



## **PROCESS FOR GRANTING DOMESTIC VIOLENCE GOOD CAUSE EXEMPTIONS FROM TANF REQUIREMENTS**

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Texas law offers TANF recipients who are or have been domestic violence victims opportunities to get good cause exemptions from certain TANF requirements if meeting the requirements will:

- Make it harder for the individual to become financially independent;
- Make it more difficult for the individual to get out of a violent relationship; or
- Place the individual or her children at greater risk for additional domestic violence.

The Texas Department of Human Services (TDHS), the Texas Workforce Commission (TWC) and local Workforce Development Boards (WDB), and the Office of the Attorney General (OAG) Child Support Enforcement Division have primary responsibilities for implementing TANF. Each of these agencies carries out a part of the TANF process that may have an impact on domestic violence victims.

The following information addresses TANF requirements that may be particularly problematic for some domestic violence victims and for which good cause exemptions or modifications in program requirements can be granted due to domestic violence. The information identifies the agency that can grant good cause exemptions from particular requirements and the process for requesting exemptions due to domestic violence.

### **TEXAS DEPARTMENT OF HUMAN SERVICES**

TDHS has two primary responsibilities in working with TANF recipients:

- Certify that clients meet eligibility requirements, grant certain good cause exemptions, and explain the basic "work first" requirements; and
- Impose or deny sanctions when TWC/local workforce agencies or the child support enforcement staff of the OAG recommend that a client be sanctioned due to failure to meet program participation or cooperation requirements.

As part of the TANF certification process, applicants are required to sign a Personal Responsibility Agreement, which includes a commitment to assist in identifying the children's father and to help as needed in the child support enforcement process. Applicants required to participate in a Workforce Orientation Session before they are certified by TDHS as TANF eligible. Local TDHS staff can grant women good cause exemptions from the child support requirement if collecting child support could result in physical or emotional harm to the child. They also can receive an exemption from participating in the Workforce Orientation Session if they are hiding from the abusive partner and attending the session would threaten their safety.

**It is important for the woman to understand what the child support enforcement process entails as she considers whether or not to request a good cause exemption from child support collection.** She should know that she would be expected to help locate the children's father. She should know that he will be served

papers to appear in court for the child support hearing and that those papers may contain her address. She also should know that the court order for child support usually includes order that he shall have child visitation rights. She can appeal the visitation order, but she must file the appeal within 3 days and needs a private attorney to represent her in the appeal.

To request a good cause exemption from child support enforcement due to domestic violence, a woman must:

- **Tell a TDHS Texas Works Advisor during the eligibility interview that collecting child support will cause a risk to her own or the children's safety because of domestic violence.**
- **Request a good cause exemption from the portion of the Personal Responsibility Agreement that pertains to child support; and**
- **Provide the TDHS Texas Works Advisor with verification of the domestic violence. Verification may be court, medical or police records; child protective services records; or written information from a psychologist, counselor, social services providers, or domestic violence services provider.**

Once she has requested the good cause exemption and provided verification, she needs to follow up with the Texas Works staff to determine if the exemption from child support enforcement is granted.

If TDHS grants a good cause exemption from child support enforcement, the woman's case is not sent to the OAG's office for them to pursue child support collection. Without a good cause exemption from TDHS, the case is sent to the OAG's office immediately after the woman is certified to receive TANF. If the woman does not cooperate with the OAG's office in establishing paternity and locating the father, the OAG staff will recommend that she be sanctioned for noncooperation. If the woman decides after her case has been referred to the OAG that collecting child support will be dangerous, she needs to tell the Child Support staff of her fears and they can refer her back to TDHS to request an exemption from child support enforcement. The OAG does not have the authority to exempt a woman from the child support requirement.

**TANF applicants can be excused from attending the Workforce Orientation Session if they tell the TDHS Texas Works Advisor that attending would put them at risk of harm because of domestic violence.** This may be particularly important for women who are hiding from the abusive partner at the time they apply for TANF. They need to tell the Texas Works Advisor that they need to be excused from attending the Workforce Orientation Session and provide some proof of domestic violence.

### **ATTORNEY GENERAL'S OFFICE, CHILD SUPPORT DIVISION**

After receiving the client's referral once she is certified to receive TANF, the Child Support staff will send her a form to complete to assist them in locating the father and will contact him to appear in court for a child support hearing. One of the items on the form asks if domestic violence is a concern relative to collecting child support. If the woman wants the OAG to flag her file so that her address in the federal and state child support registries are kept confidential, she needs to tell the Child Support staff.

To request that the Child Support registry flag her file so that information about her location is kept confidential, the woman should:

- Tell the Child Support staff that domestic violence poses a danger and that her address needs to be kept confidential in the registries;
- Either provide verification of domestic violence through a copy of a protective order or other court document, or sign an affidavit attesting to the history of domestic violence. The Child Support office will provide the affidavit for her to sign.

It is important for women to remember that even though her address may be kept confidential in the federal and state child support registries, **the actual process of getting a child support order may put her in contact with the abusive partner.** When he is served papers to appear in court for the child support hearing, her address may be on the papers he is served. Additionally, **the noncustodial parent is routinely given visitation rights as part of the child support order.** She can request that he not be given visitation or appeal the visitation order, but she must have a private attorney to represent her in making this request or appealing the order.

### **LOCAL WORKFORCE DEVELOPMENT BOARDS**

Once certified to receive TANF, women are expected to go immediately (usually within two or three weeks) to the local workforce center and to begin employment planning and services. **Unless the Choices (workforce) staff exempts them from participating in employment services, they will be expected to begin immediately.** Women usually are expected to participate in job search activities or other approved work-related activities at least twenty hours per week.

Local Choices staff have the authority to grant a woman a good cause exemption from participating in employment services if domestic violence threatens her safety or makes it impossible for her to participate successfully. **Women who need a domestic violence good cause exemption from employment or employment-related activities need to make this request to the Choices staff. She must:**

- **Tell the Choices staff that violence creates a danger to her or her children's safety. Explain that going to work or participating in work-related activities puts their safety at risk or that the abusive partner will prevent her from succeeding at work in training.**
- **If the woman is attempting to change her situation relative to domestic violence, tell the Choices staff what she is doing and that these activities preclude her full participation in employment or training. This might include participating in domestic violence services, pursuing legal assistance, getting medical or mental health services, relocating, etc.**
- **Request good cause form participating in employment or employment-related activities. Good cause exemptions can be given for up to three months and, upon review, can be extended to one year.**

While TWC rules state that a woman's word will be accepted as evidence of domestic violence, it might be useful for her to give them other verification if she has it readily available. It also is important for the woman to remember that prior to the end of the exemption time (usually three months), she must contact the Choices office. If she is not ready to enter employment services, she can request an extension of the exemption. If she does not receive an extension, she must enter employment services immediately when the exemption period is completed in order to avoid being sanctioned for failure to participate.

**Process for Getting TANF Good Cause Exemptions and Protective Measures for Domestic Violence**

<b>AGENCY</b>	<b>EXEMPTION OR PROTECTION</b>	<b>WHEN TO APPLY</b>	<b>VERIFICATION REQUIRED</b>
Texas Department of Human Services: Texas Works	<ul style="list-style-type: none"> <li>• Child Support Enforcement</li> <li>• Attendance at Workforce Orientation Session during eligibility determination</li> </ul>	<ul style="list-style-type: none"> <li>• Initial eligibility interview; 6 months recertification</li> <li>• Initial eligibility interview</li> </ul>	<ul style="list-style-type: none"> <li>• Police or court records; medical psychological, counseling, or domestic violence services report</li> <li>• Same as above</li> </ul>
Local Workforce Agency: Choices Program	<ul style="list-style-type: none"> <li>• Participation in employment services (job, training, readiness, etc.). Exemption up to 3 months; renewable to 1 year.</li> </ul>	<ul style="list-style-type: none"> <li>• Initial session at workforce agency</li> <li>• At any later time during job, training, readiness, etc.</li> </ul>	<ul style="list-style-type: none"> <li>• Woman's statement of domestic violence is accepted (documentation recommended if available)</li> </ul>
Attorney General's Office: Child Support Division	<ul style="list-style-type: none"> <li>• OAG is not authorized to give exemptions</li> <li>• Protect woman's address in child support registries</li> </ul>	<ul style="list-style-type: none"> <li>• Contact Child Support staff by going to office</li> </ul>	<ul style="list-style-type: none"> <li>• Sign affidavit provided by Child Support staff; provide protective order or other court document if available</li> </ul>

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