

WorkFirst and the Family Violence Amendment

What does the Family Violence Amendment do?

DSHS will screen and identify TANF (Welfare) recipients for a history of family violence, notify TANF recipients about the Family Violence Amendment, maintain confidentiality, refer individuals needing counseling to supportive services, and waive Workfirst requirements where the requirements would make it more difficult to escape family violence, or put victims at further risk of family violence.

Some requirements that DSHS may waive include time limits for TANF recipients and cooperation with the Division of Child Support. DSHS will develop specialized work activities for clients meeting the definition of family violence where participating in work activities would place them at further risk of family violence.

Who is covered by the Family Violence Amendment?

DSHS defines family violence as when a recipient or family member has been subjected by another family or household member to:

- Physical acts resulting in or threatening to result in physical injury
- Sexual abuse
- Sexual activity involving a dependent child
- Being forced as the caretaker relative of a dependent child, to engage in nonconsensual sexual acts or activities

- Threats or attempts at physical sexual abuse
- Mental abuse
- Neglect or deprivation of medical care
- Stalking

Family or household members include: spouses, former spouses, persons with a child in common, adult persons related by blood or marriage, adult persons living together or who have lived together in the past, persons age sixteen or older who are living together or who have lived together in the past who have had a dating relationship, and persons who have a biological or legal parent-child relationship.

What should you do if you are a victim of Family Violence and need TANF?

⇒ Tell your caseworker about the family violence. Be specific. Explain what the batterer has done.

Did/does s/he hit you? Punch you? Slap you? Threaten you? Threaten you in front of the children? Describe his/her threats. Does the batterer use abusive language? Give examples. What injuries have you suffered? Where on your body? Did you get medical care? Did the batterer deny you access to medical care or calling for help? Does the batterer threaten to take the child/ren away? Does s/he abuse the court system? How? Do you have a protection order against the batterer?

⇒ Explain why work activities put you at risk of further danger.

Give examples of why you are at high risk. Will the batterer be able to find you? Will you have to place your children in childcare where they are at risk of kidnapping or child-snatching? Has the batterer stalked you in the past? Try to work with your case worker to develop safe alternatives.

⇒ Explain why certain family violence interferes with your ability to fully participate in Workfirst.

Do work activities interfere with counseling? Is family violence interfering with attendance at the job? Do court appearances interfere with attendance at your job? Has your batterer forbidden you to go to work? Do you have to care for your children because they have been victims of family violence? Are you suffering from mental health problems that make it difficult for you to function as a result of family violence?

⇒ Develop safe alternative activities.

Explain your needs for referrals, time for safety planning, supportive services, and counseling. Have you been isolated by your batterer? Has your batterer prevented you from self-improvement? Do you need classes in adult basic education, English as a second language, or vocation training?

⇒ Don't be afraid to ask for more time for recovery. Many victims of family violence need quite a lot of time to recover to the point that they are able to start looking for work. DSHS is generally allowing victims 30 days to gather the information to support a request for deferral from work activity. Then deferrals are usually given in 30

day increments. If you have mental health or substance abuse issues related to family violence you should be allowed time to work on resolution of these issues just like anyone else would be.

What should you do if you disagree with a decision made about your TANF benefits?

You may appeal the decision by asking for a fair hearing. This includes asking for a fair hearing when DSHS denies your application, reduces or terminates your TANF benefits, or requires you to participate in work activities that you feel put you at risk of danger.

You may ask for a fair hearing by writing to the Office of Administrative Hearings, P.O. Box 42489, Olympia, WA 98504. If it is an emergency, you may ask to have your hearing held as soon as possible by calling the Office of Administrative Hearings (OAH) at (360) 664-8717 or 1-800-583-8271. This is called an "expedited" hearing. For more information, see our publication Representing Yourself at a Fair Hearing.

DSHS must give you written notice of a denial, termination, or reduction of benefits. You may request a fair hearing within ninety (90) days of the date the notice was written. If you are already receiving benefits and you ask for a fair hearing within ten (10) days of the date of the notice, or before the date the proposed action goes into effect, DSHS must continue your benefits until an administrative law judge has made a decision in your case. If DSHS stops your benefits without informing you, you may ask for a fair hearing and ask for continued benefits.

If DSHS is stopping or reducing your benefits, any assistance you receive during

the fair hearing process may become an overpayment (a debt you owe to DSHS) if

you lose the fair hearing.

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