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POLICY BRIEFING

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GAO Investigates Domestic Violence Screening in TANF and TANF-Funded Programs

The U.S. Government Accounting Office (GAO) has released a report that evaluates states' implementation of the TANF Family Violence Option (FVO) and investigates how states that have marriage and fatherhood programs are addressing domestic violence in these programs.

The FVO or a comparable policy has been adopted in 48 states and requires the state to screen TANF clients for domestic violence. Clients who are deemed to be at risk of domestic violence are to be provided a waiver from appropriate program requirements such as work requirements, time limits and child support cooperation. States have broad discretion in implementing the FVO and in using TANF funds for marriage and fatherhood programs. States that adopt the FVO are allowed an exemption from penalties for failing to meet TANF requirements for clients who have been granted federally recognized "good cause" domestic violence waivers.

The report points out that numerous studies, including a 1998 GAO study, have found that up to 56 percent of welfare recipients are or have been victims of domestic violence. A 2001 study of TANF recipients in Michigan found that about 51% of the sample had been severely abused in their lifetime. About 15% had been "severely abused" by a partner at least once in the preceding year. The 1998 GAO study and other research studies also document that domestic violence can impede successful employment for victims.

Among the report's findings:

- TANF recipients are reluctant to divulge incidents of domestic violence to TANF workers because of a mistrust of TANF caseworkers as government staff. Contributing to the difficulty of disclosing domestic violence are the high caseloads of TANF workers, TANF offices that often do not provide a private setting, TANF goals of securing employment that are impeded by a good cause exemption, and a lack of caseworker skills in contending with domestic violence cases.
- In seven states that were visited for the study, screening for domestic violence occurred within broader discussions that were conducted in open cubicles near staff and other clients. The degree of privacy was said to vary greatly between offices.
- Most states reported that caseworkers or intake workers typically conduct domestic violence screening, and most state policies require little training for these staff. Twenty states had no policy regarding domestic violence-related training or provided training just once in a caseworker's career, and 25 states required the training once and made other training opportunities voluntary.

- A small portion of the TANF caseload receives domestic violence waivers from TANF program requirements. Conditions for receiving a waiver varied, with 25 states relying on a client's statement to grant a waiver and others requiring documentation such as a written statement from a third party, a police report or documentation from a domestic violence program before granting a waiver. Twenty-seven states require that clients who receive a waiver participate in domestic violence services.
- Three states (Washington, New York and Georgia) employed domestic violence specialists who followed up with clients screened as domestic violence victims by the caseworkers. These states reported that the specialists played an important role in addressing the needs of victims including connecting the victim to counseling, enabling the victim to follow through on referrals to services and enhancing the ability of other office staff to deal with domestic violence issues.
- To date, HHS had not provided states with policy guidance regarding best practices in domestic violence screening, despite having conducted research to evaluate state approaches to the screening. Neither has HHS published minimal acceptable standards for domestic violence screening.
- Most states reported spending some TANF funds on marriage or responsible fatherhood programs over the last three years. Fifteen states funded marriage programs and 28 funded responsible fatherhood programs.
- These programs were found not to explicitly address domestic violence. Reasons cited for this were that "marriage education programs were designed for middle-income college-educated couples and do not assess for issues such as domestic violence that place considerable stress on relationships." Fatherhood program practitioners cited the lack of expertise on domestic violence issues as the reason they were not typically addressed in their programs. Some programs felt that by emphasizing healthy, egalitarian relationships they were implicitly addressing domestic violence.
- States that used TANF funds to support marriage programs in the last 3 years most frequently funded adult and youth relationship and marriage education programs. The programs were typically based on a standard curriculum, presented in a classroom format and attempted to change attitudes and dispel myths about marriage and to teach relationship skills.
- TANF-funded fatherhood programs typically provided direct services to noncustodial fathers to enhance their ability to meet parental obligations.

The report, *State Approaches to Screening for Domestic Violence Could Benefit from HHS Guidance*, GAO-05-701, is available at www.gao.gov/new.items/d05701.pdf.

Wisconsin Waiver Allowing Child Support Pass-Through Set to Expire

The State of Wisconsin is currently the only state to pass-through all of a noncustodial parent's child support payment to families receiving TANF benefits, *and* to disregard this payment when determining the family's TANF eligibility and grant. The pass-through is enabled by a federal waiver exempting the state from repaying the federal government its share of the child support collection, but this waiver is set to expire October 1. The Wisconsin Department of Workforce Development (DWD) has recently been informed by the U.S. Department of Health and Human Services that the waiver allowing a full pass-through will be gradually phased out in federal fiscal year 2006. Without the waiver, Wisconsin families who receive TANF benefits will receive

only the state share of the child support collection, or approximately 42% of support collected on their behalf. According to DWD, the phase-out is expected to reduce child support payments to low-income families by at least \$7 million per year.

The Institute for Research on Poverty conducted an evaluation of the pass-through demonstration program in Wisconsin that was completed in 2003 and found that noncustodial parents are more likely to pay child support when it is passed through to their families. A recent synopsis of child support distribution policy by the Center on Law and Social Policy points out that the researchers also found that generous pass-through policies appear to increase the speed of paternity establishment and to discourage the noncustodial parent from working in the underground economy, along with other benefits to the well-being of the family.

Researchers also found that the additional support paid by noncustodial parents and the reduced need for welfare assistance on the part of the custodial parent meant that the pass-through policy did not result in additional state costs.

The CLASP policy brief, *In Everybody's Best Interests: Why Reforming Child Support Distribution Makes Sense for Government and Families*, is available at www.clasp.org.

The IRP evaluation, *W-2 Child Support Demonstration Evaluation, Phase II Final Report*, is available at www.ssc.wisc.edu/irp.

TANF and Medicaid Legislation Aimed at Katrina Relief

On September 21, President Bush signed *The TANF Emergency Response and Recovery Act (P.L. 109-68)*, which will increase TANF funding to three states (Louisiana, Mississippi and Alabama) that were most seriously impacted by Hurricane Katrina, and to the states that are providing assistance to hurricane evacuees. States directly impacted by the hurricane will receive supplemental TANF funds that can be used for any TANF purpose. For states providing assistance to evacuees, \$2 billion in TANF contingency funds are made available for short-term non-recurring assistance only. The bill also extends the current TANF program, set to expire September 30, until December 31, 2005. This is the eleventh extension of the program since the legislation was first set to expire in September 2002.

For the three affected states, the law will:

- Provide access to an emergency fund, allowing for a 20% increase in their state TANF grant. Although the funds derive from the TANF loan fund, the states would not be subject to penalties or interest for nonpayment.
- Allow the use of unspent TANF funds from the previous year to be spent on assistance to hurricane victims. Under TANF regulations unspent funds must be spent on cash assistance only.
- Lift the imposition of penalties for failure to meet TANF work requirements.

Until the end of fiscal year 2006, hurricane victims receiving emergency assistance under the new law would not be subject to work requirements or time limits for the period during which they receive emergency assistance.

A bill introduced by Senators Charles Grassley (R-IA) and Max Baucus (D-MT), the *Emergency Health Care Relief Act (S. 1716)* would modify the law in several ways that would clarify some provisions and add new provisions including the following:

- Hurricane victims receiving emergency TANF benefits under the law would not be required to cooperate with child support enforcement and assign their rights to child support to the government in order to recover the costs of the emergency assistance they receive. It is important to bear in mind that without passage of this bill, recipients of emergency assistance would be required to do so. Emergency assistance recipients would be able to apply for child support services without paying a fee if they chose to do so.
- Remove the \$2 billion cap on TANF contingency funds for states providing assistance to hurricane victims and allow the assistance to be ongoing TANF assistance, providing that the total amount spent does not exceed 5% of the state's total TANF family assistance grant.
- Increase the amount of funds a state directly affected by the hurricane may access from the TANF loan fund from 20% to 40% of the state's total TANF grant.

The bill would also simplify eligibility criteria so that Medicaid coverage could be provided to all low-income hurricane victims. A survey of 680 evacuees conducted by the Kaiser Family Foundation and Harvard University found that only 44% of the respondents had private health insurance. A survey conducted by the State of Louisiana found that of the approximately 4,000 evacuee households who sought Medicaid coverage at a shelter, 20% were turned down because they did not meet standard Medicaid eligibility criteria. One third of those who had their applications processed were turned down because they did not meet the eligibility criteria. Under current eligibility categories, persons 19 to 64 years old with no children in the home would not qualify for Medicaid despite medical needs.

The President signaled his intention to oppose the bipartisan bill, citing its estimated cost of \$9 billion and preferring to address the need for Medicaid by allowing states that shelter evacuees to apply for waivers from eligibility criteria. In a letter to the Senate, Health and Human Services Secretary Mike Leavitt called the legislation "a new Medicaid entitlement for Katrina survivors" and "a massive new federal program." Despite the opposition, Senate Republican Finance Committee members who initially blocked its passage on September 27, were prepared to support the bill after being pressured by the Governors of the affected states.

For a more detailed analysis of the TANF Katrina relief legislation, see *New TANF Law Provides Additional Funds for Katrina Relief: Key Improvements Still Needed* at www.clasp.org.

For more information on the Medicaid provisions of the Katrina relief legislation, see *Medicaid Categorical Eligibility Rules Are Proving A Major Obstacle To Getting Health Coverage To Impoverished Katrina Victims In Louisiana* at www.cbpp.org, and <http://www.kff.org/newsmedia/upload/7401.pdf>.

FEMA to Fund Religious Volunteer Hurricane Relief Efforts

The Federal Emergency Management Agency (FEMA) announced on September 26 that it will reimburse churches and other religious organizations that have provided assistance to Hurricane Katrina and Rita victims. The announcement marks the first time the federal government has made public funds available to religious groups providing charitable assistance during a natural disaster. Under the plan, religious organizations could apply for reimbursement if they have been providing services at the request of state or local government.

The scale and duration of the need for shelter, clothing, food and health care assistance has meant that many religious organizations are stretched beyond their capacity to continue providing

these services. The conditions for reimbursement to religious entities, however, contain no limitations on evangelism in providing emergency services, so the government reimbursement will be applied to a wide range of religious organizations. Among the responses to the announcement:

- The Washington Post reports that some religious facilities that have taken in survivors were anxious to get reimbursed, but others would not likely apply for reimbursement because they feared the negative impact on donations if the public came to believe that they were receiving government handouts.
- Rev. Barry Lynn of the Americans United for Separation of Church and State notes that, "Some religious organizations are openly using the hurricane relief efforts to win new converts. If these groups can't separate their evangelism from their relief work, they should not be eligible for public funding. People displaced by Hurricanes Katrina and Rita should not be subjected to unwanted, high-pressure religious coercion as the price of getting help from their own government." Although he acknowledges that many religious organizations are taking part in relief efforts and deserve our thanks, he cites the following troubling examples of proselytizing:
 - ◇ According to Baptist Press news service, Southern Baptist aid workers distributed 11,000 evangelistic tracts and 1,200 Bibles in the hurricane-ravaged areas and saw "45 new professions of faith in Christ."
 - ◇ Evangelist Franklin Graham's Samaritan's Purse has been distributing gift bags to displaced children. The bag includes evangelistic tracts and a stuffed lamb that plays "Jesus Loves Me." Graham urged churches participating in the relief efforts to include evangelism. "[I]n everything you do," he said, "I encourage you to remember that your primary purpose is to share the redeeming love of the Lord Jesus Christ."
 - ◇ Zion Bethany Church is providing housing for emergency workers and the workers find a tract on their pillows each night. Tonja Miles, a faith-based charity CEO working with the church, told an interviewer, "[Emergency workers are] going out, and they're seeing devastation, so we wanted to start something that when they can come in, it's comfortable. We have a great meal; we have the word of God just all over the place."
- Reverend Robert E. Reccord, president of the Southern Baptist Convention's North American Mission Board, stated that "...volunteer labor is just that: volunteer. We would never ask the government to pay for it."

For more information, see *FEMA Plans to Reimburse Faith Groups for Aid*, September 26, 2005, www.washingtonpost.com, and www.au.org.

Child Support News

- Minnesota will phase in a new system of child support guidelines beginning in January 2006 that will take into account the income of both parents when establishing child support orders. The change results from legislation passed by the Minnesota legislature last May. The new guidelines also allow the support-paying parent to keep at least 120 percent of the federal poverty level for one person, or about \$11,000 per year, before paying child support. For more information see <http://www.wahpetondailynews.com/articles/2005/09/21/news/news02.txt>.

- A Michigan child support amnesty plan that will start October 1 has been criticized as unrealistic by advocates in the state. Under the plan, parents who owe child support can avoid child support enforcement penalties, including jail, but have to pay at least half of what they owe when they come forward to take part in the amnesty. The remaining part of their arrears must be paid off in full by December 31.

National Family Justice Association Vice President Murray Davis stated that the state's own studies show that over 80 percent of overdue child support is owed by those earning at or below the poverty level.

- The National Child Support Enforcement Association is sponsoring a "tele-talk", *Managing Arrears for Success*, on October 6 from 2:00 to 4:00 PM Eastern time. The tele-talk will focus on the causes of child support debt, strategies to prevent the growth of child support debt and strategies for contending with billions of dollars of accumulated debt. Registration is \$295 per site and there is no limit to the number of attendees at each site. For more information or to register, see www.ncsea.org.

**Last Chance to Register for the Center for Family Policy and Practice Institute
*Collaboration between Fatherhood and Domestic Violence Programs in Communities of Color: A Focus on Prevention***

Please visit our website ** www.cffpp.org ** for information on how to ensure that you will be able to participate in this important event, taking place in San Antonio, Texas on October 11-13.