

The Implications of Welfare Reform for Victims of Domestic Violence

Washington and Lee University

Ashley E. Trice

Washington and Lee University

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Through my work with survivors of domestic violence in a shelter setting, I have seen how heart wrenching domestic violence can be. I have learned about domestic violence, poverty and other social problems often associated with domestic violence. Many of the women I have worked with have dealt with the welfare system. Through my work with these women, I have realized that the current welfare system does not accommodate rehabilitation for domestic violence victims sufficiently.

Alice is a 20 year old single mother 3 year old James. James's father is in prison for refusing to pay child support for another child. Alice stays in a domestic violence shelter. She has no job, no GED, and currently receives no government assistance. Her ex-boyfriend, James's father, refused to let Alice get a job when they were together. At one point, she even signed up for a GED class, only to be reprimanded by her boyfriend for this behavior. He told her she did not need a job or an education because her only job was to stay home. Alice is having a hard time deciding what to do next. She wants to get a job to save up money so she can get her own place, but is unsure of how to do this. She does not know if she should first go to get her GED or first get a job. The shelter workers told her she should apply for TANF, but warned her she would have to be doing some kind of work or job training program to receive benefits. After some consideration, Alice got a job working at the local Pizza Hut. Alice then attempted to find quality child care for her son, but had a difficult time because of the longer hours her new job demanded of her. Alice's story is similar to many other domestic violence victims on public assistance.

- How does she recover from the abuse while also taking care of her child and looking for a job?
- How does she make a good decision?
- Where can she find a good job as well as quality childcare?

I have seen first hand the tremendous effects domestic violence has on women. I have also witnessed women in abusive relationships attempt and sometimes use the welfare system as a means to escape their abuser. After the 1996 welfare reform, assistance for women in domestic violent situations became much harder to collect. It is my passion to help women escape abusive relationships that has encouraged me to pursue this issue of the relationship between the welfare state and domestic violence.

I begin with an overview of domestic violence in society as a whole and its connection with welfare. I will examine recent welfare policy, specifically TANF, and explain the ramifications it has had and continues to have on women who have experienced domestic abuse. Finally, I will look at the Wellstone/Murray Amendment, developed specifically to address the issue of domestic violence, and discuss the positive and negative aspects of this amendment. It can be improved. Domestic violence is an important, yet frequently ignored problem in our society that must be addressed, especially in the context of welfare. Welfare has significant potential to assist women in domestic violence situations.

### **The Scope of the Problem:**

#### ***Domestic Violence:***

Research suggests that 85-90 percent of domestic violence victims are women.<sup>1</sup> Women are most likely to experience domestic violence between the ages of 16 and 24.<sup>2</sup> Although violence against men is a problem, this paper does not focus on it. Instead, I will be focusing on women as the primary victims. Domestic violence has been defined

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<sup>1</sup> U.S. Department of Health and Human Services, "Child Protection in Families Experiencing Domestic Violence," from *Child Abuse and Neglect User Manual Series*, (Washington, DC: National Clearinghouse on Child Abuse and Neglect Information, 2003).

<http://nccanch.acf.hhs.gov/pubs/usermanuals/domesticviolence/domesticviolenceec.cfm>.

<sup>2</sup> Ibid.

as a “pattern of coercive and assaultive behaviors that include physical, sexual, verbal, and psychological attacks and economic coercion that adults or adolescents use against their intimate partner.”<sup>3</sup> Domestic violence is not limited to physical harm. It is also seen through manipulation and emotional abuse to name a few non-physical manifestations.

Any kind of behavior in which a woman’s control is taken can be considered domestic violence. Physical harm is only one vehicle men use to gain control over women. Domestic violence also includes emotional and mental threats. In other words, “it is the pervasive and methodical use of threats, intimidation, manipulation, and physical violence by someone who seeks power and control over their intimate partner.”<sup>4</sup> The control exerted by men over women in domestic violence takes away a woman’s feeling of autonomy. A woman may feel afraid, intimidated, or scared to make decisions for herself.

The effects of domestic violence on women come in a variety of ways. Because it takes away a woman’s control, domestic violence often leads to emotional problems and mental illnesses. Research shows “that at least 60 percent of battered women suffer from some or all of the following symptoms: terrifying flashbacks, sleep disorders, inability to concentrate, as well as other symptoms.”<sup>5</sup> These emotional and mental side effects interfere with the way a woman parents, if she has children, as well as the way she performs her job.

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<sup>3</sup> Ibid.

<sup>4</sup> Ibid.

<sup>5</sup> Senate Concurrent Resolution 66—Relative to Welfare Reform, *Congressional Record*, June 26, 1996. <http://thomas.loc.gov/cgi-bin/query/C?r104:./temp/~r1044ndEXP>.

One of the most outwardly noticeable ways in which women are affected by domestic violence is interrupted work. Senator Paul Wellstone cited this when proposing the Family Violence Option: “domestic violence victims lose a total of nearly 8.0 million days of paid work-the equivalent of more than 32,000 full-time jobs-and nearly 5.6 million days of household productivity as a result of the violence.”<sup>6</sup> Sometimes, if a woman attempts to go to work or school, a perpetrator might punish her. Emotional trauma can contribute to absenteeism in the workplace. Not allowing a woman to work is a perfect example of how domestic violence seizes control from her. Victims of domestic violence are often terminated from jobs and have difficulty maintaining steady employment. It has also been shown that the propensity for domestic violence can actually increase in situations where the victim attempts to enter the workforce or pursue higher education. Alice’s story is a prime example of a partner exerting control by refusing education and employment

A woman’s ability to parent is also affected by domestic violence. In fact, in homes where a woman is abused, children in the house are much more likely to be abused. The psychological and emotional effects of abuse can impair a woman from performing her job as a mother. The Administration for Children and Families agrees that “parents who are suffering from abuse may experience higher stress levels, which in turn, can influence the nature of their relationship with and responses to their children.”<sup>7</sup> Some women who have been abused may actually use inappropriate force as punishment for their children. Furthermore, “when women experience domestic violence, their children may also be abused, physically, or sexually, at rates estimated to range from

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<sup>6</sup> Ibid.

<sup>7</sup> USDHHS, “Child Protection in families.”

28% to 70% of the children involved.”<sup>8</sup> Protecting one’s children from abuse can impair a mother’s ability to parent well. Abuse can prevent women from being able to devote sufficient attention to children.

***The Connection between Domestic violence and welfare:***

Domestic violence and welfare are rarely discussed together. In recent years, as domestic violence has received more public attention and welfare has been reformed, this has changed somewhat. The connection between welfare and domestic violence has become more apparent. The Taylor Institute, which has recently partnered with University of Michigan, has done extensive research on welfare and domestic violence. In their research, they found “the interrelationship between domestic violence and welfare by showing that between 50% and 80% of women in welfare to work programs are current or past victims of domestic violence.”<sup>9</sup> Although domestic violence is not restricted to the lower-class, more studies have shown that it is a severe problem of welfare recipients. Women who suffer from domestic violence and are on welfare do not have access to the same resources that women in the upper classes do. Support services such as counseling are not as available to women on welfare. Furthermore, many women cite financial burden as the main reason for staying with their abusive partner. Many victims fear being on their own and worry about getting a job and supporting themselves and/or their children.

Therefore, the correlation between domestic violence and welfare is important to observe because women who experience domestic violence and are on welfare do not have the adequate resources to deal with their situation. Recently, in a lecture at

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<sup>8</sup> Diana May Pearce, *Battered Women, Children, and Welfare Reform*, ed. Ruth A. Brandwein (Thousand Oaks: SAGE Publications, 1999), 119.

<sup>9</sup> Senate Concurrent Resolution 66—Relative to Welfare Reform.

Washington and Lee University, David Shipler, author of *The Working Poor*, spoke about this. He spoke of the difficulties women who have experienced domestic abuse face in a society where the emphasis is put on working and getting off of welfare. He referred to domestic violence as a traumatic experience that impacts many areas of a woman's life. It is particularly devastating when the woman does not have proper resources in the recovery process.<sup>10</sup> It seems as if welfare would be a good way for women to escape from domestic violence. Welfare potentially could serve as a resource for victims of domestic violence; however, currently it does not.

### **Personal Responsibility and Work Opportunity Reconciliation Act:**

In 1996, under the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), Temporary Assistance for Needy Families (TANF), replaced the Aid to Families with Dependent Children (AFDC). TANF, unlike AFDC, "repealed the individual entitlement to welfare and replaced open-ended federal payments to the states with a block grant."<sup>11</sup> States receive a sum of money allotted for welfare services and then must remain within the budget rendering these services. With these block grants came much more state flexibility. Under PRWORA, the federal government allows states to exempt 20 percent of their caseload from one or more of the requirements mandated by the federal government. A state may choose to exempt recipients because of mental illness, physical debilitation, domestic violence, or other "good cause" reasons.

One of the most striking changes was the addition of strict requirements for recipients. Not only were these requirements for individuals but also for states. Under

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<sup>10</sup> David Shipler, "The Working Poor: Invisible in America" (lecture at Lee Chapel at Washington and Lee University on 3 March 2005).

<sup>11</sup> Isabel Sawhill, R. Kent Weaver, and Andrea Kane, "An Overview" *Welfare Reform and Beyond*. eds. Isabel V. Sawhill, R. Kent Weaver, Ron Haskins, and Andrea Kane (Washington, DC: The Brookings Institute, 2002), 3.

TANF, both individuals and states can be sanctioned for failing to abide by requirements. Although the federal government has given each state the TANF money with a set of broad requirements, each state is able to tighten these or make the rules to receive the welfare stricter. Therefore, TANF, in each state, differs in enforcement and disbursement procedures and methods. Different states may call TANF other names. For example, North Carolina calls it “Work First.” Other variations among states also exist. Under federal requirements for TANF, there is a 5 year limit for recipients, but some states have chosen to limit this to 2 years. Furthermore, “the entitlement to benefits under AFDC was abolished. In the past, destitute families with children who met joint federal-state income eligibility rules had to be provided with cash benefits.”<sup>12</sup> In contrast, TANF allows states to determine requirements and standards to receive benefits. Eligibility for assistance is no longer disbursed based on income alone.

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The change from AFDC to PRWORA placed a greater emphasis on the transition from welfare to work. TANF requires states “to place an annually accelerating percentage of their caseload in work activities for a specific number of hours.”<sup>13</sup> If states fail to meet work mandates set by the federal government, TANF block grants can be reduced. It is a federal requirement for states to include sanctions for those who refuse to participate in work or work related activities. It is up to the state to determine the details for these sanctions. The federal government has set requirements for recipients, but states set stricter requirements independently.

Some argue that PRWORA has reduced poverty. Research suggests that since the enactment of the welfare reform, “case loads have fallen by 60 percent nationwide, as

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<sup>12</sup> Rebecca Blank and Ron Haskins, *The New World of Welfare* (Washington, DC: The Brookings Institute, 2001), 7-12.

<sup>13</sup> *Ibid.*, 12.

nearly 3 million families and 9 million recipients have left welfare, and record numbers of current and former welfare recipients are working.”<sup>14</sup> Statistical evidence shows an improvement in poverty and implies that the 1996 Welfare Reform Act was a success. But, when looking at these statistics it is also important to take into account earnings and total income. Although more people may be working or have left welfare, this does not necessarily mean that they are well off and have left poverty. It is also possible that people have left welfare but are not employed. Evidence suggests that “the flip side of the high employment rates of 60 to 75 percent of women who have left welfare is that 25 to 40 percent of those women are not working.”<sup>15</sup> In a study done by the Council of Economic Advisers in 1999, “it was found that one-third of the decline between 1996 and 1998 was due to welfare reform and about 8 to 10 percent was due to improvements in the labor market.”<sup>16</sup> Simply because welfare caseloads have been reduced, does not mean that the status of America’s poor has improved drastically.

In fact, research shows that there is a large group of people who have left welfare because they do not meet the work requirements. This group is often referred to as the “hard to employ.” People with (barriers) mental illnesses, family issues, physical health problems and also domestic violence are included in this group.<sup>17</sup> Seventy-five percent

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<sup>14</sup> Committee on Ways and Means, House of Representatives, *Herger Announces Hearing on Welfare Reform Reauthorization Proposals*, (April 11, 2002).

<http://waysandmeans.house.gov/hearings.asp?formmode=view&id=2472>

<sup>15</sup> Robert A. Moffit, “From Welfare to Work: What the Evidence Shows,” *Welfare Reform and Beyond*. eds. Isabel V. Sawhill, R. Kent Weaver, Ron Haskins, and Andrea Kane (Washington, DC: The Brookings Institute, 2002), 83.

<sup>16</sup> Rebecca M. Blank and Lucie Schmidt, “Work, Wages, and Welfare,” *The New World of Welfare*. eds. Rebecca Blank and Ron Haskins (Washington, DC: The Brookings Institute, 2001), 90.

<sup>17</sup> LaDonna Pavetti, “Helping the Hard-to-Employ,” *The New World of Welfare*. eds. Rebecca Blank and Ron Haskins (Washington, DC: The Brookings Institute, 2001), 136.

of adults on welfare face at least one barrier to employment.<sup>18</sup> However, “An analysis of Census Bureau data shows that as many as 700,000 families, with children had less income in 1999 than in 1995.”<sup>19</sup> Despite the data that suggests that more families have at least one worker, this does not mean that families are better off under PRWORA. Domestic violence is considered a working barrier. Women who have experienced domestic violence are a part of the “hard-to-employ” category.

Under current TANF policy, there are four important requirements that impact domestic violence victims. First, TANF is a time limited program, allowing a family up to 60 months of benefits (depending on the state). Second, a woman is required to “work with the state in good faith” to establish paternity of the child. Third, work requirements and sanctions are also a factor. Fourth, resources provided for domestic violence victims must also be considered. Upon initial consideration, these requirements may not seem detrimental, but when taking into consideration domestic violence victims, these conditions must be reassessed. I will consider each.

***Time Limits:***

First, the time limit imposed on recipients is often restrictive and unrealistic for victims of domestic violence. The federal time limit is set at 5 years, but states are allowed to abbreviate this. For example, Virginia has a 2 year time limit for welfare recipients to receive assistance. Women who are current victims of abuse may potentially fear leaving their abuser because they do not think they can support themselves, or be financially stable within the time limit. Or, women who are struggling

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<sup>18</sup> Sheila R. Zedlewski and Pamela Loprest, “Will TANF Work for the Most Disadvantaged Families?,” *The New World of Welfare*. eds. Rebecca Blank and Ron Haskins (Washington, DC: The Brookings Institute, 2001), 314.

<sup>19</sup> Pavetti, “Helping the Hard-to-Employ,” 136.

from the repercussions of domestic violence may not be capable of becoming stable on welfare within the time limit. It is also possible that women feel that they are more financially stable with their abuser than they would be on welfare alone.

***Paternity Establishment:***

Second, the enactment of paternity establishment is an attempt to monitor child support. By requiring women to identify fathers, it is easier for the state to enforce payment by fathers. In domestic violence cases, it is understandable why a mother may choose not to identify the father. Under PRWORA, “if an individual does not cooperate with paternity establishment and child support enforcement, and does not have ‘good cause’ for failing to cooperate, the State must deny the family at least 25% of the public assistance grant and may deny the family any assistance.”<sup>20</sup> The State can sanction women for not identifying the fathers and take away benefits.

Establishing a child’s paternity may be a deterrent for the usage of welfare for women who have been abused. Some victims do not wish to reveal the paternity, in fear of the father’s response. Also, some mothers do not want their child involved with their father at all, simply to keep them away from the abuse. Moreover, some states do not count exemptions at all; therefore they require that women establish paternity to receive assistance. Virginia does not permit women who refuse to identify the father of the child to receive assistance.

Surprisingly, most data suggest that even women who have had an abusive partner would like to claim child support, so establishing paternity is not a deterring factor. Three studies, in Colorado, Massachusetts, and Minnesota, all suggested this was

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<sup>20</sup> U.S. Department of Health and Human Services, *Cooperation/Good Cause Forum*, (Alexandria, VA: Office of Child Support Enforcement, February 11-12, 1997).  
<http://www.acf.dhhs.gov/programs/cse/rpt/notar97.htm>.

true. In Colorado, “applicants for public assistance was (were) screened for domestic violence, 40% disclosed current or past abuse, only 3%, however, believed they needed to apply for a good-cause waiver of child support enforcement.”<sup>21</sup> However, there will be situations in which the woman does not want to establish paternity because of domestic violence. It is important, then, for states to have the ability to exempt women from the requirement regarding paternity establishment by not imposing sanctions.

***Work Requirements:***

Third, mandated work requirements also have the potential to be problematic for victims of domestic violence. As noted earlier, working or keeping a steady job is not always a feasible demand of domestic violence victims. The traumatic responses victims experience after domestic violence may conflict with the work requirements under TANF. Additionally, it has been proven that domestic violence increases when a woman enters the workforce, increasing a woman’s risk of harm. Studies show that “...among mothers in welfare-to-work programs, 56 percent are abused by male partners, and that recipients’ return to the labor market often triggers new violence.”<sup>22</sup> Alice’s story is an example of some of the problems domestic violence victims experience with the welfare requirements, specifically working requirements. Because of the trauma of abuse, women are not always capable of meeting the work requirements necessary to receive benefits such as TANF. Hence, they face sanctions.

***Resources:***

Fourth, the availability of other resources for domestic violence victims needs to be addressed. Requirements for domestic violence victims on welfare are not an unfair

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<sup>21</sup> Richard M. Tolman, “A Review of Research on Welfare and Domestic Violence,” *Journal of Social Issues*, (Winter 2000). [http://www.findarticles.com/p/articles/mi\\_m0341/is\\_4\\_56?ai\\_70460020/print](http://www.findarticles.com/p/articles/mi_m0341/is_4_56?ai_70460020/print).

<sup>22</sup> Gwendolyn Mink, *Welfare’s End*. (Ithaca: Cornell University Press, 1998), 114.

request, if other services geared towards recuperation were made available and other services such as quality child care were present. Julie Anderson addressed this issue in her paper regarding single mothers on welfare and the current childcare dilemma. Julie noted: “These issues of availability, affordability and quality are vital to examine together and independently when focusing on the childcare problem as they overlap and coincide with one another.”<sup>23</sup> Alice’s story exemplifies that adequate services were not available for her, disabling her ability to meet these requirements. Although she wanted the assistance of the State to help her escape her abusive situation, the job she found was not easily accommodated by day care services. Without the time or resources, women who experience domestic violence cannot heal properly much less meet PRWORA requirements. Requirements would not be so bad for women who have experienced domestic violence if adequate resources were available. It is not fair for women of domestic abuse to be held to the same expectations that others have without help with reparations.

LaDonna Pavetti said: “Unless new and more effective programs are developed, or existing approaches are successfully modified, we should have modest expectations about helping welfare recipients with serious employment barriers enter the labor force.”<sup>24</sup> For some women a time limit is not a terribly inappropriate request for some domestic violence victims, but there must be services available for these women to assist them. Therapy and childcare are two of the most important services for women who have experienced abuse. Mentally and emotionally, women need assistance through therapeutic services to encourage and assist them getting back on their feet and reentering

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<sup>23</sup> Julie Anderson. “Pushing Single Mothers into the workforce: Shoving Children into Inadequate Childcare” (Shepherd Capstone, Washington and Lee University, 2005), 6.

<sup>24</sup> Pavetti,, “Helping the Hard-to-Employ,” 139.

the workforce. Daycare is also an important issue to consider when expecting women to abide by welfare requirements. The high cost of sufficient day care can be a deterring factor for women who have been abused who want to leave their abuser, go back to work and receive welfare. Governmental assistance by means of adequate daycare and therapeutic services could greatly improve the effectiveness of welfare programs for women who have been abused.

In theory, welfare has the potential to help provide the necessary services and assistance to victims of domestic violence, and can aid them in leaving an abusive relationship and begin the healing process. However, new TANF requirements are not conducive to sufficiently supporting women of domestic violence situations.

***Wellstone/Murray Amendment:***

The Wellstone/Murray Amendment to TANF was intended to address these problems in the 1996 welfare reform. The Wellstone/Murray Amendment, also known as the Family Violence Option (FVO) addresses the relationship between welfare requirements and domestic violence. Senator Paul Wellstone from Minnesota and Senator Patty Murray from Washington devoted a significant amount of attention to these issues, eventually proposing this amendment. In a Senate Concurrent Resolution on June 27, 1996, Senator Wellstone, representing Senator Murray and others said, “proposals to restructure the AFDC program by imposing time limits, and increasing emphasis on work and job training should be evaluated in light of data demonstrating the extent to which domestic violence affects women’s participation in such programs and in light of the Congress’ commitment to seriously address the issue of violence against women as

evidenced by the enactment of the Violence Against Women Act.”<sup>25</sup> It was Senator Wellstone’s and Senator Murray’s strong convictions regarding welfare reform and domestic violence under which the Family Violence Option was proposed.

This option allows states to include domestic violence in the 20% exemption limit. Exemptions were otherwise linked to clients/recipients with mental and physical illness and disability issues. Initially, however, this was not the case: “Senators Wellstone and Murray offered Amendment 480 to the PRA [PRWORA] to clarify their intent of the legislation was to provide waivers for these women above and beyond the 20%.”<sup>26</sup> In other words, the initial plan intended to provide states the ability to grant exemptions to abused women outside of the 20 percent already allotted for other reasons. Instead, the Department of Health and Human Services now allows for individual exceptions, going over the 20%, for domestic violence, if the State requests these exemptions. Later I will discuss the problematic implications of this facet of the policy.

The FVO is optional for states to adopt. Currently, the majority of states have adopted the FVO, but a few have created their own version, adopting alternative domestic violence programs. Under the FVO, “...the state will exempt from requirements ...and or modify the application of such sections to, any woman, child, or relative applying for or receiving assistance under this part, if such a woman, child or relative was battered or subjected to extreme cruelty and the physical, mental, and emotional well-being of the

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<sup>25</sup> Senate Concurrent Resolution 66. The Violence Against Women Act (VAWA), Title IV of the Violent Crime Control and Law Enforcement Act, was passed in 1994 (P.L. 103-322). The Administration for Children and Families listed that VAWA has 4 parts: “the Safe Street Act, Safe Homes for Women, Civil Rights for Women and Equal Justice for Women in the Courts, and Protections for Battered Immigrant Women and Children - and each act addresses domestic violence, sexual assault, stalking, and protection against gender-motivated violence.” VAWA essentially increased public awareness, increased penalties for domestic violence, and offered more legal support and guidance for handling domestic violence situations.

<sup>26</sup> Brandwein, *Battered Women, Children, and Welfare Reform*, 157.

woman, child, or relative will be endangered by application of such sections....”<sup>27</sup> In other words, the FVO allows TANF requirements to be waived, if a state so chooses. Each state that adopts the FVO, then, molds it to adapt to the current state TANF policies and requirements. I will provide examples below.

There are three main provisions of the FVO. The first is the screening process involved with identifying domestic violence victims in a confidential manner. Often the initial screening process occurs in the welfare offices at the time of enrollment. As a part of this option, “Federal regulations finalized in April 1999 require states implementing the FVO to assess women for domestic violence and refer them to a person trained in domestic violence issues to create an individualized service plan designed to promote employment safety.”<sup>28</sup> Some states use a written method of screening, while others use a verbal.

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The second provision allows clients to be referred to the necessary resources. Occasionally welfare offices will have an onsite specialist to deal with domestic violence, but more often, the woman is referred to off-site resources. This includes sending a woman to counseling or to other services provided for domestic abuse victims. Again, the way in which this is handled depends on the individual state.

Finally, the third provision of the FVO allows the use of waivers. Social workers can make an exemption for one or more of the TANF requirements. For example, one may be exempt because it is dangerous for her to work. Time limits can also be removed.<sup>29</sup> States handle distributing waivers differently. Whereas some states waive all

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<sup>27</sup> Amendment No. 2583, “Wellstone (and Murray) Amendment NOS. 2583-2584 (Senate-September 08, 1995). <http://thomas.loc.gov/cgi-bin/query/C?r104:./temp/~r1048fHuzt>.

<sup>28</sup> Tolman, “A Review of Research on Welfare and Domestic Violence.”

<sup>29</sup> Brandwein, *Battered Women, Children, and Welfare Reform*, 156.

welfare requirements, some only waive specific requirements or grant extensions for benefits.

Richard Tolman, of the Taylor Institute, has done extensive research of the interaction between domestic violence and welfare. He noted that, “If FVO can be the vehicle for delivery of preventive and intervention services, it may be a useful tool in increasing women’s safety and long-term well-being by preventing premature job placement, increasing supports for safety during employment, and maintaining a viable safety net if abuse continues.”<sup>30</sup> The potential of the Family Violence is great, but its effectiveness has been questioned. A total of 42 states, since 1996, have opted for the FVO, with 6 other states adopting similar policies that provide some waivers if not all for TANF requirements. That leaves 3 other states that do not have the FVO or a similar policy (DC included). Now, I turn to a closer examination of 4 states with and without the FVO. Although some of the states have adopted the FVO, note the different ways it has been incorporated into each state’s welfare plan.

#### **A Closer Look at Individual States: VA, NC, NY, and OR:**

##### ***Virginia:***

Virginia’s version of TANF is called Virginia Independence Program (VIP). Under VIP, there is a program called Virginia’s Initiative for Employment not Welfare (VIEW). The Commonwealth of Virginia does not have the Family Violence Option. Virginia does have a “hard to serve exception” that was offered in 1999, house bill 2597.<sup>31</sup> Virginia’s negligence to either adopt the FVO or implement a comparable bill is unfortunate. The likelihood of a woman who has been the victim of domestic violence

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<sup>30</sup> Tolman. “A Review of Research on Welfare and Domestic Violence.”

<sup>31</sup> Virginia Congress, House. *House Bill No. 2597*. [www.virginia.gov](http://www.virginia.gov).

receiving the assistance she needs from the government is very unlikely. One statistic notes that in “January 1998, 14,721 TANF participants were in work programs; 176 were in inactive status, which could include domestic violence as well as other family issues or emergencies.”<sup>32</sup> It is no wonder Alice, the woman I worked with at the domestic abuse shelter in Virginia struggled with the red tape of TANF and getting herself back on her feet after leaving her abuser.

***North Carolina:***

North Carolina’s version of TANF is “Work First.” Under Work First, the FVO was adopted by the General Assembly. However, North Carolina is a bit different in that individual counties have more discretion. Rather than the state having the final say in sanctions and waivers, some counties may determine this on their own. Under the FVO in NC, time limits, work activities, and child support enforcement may be exempt.<sup>33</sup> Universal screening exists as a part of the TANF enrollment procedure, and if a woman is found to have experienced domestic violence, she is referred for other services. NC accepts the caseworker’s interview with the client as adequate evidence in regards to the domestic violence. NC abides by the federal regulation of the 60 month maximum. However, even if you are screened and deemed to have suffered or are suffering from domestic violence, assistance can be continued for 6 month increments. Work requirements may also be dismissed for domestic violence victims in NC, but this status must be reevaluated every 6 months. NC’s Work First program grants waivers for any Work First policies or requirements that cannot be met due to domestic violence

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<sup>32</sup> Jody Raphael and Shelia Haennicke, “The Family Violence Option: An Early Assessment,” (Taylor Institute: 1998), 14. [www.ssw.umich.edu/trapped/pubs\\_marti.pdf](http://www.ssw.umich.edu/trapped/pubs_marti.pdf).

<sup>33</sup> “Family Violence Option: State by State Description,” (New York: Legal Momentum, 2001), 17. [www.legalmomentum.org](http://www.legalmomentum.org).

circumstances. Finally, as to child support, waivers can be granted through a separate agency.<sup>34</sup>

***New York:***

The state of New York also adopted the FVO. New York allows any requirement to be waived: time limits, paternity establishment, and work activity. The screening process in NY is a bit more complex as NY requires written screenings. The written statement of the woman qualifies as sufficient evidence for the domestic violence. Following a written screening, if a candidate qualifies, she is sent to a domestic violence case worker. Waivers can then be given by the trained domestic violence caseworker and administered for 4 months at a time. These must be reevaluated every 6 months thereafter. Furthermore, NY requires all recipients to have a “service plan when waiver is granted.”<sup>35</sup>

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Of all the research reviewed, it seems that New York is one of the states doing the most to have qualified trained caseworkers available to help women use the FVO and recover from their abuse. A report by the Taylor Institute states that, “New York State has created 200 new domestic violence/welfare reform liaison positions, amounting to one or two persons per county. These individuals, who are to help participants obtain needed services, will receive four days of training in a residential setting in domestic violence.”<sup>36</sup> Specialized training is a necessary part of the FVO, because women are more likely to talk to someone who is knowledgeable about domestic violence, rather than just the typical social worker.

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<sup>34</sup> Ibid.

<sup>35</sup> Ibid.

<sup>36</sup> Raphael and Haennicke, “The Family Violence Option: An Early Assessment.”

Research on the FVO in NY suggests that less than 5 percent of welfare recipients receive waivers. Furthermore, “between April 1998 and June 1999, 5,700 of the over 500,000 welfare recipients in New York State indicated during the screening process that they were in current danger of physical, sexual, or emotional abuse.”<sup>37</sup> These rates seem particularly low considering the importance placed on training caseworkers in NY. However, compared to a state with no exemptions, such as Virginia, the rates in NY are much higher. Nonetheless, later I will discuss some of the possible reasons for these low rates.

***Oregon:***

Oregon has also adopted the FVO. Under Oregon statute, a victim of domestic violence can be exempt from all requirements and maintain benefits. This includes: “time limits, work requirements, [and] paternity establishment and child support cooperation....”<sup>38</sup> Universal screening is also done upon TANF enrollment and Oregon considers an oral statement by the client to be evidence of the domestic violence.

However, Oregon has some other unique programs and policies for victims of domestic violence. Similar to North Carolina’s policy of allowing individual counties to make some of their own legislation, Oregon divides some of this responsibility to district offices. Then, “each district has selected a domestic violence point person who is responsible for coordination, communication and education within that district” and then “each district prepares a domestic violence plan submitted to the central office.”<sup>39</sup> The

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<sup>37</sup> Judy L. Postmus, “Battered and on welfare: the experiences of women with the Family Violence Option,” *Journal of Sociology and Social Welfare* 31, (June 2004). <http://www.infotrac.com>.

<sup>38</sup> “Family Violence Option: State By State Summary.”

<sup>39</sup> Raphael and Haennicke, “The Family Violence Option: An Early Assessment.”

benefit of allowing districts to use discretion regarding domestic violence is that standards suitable to a particular geographic area can be considered.

Additionally, Oregon also has other programs geared towards women on welfare who have been domestically abused. “Developing Capable People” classes are taught to women about improving one’s self-esteem. Self-defense is also taught in this class.<sup>40</sup> Caseworkers in Oregon also receive additional training regarding domestic violence and ways to deal with it, as well as a newsletter that gives tips and reminders of how to work with a woman who has been abused. However it is Oregon’s emergency assistance program that is of most notable difference. Under this policy, Oregon may give women who have been abused up to \$1200 for utility and rent costs. This money does not have to be repaid to the government.<sup>41</sup> Lastly, Oregon also trains child support caseworkers in domestic violence. This enables child case workers to better watch for signs of domestic abuse that may be occurring but are not being reported.

### **Criticisms and Suggestions of the Family Violence Option:**

Although the FVO is an extremely important piece of legislation because it addresses the connection between domestic violence and welfare, its effectiveness has been questioned. I too have concerns regarding the policy and its implementation and the wide array of state variations.

#### ***Assessment and Screening Process:***

First, the assessment and diagnosis for domestic violence under the FVO must be considered. Whereas some states have specialized domestic violence caseworkers or provide training for caseworker regarding domestic violence, some states simply use

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<sup>40</sup> Ibid.

<sup>41</sup> Ibid.

regular caseworkers to perform the universal screening. If caseworkers are going to continue to screen for domestic violence, it is imperative that they receive extensive training regarding domestic violence. There should be at least one trained specialist in every office that screens for domestic violence. Some women may feel safer and more comfortable talking with a trained professional, rather than the person who enrolled them for TANF.

A study in NY State addresses three major problems with the screening process. In this study, 29 women of different backgrounds were interviewed regarding the FVO. When asked about the screening form, which is mandated as a part of NY's FVO, 16 of the women said that they thought they saw or filled out this form.<sup>42</sup> This means that under half of the women who were surveyed were never screened according to NY law. For the FVO to be of any assistance to domestic violence victims, the screening process must actually occur.

Nine of the sixteen women who were exposed to the form decided not to identify themselves as a victim.<sup>43</sup> When interviewed in the study, women were asked why they decided not to disclose their domestic abuse history. Women generally responded saying that they felt judged by caseworkers, or feared that they might face consequences through the custody of their children. Some women noted in interviews that they thought their caseworker may take away their children.<sup>44</sup> Training regarding how to be approachable and the best ways to deal with domestic violence victims must be provided for caseworkers, to encourage women's willingness to identify themselves as victims. It is imperative for the FVO to be clearly presented to welfare recipients. With knowledge of

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<sup>42</sup> Postmus, "Battered and on welfare."

<sup>43</sup> Ibid.

<sup>44</sup> Ibid.

the waivers and other programs provided by the individual state, victims may be more likely to identify as a victim and begin the healing process. It is extremely important that the screening process for domestic violence be thorough and consistent to ensure the effectiveness of the FVO.

Following the initial assessment and initial screening, some kind of service plan should also be created. A service plan incorporating therapy if needed should be designed by the caseworker and the client. A service plan will not only assist the woman with goals, but could also potentially serve as an initial contract between the caseworker and the welfare recipient. In my experience with domestic violence victims, much of what they struggle with is getting their feet back on the ground and regaining self-confidence. In an abusive situation, a woman's control and self-worth are taken from a woman, frequently making her feel vulnerable and incapable. Therefore, it would not be helpful for a caseworker to come up with a plan or course of action for the woman and tell her what she must do. Rather, it is more effective to have the woman come up with the plan herself, of course using the caseworker's guidance. A simple task like this can begin to help a woman rebuild her confidence and feelings of self-worth.

***Waivers:***

All requirements that a state has regarding welfare receipt should be able to be waived under the FVO. The current FVO permits states to pick and choose which requirements can be waived. As mentioned before, identifying the father, time limits, and work requirements all have potentially negative effects on domestic violence victims. All requirements should be able to be waived or amended under the FVO, allowing women to be exempt from sanctions. Women will not be able to fully recover and

recuperate with a waiver for working. Women also need therapy and support from outside sources to enable them to begin working. Other programs and policies, such as those seen in Oregon, could potentially increase the effectiveness and success of the FVO.

***Resources and other State Programs:***

Although the FVO provides a decent policy regarding exemptions and waivers for women who have experienced domestic abuse, other resources are needed. Although the FVO does grant that each state may use the TANF block grants for services for domestic violence victims, my research is proof that current services rendered are insufficient. Services such as day care, therapy, job training, and other basic needs women of domestic violence situations may benefit from are not generally available. The FVO does not directly provide services such as those mentioned above for women recovering from domestic abuse. Therefore, new legislation is needed that requires states to provide services for these women. Using the TANF block grant to help these women is clearly not being very effective.

In Rebecca Blank's *It Takes a Nation*, she gives suggestions for more effective job placement and training programs. Much of what she says is pertinent to assisting domestic violence victims in regards to employment. In particular, she notes that many of the long term recipients of welfare face multiple barriers to employment, therefore "will require more than a few weeks of job search assistance before they are ready for employment."<sup>45</sup> Blank discusses a program called The Chicago Commons that is geared towards women who have a history with domestic violence and do not have the skills

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<sup>45</sup> Rebecca Blank, *It Takes a Nation: A New Agenda for Fighting Poverty* (New York: Princeton University Press, 1997), 276.

needed to enter the workforce. In this program, women spend 20 hours a week in GED classes, job training, and group counseling. The average time it takes for women to reach a point where they are capable of steady employment is about one and a half to three years.<sup>46</sup> Obviously, programs that invest this much time in assisting a woman are far more costly than job training programs. In the long run though, the programs that spend more time with women helping them heal, and teach them the necessary skills for the work force, are more successful. The Chicago Commons program estimated that within three to four years, 50-60 percent of clients are off welfare and working.<sup>47</sup> Clearly, resources are needed specifically to help women who have been abused to assist them with work requirements mandated by the state.

Social workers interacting with women who have experienced domestic violence must be able to implement a certain level of discretion. Because not all domestic violence situations are the same, women will need to be accommodated in different ways. For example, some women may want to return to the workforce immediately, not requiring a waiver regarding work. However, other women with children may not be able to maintain a full time job, desiring a part time job with daycare.

***Mandated State FVO:***

I also do not think that the FVO should be “optional.” Every state must have legislation that at least guarantees some assistance for these women. This should include more than waivers. States should also provide services geared towards helping victims recover. A waiver can only help a victim so much without other resources to accompany it and assists with rehabilitation. On the other hand, rehabilitation services can only be a

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<sup>46</sup> Ibid., 243.

<sup>47</sup> Ibid.

success with waivers. Both time and resources are necessary for women to recover from domestic abuse, and states should take an active role in providing these.

***FVO inclusion in the 20% government exemptions:***

Finally, and perhaps most importantly, the waivers under the FVO should not be included in states 20 percent. Although states are allowed to file for exceptions to the 20 percent rule, for domestic violence cases, the paperwork and hassle of filing for exceptions is unappealing to states. The sanctions imposed on states for exceeding the 20 percent encourage states to ignore victims of domestic violence in the welfare system. Domestic violence is a problem that must be addressed separately from other handicaps such as physical and mental illness that permit exemptions. Mental and physical illness alone could easily assume the 20 percent exemption limit the federal government offers.

**Concluding Thoughts:**

Washington and Lee University  
Richard Tolman, who has done much research in this field argued:

“Unfortunately, since many welfare researchers are unfamiliar with the issue of domestic violence, they may be unequipped to measure the role it plays during welfare reform. Likewise, many domestic violence researchers do not understand issues related to poverty and welfare. It is thus vital for domestic violence experts to team with welfare researchers to study domestic violence.”<sup>48</sup> Often the connection between domestic violence and poverty is forgotten and then not dealt with adequately. I feel very strongly about the ways in which welfare could potentially be used to help these women. The FVO is a unique piece of legislation directed towards women on welfare. If used properly, the FVO has the potential to be an extremely effective piece of legislation for women who have suffered from domestic violence.

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<sup>48</sup> Tolman, “A Review of Research on Welfare and Domestic Violence.”

The FVO, although a mark of progress, does not assist domestic violence victims sufficiently. The FVO serves as a sufficient guideline for states to follow, but states must also go beyond this. The federal government, as well as the state government must take a stand for women such as Alice. Steps must be taken to help women heal.

Washington and Lee University

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