



WISCONSIN LEGISLATIVE COUNCIL INFORMATION MEMORANDUM

W-2 and Victims of Domestic Violence

INTRODUCTION

On August 22, 1996, President Clinton signed the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA). Generally, this act replaced the Aid to Families with Dependent Children (AFDC) program with Temporary Assistance to Needy Families (TANF). The goal of TANF is to allow states to develop programs that focus on work and responsibility. In response to this legislation, Wisconsin created the Wisconsin Works, or W-2, program.

This memorandum describes a provision of PRWORA called “the family violence option,” under which a state may develop procedures for identifying and offering services to individuals who are victims of domestic violence and receive TANF benefits. Wisconsin, to this point, has elected not to adopt the family violence option. However, some domestic violence victims’ advocates and children’s advocates are encouraging legislation to require that Wisconsin adopt the family violence option.

THE FAMILY VIOLENCE OPTION UNDER FEDERAL LAW

In order to receive TANF funding, each state must submit an acceptable plan for use of its TANF dollars. PRWORA provides that, as part of this state plan, the state may elect to include the family violence option under which the state

may establish and enforce standards and procedures to do all of the following:

- Screen and identify individuals receiving assistance under the TANF program who have a history as victims of domestic violence while maintaining the confidentiality of such individuals.
- Refer such individuals to counseling and supportive services.
- Waive, pursuant to a determination of good cause, other program requirements if compliance with the requirements by an individual receiving assistance would make it more difficult for the individual to escape domestic violence or would unfairly penalize the individual if he or she is or has been victimized by, or is at risk of further, domestic violence. Program requirements that may be waived include: time limits, residency requirements; child support cooperation requirements; and family cap provisions.

WISCONSIN POSITION ON THE FAMILY VIOLENCE OPTION

Wisconsin’s TANF plan for federal fiscal years 1999 and 2000 contains an explanation of why the family violence option has not been adopted. In the plan, the Department of Workforce

Development (DWD) notes that Wisconsin has found it counterproductive to categorically waive requirements for those who are the most in need of help, such as victims of domestic abuse. The plan states that, in the past, individuals who were exempted from work requirements received no case management and were often forgotten. The statement asserts that W-2 case managers will work closely with domestic violence victims to overcome special barriers that might exist.

The DWD explanation also states that DWD's position is supported by the Wisconsin Coalition Against Domestic Violence. Although this was the case at the time W-2 was implemented, the coalition currently supports adoption of the family violence option.

PROVISIONS OF STATE TANF PLANS RELATING TO DOMESTIC ABUSE

According to the U.S. Department of Health and Human Services' Third Annual Report to Congress on the TANF program (August 2000), 38 states had adopted the family violence option as of the report's date. The report indicates that the remaining states provide related services for victims of domestic violence.

According to the report, **25 states** provide exemptions from state work requirements for victims of domestic violence. **22 states** provide exemptions for victims of domestic violence to the lifetime time limit (generally, 60 months) for receiving TANF benefits (i.e., a given month does not count toward the time limit). Further, **31 states** provide extensions of the lifetime time limit for victims of domestic violence.

Wisconsin does not exempt victims of domestic violence from work requirements or time limits or extend the lifetime time limit for victims of domestic violence. Wisconsin, however, is one of **45 states** that have office procedures to identify domestic violence and is one of **35 states** that provide intensive services targeted to

specifically address domestic violence as an employment barrier.

W-2 PROGRAM

Current state laws and administrative rules in Wisconsin relating to W-2 do not specifically address domestic violence. However, DHFS's W-2 manual for W-2 agencies contains protocols that specifically address domestic violence or that could apply to victims of domestic violence:

- A W-2 agency may recommend extending the lifetime time limit for an adult who has a significant limitation to employment, including family problems of such severity that they prevent the person from obtaining or retaining unsubsidized employment.
- An extension of the 24-month time limit for a W-2 employment position (i.e., a trial job, community service job or transitional placement) may be granted to a W-2 participant with a significant barrier to: (1) obtaining employment; (2) being placed in a trial job or a community service job; or (3) advancing to a higher employment position from a transitional placement.
- A W-2 participant's employment plan, prepared by the W-2 agency, includes a program activity plan portion to set forth activities the individual will undertake to achieve his or her primary job goal. These activities may include court appearances and counseling sessions.
- A W-2 agency may determine an individual had good cause for not complying with a W-2 participation requirement. The manual provides that good cause includes a court appearance for a victim of domestic abuse and may include other circumstances beyond the control of the individual.
- Good cause for noncooperation with establishing child support may be determined if the individual's cooperation is

reasonably anticipated to result in either: (1) physical or emotional harm to the child to such a degree that the child's normal functioning is substantially affected; or (2) physical or emotional harm to the individual that reduces the individual's capacity to adequately care for his or her child.

The *W-2 Case Management Resource Guide: A Reference Guide to Readiness Screening, Employment Barriers, and Referrals* addresses domestic violence as a barrier to employment. The guide suggests that a W-2 agency identify barriers to employment by asking whether the individual has concerns about his or her personal safety in the home or work place. The guide also discusses referring the individual to a local shelter, counseling or a W-2 agency-sponsored support group if domestic violence is identified as a barrier.

The guide also contains a chapter on personal barriers which includes a section on domestic violence. The section describes the issue of domestic violence, how to identify it, and how a case manager can assist a victim of domestic violence. The guide additionally lists resources and referrals for victims of domestic violence.

SURVEY OF DOMESTIC VIOLENCE VICTIMS IN WISCONSIN

In September 1999, the Institute for Wisconsin's Future, a statewide policy research organization, published a report entitled, *Domestic Violence Victims in Transition from Welfare to Work: Barriers to Self-Sufficiency and the W-2 Response*. The report was based upon 274 surveys of domestic violence victims from across the state. Over 90% of them had received AFDC benefits at some time, and 61% had been or were currently enrolled in W-2.

According to the report, domestic violence victims' advocates have identified three major problems with W-2 for domestic violence victims:

- The potential inability of abused women to comply with the work requirements of W-2.
- The difficulty victims of domestic abuse face in succeeding in needed training and education programs.
- The capacity of W-2 to effectively identify victims of domestic abuse and provide them with the support and protection necessary to build self-sufficient lives.

The report contains the following findings, derived from the survey:

- Domestic violence has a severe negative impact on low-income women's ability to maintain jobs and to succeed at education and training efforts.¹
- Women who are currently being abused are less likely to be employed than are women who were abused in the past, regardless of education level or age.²
- The W-2 program lacks a systematic method of screening for domestic violence; voluntary disclosure is the primary method that W-2 agencies use to identify domestic violence.³
- When W-2 participants do disclose domestic violence, W-2 case workers frequently fail to advise them of available support services, program options or exemptions from certain requirements.⁴

Based upon these findings, the report contains the following recommendations for the W-2 program:

- Train case workers on the safety and confidentiality issues associated with domestic violence.
- Develop a standardized assessment mechanism for applicants and use it consistently to identify victims of domestic violence.

- Provide all W-2 applicants with information detailing the possible benefits of disclosing any domestic violence concerns and the support services and program options available for domestic violence victims.
- Inform domestic violence victims of the option not to comply with child support enforcement rules if doing so would put the individual or the individual's children at risk of continued violence.
- Include domestic violence advocacy and service groups as partners in developing and reviewing W-2 procedures that specifically affect their client group.

DWD'S RESPONSE

In response to the 1999 survey, Jean Rogers, then the administrator of the Division of Economic Support, DWD, stated that the W-2 program, since it began, has been working to address the needs of participants who are victims of domestic abuse. She explained that all caseworkers receive training on domestic abuse violence and have the option to receive advanced training on the issue. She said that she would not support a uniform assessment tool because W-2 agencies need flexibility in all aspects of administering the program. Finally, she said that W-2 agencies are encouraged to partner with advocacy groups that specialize in family violence to provide participants with more services.⁵

According to Sharon Lewandowski, Domestic Abuse Program Coordinator, DHFS, her office has been working with DWD to improve the W-2 program's services to domestic violence victims and there has been progress in the areas

of screening and training. Domestic violence advocates argue, however, that adoption of the family violence option would result in more training for W-2 agency staff and more referrals of domestic violence victims to appropriate services.

This memorandum was prepared on January 18, 2001, by *Anne Sappenfield, Senior Staff Attorney*, Legislative Council Staff.

¹ According to the survey, approximately 30% of the respondents reported they were fired or lost a job because of domestic abuse. Over 35% reported that abuse negatively affected their education and training efforts. Also, 57.8% indicated they were threatened to the point that they were afraid to go to school or work.

² According to the survey, 54.9% of women who had been abused in the past were employed versus 38.4% of women who were being abused at the time of the survey.

³ The survey indicated that 70% of the survey respondents had not disclosed to a W-2 agency that they were a victim of domestic abuse.

⁴ Approximately 75% of W-2 participants surveyed who disclosed they were domestic abuse victims were not informed of available counseling, housing funds or the possibility of using work hours to seek help. Only 4.9% were told they might have good cause for noncooperation with child support enforcement, even though 26.8% of respondents reported being afraid that a former partner would harass them if the state attempted to collect child support.

⁵ Sarah Wyatt, "Abuse called a barrier to getting out of poverty," *Wisconsin State Journal*, September 21, 1999, and Steve Schultze, "W-2 staff is underserving victims of domestic violence, study charges," *Milwaukee Journal Sentinel*, September 21, 1999.

WISCONSIN LEGISLATIVE COUNCIL

One East Main Street, Suite 401 • P.O. Box 2536 • Madison, WI 53701-2536

Telephone: (608) 266-1304 • Fax: (608) 266-3830

Email: leg.council@legis.state.wi.us

<http://www.legis.state.wi.us/lc>