



**Testimony for Public Roundtable on the Exemption of Domestic Violence Survivors from
the Temporary Assistance for Needy Families Time Limit**

**District of Columbia Council Committee on Human Services
June 11, 2013, 11:00 a.m.
Room 123**

**Tianna Gibbs
Staff Attorney, Family Unit**

**Westra Miller
Staff Attorney, Public Benefits Unit
Legal Aid Society of the District of Columbia¹**

The Legal Aid Society of the District of Columbia applauds the Council for recognizing the hardships faced by some of the District's most vulnerable families in its Fiscal Year 2014 budget. The budget, as approved by the Council on May 22, funds much-needed exemptions from the District's 60-month lifetime limit on the receipt of Temporary Assistance for Needy Families (TANF) benefits. We testify today to reiterate our strong support for these exemptions. We thank Chairman Graham for his ongoing leadership in the efforts to improve the TANF program and for providing us with the opportunity to again share our views on this critical issue.

Legal Aid has long opposed time-limiting TANF benefits for any reason. However, if the District must impose a time limit, it should ensure that the time limit does not unfairly harm parents who face significant barriers to getting off TANF. Last year, as part of the Fiscal Year 2013 Budget Support Act, the Council passed legislation that would have allowed certain exemptions to the 60-month time limit for families experiencing recognized situations that prevent employment.² Unfortunately, these provisions were contingent on funding that was unavailable and, therefore, they were not implemented. This year, the Council has taken up this unfinished work, including the TANF exemptions funding in its first budget vote.³ **We now ask**

¹ The Legal Aid Society of the District of Columbia was formed in 1932 to "provide legal aid and counsel to indigent persons in civil law matters and to encourage measures by which the law may better protect and serve their needs." For more than 80 years, Legal Aid staff and volunteers have served tens of thousands of the District's neediest residents. Legal Aid has been practicing in the area of public benefits for a number of years, representing clients with TANF, SNAP, and Medicaid cases.

² The Temporary Assistance for Needy Families Time Limit Amendment Act of 2012, passed in June 2012, created TANF time limit exemptions for the following groups: parents needed at home to care for a physically or mentally incapacitated family member, certain victims of domestic violence, pregnant or parenting teens, and single parents caring for a child under 12 months. *See* Temporary Assistance for Needy Families Time Limit Amendment Act of 2012, Council Period 20, § 5162 (2012). Extensions were also created for seniors 60 years old or older and parents enrolled in a postsecondary or job training program. *See id.*

³ The Fiscal Year 2014 Budget Request Act of 2013 and the Fiscal Year 2014 Budget Support Act of 2013 would adopt and fund the Temporary Assistance for Needy Families Time Limit Amendment Act to help families caring for a child with a physical or mental disability, victims of domestic violence, families where the adult is elderly,

the Council to ensure that implementation can occur by finalizing the exemptions at its June 18 budget vote.

As this testimony highlights, exemptions are desperately needed in the District to protect families in crisis. Furthermore, the exemptions already passed by the Council are the result of many months of deliberation and collaboration among various groups and are the appropriate policy to help TANF parents facing barriers to employment.

I. The Exemptions Passed by the Council Are Necessary to Protect Vulnerable District Families.

Exemptions from the TANF time limit are necessary to protect vulnerable District families. Legal Aid has long advocated that TANF families experiencing significant barriers to employment should be permitted to “stop the clock” that limits their receipt of TANF benefits during the months that they are addressing those barriers. We are pleased that the Council has agreed and intends to fund exemptions for Fiscal Year 2014.

Today, we ask the Council to ensure that an exemption for survivors of domestic violence is included when the budget legislation is finalized on June 18. The District is well aware of the hardships faced by families experiencing domestic violence. The Department of Human Services (DHS) already exempts these families from the TANF work requirements—recognizing that many parents are not able to look for work while also managing the repercussions of the violence experienced by themselves or a family member. Legal Aid’s family law attorneys have represented hundreds of clients seeking temporary and permanent protection orders from their abusers. For our clients with children, TANF funds are often the sole source of income available after the parent leaves the abuser. One client, who had previously been her family’s stay-at-home caregiver, found herself without any income or resources after separating from her abusive husband. She obtained child support as part of her Civil Protection Order, but her husband failed to make payments, which forced the client to apply for TANF to provide for her children and avoid returning to her abuser. For someone in her situation, it can take many months to develop the stability (e.g., permanent, affordable housing), support system (e.g., childcare), and wherewithal necessary to begin a job training program or start searching for employment. It is during this painful time that TANF can best serve as a safety net resource.

As the above example illustrates, TANF families who have experienced domestic violence often face unique obstacles to seeking, obtaining, and keeping employment. These families need time to plan for their own safety, which can sometimes mean finding new housing, enrolling their children in a new school, or making extra trips to the doctor or therapist’s office. A few additional months on TANF without the pressures of a time limit could make the difference between a parent deciding to leave an abusive partner or stay. Research indicates that victims of domestic violence who reach the maximum TANF time limit are more likely to return to the perpetrator of the abuse.⁴ The inclusion of funding for TANF exemptions in the Council’s

families in which the parent is a minor, and families in which the parent is enrolled in an approved training or GED program.

⁴ Scott E., London A., and Myers, N. 2002. “Dangerous Dependencies: The Intersection of Welfare Reform and Domestic Violence.” *Gender and Society* 16: 876-898 at 882.w

first budget vote clearly indicates that the Council recognizes and understands the hardships faced by domestic violence survivors. We urge the Council to stand by its vote to create and fund a TANF exemption for domestic violence survivors.

II. The Exemptions in Place Are the Appropriate Policy and Are the Result of a Multi-Year Conversation Between the Administration, the Council, and the Community.

An exemption to the TANF time limit for domestic violence survivors is an appropriate policy because it acknowledges the difficult situations faced by these families. Moreover, the implementation of this policy brings the District in line with the majority of states. Research by the D.C. Fiscal Policy Institute (DCFPI) reveals that 43 states provide protections from the TANF time limit for domestic violence survivors.⁵ Despite this fact and the Council's multiple statements of support for a domestic violence exemption, the Administration appears to withhold its support by questioning whether an exemption is appropriate and whether there has been sufficient discussion of the issue.

Administration staff have suggested that an *extension* rather than an exemption to the time limit would be preferable. However, an extension would result in unjust and inequitable treatment of similarly situated TANF recipients. If domestic violence survivors were allowed access to only an extension, a survivor who experienced abuse just as she began receiving TANF would be treated differently than a survivor who was experiencing abuse at the end of the 60-month time limit. Under this model, the long-term TANF parent would be eligible for extra help, but the parent new to TANF would not; this would be true even if the long-term TANF parent ultimately had more time over the 60 months of benefit receipt to address the safety and recovery needs of herself and her family than the new TANF parent. Families experiencing similar situations should have access to similar resources. An exemption is a tool that can and should be applied equitably to any TANF family who qualifies for it. Indeed, the federal government recognizes this fact by *explicitly* allowing states to exempt domestic violence survivors from the federal 60-month time limit.⁶

Further, the Administration suggests that the domestic violence exemption is a new policy proposal. However, as the members of this Committee are aware, this exemption (as well as the others to be funded) has long been discussed both with the Council and the Administration. Last year, a special hearing was held on this issue. Chairman Graham successfully co-sponsored legislation creating exemptions, which was passed into law in June 2012. Given this history, further deliberation is not needed. The Council has voted twice in support of exemptions and should do so again on June 18.

⁵ Center on Budget and Policy Priorities, TANF Time Limits: Key Facts and Talking Points (undated).

⁶ 45 C.F.R. § 264.1(c)(2).

III. Conclusion.

With the creation of and funding for exemptions to the TANF time limit, including the domestic violence exemption, DHS can improve on the work it is already doing to identify the parents who are ready to work and provide extra help to those who are not. TANF is an essential support for the District's most vulnerable families, especially families in crisis. As the District implements positive changes that would improve TANF recipients' chances of becoming economically self-sufficient, we must also ensure that the struggles of families with severe barriers to employment are not overlooked. We urge the Council to continue its full support of exemptions to the TANF time limit.