

Writing Overpayments in TA-DVS or TANF Domestic Violence Cases - General guidance

The first priority in any work with victims of domestic violence is their safety. The Federal Family Violence Option allows us in TANF (TA-DVS is funded under TANF) cases to waive requirements that would “make it more difficult for individuals receiving assistance under this part to escape domestic violence or unfairly penalize such individuals who are or have been victimized by such violence, or individuals who are at risk of further domestic violence.”

Intentional Program Violations:

In general overpayments in domestic violence cases should be pursued in cases where there was an intentional program violation and it is safe to pursue.

Agency Errors:

- Agency errors should not be pursued in TA-DVS cases.
- In a TANF case we would pursue agency error overpayments if: 1) DV was not a decision factor in the agency making the error (i.e. waived income that shouldn't have been due to DV); or 2) if pursuing the overpayment would put the client at risk of further/future domestic violence.

Client Errors:

- Unintentional client errors would not be pursued in TA-DVS.
- Client errors would be pursued in TANF cases, again, if the pursuit did not impact the clients risk of domestic violence or the client error was based on the effects of domestic violence. (e.g. The client failed to report the abuser was back in the home because of threats the abuser made or the client, impacted by DV, did not report information in a timely manner.)

Questions that may help in determining whether to pursue an overpayment:

Both TANF & TA-DVS:

- Did the client (victim) act as a result of coercion by the abuser? (i.e. the abuser threatened harm if the client reported information to the department)

- Are there safety implications in pursuing an overpayment? (i.e. The abuser is also named on the overpayment and would then, through the overpayment process, gain knowledge of the victims whereabouts)
- In unreported income, was the income controlled by the abuser, was the income available, and/or did the client use the money to help flee domestic violence or stay safe from domestic violence?
- Would pursuing an overpayment or IPV put the client at greater risk of domestic violence? (In these cases, consultation with DV services providers; the DV program analyst is Central office and branch staff may be appropriate.)

Specific to TA-DVS:

- Did the client (victim) use the money they were eligible for to meet a safety or stabilization need that would have been covered under TA-DVS anyway? (i.e. Didn't use the money to move as agreed to, but did use the money to help herself stay safe where she lives by buying locks or paying a past due phone bill so her phone is available to make emergency calls)
- If unreported income, was the income "immediately" available when the client applied for TA-DVS? (i.e. Though income received during the 90 day eligibility period can be used to off set how much the agency pays, eligibility is based on immediately available income)