

SUBJECT: Waiving welfare requirements for victims of family violence

COMMITTEE: Human Services — committee substitute recommended

VOTE: 5 ayes — Hilderbran, Naishtat, Davila, Maxey, McReynolds
2 nays — Christian, Wohlgemuth
2 absent — Chavez, Krusee

WITNESSES: For — Pat Cove and Lisa McGiffert, Texas Council on Family Violence; Patrick Bresette, Center for Public Policy Priorities; Charlotte Flynn; Joseph Heffernon
Against — None
On — Renee Arsenault

BACKGROUND : The federal welfare reform law, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, includes provisions giving states the option to waive certain requirements, such as work requirements or time limits, for welfare recipients who are victims of family violence.

DIGEST: CSHB 3428 would implement the federal option to waive certain requirements of welfare recipients who are victims of family violence.

The bill would require the Department of Human Services (DHS), the Texas Workforce Commission (TWC) and the Title IV-D child support agency (currently the Office of the Attorney General) to adopt procedures for waiving or modifying certain requirements — including time limits, child support enforcement, paternity establishment, work activity and residency — for up to one year for victims of family violence.

Requirements could be waived or modified if they made it more difficult for the individual to escape family violence, unfairly penalized the individual for failing to comply with the requirements because of family violence, or placed the individual at greater risk for family violence. Requirements could

be waived or modified only on a case by case determination and after documentation of good cause.

The appropriate agency would also be required to work with the victim to develop a plan to prevent the recurrence of family violence. The agency would have to maintain the confidentiality of information about the identification and location of victims and children when necessary to prevent additional family violence. Agencies would be prohibited from denying an individual access to education, training, employment or other services because the person was a victim of family violence.

DHS would have to coordinate and collaborate with TWC, the child support agency and at least one statewide advocacy group for victims of family violence for the development and implementation of these procedures. The agencies would have to submit a joint report to the Legislature by January 15, 1999, on the number of waivers, justifications, the financial impact and analysis and recommendations concerning necessary modifications to protect victims, time limits and benefits for victims.

CSHB 3428 would take immediate effect if finally approved by a two-thirds record vote of the membership in each house. If DHS or another state agency determined that a federal waiver was needed to implement the bill, it would have to request the waiver and could delay implementation of the bill until the waiver was granted.

**SUPPORTERS
SAY:**

CSHB 3428 would help welfare recipients move from welfare to work without affecting their safety. The bill would not require that any exemptions be granted; it would simply give state agencies the discretion to waive or modify on a case by case and temporary basis any requirements that could place a victim of family violence into a more perilous situation. Child support collection efforts, for example, may jeopardize the safety of a recipient; in this case, common sense dictates that the efforts be halted until the situation improves.

The bill is replete with safeguards to prevent abuse of this discretion. It would require case by case determinations and documentation of good cause and permit waivers for only up to one year.

Family violence can interfere with education and employment and therefore impede attempts by a victim to become independent and self sufficient. Victims of family violence, 98 percent who are women, may require extra time to enter or complete education and training programs. If they are attempting to flee a violent situation and relocate, they may need extra time to find employment. Studies in other states have shown that a significant percentage of women needing public assistance are fleeing domestic violence and are seeking safety and a new life. It is estimated that as many as 20 to 50 percent of welfare recipients are victims of family violence. Studies also show that many times the violence escalates when the victim goes to work and starts becoming self sufficient because the abusive partner may feel a loss of control. It is also very common for the abuser to sabotage the victim's efforts to succeed in training or employment.

When persons need to leave an abusive situation before being able to benefit from job training, it makes more sense to help resolve the immediate problem before spending state money on job training and child care. In this way, the state can make more efficient use of scarce resources.

**OPPONENTS
SAY:**

The effect of the bill could be to grant exemptions from time limits and work requirements for as many as 20 to 50 percent of welfare recipients. This would go against the goals of welfare reform of putting recipients back in the workforce and would create one more loophole to circumvent the requirements of welfare reform.

NOTES:

The original version of the bill would have required DHS to adopt procedures for identifying victims of family violence among welfare applicants or recipients and waive eligibility requirements on a case-by-case basis.

The companion bill, SB 1148 by Moncrief, et al., is pending in the Senate Health and Human Services Committee.