



The Women's Legal Defense
and Education Fund

STATEMENT OF LEGAL MOMENTUM

*Submitted to the Subcommittee on Income Security and Family Support of the House Committee
on Ways and Means to be included in the record of the Subcommittee's March 11, 2010 Hearing
on TANF's Role in Providing Assistance to Struggling Families*

We applaud the Subcommittee for holding a hearing on the problem of TANF's failure to reach most poor children. TANF's failure to aid so many poor children is an injustice that cries out for action. We agree completely with Chairman McDermott's statement that:

Temporary Assistance for Needy Families doesn't provide assistance to over three-quarters of America's poor children. That's not temporary assistance – it's no help at all for the vast majority of our most vulnerable children and families. We need to work on both immediate steps and longer-term solutions to ensure a helping hand for those who need it most.

We are submitting this statement to bring to the Committee's attention a recent survey and report on how TANF responds – and fails to respond - to women fleeing family violence who turn to TANF for assistance.

The report, *Not Enough: What TANF Offers Family Violence Victims*, was produced by Legal Momentum and the National Resource Center on Domestic Violence. The report explains the findings of a survey that was completed by some 600 staff members from domestic violence programs and legal aid and anti-poverty agencies who work with family violence victims. The report exceeds the ten page limit for inclusion in the printed hearing record, but copies have been provided to the Subcommittee staff, and the report is available at <http://www.legalmomentum.org/assets/pdfs/not-enough-what-tanf-offers.pdf>.

KEY FINDINGS FROM SURVEY ON TANF AND FAMILY VIOLENCE

TANF is an important resource for victims

Some studies have found that over half of the women receiving welfare have reported being battered. (See studies cited in *Not Enough* endnote 3.) Over 96% of our survey respondents answered “yes” to the question “is access to TANF financial assistance an important resource for a significant number of family violence victims.” Seventy-one percent estimated that at least half of the victims served by their agency needed TANF as part of their safety plan. Here are some illustrative comments:

I have worked with many survivors that would have never left their abusive situation had they not had TANF as a resource.

[TANF] is often the difference between survivors jumping from shelter to shelter, living in unsafe conditions or returning to their abuser, and actually gaining their own safety, stability, and self sufficiency.

Survey responses show that some victims in some places are getting the TANF resources – a financial bridge to safety – that they need. In these instances, TANF represents the difference between safety and continued violence for a victim and her children. Unfortunately though, the survey data also reveal a different reality – one marked by bureaucratic black holes, indifferent or even hostile staff, inadequate benefits, rules and practices that effectively bar victims from needed assistance, and in some circumstances, mandates and errors that put victims in more danger than before they sought help. For too many victims, TANF does not provide what they need to be safe. It is not enough.

Many victims face roadblocks in accessing TANF

Many victims are unable to access the TANF benefits for which they are eligible. The survey asked respondents to estimate the percentage of victims served by their agency who were able to access TANF benefits when needed as part of their safety plan. Forty-three percent of respondents estimated that fewer than half of victims were able to access benefits and twenty percent estimated that fewer than one quarter of victims could access benefits. Forty-seven percent of respondents estimated that over half of victims served by their agencies required an advocate's assistance to obtain TANF benefits.

Application delay is common

The TANF system often takes much too long to respond to a victim's application. When a victim and her children are fleeing a violent, dangerous situation, delays in processing applications and receiving benefits keep TANF from being the important resource victims need it to be. Although some respondents reported quick turn around times and even expedited processes for victims, many others described long delays with significant consequences.

From the time a victim applies for TANF until her first check can be upwards of 6 weeks. When a woman has left an abusive environment she doesn't often have 6 weeks to wait on a check. She is looking for work and trying to keep her children in a safe environment but when you're wondering where your next meal is coming from, many of the victims think it's better to go back to the abusive relationship than her children going hungry.

It is taking too long now for anyone to get benefits and it is eating up resources and we are having to turn people away [from our shelter] because the long staying residents cannot get any assistance to help them get their own place.

Grant amounts are inadequate

Grant amounts are far below the poverty level. As of July 2008, the monthly TANF benefit for a family of three in every state was far below the official 2008 poverty guideline of \$1,467, ranging from a low of 12% of the poverty guideline in Mississippi to a high of 50% of the guideline in Alaska, and equaling 29% of the guideline in the state with the median TANF benefit. Many survey respondents commented on inadequate benefits and the potential harm these posed for family violence victims:

The grant is so low that going back to a violent relationship seems like a more viable option.

The benefits grant is too low. Housing is not affordable for TANF people and low-income housing has dried up completely. This forces homelessness or substandard, unsafe living options.

The amount of money a person gets from TANF is ridiculously low and no one could possibly live on that. If a woman can't support her kids, she can't leave her abuser and TANF doesn't offer her the ability to financially do that.

Non-compliance with family violence protective provisions is widespread

There is widespread non-compliance with the protections that are supposed to be available to victims under TANF's so-called FVO (Family Violence Option). By adopting the FVO, a state certifies that it will screen to identify domestic violence victims while maintaining their confidentiality, will refer those victims to supportive services, and will waive program requirements such as time limits on the receipt of benefits, work requirements, or cooperation with child support enforcement if those requirements make it more difficult to escape the violence or would unfairly penalize the victim. All states have either formally certified adoption of the FVO (41) or reported to the federal government adoption of a comparable policy.

Respondents were asked to rate eleven features of their state FVO/family violence response policies, including the choices "Works well", "Works OK" or "Doesn't work." The list included such family violence-specific features as screening, extension of time limits, exemption from work requirements, and referrals to domestic violence programs. None of these eleven

features received a “Works well” rating from more than 23% of the respondents. The percentages of respondents rating those same features as “Doesn’t work” ranged from 17% (Referrals to local domestic violence and/or sexual assault programs) to 36% (FV specific employment services). Here are some illustrative comments:

Screening is not happening properly. We constantly see clients who say they reported domestic violence at all steps in the application process, and they are still not assessed and referred properly.

Workers constantly harass victims to establish support, even when it will expose them and their children to mortal danger.

In our area we have had a worker require a woman to give the name of her rapist to pursue child support.

CONCLUSION

It is imperative that Congress amend the TANF statute to address these issues. Victims should be given a legally enforceable right to be screened, to be referred for services, and to be exempted from program requirements that endanger them and/or their children. The federal TANF statute should require that benefit levels be no less than the official poverty level. TANF applicants should have the same statutory application rights as Food Stamp applicants, including the right to apply on the first day they come to the TANF office and the right to a prompt application decision.

(For further information, contact Timothy Casey, tcasey@legalmomentum.org, 212 413-7556)