

SELF SUFFICIENCY PROGRAM
DOMESTIC VIOLENCE INTERVENTION
DISPELLING THE MYTHS - Version 4 - June 25, 2003

THE MYTHS	THE FACTS
<p>We require proof of domestic violence to establish TANF & TA-DVS eligibility and we require proof of domestic violence to establish Good Cause for failure to cooperate with child support.</p>	<p>We <u>do not</u> require proof of domestic violence for any program. Domestic violence survivors often have no “proof” of the violence. “Keeping the family secret,” is one of the methods the abuser uses to maintain control of the victim. “If you tell, no one will believe you; you have no proof,” is a common threat the abuser uses to intimidate the victim.</p> <p>We <u>do not</u> require proof of domestic violence to give good cause. We would offer the client information about safe ways to collect child support, including the use of an address of record and non-disclosure of information based on claim of risk. See the CSF 8660 for more information.</p>
<p>We never ask questions about domestic violence.</p>	<p>We do ask questions about domestic violence. We need to identify what the clients safety concerns are and develop a plan focused on safety. MPWG#15 includes screening protocols for TA-DVS and appropriate questions; the TA-DVS addendum on TRACS includes appropriate questions; and under staff tools on the DHS domestic violence web page there are a specific questions that can be asked to determine the level of violence and make appropriate referrals.</p>
<p>We can't verify any information in a TA-DVS case.</p>	<p>We can and do verify information in TA-DVS cases. We do not ask for proof of domestic violence, but we can verify other information. For example: Branches often contact landlords; check with counties on who owns property; ask for proof of pregnancy; work with local DV service providers to help establish safety concerns; and look at income verification through unemployment or wage screens. TA-DVS follows TANF verification guidelines, although, as with TANF, we can waive verification of items if they are not available in time to meet the emergent need.</p>

<p>When someone is in a shelter, they are safe.</p>	<p>It may be true that someone in a shelter is safer than someone in an abusive home, but shelters are temporary living situations. Being in a shelter still constitutes a potential safety concern in terms of eligibility for our programs.</p>
<p>This is a small community and the client just wants to move across town. I think she'll be safer if we move her out of town.</p>	<p>It is important for us to understand that the survivor is the best judge of what is safe. We can express our concerns to a client if we feel an action will impact her safety, but in the end it is her decision. We need to support her in that decision and connect her with resources to develop a safety plan in her home.</p>
<p>We should require all our clients to get restraining orders.</p>	<p>Restraining orders can be a tool for some clients and can be offered as an option. It's important to remember though, that the restraining order is a piece of paper and abusers violate them over 60% of the time, so they do not guarantee safety. In addition, police only enforced the restraining order 58% of the time.¹ In some cases, getting a restraining order may actually put the client in greater danger. If the abuser has told the client that if she involves the law he'll get back at her; if the victim is leaving the state and the restraining order requires visitation she could actually be held in contempt for not presenting the children as ordered; if the client had a restraining order in the past and it wasn't upheld by the police. In addition, the criminal definition of domestic violence is much narrower than the one we have been given in statute, so many of our clients would not qualify for restraining orders and yet still may be in danger from their abuser.</p>
<p>A client marks "yes" on the domestic violence question on our application. Do we make a referral to Child Welfare?</p>	<p>We would not refer a client to CW unless we have knowledge of child abuse or neglect or if the domestic violence puts the client at substantial risk of harm. Domestic violence in itself, is not an automatic referral to CW unless there is actual abuse, neglect or substantial risk. Refer to the newly updated <i>Mandatory Reporting Guide</i> - PAM 9061. If you're unsure if there is substantial risk of harm, you can consult with child welfare staff.</p>

¹Based on 1998 Oregon Domestic Violence Needs Assessment

<p>An ineligible non-citizen must have eligible children to get TA-DVS or TANF when fleeing domestic violence.</p>	<p>When a client is at risk of domestic violence we can waive both TANF and TA-DVS citizenship requirements for the victim and children <u>for as long as there is a safety concern</u>. Remember, risk of returning to the abusers constitutes an on-going safety concern.</p>
<p>Since TA-DVS is about helping someone be safe, we can disapprove a payment if it is not safety related.</p>	<p>To be eligible for TA-DVS a person must have a safety concern; this does not mean that every payment under the program must lead to safety. The program allows us to replace household and personal items that a person leaves behind when fleeing. It also allows us to pay utilities and other housing related items, as well as items that may increase the victim's safety.</p>
<p>When the abuser leaves, we cannot pay TA-DVS for a survivor to stay in the same house where she had lived with the abuser.</p>	<p>We can help someone stay in the same house. We may help with housing costs, utilities, replacing locks, etc., depending on the needs of the client. We do not want to punish the survivor by making her move, unless she thinks that is the best way to be safe. The survivor is the best judge of what is safe.</p>
<p>If a client does not have the means to pay next month's rent, we should deny TA-DVS like we do in Emergency Assistance (EA) cases.</p>	<p>As part of good case management, we would discuss with a client how they planned to pay next month's rent and make sure they knew what options were or were not available. We can not deny payment solely because they do not, today, have a way to pay next month's rent. There is no rule that would support the denial.</p> <p>We do want to let the client know program limitations. For example, for TA-DVS, once the \$1200.00 is used, it can not be accessed again within the 90 day eligibility period. In addition, to be eligible for a subsequent 90 day eligibility period, a person would need to meet eligibility factors including income and safety concerns. We would not base eligibility on the safety concern for the current or past eligibility period, unless a current risk is assessed.</p>
<p>Since domestic violence is between intimate partners, we could not help someone who is being hurt by a family member.</p>	<p>Our definition of domestic violence is broader than many other definitions of domestic violence. Our definition includes violence between intimate partners, household members and family members. It includes verbal abuse, coercive behavior and emotional abuse, as well as physical and sexual abuse. We can use TA-DVS funds to help someone be safe from an abusive family member or household member.</p>

<p>If the victim is living in the house with the abuser, we could not issue TA-DVS.</p>	<p>If the victim intends to remain with the abuser, we would not issue TA-DVS. (We would offer other services including referral to a DV service provider) Remember though, the victim may be trying to get things in order to prepare to leave. We can issue a payment (i.e. to a landlord or to move) when a victim is still in the household with the abuser, but is trying to set things up to leave.</p>
<p>We can start a new 90 day period within the current 90 day period if a new safety concern arises.</p>	<p>We do not waive the 90 day TA-DVS eligibility period. Once the 90 days are up we can start a new 90 day period if the client applies and is found eligible for TA-DVS again. If we utilize the full \$1200.00 and a safety issue arises within the 90 day period we can use JOBS fund to address the safety issues.</p>
<p>We use the TANF income standard for TA-DVS, so if a client has income above the standard we deny the payment.</p>	<p>TA-DVS does use the TANF income standard with one important difference. Only income that is immediately available is counted. In addition, we do not count income that is controlled by the abuser or income that is being used to flee domestic violence.</p> <p>We can use income that the client receives within the 90 day eligibility period to meet part of the clients need.</p>
<p>The policy for TA-DVS is so general that we should never deny TA-DVS or a payment under TA-DVS.</p>	<p>There are times that TA-DVS or a payment under TA-DVS is appropriately denied. In Hearings the agency has been upheld in denials when the client has had no safety concern from domestic violence. In two of the cases, homelessness was the issue. The client had been evicted for non-payment of rent, though the client met our definition of domestic violence, the client said they'd had no safety concern from the abuser. In another case of denial that was upheld in Hearing, we denied a rent payment because the client did not use community resources available to meet her safety concerns (i.e. housing).</p> <p>Payments can be denied if they are over the \$1200.00 or if the clients needs can be met in another way, i.e. through community resources. Remember, though, when someone is in immediate danger or in crisis, it is not the time to negotiate. Negotiation and looking for community resources are things we'd ask the client to do after the client was out of immediate danger.</p>

<p>A client must complete the 415F application before we give them TA-DVS.</p>	<p>TA-DVS rules allow clients to make application by phone, by fax or in writing. If a client requests assistance over the phone we must make an eligibility decision and give an appropriate notice (either approval or denial (456 or 456DV)). Remember for TA-DVS we have 8 working hours to determine eligibility.</p> <p>In addition, if we fail to give notice, the client still has a right to an expedited hearing.</p>
<p>Both my clients were arrested for domestic violence so I should deny TA-DVS.</p>	<p>This scenario can be particularly difficult to deal with. In Oregon we have a 30% mutual arrest rate. It is not our job to determine who the perpetrator is, we also do not want to “reward” the abuser. We do want to look at the safety of the child/children. Victims can be arrested for self defense and abusers may injure themselves to try to lay blame on the victim. Given, this possibility, we can issue TA-DVS to someone who was arrested for domestic violence if they identify a safety concern and meet other eligibility requirements. It is the responsibility of the judicial system to sort out the facts of the case.</p>
<p>Clients come in every 90 days to get TA-DVS and we always give them \$1200.00.</p>	<p>In a review of over 5000 TA-DVS cases, over a 9 month period, 95% of the cases only accessed TA-DVS once; 3.9% accessed it twice and less than 1% received it a third time. The average payment per case was \$829.00.</p> <p>Payments under TA-DVS should be made, whenever possible, using the dual payee process. This means that we pay landlords or other service providers directly and do not give the money directly to the client.</p>