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DATE: March 27, 1997

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

BILL #: HB 739

RELATING TO: Protection of victims who apply for or receive public assistance

SPONSOR(S): Representatives Turnbull, Fischer, Dawson-White, Murman, Wasserman-Schultz, Jacobs, Dennis, Brennan, Chestnut

STATUTE(S) AFFECTED: CHAPTER 414, FLORIDA STATUTES

COMPANION BILL(S): None

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

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

I. SUMMARY:

This bill provides for the state to adopt the Family Violence Option at section 402(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.

The department is charged with identifying applicants and recipients of temporary assistance who have been victims of domestic violence or are at risk of further domestic violence. These individuals are to be referred for counseling and supportive services. The department is charged with waiving any program requirements that would impair these individuals' ability to escape domestic violence or penalize past or present victims.

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 section 402(b)(1) of the Social Security Act, as amended by the Illegal Immigration Reform and Immigrant Responsibility Act, P.L. 104-208 n501.

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

- time limits on receipt of assistance;
- work requirements;
- paternity establishment and Child Support Enforcement cooperation requirements;
- residency requirements;
- family cap provisions;
- limitations on emergency assistance;
- limitations on Temporary Assistance to Needy Families (TANF) assistance to noncitizens; or
- any penalty or sanction, including reduction or termination of assistance, for failure to comply with program requirements.

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 ANALYSIS:

A. PRESENT SITUATION:

Current policy provides for exceptions to cooperation with Child Support Enforcement in establishing paternity, locating the non-custodial parent, and enforcing support orders when the custodial parent or child is in danger of domestic violence by the non-custodial parent.

Last year 13,677 unduplicated women and children 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.

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.

The following chart presents family violence provisions that states included in their state plans as of February 19, 1997, according to the Children's Defense Fund. States are permitted to amend their plans after submission, and many states may have covered these provisions through welfare waivers.

States that appear to have opted into the TANF family violence provisions

| | |
|---------------|----------------|
| Delaware | Montana |
| Georgia | North Carolina |
| Kentucky | Utah |
| Maryland | Washington |
| Massachusetts | West Virginia |
| Missouri | |

New Hampshire: will opt into the TANF family violence provisions, including an express mention that the state will provide exemptions from the lifetime limit on benefits to recipients who have a history of family violence.

States with some provisions

Alabama: Individuals at imminent risk of family violence are temporarily exempt from the work requirements. However, the state plan does not address whether Alabama will formally opt into all the TANF family violence provisions.

Indiana: states that referral of family violence victims to counseling and support services is consistent with its welfare program. However, the state plan does not address whether Indiana will formally opt into all the TANF family violence provisions.

Iowa: states that referral of family violence victims to counseling and support services is consistent with its welfare program.

Michigan: Domestic violence victims may be exempt from mandatory participation in work programs. Michigan will determine at a later date whether to formally opt into all the TANF family violence provisions.

Mississippi: Family violence victims will be referred to various services, and may be exempt from work participation and child support enforcement. However, the state plan does not address whether Mississippi will formally opt into all the TANF family violence provisions.

Nebraska: will continue to offer services to recipients who have a history of family violence. However, the state plan does not address whether Nebraska will formally opt into all the TANF family violence provisions.

Nevada: will undertake efforts to educate the public and judicial and law enforcement personnel about physical violence and sexual assault. However, the state plan does not address whether Nevada will formally opt into all the TANF family violence provisions.

South Dakota: Good cause for failure to participate in a work program may be granted to a recipient who is required to appear in court, is being battered, or is subject to extreme cruelty. However, the state plan does not address whether South Dakota will formally opt into all the TANF family violence provisions.

Tennessee: Family violence victims are excused from work activities when at risk of endangerment, and will be encouraged to seek counseling and other services. However, the state plan does not address whether Tennessee will formally opt into all the TANF family violence provisions.

Under consideration

Connecticut: may provide six month extensions beyond the 21-month lifetime limit on benefits to recipients who are victims of family violence. However, the state plan does not address whether Connecticut will formally opt into all the TANF family violence provisions.

D.C.: Family violence victims may be exempt from lifetime limit on benefits.

Iowa: is currently considering whether to formally opt into all the TANF family violence provisions.

No information or not addressed in state plan

| | | |
|------------|----------------|------------|
| Arizona | New York | Virginia |
| California | Ohio | Wisconsin |
| Kansas | South Carolina | New Jersey |
| Louisiana | Texas | |
| Maine | Vermont | |

Will not opt into the TANF family violence provisions

Oklahoma: The plan states that at this time, Oklahoma will not opt into the TANF family violence provisions.

Oregon: The plan states that at this time, Oregon will not opt into the TANF family violence provisions.

Wyoming: The plan states that it will not screen recipients for a history of family violence.

B. EFFECT OF PROPOSED CHANGES:

This bill provides for the state to adopt the Family Violence Option at section 402(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.

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

- time limits on receipt of assistance;
- work requirements;
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- residency requirements;

- family cap provisions;
- limitations on emergency assistance;
- limitations on Temporary Assistance to Needy Families (TANF) assistance to noncitizens; or
- any penalty or sanction, including reduction or termination of assistance, for failure to comply with program requirements.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

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

i. *Any authority to make rules or adjudicate disputes?*

No

ii. *Any new responsibilities, obligations or work for other governmental or private organizations or individuals?*

No

iii. *Any entitlement to a government service or benefit?*

The bill could potentially remove any restriction, limitation, or program requirement that would otherwise be place on a recipient of temporary assistance.

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

i. *What responsibilities, costs and powers are passed on to another program, agency, level or government, or private entity?*

Not Applicable.

ii. *What is the cost of such responsibility at the new level/agency?*

Not Applicable.

iii. *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:

- i. *Who evaluates the family's needs?*

Department of Children and Families.

- ii. *Who makes the decisions?*

Department of Children and Families.

- iii. *Are private alternatives permitted?*

Not Applicable.

iv. *Are families required to participate in a program?*

No.

v. *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:*

i. *Parents and guardians?*

No.

ii. *Services providers?*

No.

iii. *Government employees/agencies?*

Department of Children and Families.

D. SECTION-BY-SECTION ANALYSIS:

Section 1 states legislative findings relate to the dilemmas of the victims of spouse abuse, adopts the Family Violence Option at section 402(a)(7) of the Social Security Act, and charges the Department of Children and Family Services to identify victims of domestic violence, refer these individuals to counseling and support services, and waive based on a determination of good cause, any program requirements that would impair their ability to escape domestic violence or penalize them due to circumstances related to their abuse.

Section 2 adopts the Battered Immigrant's Option by providing temporary cash assistance, Title XX social services and Medicaid to immigrants authorized under section 402(b)(1) of the Social Security Act, as amended by the Illegal Immigration Reform and Immigrant Responsibility Act, P.L. 104-208 n501.

Section 3 provides an effective date of October 1, 1997.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

Unknown.

2. Recurring Effects:

Unknown.

3. Long Run Effects Other Than Normal Growth:

Unknown.

4. Total Revenues and Expenditures:

Unknown.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

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

2. Recurring Effects:

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

3. Long Run Effects Other Than Normal Growth:

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

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None.

2. Direct Private Sector Benefits:

None.

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

None.

D. FISCAL COMMENTS:

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

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:

The bill provides broad waivers but few guidelines on implementation or criteria for qualification for the waivers.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

VII. SIGNATURES:

COMMITTEE ON CHILDREN AND FAMILY EMPOWERMENT:

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