(1) In general.--Section 453 of the Social Security Act (42 U.S.C. 653), as amended by section 5534 of the Balanced Budget Act of 1997 (Public Law 105-33; 111 Stat. 627), is amended--

(A) in subsection (b)(2)--

(i) in the matter preceding subparagraph (A), by inserting 'or that the health, safety, or liberty or a parent or child would be unreasonably put at risk by the disclosure of such information,' before 'provided that';

(ii) in subparagraph (A), by inserting ', that the health, safety, or liberty of a parent or child would be unreasonably put at risk by the disclosure of such information,' before 'and that information'; and

(iii) in subparagraph (B)(i), by striking 'be harmful to the parent or the child' and inserting 'place the health, safety, or liberty of a parent or child unreasonably at risk'; and.

(B) in subsection (c)(2), by inserting ', or to serve as the initiating court in an action to seek and order,' before 'against a noncustodial'.

(2) State plan.--Section 454(26) of the Social Security Act (42 U.S.C. 654), as amended by section 5552 of the Balanced Budget Act of 1997 (Public Law 105-33; 111 Stat. 635), is amended--

(A) in subparagraph (C), by striking 'result in physical or emotional harm to the party or the child' and inserting 'place the health, safety, or liberty of a parent or child unreasonably at risk';

(B) in subparagraph (D), by striking 'of domestic violence or child abuse against a party or the child and that the disclosure of such information could be harmful to the party or the child' and inserting 'that the health, safety, or liberty of a parent or child would be unreasonably put at risk by the disclosure of such information'; and

(C) in subparagraph (E), by striking 'of domestic violence' and all that follows through the semicolon and inserting 'that the health, safety, or liberty of a parent or child would be unreasonably put at risk by the disclosure of such information pursuant to section 453(b)(2), the court shall determine whether disclosure to any other person or persons of information received from the Secretary could place the health, safety, or liberty of a parent or child unreasonably at risk (if the court determines that disclosure to any other person could be harmful, the court and its agents shall not make any such disclosure);'.

(3) Effective date.--The amendments made by this section shall take effect 1 day after the effective date described in section 5557(a) of the Balanced Budget Act of 1997 (Public Law 105-33).

(d) Waivers. --

(1) In general, Section 415(a)(1) is amended:

(A) in subparagraph (A) by inserting "or (C)" before ", if any waiver"

(B) following subparagraph (B) inserting "(C) Notwithstanding any other provision of law, a state shall be subject to the provision

of section 408(a)(7)."

WR - Domestic Violence

September 29, 1997

NOTE TO BRUCE AND ELENA

FROM: Cynthia
CC: Diana
SUBJ: Murray Amendment

This may explain the "Social Security number" comment:

"Mr. President, this body is about to go to a vote that is not one that is unknown to this Senate.... that merely allows a woman who is a victim of domestic violence a temporary waiver from the work requirements if she needs to get medical care or she needs to change her Social Security number so that she is not pursued by her abuser, or to put her children in a safe place...."

Senator Murray, September 10, 1997

Attached please find:

1. A comparison of current law, the Murray amendment, and the draft proposal;
2. An outline of the Murray amendment and draft proposal;
3. A copy of the Murray amendment as passed by the Senate with proposed changes noted;

Note: In addition to the issues we discussed, the draft proposal also precludes any state, even one with an existing waiver, from providing TANF assistance for more than five years.

And in conclusion:

"It has been passed by the Senate three times. Not one Senator has spoken against it. Not one Senator has voted against it. But every time it goes behind closed doors in a conference committee it is pulled out. That is what happens to abused women constantly. In the light of day, everyone is there to say, 'I support you,' but when they go behind closed doors they are abused...."

Senator Murray, September 10, 1997

Domestic Violence Provisions in Current Law, Senate Labor-HHS Bill, and Draft Proposal

	Current Law	Senate Labor-HHS (Murray Amdmnt)	Draft Proposal
States can opt to exempt individuals with a history of domestic violence from work requirements and time limits.	Yes	Yes	Yes
Exemptions from work requirements and time limits must be temporary.	No	No (only "findings" say so)	Yes
The number of welfare recipients a state must put to work is lowered by the number of people granted a family violence waiver. Example: under current law, a state with 100,000 adult welfare recipients has to put 30,000 of them to work.	No -- no matter how many family violence waivers are granted, 30,000 welfare recipients must go to work.	Yes -- a state that grants 10,000 family violence waivers need only put 20,000 welfare recipients to work.	No, not directly -- a state can lower its 30,000 work requirement only for those granted temporary waivers who are provided services to help prepare them for work.
States must provide services to those victims of domestic violence who they don't put to work but want to count as working.	No	No	Yes
The number of people a state can exempt from the five year time limit is increased by the number of people granted a family violence waiver. Example: under current law, a state with 100,000 adult welfare recipients could exempt 20,000 from the five year time limit.	No -- no matter how many family violence waivers are granted, only 20,000 can be exempted from the five year time limit.	Yes -- a state that grants 10,000 family violence waivers can exempt 30,000 welfare recipients from the five year time limit.	No, not directly -- a state can increase its time limit exemptions above 20,000 only for those granted temporary waivers who are provided services to help prepare them for work.
States with prior waivers can have time limits longer than five years.	Yes	Yes	No

Outline of Murray Amendment

(a) Findings -- The intent of Congress in enacting welfare reform was to allow states to grant individual, temporary waivers to victims of domestic violence without regard to other limits in the legislation.

(b) Clarifications --

(1)(C) States shall not be limited in the number of waivers they grant.

(1)(D) Individuals receiving waivers shall not be including for the purposes of determining a state's work participation rate, its time limit exemptions, or penalties for failure to meet minimum participation rates, failure to comply with child support requirements, or failure to comply with five year time limit on assistance.

(2) Provision shall be made effective as if enacted in the welfare reform law.

(c) Federal Parent Locator -- adds additional safeguards that information from the Federal Parent Locator used to locate deadbeat parents will not be disclosed if it could put at risk the health, safety, or liberty of a parent or child.

Outline of Proposed Amendment

(a) Findings -- The intent of Congress in enacting welfare reform was to allow states to grant individual, temporary waivers to victims of domestic violence within the context of the goals of work and personal responsibility.

(b) Clarifications --

(1)(C) States shall not be limited in the number of waivers they grant.

(1)(D) A state will be eligible for a reasonable good cause exception to the penalties for failing to meet the work rates or for exempting more than 20 percent of recipients from the time limit if its failure is attributable to its provision of good cause domestic violence waivers.

(1)(D) A good cause domestic violence waiver is one that is temporary, based on an individualized evaluation of need; and includes services designed to ensure safety, promote independence, and prepare for employment.

(2) Provision shall be made effective as if enacted in the welfare reform law.

(c) Federal Parent Locator -- adds additional safeguards that information from the Federal Parent Locator used to locate deadbeat parents will not be disclosed if it could put at risk the health, safety, or liberty of a parent or child.

(d) Precludes any state, even one with an existing waiver, from providing TANF assistance for more than five years.

Proposed Amendment

(Additions to Murray Amendment are underlined; deletions are ~~stricken~~)

SEC. . PROTECTING VICTIMS OF FAMILY VIOLENCE.

(a) Findings.--Congress finds that--

(1) the intent of Congress in amending part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) in section 103(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193; 110 Stat 2112) was to allow States to take into account the effects of the epidemic of domestic violence in establishing their welfare programs, by giving States the flexibility to grant individual, temporary waivers for good cause to victims of domestic violence who meet the criteria set forth in section 402(a)(7)(B) of the Social Security Act (42 U.S.C.602(a)(7)(B));

(2) the allowance of waivers under such sections was not intended to ~~be limited by other, separate, and independent provisions of part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.)~~ undermine the law's goals of work and personal responsibility;

(3) under section 402(a)(7)(A)(iii) of such Act (42 U.S.C. 602(a)(7)(A)(iii)), requirements under the temporary assistance for needy families program under part A of title IV of such Act may, for good cause, be waived for so long as necessary; and

(4) good cause waivers granted pursuant to section 402(a)(7)(A)(iii) of such Act (42 U.S.C. 602(a)(7)(A)(iii)) are intended to be temporary and directed only at particular program requirements when needed on an individual case-by-case basis, and are intended to facilitate the ability of victims of domestic violence to move forward and meet program requirements when safe and feasible without interference by domestic violence.

(b) Clarification of Waiver Provisions.--

(1) In general.--Section 402(a)(7) of the Social Security Act (41 U.S.C. 602(a)(7)) is amended by adding at the end the following:

(C) No numerical limits.--In implementing this paragraph, a State shall not be subject to any numerical limitation in the granting of good cause waivers under subparagraph (A)(iii).

(D) Waivered individuals not included for purposes of certain other provisions of this part. -- A state will be eligible for a reasonable good cause exception as defined in Section 409(b) if it demonstrates that its failure to meet the requirements of Section 407(a) or 408(a)(7) are attributable to its provision of good cause domestic violence waivers. --Any individual to whom a good cause waiver of compliance with this Act has been granted in accordance with subparagraph (A)(iii) shall not be included for purposes of determining a State's compliance with the participation rate requirements set forth in section 407; for purposes of applying the limitation described in section 408(a)(7)(C)(ii), or for purposes of determining whether to impose a penalty under paragraph (3), (5), or (9) of section 409(a).

(E) Good cause domestic violence waiver defined. -- A good cause domestic violence waiver means a waiver granted in accordance with subparagraph (A)(iii) that is (i) temporary; (ii) based on an individualized evaluation of need; and (iii) includes services designed to ensure safety, promote independence, and prepare for employment.

(2) Effective date.--The amendment made by paragraph (1) takes effect as if it has been included in the enactment of section 103(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193; 110 Stat. 2112).

(c) Federal Parent Locator Service.--

(1) In general.--Section 453 of the Social Security Act (42 U.S.C. 653), as amended by section 5534 of the Balanced Budget Act of 1997 (Public Law 105-33; 111 Stat. 627), is amended--

(A) in subsection (b)(2)--

(i) in the matter preceding subparagraph (A), by inserting 'or that the health, safety, or liberty of a parent or child would be unreasonably put at risk by the disclosure of such information,' before 'provided that';

(ii) in subparagraph (A), by inserting ', that the health, safety, or liberty of a parent or child would be unreasonably put at risk by the disclosure of such information,' before 'and that information'; and

(iii) in subparagraph (B)(i), by striking 'be harmful to the parent or the child' and inserting 'place the health, safety, or liberty of a parent or child unreasonably at risk'; and.

(B) in subsection (c)(2), by inserting ', or to serve as the initiating court in an action to seek and order,' before 'against a noncustodial'.

(2) State plan.--Section 454(26) of the Social Security Act (42 U.S.C. 654), as amended by section 5552 of the Balanced Budget Act of 1997 (Public Law 105-33; 111 Stat. 635), is amended--

(A) in subparagraph (C), by striking 'result in physical or emotional harm to the party or the child' and inserting 'place the health, safety, or liberty of a parent or child unreasonably at risk';

(B) in subparagraph (D), by striking 'of domestic violence or child abuse against a party or the child and that the disclosure of such information could be harmful to the party or the child' and inserting 'that the health, safety, or liberty of a parent or child would be unreasonably put at risk by the disclosure of such information'; and

(C) in subparagraph (E), by striking 'of domestic violence' and all that follows through the semicolon and inserting 'that the health, safety, or liberty of a parent or child would be unreasonably put at risk by the disclosure of such information pursuant to section 453(b)(2), the court shall determine whether disclosure to any other person or persons of information received from the Secretary could place the health, safety, or liberty of a parent or child unreasonably at risk (if the court determines that disclosure to any other person could be harmful, the court and its agents shall not make any such disclosure);'.

(3) Effective date.--The amendments made by this section shall take effect 1 day after the effective date described in section 5557(a) of the Balanced Budget Act of 1997 (Public Law 105-33).

(d) Waivers. --

(1) In general. Section 415(a)(1) is amended:

(A) in subparagraph (A) by inserting "or (C)" before ". if any waiver"

(B) following subparagraph (B) inserting "(C) Notwithstanding any other provision of law, a state shall be subject to the provision of section 408(a)(7)."



DEPARTMENT OF HEALTH & HUMAN SERVICES

Melissa T. Skolfield

Assistant Secretary for Public Affairs

Phone: (202) 690-7850 Fax: (202) 690-5673

To: Bruce Reed

Fax: 456-5542 Phone: 456-6515

Date: 7/29 Total number of pages sent: 2

Comments:

F Y I

General Talking Points of Domestic Violence in response to 7/29 Press Conference*WR Domestic Violence*

- We share Senators Murray and Wellstone and Representative Roybal-Allard's concerns on domestic violence. Domestic violence is an extremely important issue and has always been a high priority of the President and the Department.
- Our first priority is and has always been to ensure that women who have been victims of domestic violence receive the services they need to move from welfare to self-sufficiency. That is why we have been working with states to plan to meet the needs of battered women as states develop their welfare-to-work programs.
- In addition, we are currently considering domestic violence in the context of the full implementation of the welfare law and we plan to address the issue in regulations coming out this fall.

BACKGROUND:

- The new welfare law allows states to exempt up to 20 percent of recipients from the limit of five years on welfare. Senators Murray and Wellstone and Representative Roybal-Allard have proposed amending the welfare law so that domestic violence victims would not be counted in the 20 percent and would not be subject to the work rates. The Senate included this provision in their version of the budget reconciliation bill, but the conferees removed it from the final bill and replaced it with a GAO study of the effect of family violence on welfare receipt.
- This was a matter of the House losing to the Senate in conference on a number of welfare provisions and refusing to give on this particular proposal. After agreeing to a number of important compromises on several other welfare provisions, including provisions on legal immigrants and disabled children, minimum wage and targeted welfare to work funds, the House conferees refused to go along with the Senate's domestic violence amendment.
- The welfare section had more provisions inconsistent with the budget agreement, and more extraneous policies added on in reconciliation, than any other. There was a mile-long list of provisions to be fixed, including provisions on legal immigrants, disabled children, minimum wage for welfare recipients moving to work, and targeted welfare-to-work funds.
- The Family Violence Amendment, included in the new welfare law, gives states the option to screen for and identify victims of domestic violence, refer such individuals to counseling and supportive services, and waive, with good cause, other program requirements which would make it more difficult for individuals to escape domestic violence. To date, 17 states have adopted the family violence option. Approximately 18 other states mention domestic violence in their TANF state plans.
- Since passage of the welfare law, we have been actively engaged in calling attention to the linkage between welfare and domestic violence. We have sent information on domestic violence, including the family violence option, to Governors and legislative leaders. And we have engaged in extensive consultations on the issue of family violence with State and local welfare officials, experts on domestic violence, victims' services providers, law enforcement personnel, medical professionals, and others.
- As a result of these consultations, we have begun a technical assistance effort to assist States in implementing standards and procedures for screening and identification, corroboration, and referral of domestic violence victims. The first technical assistance packet was mailed to state welfare offices at the end of June.
- In addition, the Administration has taken several steps to prevent domestic violence and ensure that every woman suffering from domestic violence has access to information and emergency assistance, wherever and whenever she needs it, including: creating a National Domestic Violence Hotline (1-800-799-SAFE); supporting the Federal Anti-Stalking Law and Domestic Violence Gun Law; increasing funding for domestic violence intervention and prevention through the Violence Against Women Act; and funding research on family violence.

WR Domestic Violence

To: Virginia Cox
Anna Durand
Liz Hyman
Betsy Myers
Joan Silverstein

From: Lyn Hogan
Debbie Fine

Date: September 13, 1996

Re: Domestic Violence Initiative

Attached is the draft options memo Debbie and I prepared. I have faxed a copy to Wendy Jacobson in Ann Rosewater's office at HHS.

Jeremy Ben-Ami asked Wendy to attach the memo to a larger welfare reform issues memo she is coordinating. That memo will go to Leon Panetta. However, before the memo goes to Leon, the draft will circulate to the appropriate people for comment.

Please call me if you have any questions.

Thanks!

cc: ~~Carol Rasco~~
Bruce Reed
Jeremy Ben-Ami
Wendy Jacobson

September 13, 1996

MEMORANDUM FOR

FROM:

SUBJECT: Domestic Violence Initiative for Welfare Recipients

I. PURPOSE

Throughout the welfare reform debate, domestic violence activists and women's groups have raised serious concerns that battered women and victims of sexual assault could be penalized under the new welfare system. We feel it is important that the Administration take appropriate action to encourage the states to recognize the special circumstances that battered women often face. Additional resources or flexibility in meeting requirements under the new law would help recipients with a history of abuse successfully and safely move off of welfare and into the workforce.

In this memo we will outline several options for Administrative action that would encourage states to help battered women make the transition to work without weakening enforcement of the new welfare law. These options would also allow the President to underscore his longstanding commitment to fighting domestic violence.

II. BACKGROUND

As you know, domestic violence has a devastating impact on families and communities. For all women, including women on welfare, it often seriously undermines the self-sufficiency and independence of its victims. In addition to the profound mental and physical effects of domestic violence, abusers frequently interfere directly with their victims' efforts to pursue education and employment. This tendency could have serious implications for successful welfare-to-work initiatives if special efforts are not made to address it.

While there is no comprehensive or federal data that tracks the incidence of domestic violence among welfare recipients, there are some independent studies that show high levels of incidence:

- A recent study by the Taylor Institute estimates that 50 to percent of women receiving AFDC are past or current victims of domestic abuse. Further, the study

reports that 50 percent of employed battered women lose at least three days of work a month due to domestic violence, that 70 percent report difficulty in job performance because of abuse, and up to three-quarters experienced on-the-job harassment from their abusers.

- An article in the Journal of the American Medical Association (figures to come)

In order to promote the safety and self-sufficiency of welfare recipients who are survivors of domestic violence, the new welfare law includes an important provision: the Family Violence Amendment (FVA). The FVA is a state option to increase services and to waive requirements in cases of domestic violence and sexual abuse. Specifically the FVA:

- Allows states to certify standards and procedures to screen for and identify domestic violence in their state plans.
- Invites states to provide increased services for battered women through their welfare programs, including: screening and confidentiality provisions, referrals to shelters, counseling, legal representation, and other important supportive services.
- Permits states to implement temporary and flexible "good cause waivers" of any program requirements, if complying with those requirements would make it harder for recipients to escape violence or where the requirements would unfairly penalize past, present, or potential victims of physical abuse or sexual violence. Such requirements include: mandatory participation rates, the two and five-year limits, child support cooperation, child exclusion, and residency.

The FVA originated as the Wellstone/Murray Amendment to the Senate version of the welfare bill as a requirement for states to provide these services and make necessary waivers, but was converted to a state option by the Conference Committee. While implementation of the Family Violence Amendment is an essential tool to help battered women and their families safely transition from welfare to work, it is currently an optional provision without any strong incentive for states to choose to implement the Amendment.

III. OPTIONS

OPTION 1: The President would direct the Secretary of Health and Human Services and the Attorney General to assist and encourage states to implement the Family Violence Amendment. The President would further direct the Secretary of Health and Human Services to commit to learn more about the linkages between welfare and domestic violence with a study. The components to the directive follow:

- 1) The President would direct the Attorney General and the Secretary of HHS to develop guidance to assist states with the implementation of the amendment. HHS and DOJ would

consult with victims services, women's advocates, law enforcement, medical professionals, and others involved in fighting domestic violence. The guidance, which would be non-binding, would address the following:

- The standards and procedures that should apply when when screening for a history of domestic violence;
- The standards and procedures that should apply for determining what is good cause to waive the requirements of PRWORA.

2) The President would direct the Attorney General and the Secretary of HHS to provide states with technical assistance to develop standards and procedures to screen, identify and assist victims of domestic violence as part of the Temporary Assistance for Needy Families programs.

3) The President would direct the Secretary of Health and Human Services to provide discretionary funding to study the incidence of violence in the lives of welfare recipients; the impact of domestic violence on welfare program rules and requirements; and the best assessment, referral, and delivery models to improve safety and self-sufficiency for welfare recipients who are victims of domestic violence.

OPTION 2: The President would propose an HHS regulation on participation rates to provide a regulatory incentive for implementation of the FVA and would direct the Secretary of Health and Human Services and the Attorney General to assist and encourage states to implement the Family Violence Amendment. Further, the President would direct the Secretary of Health and Human Services to commit to learn more about the linkages between welfare and domestic violence with a study.

In addition to directives contained in Option 1, the President would direct the Secretary of Health and Human Services to:

1) Propose regulations providing the states that fall below the required participation rate will be found to have reasonable cause for failing to comply with the participation rate requirement and will not be penalized if the reason for the low rate is the number of domestic violence victims exempted from the work requirement and if the state has in place adequate programs to assist victims of domestic violence.

2) Propose any other regulations necessary to ensure, to the extent allowed by law, that the penalty structure under section 409 of the PRWORA does not operate inadvertently to discourage states from exercising their option under section 402 (a) (7) of the PRWORA (the Wellstone/Murray amendment) to screen, identify and assist victims of domestic violence.

OPTION 3: Highlight the FVA state option with a statement by the President, a letter to the states, and a commitment to a federal study. A description of these components follow:

1) The President would make a statement to the states encouraging them to implement the FVA, and to establish adequate programs to assist the victims of domestic violence.

2) Follow the President's statement with a letter from the President to the Governors challenging/encouraging them to take advantage of the Family Violence Amendment. The letter would outline the linkage between domestic violence and securing employment, and stress the importance of providing additional services and flexibility for women in those circumstances. The letter would further outline the kinds of services he is challenging them to increase and monitor; including screening, counseling, service referrals and support services.

3) Announce the study described above in Option 1.

IV. RECOMMENDATION

WR-Domestic
Violence

E X E C U T I V E O F F I C E O F T H E P R E S I D E N T

30-Sep-1996 11:19am

TO: Lyndell Hogan
TO: Jeremy D. Benami

FROM: Bruce N. Reed
Domestic Policy Council

SUBJECT: DV graph

Here is what I would rather say in the study graph of the directive:

"Finally, to more accurately assess 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 establish as a priority, understanding the incidence of statutory rape, domestic violence, and sexual assault in the lives of poor families and the best assessment, referral, and delivery models to improve safety and self-sufficiency for poor families who are victims of domestic violence."

Lyn -- call me.

MEMORANDUM

To: Jeremy Ben-Ami, DPC
 Dennis Burke, DPC
 Virginia Cox, HHS
 Debbie Fine, DPC
 Liz Hyman, DOJ
 Betsy Myers, Women's Office
Bruce Reed, DPC
 Ann Rosewater, HHS
 Joan Silverstein, DOJ

From: Lyn Hogan

Date: September 27, 1996

Re: Draft 2, Domestic Violence Directive

WP Domestic Violence

Bruce -
 I couldn't hold it until Monday -- very watered down language on the study is reinserted -- but of course

Following is a revised version of the domestic violence initiative. I received a draft agreed upon by HHS and DOJ, circulated the draft within the DPC, and carefully incorporated all comments.

Betsy likes it

Elena Kagan in White House Counsel has signed off on the attached draft.

Please provide me with your final comments as soon as possible so I can submit this to the Staff Secretary's office.

Thanks.

cc: Elena Kagan

Lyn

October 1, 1996

MEMORANDUM TO THE SECRETARY OF THE DEPARTMENT OF HEALTH AND HUMAN
SERVICES AND THE ATTORNEY GENERAL

Subject: Guidelines to States for Implementing the Family
Violence Provisions

Domestic violence has a devastating impact on families and communities. Every year, hundreds of thousands of Americans are subjected to assault, rape and murder at the hands of an intimate family member. Our children's futures are mortgaged by the very 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 then perpetuated into the future, spilling into our schools, our hospital wards, and our workplaces.

Domestic violence is a problem throughout our society. But it can be particularly damaging to women and children on the margins. 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 and the training necessary to meet the special needs of battered women so they can move successfully into the workforce and become self-sufficient.

That is why I strongly encourage states to implement the Wellstone/Murray Family Violence provisions in the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA). These provisions invite states to increase services for battered women through welfare programs to help these women move successfully and permanently into the workplace. Specifically, the Family Violence provisions give states an option to screen and identify welfare recipients, to find and help battered women, refer battered women to counseling and support services, and for other purposes. 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 provision.

Accordingly, I direct the Secretary of the Department of Health and Human Services and the Attorney General of the Department of Justice to develop guidance to states to assist and facilitate the implementation of the Family Violence provisions. In crafting this guidance, I want the Departments of Health and Human Services and Justice to work with states, domestic violence experts, victims' services programs, law enforcement, medical professionals, and others involved in fighting domestic violence. This guidance would address suggested standards and procedures that will help make welfare 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, we understand the need to have better information on the number of women receiving welfare who have been or are currently victims of domestic violence. I therefore direct the Sec. of the Department of Health and Human Services to establish as a priority, understanding the incidences of domestic violence in the lives of welfare recipients, and the best assessment, referral, and delivery models to improve safety and self-sufficiency for welfare recipients 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 45 days from the date of this memorandum on the specific progress that has been made toward these goals, followed by a final report on progress January 13, 1997.

William J. Clinton

Accordingly, I direct the Secretary of the Department of Health and Human Services and the Attorney General to develop guidance to states to assist and facilitate the implementation of the Family Violence provisions. In crafting this guidance, I want the Departments of Health and Human Services and Justice to work with states, domestic violence experts, victims' services programs, law enforcement, medical professionals, and others involved in fighting domestic violence. This guidance would address suggested 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, we must know more accurately the scope of the problem, and understand more clearly the relationship between domestic violence, sexual assault, and welfare dependency. I therefore direct the Secretary of Health and Human Services to establish as a priority, understanding the incidence of violence in the lives of welfare recipients and the best assessment, referral, and delivery models to improve safety and self-sufficiency for welfare recipients 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, followed by a final report on progress January 13, 1997.

William J. Clinton

Bruce -

This language on the study came from HHS. Could you possibly live with this?
Lm

New language
X

216

WHITE HOUSE STAFFING MEMORANDUM

DATE: 9/29 ACTION/CONCURRENCE/COMMENT DUE BY: 9/30 1:00 pm

SUBJECT: Family Violence Directive (All to be signed Tuesday)

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	McCURRY	<input type="checkbox"/>	<input checked="" type="checkbox"/>
PANETTA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	McGINTY	<input type="checkbox"/>	<input type="checkbox"/>
McLARTY	<input type="checkbox"/>	<input type="checkbox"/>	NASH	<input type="checkbox"/>	<input type="checkbox"/>
ICKES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	QUINN	<input checked="" type="checkbox"/>	<input type="checkbox"/>
LIEBERMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	RASCO	<input checked="" type="checkbox"/>	<input type="checkbox"/>
RAINES	<input type="checkbox"/>	<input type="checkbox"/>	REED	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BAER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SOSNIK	<input checked="" type="checkbox"/>	<input type="checkbox"/>
CURRY	<input type="checkbox"/>	<input type="checkbox"/>	STEPHANOPOULOS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
EMANUEL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	STIGLITZ	<input type="checkbox"/>	<input type="checkbox"/>
GIBBONS	<input type="checkbox"/>	<input type="checkbox"/>	STRETT	<input type="checkbox"/>	<input type="checkbox"/>
HALE	<input type="checkbox"/>	<input type="checkbox"/>	TYSON	<input type="checkbox"/>	<input type="checkbox"/>
HERMAN	<input type="checkbox"/>	<input type="checkbox"/>	HAWLEY	<input type="checkbox"/>	<input type="checkbox"/>
HIGGINS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	WILLIAMS	<input type="checkbox"/>	<input type="checkbox"/>
HILLEY	<input type="checkbox"/>	<input type="checkbox"/>	<u>Kagan</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
KLAIN	<input type="checkbox"/>	<input type="checkbox"/>	<u>Myers</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
LAKE	<input type="checkbox"/>	<input type="checkbox"/>	<u>Hiron</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
LINDSEY	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

REMARKS: Comments to this office (to be signed Tues 10/1)

RESPONSE:

October 1, 1996 96 SEP 27 P6:12

MEMORANDUM TO THE SECRETARY OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AND THE ATTORNEY GENERAL

Subject: Guidelines to States for Implementing the Family Violence Provisions

Domestic violence has a devastating impact on families and communities. Every year, hundreds of thousands of Americans are subjected to assault, rape and murder at the hands of an intimate family member. Our children's futures are mortgaged by the very 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 then perpetuated into the future, spilling into our schools, our hospital wards, and our workplaces.

Domestic violence is a problem throughout our society. But it can be particularly damaging to women and children on the margins. 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 and the training necessary to meet the special needs of battered women so they can move successfully into the workforce and become self-sufficient.

That is why I strongly encourage states to implement the Wellstone/Murray Family Violence provisions in the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996. These provisions invite states to increase services for battered women through welfare programs to help these women move successfully and permanently into the workplace. Specifically, the Family Violence provisions give states an option to screen and identify welfare recipients, to find and help battered women, refer battered women to counseling and support services, and for other purposes. 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 provision.

Accordingly, I direct the Secretary of the Department of Health and Human Services and the Attorney General to develop guidance to states to assist and facilitate the implementation of the Family Violence provisions. In crafting this guidance, I want the Departments of Health and Human Services and Justice to work with states, domestic violence experts, victims' services programs, law enforcement, medical professionals, and others involved in fighting domestic violence. This guidance would address suggested standards and procedures that will help make welfare 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, we understand the need to have better information on the number of women receiving welfare who have been or are currently victims of domestic violence. I therefore direct the Secretary of the Department of Health and Human Services to establish as a priority, understanding the incidences of domestic violence in the lives of welfare recipients, and the best assessment, referral, and delivery models to improve safety and self-sufficiency for welfare recipients 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 45 days from the date of this memorandum on the specific progress that has been made toward these goals, followed by a final report on progress January 13, 1997.

William J. Clinton

WR - Domestic Violence

JUNE 24, 1996

MEMORANDUM FOR LEON PANETTA

CC: CAROL RASCO
BRUCE REED
RAHM EMMANUEL

FROM: ALEXIS HERMAN
BETSY MYERS
BONNIE CAMPBELL

SUBJECT: PROPOSED VIOLENCE & POVERTY STUDY

Thank you for your time and support last Wednesday. The women participants in the welfare meeting were overwhelmingly positive about their time with you. They felt that you were receptive to their concerns and very much appreciated your candor.

Your support for Bonnie's suggested study of the relationship between violence and welfare resonated particularly well with the women gathered. We feel that moving forward on this will illustrate the Administration's commitment to protecting the health, safety and well being of women and girls, a point you articulated so well at the end of the meeting.

To date, there is not a single study of an entire AFDC caseload which measures the number of women on welfare who are current or past victims of domestic violence, sexual assault, or incest. We believe that once a state does its own study, it will then be more likely to respond programmatically to battered women's needs for a safety net. The Taylor Institute (the pioneer on domestic violence and poverty) estimates that a fund of \$200,000 - \$250,000 could make four state studies a reality.

The Taylor Institute has invited the President and us to visit the westside site of the Chicago Commons Employment Training Program, (ETC), a nationally known welfare-to-work demonstration program. ETC is funded by the Illinois Department of Public Aid, federal funds and by private foundations including the MacArthur Foundation. At the site are 150 women, all long term welfare recipients. Fifty-eight percent (58%) of them are current domestic violence victims, and they could share with the President how domestic violence continued to trap them on welfare as well as their efforts to break free of the cycle of violence. The President's July 2nd trip to Chicago could provide an opportunity for him to meet these women and demonstrate his support for women who are actively seeking to get off welfare.

Domestic violence impacts women of all incomes but poor women need the resources to escape it, and these resources have been under attack by Congress. Welfare-to-work proposals must take this vulnerability into account as they attempt to end dependency. We feel that funding the study of the relationship between welfare and violence is crucial to ensuring that resources continue to be available to battered women.

THE WHITE HOUSE

WASHINGTON

ACTION NEEDED

M E M O R A N D U M

To: Bruce Reed
Jeremy Ben-Ami
Elena Kagan
Debbie Fine
Dennis Burke

From: Lyn Hogan

Date: September 27, 1996

Re: Draft Domestic Violence Directive

Attached for your review is the draft domestic violence directive to the AG and Sec. of HHS. I have worked with HHS and DOJ on the wording, and have already incorporated some verbal comments from a few of you.

Please e-mail me your comments as soon as possible. This directive is likely to be announced this coming Tuesday, Oct. 1, as part of the domestic violence event being coordinated by Betsy Myers office so we are short on time.

Thanks.

If you have any questions, my ext. is 6-5567.

*WPK
Domestic
Violence*

Draft Directive For Comments
Sept. 27, 1996

Domestic violence has a devastating impact on families and communities. Every year, hundreds of thousands of Americans are subjected to assault, rape and murder at the hands of an intimate family member. Our children's futures are mortgaged by the very fact that they live in homes of 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 then perpetuated into the future, spilling into our schools, our hospital wards, and our workplaces.

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.

DV is a prob throughout our society. But it is particularly damaging to women, & children in the margins.

~~As a result, victims of domestic violence often find themselves falling into poverty, unable to pull themselves out. This is true for many victims of domestic violence, including those who receive welfare. A recent Taylor Institute study estimates that 50 percent of women receiving AFDC are past or current victims of domestic violence. A more recent study published in the Journal of the American Medical Association reports that approximately 58 percent of women on welfare who are not homeless were the victims of domestic violence.~~

As we reform our nation's welfare system, we must make sure that welfare-to-work programs across the country have the tools and the training to meet the special needs of battered women so they can move successfully into the workforce and become self-sufficient.

That is why I strongly encourage states to implement the Wellstone/Murray Family Violence provisions in the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA). These provisions invite states to increase services for battered women through welfare programs to 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 provision.

Accordingly, I direct the Department of Health and Human Services and the Department of Justice to develop guidance to states to assist and facilitate the implementation of the Family Violence provisions. In crafting this guidance, I want the Departments of Health and Human Services and Justice to work with states, domestic violence experts, victims' services programs, law enforcement, medical professionals, and others involved in fighting domestic violence. This guidance would address suggested standards and procedures that will help make welfare 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.

I ask the Departments to report to me in writing by _____ on the specific progress that has been made toward these goals. We must continue in our commitment to the women and families that face the ravages of domestic violence and sexual abuse. Now, with PRWURA, we will end welfare as we know it while, through the Wellstone/Murray Family Violence provision, offer the added supports and services needed to ensure that victims of family violence are given every opportunity to move from welfare to work and self-sufficiency.