

UNEMPLOYMENT INSURANCE BENEFITS FOR VICTIMS OF DOMESTIC VIOLENCE

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Some victims of domestic violence, sexual assault, or stalking need to leave their jobs because of the violence in their lives. Others are discharged from their jobs because of the violence. In most states, individuals are ineligible for unemployment benefits if they leave work voluntarily without **“good cause”** or if they are discharged for **“misconduct.”** Over 30 jurisdictions have passed laws that explicitly provide unemployment insurance to victims in certain circumstances. The details of each law vary. In most cases the applicant must fulfill all other eligibility requirements for unemployment insurance and often the applicant must provide documentation or certification of the violence. Even if a state has not passed a law, a victim who leaves her job or is discharged may still be eligible for benefits under regulations, case law, or other provisions.

The American Recovery and Reinvestment Act of 2009, [Pub. L. No. 111-5 \(Division B, Title II, Sec. 2003\)](#), and the Worker, Homeownership, and Business Assistance Act of 2009, [Pub. L. No. 111-92](#), contain provisions that grant states extra funding if they extend eligibility for unemployment insurance benefits to workers who leave their jobs for “compelling family reasons,” including domestic violence and sexual assault. Several states have consequently amended their laws or introduced bills to do so. Check the website of your state’s legislature for more information.

For more information on unemployment insurance generally, *see* Legal Momentum’s Employment and Housing Rights for Victims of Domestic Violence guide [“Eligibility for Unemployment Insurance Benefits.”](#)

STATE LAWS

ARKANSAS: [Ark. Code § 11-10-513\(b\)](#).

An individual who voluntarily leaves work shall not be disqualified from receiving benefits if, after making “reasonable efforts to preserve [their] job rights,” they left work due to domestic violence that causes the individual reasonably to believe that the individual’s continued employment will jeopardize the safety of the individual or a member of their immediate family (meaning a spouse, child, parent, brother, sister grandchild, or grandparent of the employee).

ARIZONA: [A.R.S. § 23-771](#).

An individual shall not be disqualified from receiving benefits if the individual is a victim of a domestic violence offense and “leaves employment due to a documented case of a domestic violence offense.” The employer’s account will not be charged.

CALIFORNIA: [Ca. U.I. Code §§ 1030\(a\)\(5\), \(b\)\(5\); 1032 & 1256](#).

“Good cause” includes leaving employment to protect the employee or the employee’s children from “domestic violence abuse.” An employer’s reserve account is not charged, provided that the employer notifies the department of the circumstances within ten days of the filing of the claim.

COLORADO: [Colo. Rev. Stat. Ann. § 8-73-108\(4\)\(r\)](#) [*click on Colorado Statutes; enter 8-73-108 in the search box and click go; then click on 8-73-108*]

“Separation” from a job because of domestic violence may qualify an individual for benefits if (1) the worker reasonably believes that continued employment would jeopardize the safety of the worker or any member of their immediate family (meaning spouse, parent, or minor child); and (2) the worker provides documentation. The documentation requirements were amended to: an active or recently issued protective order or other

order documenting the domestic violence, a police record documenting recent domestic violence, or a statement substantiating recent domestic violence from a qualified profession from whom the worker sought assistance, such as a counselor, shelter worker, clergy member, attorney, or health worker. The employer's account is not charged.

CONNECTICUT: [Conn. Gen. Stat. § 31-236\(a\)\(2\)\(A\)\(iv\)](#).

“Good cause” includes leaving work to protect not only the individual or their child, but also the individual's spouse or parent, from becoming or remaining a victim of domestic violence.” The individual must have made “reasonable” efforts to preserve the employment. The employer's account will not be charged.

DELAWARE: [Del. Code Ann. tit. 19, ch 33, § 3314\(1\) & \(2\)](#).

An individual who leaves work “due to circumstances directly resulting from the individual's experience of domestic violence” will not be disqualified from receiving unemployment insurance. An individual's discharge from work shall be treated as due to circumstances directly resulting from the individual's experience of domestic violence if: (1) the individual had reasonable fear of future domestic violence at or en route to or from the individual's place of employment; (2) the individual relocated to another geographic area in order to avoid future domestic violence against the individual or their spouse, child under the age of 18, or parent; or (3) any other circumstance in which domestic violence causes the individual to reasonably believe that absence from work is necessary for the future safety of the individual or their family. Documentation of the domestic violence involved includes a police or court record, or documentation of the domestic violence from a shelter worker, attorney, member of the clergy or medical or other professional from whom the employee has sought assistance in addressing domestic violence and its effects. All evidence of domestic violence shall not be disclosed by the Division of Unemployment Insurance unless consent for disclosure is given by the individual. The employer's account will not be charged.

DISTRICT OF COLUMBIA: [D.C. Code §§ 51-131 – 136](#). [*click on Title 51; click on Chapter 1, Subchapter 1; then click on Part B, Domestic Violence*]

An otherwise eligible individual shall not be disqualified from receiving benefits because the individual was separated from employment by “discharge or voluntary or involuntary resignation due to domestic violence.” A claimant must provide documentation of the violence, which will be kept confidential, in the form of: (1) a police report or record; (2) A governmental agency or court record, such as a court order, a Petition for a Civil Protection Order, or a record or report from Child Services; or (3) a written statement, which affirms that the claimant has sought assistance for domestic violence from the signatory, from a shelter official; social worker; counselor; therapist; attorney; medical doctor; or cleric. The department shall do training of employees on the nature of domestic violence. The department shall submit a report each year indicating the number of individuals who received benefits under this provision. The employer's account will not be charged.

HAWAII: [Hawaii Rev. Stat. § 383-7.6](#).

The law provides access to unemployment insurance for individuals who separate from employment due to compelling family reasons, including domestic or sexual violence. The violence must be verified by reasonable and confidential documentation and cause the individual to reasonably believe that their continued employment may jeopardize their safety or any member of their immediate family in the following circumstances: (a) the individual has a reasonable fear of the occurrence of future domestic or sexual violence at, en route to, or en route from the individual's place of employment, including being a victim of stalking; (b) the anxiety of the individual to relocate to avoid future domestic or sexual violence against the individual or the individual's minor child prevents the individual from reporting to work; (c) the need of the individual or the individual's minor child to obtain treatment to recover from the physical or psychological effects of violence prevents the individual from reporting to work; (d) the employer's refusal to grant the individual's request for leave to address domestic or sexual violence and its effects on the individual or the individual's minor child; or (e) any other circumstance in which domestic or sexual violence causes the individual to

reasonably believe that separation from employment is necessary for the future safety of the individual, the individual's minor child, or other individuals who may be present in the employer's workplace. "Reasonable and confidential" documentation may be requested by the employer and means: a notarized written statement of the individual attesting to the violence and explaining how continued employment creates an unreasonable risk of further violence; a signed written statement from a victim services organization; the attorney or advocate of the individual or minor child; a medical or other professional from whom the individual or the individual's minor child has sought assistance related to the domestic or sexual violence, attesting to the violence and explaining how the continued employment creates an unreasonable risk of further violence; or a police or court record.

ILLINOIS: [820 Ill. Comp. Stat. 405/601](#).

An individual is not disqualified from benefits if the individual left work due to verified domestic violence, where the violence caused the individual to reasonably believe that continued employment would jeopardize their safety or that of their spouse, minor child, or parent. The worker must still provide notice (but not limited to written notice) to her employer of the reason for her leaving work and provide documentation to the department of the violence (acceptable documentation includes a protective order, police report, medical records, or evidence from a counselor, shelter worker, health worker as well as a clergymember or attorney). The department shall keep any evidence of the domestic violence confidential unless the individual consents to its disclosure.

INDIANA: [Ind. Code §§ 22-4-15-1\(1\)\(c\)\(8\), 22-4-15-1\(1\)\(e\), 22-4-15-2\(e\)\(4\) & 5-26.5-2-2](#).

An individual who voluntarily leaves employment or who is discharged "due to circumstances directly caused by domestic or family violence [including stalking or a sex offense]" will not be disqualified from receiving unemployment insurance. The individual will need to provide verification of the domestic or family violence, in the form of: a report of a law enforcement agency (as defined in IC 10-13-3-10); a protection order issued under IC 34-26-5; a foreign protection order (as defined in IC 34-6-2-48.5; or an affidavit from a domestic violence service provider verifying services provided to the individual by the domestic violence service provider. All information submitted is to be kept confidential and the claimant must be notified before any release of information. The determination of "suitable work" for such an individual must "reasonably accommodate" the "physical, psychological, legal and other effects" of the violence. The employer's account is not charged. The law also requires that department employees be trained in the nature and dynamics of domestic and family violence and that the department track the number of claims processed under the domestic violence provisions.

KANSAS: [Kan. Stat. Ann. § 44-706\(a\)\(12\)](#). [*enter 44-706 in the search box and click "get statute"*]

An individual shall not be disqualified from benefits for leaving work due to circumstances resulting from domestic violence, including: (i) the individual's reasonable fear of future domestic violence at or en route to or from the individual's place of employment; (ii) the individual's need to relocate to another geographic area in order to avoid future domestic violence; (iii) the individual's need to address the physical, psychological and legal impacts of domestic violence; (iv) the individual's need to leave employment as a condition of receiving services or shelter from an agency which provides support services or shelter to victims of domestic violence; or (v) the individual's reasonable belief that termination of employment is necessary to avoid other situations which may cause domestic violence and to provide for the future safety of the individual or the individual's family. The individual must provide certification of the violence such as a police record, court order, medical documentation, a statement by a professional who has assisted the individual to deal with the violence, or a sworn statement or other evidence. No evidence of domestic violence shall be disclosed by the department without the consent of the individual. The employer's account shall not be charged.

LOUISIANA: La. Rev. Stat. 23:[1773](#), [1774](#) & [1775](#).

As part of the "lost Wage Benefits for Domestic Violence Victims Act," victims of domestic abuse who separate from their jobs are eligible for benefits where: (1) the victim has left the domestic abuse situation; (2)

remains separated from the situation; and (3) the victim separates from and is unable to continue the employment because: the victim has a reasonable fear of future domestic abuse at or traveling to the place of employment; the victim needs to relocate; the victim needs to address the physical, emotional, psychological or legal impacts of the domestic abuse; or the victim believes separation from employment is necessary for present or future safety of the individual or the individual's family. Proof of domestic abuse must be provided in the following forms of documentation: a protective or other court order against the perpetrator; a law enforcement record; documentation that the abuser has been convicted of a criminal offense perpetrated against the individual or the individual's family; medical documentation; or an affidavit to be provided to the Department of Labor from the director of a designated domestic violence agency; a counselor or advocate of a shelter or battered women's program; a member of the clergy, a licensed counselor or social worker, psychologist or psychiatrist. A victim can only receive benefits under this provision one time per calendar year. The employer's account will not be charged. The Department of Labor shall submit an annual report to the Governor and the legislature documenting the number, duration, total cost and geographic distribution of claims made under this provision.

MAINE: Me. Rev. Stat. Ann. tit. 26, ch. 13 §§ [1193\(1\)\(A\)\(4\)](#) & [1043\(23\)\(B\)\(3\)](#).

An individual who voluntarily leaves work may not be disqualified from receiving benefits if the leaving was necessary to protect the claimant or any member of their immediate family from domestic abuse, or the leaving was due to domestic violence that caused the claimant reasonably to believe that their continued employment would jeopardize the safety of the claimant or any member of their immediate family. The claimant must also have made all reasonable efforts to preserve the employment." "Misconduct" may not solely be founded on actions taken by an employee that were necessary to protect the employee or an immediate family member from domestic violence if the employee made all reasonable efforts to preserve the employment.

MASSACHUSETTS: [Mass. Gen. L. Ann. ch. 151A, §§ 1, 14, 25, 30](#).

An individual may apply for additional benefits if they need to attend additional vocational training while unemployed if they are dealing with the effects of domestic violence. An individual is not ineligible for unemployment benefits if the individual is discharged or leaves work due to circumstances resulting from domestic violence, including the need to address the physical, psychological, and legal effects of domestic violence. An individual can demonstrate the existence of domestic violence by providing a sworn statement or other evidence. When assessing whether the individual is actively engaged in searching for work, an evaluation of the suitability of the work must consider the individual's need to address the physical, psychological, legal, and other effects of domestic violence. The employer will not be charged.

MINNESOTA: [Minn. Stat. §§ 268.095\(1\)\(9\) & 268.095\(6\)\(b\)\(10\)](#).

An applicant is not ineligible for unemployment benefits if he or she quits a job due to domestic abuse of either the applicant or the applicant's immediate family member. "Immediate family member" means the applicant's spouse, parent, stepparent, child, stepchild, or grandchild. The applicant must provide corroborating evidence in the form of: (1) a district court order for protection or other documentation of equitable relief issued by a court; (2) a police record documenting the domestic abuse; (3) documentation that the perpetrator of the domestic abuse has been convicted of the offense of domestic abuse; (4) medical documentation of domestic abuse; or (5) a written statement that the applicant or an immediate family member of the applicant is a victim of domestic abuse, provided by a social worker, member of the clergy, shelter worker, attorney at law, or other professional who has assisted the applicant in dealing with the domestic abuse.. Additionally, employee conduct that was the result of an individual or individual's child being a victim of domestic violence is not "misconduct."

MISSOURI: [R.S. Mo. § 288.501\(2\)\(c\)](#).

A claimant shall not be disqualified from unemployment compensation for separating from employment for compelling family reasons, including domestic violence, verified by reasonable and confidential

documentation, which causes the claimant reasonably to believe that their continued employment would jeopardize the safety of the claimant or of any member of the claimant's family.

MONTANA: [Mont. Code Ann. § 39-51-2111](#).

An otherwise eligible individual may not be denied unemployment benefits if she leaves work or is discharged due to circumstances resulting from either her or her child being a victim of domestic violence, sexual assault, or stalking. The individual must provide corroborative evidence in the form of: (a) an order of protection or other documentation of equitable relief issued by a court of competent jurisdiction; (b) a police record documenting the domestic violence, sexual assault, or stalking; (c) medical documentation of domestic violence or a sexual assault; or (d) other documentation or certification of domestic violence, a sexual assault, or stalking provided by a social worker, clergy member, shelter worker, or professional person, as defined in 53-21-102, who has assisted the individual in dealing with domestic violence, a sexual assault, or stalking. The claimant is limited to 10 weeks of benefits in a 12-month period. An individual becomes ineligible for benefits if the individual remains in or returns to the abusive situation that caused her to leave work or be discharged. The employer's account will not be charged.

NEBRASKA: [Neb. Rev. Stat. Ann. § 48-628.01\(1\)](#).

An employee who leaves work for the necessary purpose of escaping abuse at the place of employment, or abuse "between household members," after making all reasonable efforts to preserve the employment, shall be deemed to have left for "good cause" and is not disqualified from benefits.

NEW HAMPSHIRE: [N.H. Rev. Stat. Ann. tit. 23, § 282-A:32\(I\)\(a\)\(3\)](#).

An individual is eligible for unemployment insurance if the individual reasonably believes that separation from employment is necessary to protect himself or herself or any member of his or her immediate family from domestic abuse, as defined in RSA 173-B:1. The existence of domestic abuse shall be verified by through reasonable documentation, and shall be kept confidential.

NEW JERSEY: [N.J. Rev. Stat. § 43:21-5\(j\)](#) [*enter "43:21-5" in the search box and click on the result*]

An individual who is otherwise eligible for unemployment will not be denied benefits because the individual left work or was discharged due to circumstances resulting from the individual being a victim of domestic violence as defined in N.J. Rev. Stat. § 2C:25-19. The employer's account will not be charged. The individual must provide supporting documentation in the form of: (1) a restraining order or other documentation of equitable relief issued by a court of competent jurisdiction; (2) a police record documenting the domestic violence; (3) documentation that the perpetrator of the domestic violence has been convicted of one or more of the offenses enumerated in section 3 of P.L.1991, c.261 (C.2C:25-19); (4) medical documentation of the domestic violence; (5) certification from a certified Domestic Violence Specialist or the director of a designated domestic violence agency that the individual is a victim of domestic violence; or (6) other documentation or certification of the domestic violence provided by a social worker, member of the clergy, shelter worker or other professional who has assisted the individual in dealing with the domestic violence.

NEW MEXICO: [N.M. Stat. Ann. § 51-1-7 A\(1\)\(b\)](#). [*click on "New Mexico Statutes and Court Rules on the left side; click on "Statutory Chapters"; scroll down and click on Chapter 51; click on Article 1; click on 51-1-7*]

An individual who left work voluntarily "because of domestic abuse evidenced by medical documentation, legal documentation or a sworn statement from the claimant" shall not be denied benefits. The employer's account shall not be charged. "Domestic abuse" includes sexual assault and stalking, whether committed by a household member or not.

NEW YORK: [N.Y. Lab. Law § 593\(1\)\(b\)](#). [*click on LAB; click on Article 18, Title 7; click on 593*]

The previous law regarding domestic violence and unemployment insurance is substantially amended. A claimant shall not be disqualified from receiving benefits for separation from employment due to "compelling

family reasons,” which include domestic violence, verified by reasonable and confidential documentation which causes the individual reasonably to believe that such individual's continued employment would jeopardize their safety or that of any member of their immediate family.

NORTH CAROLINA: [N.C. Gen. Stat. § 96-14\(1f\)](#).

The state’s existing law is amended to make the domestic violence unemployment insurance provision applicable to only the claimant and the claimant’s spouse, parents, and children under 18 years of age, whether the relationship is biological, step, half or an in-law relationship. “Good cause for leaving work” includes leaving or being discharged from work if: (1) the claimant has a protective order; (2) there is evidence of domestic violence, sexual offenses, or stalking; or (3) the claimant is a participant in the state’s address confidentiality program as the result of domestic violence committed upon the claimant or upon a minor child with or in the custody of the claimant by a person who has or has had a familial relationship with the claimant or minor child. Evidence of domestic violence, sexual offense, or stalking may include: (1) law enforcement, court, or federal agency records or files; (2) documentation from a domestic violence or sexual assault program if the claimant is alleged to be a victim of domestic violence or sexual assault; and (3) documentation from a religious, medical, or other professional from whom the claimant has sought assistance in dealing with the alleged domestic violence, sexual abuse, or stalking. Benefits will not be charged to the employer.

OKLAHOMA: [Okla. Stat. § 40-2-210\(4\)\(d\)](#).

An individual may be eligible for benefits if they separated from work due to compelling family circumstances, which includes if the claimant separated from employment due to domestic violence or abuse, verified by any reasonable or confidential documentation, which causes the individual to reasonably believe that the individual's continued employment would jeopardize the safety of the individual or of any member of the individual's immediate family. “Immediate family” means the claimant's spouse, parents and minor children. The employer’s account shall not be charged.

OREGON: [Or. Rev. Stat. § 657.176\(12\)](#).

An individual is not disqualified from receiving benefits if: (1) the individual or a member of their immediate family is a victim of domestic violence, stalking, or sexual assault, or the individual believes that the individual or a member of their immediate family could become a victim of domestic violence, stalking or sexual assault; and (2) the individual leaves work, fails to apply for available suitable work or fails to accept suitable work when offered in order to protect the individual or their immediate family from violence that the individual reasonable believes will occur as a result of the individual’s continued employment or acceptance of work.

RHODE ISLAND: [R.I. Gen. Laws § 28-44-17.1](#).

An individual is eligible for unemployment benefits if she voluntarily leaves work due to qualifying circumstances directly resulting from “domestic abuse.” The individual must also demonstrate that the individual reasonably fears future domestic abuse at or en route to the workplace, needs to relocate to avoid future violence, or reasonably believes that leaving work is necessary to ensure the safety of the individual or the individual’s family. The department shall require documentation of abuse, including, but not limited to, police or court records, or other documentation of domestic abuse from a shelter worker, attorney, member of the clergy, or medical or other professional from whom the individual has sought assistance, and shall keep that documentation confidential.

SOUTH CAROLINA: [S.C. Code Ann. §§ 41-35-125 & 41-35-130](#).

An individual is eligible for unemployment compensation if the commission finds that “the individual has left work voluntarily or has been discharged because of circumstances directly resulting from domestic abuse.” The individual must also demonstrate that the individual reasonably fears future domestic abuse at or en route to the workplace, needs to relocate to avoid future violence, or reasonably believes that leaving work is necessary to ensure the safety of the individual or the individual’s family. An individual must provide

documentation of domestic abuse including, but not limited to, police or court records or other documentation of abuse from a shelter worker, attorney, member of the clergy, or medical or other professional from whom the individual has sought assistance, which will be kept confidential. The employer's account will not be charged.

SOUTH DAKOTA: [S.D. Codified Laws § 61-6-13.1\(6\)](#).

“Good cause” includes leaving employment because it is “necessary to protect an individual from domestic abuse.” However, this provision only applies if: (a) the employee reports the abusive situation to law enforcement within forty-eight hours of any occurrence and cooperates fully with law enforcement; (b) the employee has left the abusive situation and remains separate from the situation; and (c) the employee made reasonable efforts to preserve the employment before quitting. Any person found to have good cause for leaving employment due to domestic abuse who returns to the abusive situation is ineligible for benefits.

TEXAS: Tex. Lab. Code §§ [204.022\(a\)\(11\)](#) & [207.046\(a\)\(2\)](#).

An individual whose separation from a job results from the employee leaving the workplace to protect the employee from family violence or stalking is not disqualified for benefits. The employee must produce an active or recently issued protective order documenting actual or potential family violence against, or the stalking of, the employee; a police record documenting family violence against or the stalking of the employee; or a physician's statement or other medical documentation that describes the family violence against the employee that: (i) is recorded in any form or medium that identifies the employee as the patient; and (ii) relates to the history, diagnosis, treatment, or prognosis of the patient. (Tex. Lab. Code § 207.046 previously required that an employee had to provide all three types of documentation, instead of just one). Except as provided by law, evidence regarding the family violence or stalking may not be disclosed without the consent of the employee. The employer's account will not be charged.

VERMONT: [Vt. Stat. Ann., tit. 21, ch. 16A § 1251 et seq.](#)

An individual is eligible for 26 weeks of unemployment payments if the individual left work “due to circumstances directly resulting from domestic and sexual violence” (also includes stalking) and if the individual reasonably fears that the violence will continue at or en route to or from the place of employment, intends to relocate in order to avoid violence against the individual or a member of the individual's family, or reasonably believes that leaving the employment is necessary for the safety of the individual or a member of the individual's family. Individuals seeking benefits under this statute must have pursued reasonable alternatives to leaving the employment or show that pursuit of such alternatives would likely be futile, increase the likelihood of future violence, or not adequately address the specific circumstances requiring the separation from employment. The individual must provide documentation of the domestic or sexual violence including a sworn statement from the individual attesting to the abuse, law enforcement or court records, or other documentation from an attorney or legal advisor, member of the clergy, or health care provider, as defined in 18 V.S.A. § 9432(8). Information relating to the domestic and sexual violence, including the claimant's statement and corroborating evidence, provided to the department shall not be disclosed by the department unless the claimant has signed a consent to disclosure form.

WASHINGTON: Wash. Rev. Code §§ [50.20.050](#), [50.20.100](#), [50.20.240](#) & [50.29.020](#).

An individual is eligible for unemployment benefits if leaving work was necessary to protect the individual or the individual's immediate family members from domestic violence or stalking. An evaluation of the suitability of available work must consider the individual's need to address the physical, psychological, legal, and other effects of domestic violence or stalking. Individuals qualifying for unemployment under this provision need not keep a job-search log, and the employer's account shall not be charged.

WISCONSIN: [Wis. Stat. § 108.04\(7\)\(s\)](#).

A domestic violence victim may receive unemployment benefits if he or she: (1) terminates work because of the domestic abuse, concerns about personal safety or harassment, concerns about the safety or harassment

of his or her family members who reside with the employee, or concerns about the safety or harassment of other household members; and (2) provides a protective order relating to the domestic abuse or concerns about personal safety or harassment, a report by a law enforcement agency documenting the domestic abuse or concerns, or evidence of the domestic abuse or concerns provided by a health care professional or a domestic violence shelter. The definition of “domestic abuse” was also amended to include physical abuse by an adult person against an unrelated adult with whom the person has a personal relationship. Benefits will not be charged to the employer.

WYOMING: [Wyo. Stat. § 27-3-311\(a\)\(i\)\(c\)](#).

An individual is eligible for unemployment compensation if “forced to leave the most recent work as a result of being a victim of documented domestic violence.”

RECENT LEGISLATIVE PROPOSALS

The following proposed legislation has been introduced in current or prior legislative sessions. The contents of the bills vary and the status of a particular bill may change very quickly. For more information about each bill, consult your legislature’s website.

ALABAMA: [S.B. 11](#), 2010 Reg. Sess. (Ala. 2010).

An individual will not be disqualified from benefits in a domestic violence case where the domestic violence is verified by reasonable and confidential documentation and the individual reasonably believed that continued employment would jeopardize the safety of the individual or any member of the individual’s immediate family. Reasonable and confidential documentation means a statement supporting recent domestic violence from a qualified professional from whom the individual has sought assistance, including a counselor, shelter worker, member of the clergy, attorney, or health worker. The bill is in a Senate committee. This bill is similar to [H.B. 688](#) in the previous session.

ARIZONA: [H.B. 2295](#), 49th Leg., 2d Reg. Sess. (Az. 2010).

This bill would amend the current law, which provides that an individual will not be disqualified from receiving benefits if the individual leaves employment pursuant to a documented case *of a* domestic violence offense, to instead provide that an individual who separated from employment will not be disqualified from receiving benefits if the individual is a victim of domestic violence and leaves employment pursuant to a documented case *involving* a domestic violence offense. Benefits paid to an individual shall not be charged against an employer's account. This bill passed the House and is pending in the Senate.

CALIFORNIA: [A.B. 2364](#), 2009-10 Reg. Sess. (Cal. 2010).

This bill would amend the current law to indicate that the employer’s account is not charged, and it is good cause, if the individual left employment to protect his or her *family* (instead of *children* in the current law) or himself or herself from domestic violence abuse. The bill passed the House and is pending in the Senate.

FLORIDA: [S.B. 2706](#), 2008 Reg. Sess. (Fla. 2008).

An individual is not disqualified from receiving unemployment insurance benefits if the separation from employment is for “compelling family reasons,” which includes domestic violence. The violence must be verified by an injunction, protective order or other “reasonable or confidential documentation as authorized by states law,” and the individual must reasonably believe that continued employment would jeopardize the safety of the employee, any member of their immediate family, or other employees. The bill died in committee.

HAWAII: [H.B. 1913](#) & [H.B. 2353/S.B. 2369](#), 25th State Leg. (Haw. 2010).

H.B. 1913 would amend the current law to add that an individual who is a victim of domestic or sexual violence will have good cause for not accepting otherwise suitable, available work if the individual reasonably

believes that the employment will subject the individual, the individual's minor child, or other individuals in the workplace to an unreasonable risk of violence, despite the individual having sought appropriate assistance in responding to the violence, including reporting it to the police, obtaining services from a victim services organization, or taking other appropriate legal action. Furthermore, applicants for unemployment compensation and all those inquiring about benefits will be adequately notified of the "compelling family reason" provision. H.B. 2353 would require unemployment compensation personnel to receive training regarding domestic and sexual violence and on keeping that information confidential. The bill would also add new definitions of domestic violence, sexual assault and stalking and, requires unemployment insurance applicants to be adequately notified about the provisions of the law relating to domestic violence, sexual assault and stalking victims. SB 2369 passed the Senate; the others bills are pending in the House.

INDIANA: [S.B. 250](#), 114th Gen. Assembly, Second Reg. Sess. (Ind. 2006).

This bill would amend the Indiana law described above to add that "good cause" includes a compelling family obligation, sexual harassment of the individual in connection with work, and financial inability to maintain two separate places of residence. The bill died in the Senate.

IOWA: [H.F. 2375](#), [H.F. 2641](#), [H.F. 2675](#), 82d Gen. Assembly (Iowa 2008).

These bills, which are very similar, provide that individuals who leave their employment due to domestic abuse or stalking against them are eligible for benefits. The individuals must reasonably believe that separation from employment was necessary to protect the safety of the individual or the individual's family. Evidence of the domestic abuse or stalking may include but is not limited to a statement or report from law enforcement, a medical or mental health professional, or a domestic violence shelter or professional; or witness statements regarding an incident that causes the victim to believe that her life or safety or the life or safety of a member of the victim's family is in danger. The bills died in committee. Similar bills were introduced in previous sessions.

KANSAS: [H.B. 2141](#), 83d Leg., 2009 Reg. Sess. (Kan. 2009).

This bill would repeal the current section 44-706, described above, and replace it with another provision. An individual will not be disqualified for eligibility for benefits if the individual left work "due to circumstances resulting from domestic violence," including: a reasonable fear of future domestic violence at or en route to or from the place of employment; the need to relocate to avoid future violence; the need to address the physical, psychological and legal impacts of the violence; the need to leave employment as a condition of receiving services or shelter from an agency; or the reasonable belief that termination of employment is necessary to provide for the future safety of the individual or their family. The bill lists the forms of evidence that may be provided to prove the existence of domestic violence, and the evidence shall be kept confidential. The bill died in committee.

LOUISIANA: [H.B. 610](#), 2009 Reg. Sess. (La. 2009).

This bill would substantially amend the state's existing law to provide that a claimant is eligible for benefits if he or she leaves a job for compelling family reasons, including domestic abuse, verified under the provisions of R.S. 23:1775, which causes the individual to reasonably believe that continued employment will jeopardize the individual's safety, the safety of a member of the individual's immediate family, or the safety of other employees. "Immediate family" means a spouse, parent, child, stepchild or sibling. The bill died in committee.

MICHIGAN: [H.B. 4641](#), 95th Leg., Reg. Sess. (Mich. 2009).

An otherwise eligible individual is not ineligible for benefits if the individual left work "due to domestic violence," because of: the individual's reasonable fear of future domestic violence at or en route to the or from the workplace; the need to relocate; the need to address the physical, psychological or legal effects of the violence; or the individual's reasonable belief that termination of employment is necessary for the future safety of the individual or the individual's family. An individual may demonstrate the existence of domestic

violence by providing one or more of the following types of proof: a restraining order; police record; documentation that the abuser has been convicted of a crime involving domestic violence; medical documentation; statement by a professional who has assisted the individual in addressing the effects of the violence; or a sworn statement from the individual. The bill died in committee.

MISSISSIPPI: [H.B. 31](#), 2006 Reg. Sess. (Miss. 2006).

An otherwise eligible individual shall not be denied unemployment benefits “if the individual establishes that the reason the individual left work was due to domestic violence” against the individual or the individual’s dependent child. Circumstances that could qualify under this law include the individual’s reasonable fear of future violence; need to relocate; need to address the physical, psychological, and legal impacts of the violence; and need to leave work as a condition of receiving shelter. The individual may establish the existence of violence through a variety of documentation, including a sworn statement from the individual. Department personnel shall be trained. This bill died in committee.

MONTANA: [H.B. 580](#), 61st Leg. (Mont. 2009).

This bill would amend Montana’s unemployment insurance eligibility provision for victims of domestic violence, sexual assault, or stalking to eliminate the restriction on the length of benefits that can be received under current law (10 weeks in a 12 month period). The bill died in the House.

NEW YORK: [A.B. 4903/S.B. 6788](#) & [S.B. 7361](#), 233d Leg. Sess. (N.Y. 2010).

These bills, which are similar, would provide that an individual is not disqualified from receiving benefits if the individual establishes that leaving work was due to domestic violence, including the individual’s: 1) reasonable fear of future domestic violence at or en route to or from work; 2) need to be relocated to another geographic area to avoid future domestic violence; 3) need to address the physical, psychological and legal impacts of domestic violence; 4) need to leave work as a condition of receiving services or shelter from an agency providing support services or shelter to domestic violence victims; and 5) any other situation in which domestic violence causes the individual to reasonably believe that ending work is necessary for the future safety of the individual or the individual’s family. Domestic violence may be shown by providing: a restraining order or court record; a police record; documentation that the abuser has been convicted of a criminal offense; medical documentation; a statement from a counselor, social worker, health worker, clergy member, shelter worker, legal advocate, or other professional who has assisted the individual or family member; or a sworn statement from the individual attesting to the abuse. No evidence of domestic violence experienced by an individual, including the individual’s statement and corroborating evidence, will be disclosed by the department unless consent for disclosure is given by the individual. Both bills are pending in committee.

PENNSYLVANIA: [H.B. 2400](#), 194th Gen. Assembly (Pa. 2010).

An individual is not disqualified from benefits for leaving work to address the physical, psychological, or legal effects of domestic violence or sexual assault. The individual will not be required to provide a protective order or police record to verify domestic violence or sexual assault. Domestic violence is abuse committed against an individual or member of the individual’s immediate family by a current or former spouse of the individual, a person with whom the individual shares a child in common, a person who is cohabiting with or has cohabited with the individual, a person who is related by blood or marriage to the individual, or a person with whom the individual has or had a dating or engagement relationship. “Immediate family” includes the individual’s spouse, parents, grandparents, siblings, and children. The bill is pending in a House committee.

TENNESSEE: [H.B. 773/S.B. 820](#), 106th Gen. Assembly (Tenn. 2009).

This bill prohibits denial of unemployment benefits to an individual who leaves work or is discharged due to circumstances resulting from the person being a victim of domestic violence. A person asserting domestic violence victim status must provide one of the following as proof: (1) a restraining order or similar document; (2) a police record documenting domestic violence; (3) documentation that the perpetrator has been convicted of a domestic violence offense; (4) medical documentation of domestic violence; (5)

certification of domestic violence victim status from the director of a family violence shelter; or (6) documentation from a social worker, cleric, shelter worker, or other professional that has assisted the person in dealing with domestic violence. An employer's account would not be charged for payment of unemployment to a person who leaves work because of domestic violence. The bills died in committee. Similar bills were introduced in previous sessions.

TEXAS: [H.B. 3153/S.B. 1569](#), 81st Reg. Sess. (Tex. 2009).

This bill would amend existing law regarding eligibility of victims of family violence and stalking for unemployment insurance. The bill would take out references to family violence in the current law (leaving stalking), and remove the documentation requirement of a physician's statement. The bill would add a new section allowing someone to leave work due to family violence, verified by reasonable and confidential documentation, if the employee reasonable believes that continued employment would jeopardize their safety or that of their immediate family. "Reasonable documentation" includes a statement from a professional from whom the victim sought assistance, an active or recently issued protective order, or a police record. The bill died in the House.

UTAH: [H.B. 428](#), 2009 Gen. Sess. (Utah 2009).

The bill would allow a claimant who separated from a job for a compelling family reason to be eligible for benefits. Compelling family reason includes domestic violence that causes the individual to reasonably believe that continued employment would jeopardize the safety of the individual or any member of the individual's immediate family. The bill died in the House.

VIRGINIA: [S.B. 239](#), 2010 Session (Va. 2010).

An employer's account will not be charged where an individual separates from work due to any compelling family reason. "Compelling family reason" includes domestic violence, verified by such reasonable and confidential documentation as the commission may require, that causes the individual reasonably to believe that his or her continued employment would jeopardize the safety of the individual or any member of the individual's immediate family. Immediate family member means an individual's spouse, parents, and children under the age of 18. This bill passed the Senate and is in the House.

WEST VIRGINIA: [H.B. 4332/S.B. 569](#) & [H.B. 4639](#), 79th Leg. 2d Sess. (W. Va. 2010).

An individual is not disqualified for benefits if the individual left work due to domestic violence by a family or household member, stalking, or sexual assault by a person who is not a family or household member if the violence is verified by reasonable documentation, and if the violence causes the individual to reasonably believe that continued employment would jeopardize the safety of the individual or an immediate family member. Reasonable documentation includes: a court order of protection; an order of bail, bond or parole restricting contact by the alleged perpetrator with the alleged victim; written certification by a licensed physician or a licensed physician's assistant of medical findings consistent with domestic violence, stalking or sexual assault; a police report; a notarized certification that a professional listed in the statute has evaluated the individual's statements and circumstances and based on that evaluation, is providing services for domestic violence, stalking or sexual assault; or documentation not specifically previously identified but having equivalent circumstantial guarantees of trustworthiness. An employer is not chargeable for benefits. H.B. 4639 would amend existing law to provide that an individual will not be deemed ineligible for benefits if they leave work voluntarily because of domestic violence related reasons, and the individual presents verification that he or she is the victim of domestic violence. Benefits are not chargeable to the employer. The bills are pending in committee.

This state law guide, with links to cited laws and bills, is available on the Legal Momentum website at <http://www.legalmomentum.org/our-work/domestic-violence/state-law-guides.html>.

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