

What is the Family Violence Option?

The Family Violence Option (FVO) in Texas allows the Health and Human Services Commission (HHSC) and the Texas Workforce Commission (TWC) to grant "good cause" waivers for certain requirements including time limits, child support enforcement, paternity establishment and work activity to victims of family violence if compliance would place an applicant or her children in danger or make it more difficult to leave a violent situation.

There are also provisions to keep a victim's information confidential and to prohibit sanctioning (taking away benefits) if family violence is determined to have contributed to non-compliance with requirements.

Advocacy

- As an advocate at a family violence program you are able to recommend "good cause" from child support requirements for your clients. Send survivors with whom the program is already working to the local eligibility determination office with the good cause for family violence form (H1706) completed so that the child support requirement can be waived swiftly and they do not risk sanctions or penalties for non-compliance. The form can be found online in the Texas Works Handbook under "Forms".
- Be prepared for calls from the local eligibility determination office and survivors requesting a 'family violence specialist' to speak with in order to make a determination on the need for good cause. Each HHSC funded center is required to have two staff designated to receive these calls and make determinations. Any hotline or administrative staff who will be answering the phones should be aware that these calls will be coming in and to whom the calls should be referred.
- Attend eligibility interviews/reviews with victims of family violence. Workers may not be familiar with these provisions. This is your opportunity to educate them on these provisions.
- Encourage recipients to ask about their time limits for receiving the cash assistance.
- Assist recipients through the appeals process if they are sanctioned for non-compliance caused by family violence.
- Become more informed. Call the TCFV Policy Department for information on the FVO.

The Family Violence Option

For TANF Recipients

Information for Advocates



Over Thirty Years of Building a Safer Texas

Welfare Requirements

Currently, in order to receive cash benefits and medical assistance through TANF (Temporary Assistance to Needy Families) an adult applicant is required to:

- Remain on welfare for only a limited time. (In Texas typically time limits range between 1-3 years depending on work and school history.)
- Disclose the father of her children and comply with attempts to collect child support.
- Participate in work activities.

Through the Family Violence Option (FVO), one or all of these program requirements can be waived and confidentiality protected for a victim of family violence if a requirement would endanger the victim or her children.

Work Requirements

Recipients of TANF are required to engage in work activities. TANF applicants are required to attend a Workforce Orientation for Applicants. Recipients must attend an Employment Planning Session and also participate in Choices, the employment and training program administered by local Workforce Development Boards. The Choices program participants must be involved in job readiness, job search or community service activities for a certain number of hours weekly. For a victim of family violence, working or searching for work may place her or her children in danger.

The abuser may try to keep her from leaving the house, call her work repeatedly, refuse to watch the children while she works or threaten to hurt her or her children if she works.

If fulfilling her work requirements would endanger an applicant or her children, she should inform her caseworker at the local workforce office during her initial employment and planning session, or at anytime safety concerns arise.

The applicant can receive a "good cause" waiver to remove the work requirements. The waiver from work requirements will be reviewed on a monthly basis and extended if the same safety concerns are still present. The waiver can extend for up to twelve consecutive months per occurrence of family violence.

Child Support

To receive TANF, an applicant is required to identify for the Health and Human Services Commission (HHSC), formerly the Department of Human Services, the other parent of the children so an attempt can be made to order and collect child support. The Office of the Attorney General (OAG) receives this information and proceeds with the establishment process. Typically, an applicant will have to attend a mediation style meeting or appear in court at the same time the other parent is present. The other parent will then have access to the applicant's address and will most likely be granted visitation. This release of information and contact may be dangerous for a victim of family violence and the children.

Options are available if this process would endanger an applicant or the children in any way.

Good cause for child support: Under the Family Violence Option, the HHSC worker can waive the requirement to collect child support if it would put anyone in the family in danger. **If an applicant does not wish to pursue child support, she or he should inform the Texas Works Advisor at the local HHSC benefits granting office.**

Office of the Attorney General (OAG) Safeguards for child support customers: If the applicant wishes to establish a child support order but would like to keep personal information confidential from the other parent, the Texas Works advisor can indicate in the case notes that the applicant has experienced family violence. **In addition, at any time in the child support process safety concerns arise, the applicant should inform the OAG of the family violence and the OAG will take measures to safeguard personal information and to ensure the safety of the parties.**

Time Limits

Most adults can only receive TANF cash benefits for a limited amount of time. Many TANF recipients are not told and do not realize this.

If an applicant has a Family Violence Option good cause waiver from work requirements, she may receive TANF beyond her set time limit because her TANF time clock stops while receiving this waiver.

A household that has never utilized the FVO may be eligible for extended cash assistance (beyond the set time limit) if the adult is a victim of family violence.

Appeals Process

Upon notice of an adverse action (a denial, suspension, reduction, or termination of assistance), a TANF recipient can claim good cause based on family violence for non-compliance with certain requirements. However, if an adverse action has already been taken, the client also has the right to appeal to HHSC, orally or in writing, any action affecting her benefits within 90 days of the action.*

A caseworker from the local workforce office should make a reasonable effort to contact the TANF participant to determine the reason for non-compliance before imposing a sanction for non-compliance with work requirements. Texas Works staff should:

- **Explain the basis for the decision.** (The recipient is entitled to any information that was used to determine suspension, reduction, or termination of benefits.)
- **Allow her a conference with the supervisor.**
- **Give her the opportunity to request a fair hearing and any information needed to prepare for the hearing.**

*Note: In order to continue receiving benefits, a recipient must request a hearing within 13 days of the notice of sanction. However, clients should be informed that if the adverse decision is upheld, then the client will be expected to repay any benefits received during the appeal process.

Local legal services may be able to help through the appeals process.

See www.texaslawhelp.org for referrals.