

**STORAGE NAME:** h3391a.cfe  
**DATE:** March 16, 1998

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
CHILDREN AND FAMILY EMPOWERMENT  
BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

**BILL #:** HB 3391

**RELATING TO:** Protection/Public Assistance Victims

**SPONSOR(S):** Representatives Turnbull, Merchant, Boyd, Tamargo, Bullard, Brennan, Dawson-White, Dennis, Chestnut, Heyman, Bloom, Frankel, Greene

**COMPANION BILL(S):** Similar SB 1984

**ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:**

- (1) CHILDREN AND FAMILY EMPOWERMENT
- (2) FAMILY LAW & CHILDREN
- (3) CRIME & PUNISHMENT
- (4) HEALTH & HUMAN SERVICES APPROPRIATIONS
- (5)

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**I. SUMMARY:**

This bill provides for the state to adopt components of the Family Violence Option of section 602(a)(7) of the Social Security Act to protect individuals who are past or present victims of domestic violence and are in need of assistance through the Work and Gain Economic Self-Sufficiency (WAGES) program.

This bill also provides for the adoption of the Battered Immigrant's Option by providing temporary cash assistance, Title XX social services and Medicaid to immigrants authorized under 8 U.S.C. 1612.

Program requirements that might be waived based on the bill include:

- work requirements, for a specific period of time;
- paternity establishment and Child Support Enforcement cooperation requirements;
- family cap provisions;
- limitations on Temporary Assistance to Needy Families (TANF) assistance to noncitizens;

The bill provides the opportunity for a hardship extension, allowing a three-year period (rather than the typical two years) in continuous episode of benefits but makes no change to the four-year lifetime benefit limit.

The fiscal impact of the bill is unknown because data on victims of domestic violence who are participants in WAGES are not available.

II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

**Federal Statutory Provisions for Exemptions from Welfare Requirements**

Under the Family Violence Option (known as the Wellstone/Murray amendment) in Temporary Assistance to Needy Families [TANF], a state has the option of establishing and enforcing standards and procedures to screen and identify recipients who are victims or survivors of family violence, to refer such individuals to counseling and supportive services, and to waive program requirements where compliance with the requirements would unfairly penalize such individuals or make it more difficult for them to escape family violence.

Current policy (42 USC § 608) allows a state to waive other program requirements such as time limits, residency requirements, child support cooperation requirements, and family cap provisions, pursuant to determination of good cause, in cases where compliance with such requirements would make it more difficult for individuals receiving assistance to escape domestic violence or unfairly penalize current victims or individuals at risk of domestic violence.

**State Adoption of Federal Provisions**

The following chart presents family violence provisions that states included in their state plans as of February 20, 1998, according to NCSL. States are permitted to amend their plans after submission, and states may have covered these provisions through welfare waivers.

<b>Issue</b>	<b>States</b>
<b>Exemptions</b>	
Time limit	Arizona, Arkansas, Colorado, Delaware, Georgia, Kentucky, Maryland, Massachusetts, Minnesota, New Jersey, Tennessee, Utah, Washington, West Virginia
Child support cooperation	Alabama, Arizona, Colorado, Connecticut, Delaware, Georgia, Kentucky, Massachusetts, New Jersey, New York, Tennessee, Utah, West Virginia
Work requirements	Arizona, Arkansas, Colorado, Connecticut, Kentucky, Maine, Minnesota, Mississippi, New Jersey, New York, Tennessee, Utah, West Virginia
Family cap	Colorado, Georgia, Massachusetts, New Jersey, Tennessee
Residency	Colorado, Georgia, Kentucky, New Jersey, New York, Tennessee
<b>Services</b>	

Screening at application	<b>Arizona, Delaware, Georgia, Illinois, Kentucky, Maryland, Minnesota, Montana, Nevada, New Jersey, New York, North Dakota, Tennessee, Utah, West Virginia</b>
Referral to counseling/services	<b>Arizona, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Minnesota, Nevada, New Jersey, New York, North Dakota, Tennessee, Utah, West Virginia</b>
Special caseworker training	<b>Arkansas, Connecticut (optional), Kentucky</b>
<b>Other</b>	
Provisions under consideration	<b>Iowa, Massachusetts (screening)</b>
No known provision	<b>Kansas, Louisiana, Michigan, Missouri, Nebraska, New Hampshire, New Mexico, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Texas, Vermont, Virginia, Wisconsin, Wyoming</b>
Details on exemptions not known	<b>Montana</b>

**National Research on Domestic Violence**

The following chart documents research showing a strong relationship between domestic violence and the receipt of welfare. Women who attempted acts of independence such as seeking education, work, or separation from their partners were even more prone to abuse.

<b>Study</b>	<b>Current Physical Abuse</b>	<b>Abuse ever in life as adults</b>	<b>Evidence of spousal opposition to independence</b>
Passaic County (846 AFDC recipients in a welfare to work program)	14.6%	57.3%	12.9% of the entire sample and 39% of those current abuse victims, reported that their partner actively prevents their participation in education and training.
University of Massachusetts (734 women in the Mass. welfare caseload)	19.5%	64.9%	Abused women in the sample were 15 times more likely (15.5% as compared with 1.6%) than women who were never abused to have a partner who would not like them going to school or work.

Better Homes Fund (436 women - the majority of these women were receiving AFDC)	32.0%	61.0%	Women who reported more than one stay on AFDC were more likely to have worked in the past year and were more likely to have experienced violence than were continuous users. This finding underpins the argument that violence and its secondary effects may play a significant role in women's ability to remain off welfare.
Northwestern University (824 women in one low-income neighborhood of Chicago)	19.5%	33.8% (severe violence)	Of the 637 women who responded to items measuring abuse in past, 8% of the sample reported that their partner prevented them from going to school or work. Women whose partners prevented their working or threatened their children were significantly more likely to be unemployed.

Pearson and Griswold (1997) delineate further evidence supporting the argument that violence is often a result of acts of independence by the woman:

- The U.S. Department of Justice reports that up to three-quarters of the domestic assaults reported to law enforcement occurred after the woman separated from her partner.
- Over half of all male defendants in spousal abuse homicide cases were separated from their victims at the time of the murder.
- Furthermore, divorced and separated women report being physically abused 14 times as often as women living with their partners.

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The Florida Coalition Against Domestic Violence states "Abusers frequently interfere victims' efforts at self-improvement, and may use such tactics to sabotage participation in welfare to work requirements" and "Cooperation with paternity investigations may put a victim of domestic violence at greater risk from an abusive partner."

### **Prevalence of Domestic Violence in Florida**

In 1996, more than 130,000 incidents of domestic violence were reported to the Florida Department of Law Enforcement and 14,833 women and children in Florida sought temporary shelter in certified domestic violence shelters. Shelters tend to be the option of last resort and probably serve those most likely to need temporary cash assistance.

### **Previous legislative activity regarding exemptions for victims of domestic violence**

HB 739 was withdrawn from consideration by the 1997 Legislature at the request of the WAGES State Board of Directors so that the board would have an opportunity to determine what provisions should be implemented and which provisions require Legislative action. HB 3991 implements the recommendations of the board and of the Governor's Task Force on Domestic and Sexual Violence.

**B. EFFECT OF PROPOSED CHANGES:**

This bill provides for the state to adopt components of the Family Violence Option of section 602(a)(7) of the Social Security Act to protect individuals who are past or present victims of domestic violence and are in need of assistance through the Work and Gain Economic Self-Sufficiency (WAGES) program.

This bill also provides for the adoption of the Battered Immigrant's Option by providing temporary cash assistance, Title XX social services and Medicaid to immigrants authorized under Title 8, section 1612 of the United States Code.

Program requirements that might be waived based on the bill include:

- work requirements, for a specific period of time;
- paternity establishment and Child Support Enforcement cooperation requirements;
- family cap provisions;
- limitations on Temporary Assistance to Needy Families (TANF) assistance to noncitizens

The bill provides the opportunity for a hardship extension, allowing a three-year period (rather than the typical two years) in continuous episode of benefits but makes no change to the four-year lifetime benefit limit. The bill also provides for WAGES participants to receive information regarding services available from certified domestic violence centers.

**C. APPLICATION OF PRINCIPLES:**

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

No

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

No

(3) any entitlement to a government service or benefit?

The bill allows an exemption to work requirements, reduction in benefits for additional children born to a family on welfare, and required participation in paternity determination, expands eligibility for certain noncitizens, and

allows up to three years of continuous benefits for good cause related to domestic violence.

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

Not Applicable

(2) what is the cost of such responsibility at the new level/agency?

Not Applicable

(3) how is the new agency accountable to the people governed?

Not Applicable

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

No

b. Does the bill require or authorize an increase in any fees?

No

c. Does the bill reduce total taxes, both rates and revenues?

No

d. Does the bill reduce total fees, both rates and revenues?

No

e. Does the bill authorize any fee or tax increase by any local government?

No

3. Personal Responsibility:

a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

No

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

No

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

No

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

- (1) Who evaluates the family's needs?

Department of Children and Family Services.

- (2) Who makes the decisions?

Department of Children and Family Services.

- (3) Are private alternatives permitted?

Not Applicable

- (4) Are families required to participate in a program?

No

- (5) Are families penalized for not participating in a program?

No

- b. Does the bill directly affect the legal rights and obligations between family members?

The bill assists victims of domestic violence in escaping from domestic violence.

- c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

No

(2) service providers?

No

(3) government employees/agencies?

No

**D. STATUTE(S) AFFECTED:**

Sections 414.0252, 414.065, 414.20, 414.095, 414.105, and 414.115 F.S.

**E. SECTION-BY-SECTION RESEARCH:**

**Section 1** amends Section 414.0252, F.S., related to definitions for the WAGES program, to add definitions related to domestic violence.

**Section 2** amends Section 414.065, F.S., related to work requirements for WAGES clients, to exempt from noncompliance penalties those who do not comply because of attempts to avoid domestic violence or as a result of treatment or remediation of past effects of domestic violence.

**Section 3** reenacts Section 414.20, F.S., related to other support services for WAGES clients, to provide for incorporation of new provisions in Section 414.065, F.S., in order to provide services to victims of domestic violence.

**Section 4** amends Section 414.095, F.S., relating to determining eligibility for the WAGES program, to make special provisions for victims of domestic violence, as follows:

- ◆ provide benefits to non-citizen victims of domestic violence,
- ◆ provide information regarding services available for victims of domestic violence, and
- ◆ exempt from penalty a parent or caretaker relative who for good cause fails to cooperate with enforcement of a support order due to risk of domestic violence.

**Section 5** amends Section 414.105, F.S., related to time limitations on temporary cash assistance, to provide the opportunity for a hardship extension, allowing a three-year period (rather than the typical two years) in continuous episode of benefits.

**Section 6** amends Section 414.115, F.S., related to limited cash assistance for children born to families already receiving temporary cash assistance, to exempt the family from reduced benefits when an incident of rape, incest, or sexual exploitation has not been reported in a timely manner due to risk of further domestic violence.

**Section 7** provides an effective date of October 1 of the year in which the bill is enacted.

III. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

Unknown, see fiscal comments.

2. Recurring Effects:

Unknown, see fiscal comments.

3. Long Run Effects Other Than Normal Growth:

Unknown, see fiscal comments.

4. Total Revenues and Expenditures:

Unknown, see fiscal comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

Unknown, see fiscal comments.

2. Recurring Effects:

Unknown, see fiscal comments.

3. Long Run Effects Other Than Normal Growth:

Unknown, see fiscal comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None

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2. Direct Private Sector Benefits:

None

3. Effects on Competition, Private Enterprise and Employment Markets:

N/A

D. FISCAL COMMENTS:

The bill changes eligibility and activity requirements of WAGES participants. A modest increase in expenditures on WAGES could be anticipated because of increased eligibility for a limited number of noncitizens. The increase is expected to be minimal because the Immigration and Naturalization Service estimates only 200 women per month apply for assistance under the Violence Against Women Act nationally. However, the bill would probably result in a modest reduction in costs in the criminal justice system related to domestic violence. The total number of WAGES recipients who would need to make use of the provisions of the bill is unknown.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds.

V. COMMENTS:

None

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

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VII. SIGNATURES:

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