



FAMILY VIOLENCE OPTION

State By State Summary

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The following chart summarizes implementation of the Family Violence Option, or FVO, in the 50 states and the District of Columbia, current as of July 2004. In 1996, under Title I of the Personal Responsibility and Work Opportunity Reconciliation Act, the Temporary Assistance for Needy Families (TANF) program replaced the former Aid to Families with Dependent Children program, giving the states a great deal of discretion in administering their welfare programs. One of the federal options permitted under TANF is the FVO, designed to allow states greater flexibility in waiving requirements and providing services to victims of domestic violence who need welfare assistance. 42 U.S.C. § 602(a)(7); 45 C.F.R. § 260.50 et seq.

Attached is a brief description of the federal FVO, accompanied by a state-by-state chart that indicates whether the state has chosen to adopt the FVO, and, if so, how they have chosen to implement it. Since 1996, a majority of states (41) plus the District of Columbia have adopted the FVO as part of their welfare law (42 total).¹ Other states (6) have equivalent policies that enable violence victims to get waivers from some or all TANF requirements.² However, three states have no FVO equivalent policies.³

Please contact Sherry Leiwant with questions or to provide relevant information, citations and updates. This outline will be available through our website, at <http://www.legalmomentum.org>. Analyses of FVO implementation in several states have been undertaken, providing facts and insights as to how the FVO is working, and how it can better help families escape poverty and violence. In addition, Legal Momentum has written fact sheets on how domestic violence victims can receive additional time on TANF in six states.⁴

¹ Note that nineteen states (AL, DE, HI, IL, IN, KS, KY, MD, MA, MO, MT, NE, NH, NC, SC, TN, WA, WV, WI) have adopted the FVO through administrative and not legislative action; all others included the FVO in their state statutes: AK, AZ, AR, CA, CO, DC, FL, GA, IA, LA, MN, NV, NJ, NM, NY, ND, OR, PA, RI, TX, UT, VT, WY.

² Connecticut, Maine, Michigan, Mississippi, Ohio, South Dakota.

³ Idaho, Oklahoma, Virginia.

⁴ California, Massachusetts, New Jersey, New York, Texas, Washington.

Contact Legal Momentum for more information. This survey was prepared with the assistance of Sophia Hudson and Laurie Tiberi, legal interns, and was based upon research conducted by Marcellene Hearn.

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Federal Law Permits FVO Adoption at States' Option

The Family Violence Option of the federal welfare legislation allows states to waive certain requirements for individuals receiving public assistance who are victims of family violence. States who adopt the FVO may waive “pursuant to a determination of good cause, [] program requirements such as time limits (for so long as necessary) for individuals receiving assistance, residency requirements, child support cooperation requirements, and family cap provisions.” 42 U.S.C. § 602(a)(7)(A)(iii). Adoption is optional, and implementation is flexible: policies vary widely among states that have adopted the FVO. The following chart notes that a state has adopted the FVO when the state has certified in its TANF plan that it has chosen to do so or when the state’s statutes or administrative regulations incorporate the federal FVO language. The chart also lists which requirements may be waived in each state.

Sources of information

State statutes, administrative regulations, TANF plans and conversations with state welfare office officials.

Standard for Grant of Waivers

The federal standard for the grant of an FVO waiver from TANF requirements is “where compliance with such requirements 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.” 42 U.S.C. § 602(a)(7)(A)(iii). Some states have adopted the federal standard; others have put in place their own standards for waiving requirements.

Related Laws/Policies

A state may receive credit against its federally required work participation rates if the waivers it grants qualify as “federally recognized good cause waivers.” 45 C.F.R. § 260.55. Such waivers identify the program requirements that are waived, are granted based on need as determined by an individualized assessment by a person trained in domestic violence, are re-determined no less than every six months, and are accompanied by a domestic violence services plan. *Id.* However, a state may adopt the Family Violence Option and grant waivers that do not meet the federal requirements for good cause waivers. Those states do not get credit against their required work participation rates. Many states have other policies related to income benefits for domestic violence victims. For example, states may provide “nonrecurring, short term benefits” for up to four months that are “designed to deal with a specific crisis situation or episode of need.” 45 C.F.R. § 260.31. The chart indicates such policies where we are aware of them, but is by no means exhaustive.

Stranger or Acquaintance Violence Covered?

The federal definition of a victim of family violence is one who has been “battered or subject to extreme cruelty.” 608(a)(7)(C)(iii). The definition of “battered or subject to extreme cruelty” is *not* restricted to conduct by a family or household member, intimate partner or any other kind of perpetrator. 42 U.S.C. 608(a)(7)(c)(iii). Thus, it covers violence perpetrated by a stranger or acquaintance. Not all states have adopted the federal definition of domestic violence, and the chart makes note of which states have adopted the federal definition.

State	Adopted?	Source of information	Waivable Requirements	Standard for Grant of Waivers & Other Details	Related Laws and/or Policies	Stranger or Acquaintance Violence Covered?
Ala.	Yes.	Telephone interview with Gracey L. Martin, Ala. Dep't of Human Res. (July 2, 2004); Telephone Interview with Ala. Dep't of Human Res. (2001).	<ul style="list-style-type: none"> ▪ Time limits ▪ Work participation and job search ▪ Child support enforcement 	<ul style="list-style-type: none"> ▪ Universal screening for imminent danger of domestic violence or threat thereof by TANF, job program, food stamps, & Medicaid workers and referral to DV specialist stationed in county. DV specialist's assessment used to evaluate need for temporary waivers. ▪ Time limits: waiver available only when individual has reached 60 months. ▪ Child support enforcement: immediate danger of DV substitutes for good cause review. 	Special DV program (SAIL) provides financial assistance (with deposits, moving expenses, etc.) and services for up to four months to DV victims who have a child in the home under 19 and whose income is less than 300% of poverty. Also provides counseling. Participation not considered assistance for purposes of TANF time limits.	No.
Alaska	Yes.	Alaska Stat. § 47.27.015, 18.66.990 (Michie 2004); Alaska Admin. Code tit. 7, §§ 45.261, 45.250, (2004).	<ul style="list-style-type: none"> ▪ Time limits ▪ Work activity ▪ Child support enforcement 	<ul style="list-style-type: none"> ▪ Time limit: a person who the department has reasonable cause to believe is or recently has been the victim of DV and the well-being of the victim would be endangered by a strict application of the time limit. ▪ Work activity: participation would interfere with recipient or immediate family member's attempt to escape DV or its escalation. ▪ Child support: good cause if cooperation is anticipated to result in physical or emotional harm to the child or caretaker relative that would reduce the caretaker relative's ability to care for the child adequately. Documentary evidence accepted: statement from medical/mental health professional, representative of a child protection or social services agency, DV counselor, or representative of the court or a law enforcement agency. 		No.

Ariz.	Yes.	Ariz. Rev. Stat. §§ 46-101, 46-299, 46-244 (2004); Ariz. Admin. Code R6-10-106 (2004).	<ul style="list-style-type: none"> Work activities 	<ul style="list-style-type: none"> Work activities: waiver possible for up to 6 months upon identification and verification of DV if participation in work activities “may cause an immediate threat to the safety of the victim or the victim’s child.” Evidence: victim’s sworn statement acceptable if no other verification possible. 	Emergency assistance available if a person becomes homeless due to domestic violence. Ariz. Admin. Code R6-13-805 (2004).	Yes; federal definition.
Ark.	Yes.	Ark. Code Ann. §§ 20-76-402, 20-76-404, 20-76-410 (Michie 2003).	<ul style="list-style-type: none"> Time limit Work activities Child support enforcement 	<ul style="list-style-type: none"> Time limit & work activities: exemption from or deferral of 24-month time limit and work activities possible if an individual is unable to obtain employment/participate due directly to the effects of DV. Determination by case manager and reviewed by supervisor. No limit on length/number of deferrals/exemptions as long as criteria met. Child support: no penalty for non-cooperation if “good cause” exists. 		Unknown.
Calif.	Yes.	Cal. Wel. & Inst. Code §§ 11495.1-.25 (Deering 2004); Cal. Dep’t of Soc. Serv. Manual of Policy and Procedures § 42-701.2(d)(4) <i>at</i> www.dss.cahwnet.gov/ord/CDSSManual .	Any program requirement.	<ul style="list-style-type: none"> All program requirements: waiver possible where participation would be detrimental to or unfairly penalize individual. Evidence: sworn statement sufficient unless the agency documents in writing an independent, reasonable basis to find the recipient not credible. Evidence may also include police, court, legal, medical or other records, statements from domestic violence counselors or other individuals with knowledge of abuse. 	Participating in domestic violence services counts as a work activity. Cal. Wel. & Inst. Code § 11322.6 (Deering 2004).	No.
Colo.	Yes, but county option whether to grant waivers.	Colo. Rev. Stat. §§ 26-2-708, 26-2-716, 18-6-800.3 (2003); Colo. Dep’t of Human Serv., Colo. Works Family Violence Option, Agency Letter # TCW-01-17-I (September 19, 2001).	Any program requirement.	<ul style="list-style-type: none"> Universal screening and referral to DV services. Waiver possible from any program requirement that would make it more difficult for an applicant or a participant to escape DV or that would unfairly penalize such individuals who are or have been victimized by such violence or who are at risk of further violence. Time Limit: A participant that has exceeded the 60-month lifetime limit for assistance may apply for DV extensions for 6-month intervals. 	Recipients of DV extensions are required to complete an “individual responsibility contract” and follow its terms and conditions.	No.

Conn.	No, but some policies.	Conn. Gen. Stat. Ann. §§ 17b-112a-b (West 2003); State of Conn. TANF Plan 7-8 <i>at</i> http://www.dss.state.ct.us/pubs/2004TANFPlan.pdf (last accessed July 6, 2004).	<ul style="list-style-type: none"> ▪ Time limits ▪ Work activity ▪ Child support enforcement 	<ul style="list-style-type: none"> ▪ Time limit: Families experiencing DV may seek renewable 6-month extensions of the 21-month cash assistance time limit and similar extensions of the 60-month lifetime limit. ▪ Work activity & child support enforcement: waiver for an applicant or recipient who is a past or present victim of DV or at risk of further domestic violence if good cause. Good cause exists whenever a requirement would result in the inability or increased difficulty of an applicant or recipient to escape or prevent DV. 		Yes.
Del.	Yes.	Del. Code Regs. tit. 40 § 800-005.3010.2.2-3010.2.4 (Weil 2004).	Any program requirement.	<ul style="list-style-type: none"> ▪ Department of Social Services may waive requirements if compliance would “make it more difficult for the family to escape and/or remain safe from the violence.” Exemptions can be made for up to six months at a time, and multiple exemptions may be granted. ▪ Work activity & child support enforcement: waiver for an applicant or recipient who is a past or present victim of DV or at risk of further domestic violence if good cause. Good cause exists whenever a requirement would result in the inability or increased difficulty of an applicant or recipient to escape or prevent DV. 	DSS, recipient and DV agency must develop a joint plan for requirements to be waived.	No.

D.C.	Yes.	D.C. Code Ann. §§ 4-205.19b, 4-205.11a (2004); 49 D.C. Reg. 9508 (2002); 48 D.C. Reg. 10251 (2001); 47 D.C. Reg. 5615 (2000).	<ul style="list-style-type: none"> ▪ Time limits ▪ Work activities ▪ Child support enforcement 	<ul style="list-style-type: none"> ▪ Universal screening and referral to DV services. ▪ Time limits: exemption from 60-month limit possible if assistance unit includes an individual who has been battered or subject to extreme cruelty. ▪ Work activities: waiver granted where requirements would make it more difficult for the individual to escape from family violence, place the individual at further risk of violence, or if failure to comply with work requirement is the result of family violence. ▪ Child support: waiver for good cause if efforts to cooperate are reasonably anticipated to result in physical, sexual, or emotional harm to the child with respect to whom assistance is claimed or the applicant or recipient. ▪ Evidence: sworn statement from the individual acceptable in absence of other evidence or documentation 	Plan of service required to obtain waivers.	Yes; federal definition.
Florida	Yes.	Fla. Stat. ch. 414.065, 414.095, 414.105, 414.0252, 414.157 (2004).	<ul style="list-style-type: none"> ▪ Time limits ▪ Work activities ▪ Child support enforcement 	<ul style="list-style-type: none"> ▪ Time limits: waivers possible where “effects of such DV delay or otherwise interrupt or adversely affect the individual’s participation in the program.” ▪ Work activities: exemption if compliance would make it probable that the individual would be unable to escape DV or if unable to comply due to mental or physical impairment related to past incidents of DV. Must comply with a plan that specifies alternative. ▪ Child support: waiver if “cooperation could subject individual to a risk of domestic violence.” 	Domestic Violence “diversion program” provides one-time payment of up to \$1000 to help family “make transition to independence” – does not preclude family from later applying for public assistance.	No.

Ga.	Yes.	Ga. Code Ann. § 49-4-191 (2004); Ga. Comp. R. & Regs. r. 290-2-28-.09 (2004); Ga. TANF State Plan (2004) at http://dfcs.dhr.georgia.gov/vgn/images/portals/cit_1210/10893209Georgia_TANF_Plan.pdf (last accessed July 7, 2004).	All program requirements including: <ul style="list-style-type: none"> ▪ Work activities ▪ Child support enforcement ▪ Time limits ▪ Work activities ▪ Child support cooperation ▪ Family cap 	<ul style="list-style-type: none"> ▪ Universal screening and referral. ▪ All requirements: waivers possible when compliance makes it more difficult for the victim to escape DV or unfairly penalize individuals who are or have been victims of DV or individuals who are at risk of further DV ▪ Time limits: hardship extensions of 48-month and 60-month limits granted for so long as necessary if a family member who has been, is, or may become a victim of DV. 		Unknown.
Hawaii	Yes.	Haw. Admin. Code § 17-656.1 (2004) at http://www.state.hi.us/dhs/656-1.pdf (last accessed June 21, 2004).	<ul style="list-style-type: none"> ▪ Time limits ▪ Work activities 	<ul style="list-style-type: none"> ▪ Universal written & verbal notification of DV policy; screening & referral to DV services; development of service plan with DV advocate. ▪ Time limits & work activities: 6-month exemption from 60-month time limit and work activities possible when participation would place individual in jeopardy of further DV or jeopardize recovery from DV. Additional 6-month exemption possible immediately after initial period if DV victim has maintained active participation with a DV agency & the DV agency recommends the extension, but not if DV perpetrator and DV victim reside in the same home. ▪ Evidence: must show one of the following: current protective order, party to a pending divorce where DV an issue, or any one of the following within 12 months because of DV: stayed in shelter or with friends; been hospitalized; been victim of a domestic violence incident that resulted in arrest, arraignment or conviction of the alleged perpetrator; been subject to threats of death or serious bodily harm; been in inpatient or outpatient counseling related to violence. 		No.
Idaho	No.	N/A	N/A	N/A	N/A	N/A

Illinois	Yes.	Ill. Admin. Code tit. 89 §§ 112.6, 160.35 (2004); 750 Ill. Comp. Stat. Ann. 60/103 (West 2004).	<ul style="list-style-type: none"> ▪ Time limit ▪ Work, training and/or education requirements ▪ Paternity establishment/child support enforcement 	<ul style="list-style-type: none"> ▪ Universal screening & referral to DV services. ▪ Time limits & work activities: waivers shall be granted for so long as necessary for any program requirements in cases where compliance with such requirements would make it more difficult for an applicant or recipient to escape DV, unfairly penalize them, or subject them to further risk of DV. Waivers granted in process of development of Responsibility & Service plan. Subject to reassessment on a monthly basis. ▪ Paternity establishment/child support: waived if “good cause” exists (cooperation may be expected to result in physical or emotional harm to the caretaker relative or the child for whom support is being sought). ▪ Evidence: written statement from individual other than the client; police, government agency or court record; documentation from DV agency or other organization from whom the client has sought services in dealing with the DV; physical or other evidence. 		Yes.
Ind.	Yes.	Indiana Housing and Community Services Report, at http://www.in.gov/fsa/children/dfc/pdf/sectione02.pdf (last accessed June 22, 2004).	<ul style="list-style-type: none"> ▪ Time limits ▪ Work activities ▪ Child support enforcement 	<ul style="list-style-type: none"> ▪ Time limits and work activities: exemptions from 24-month time limit available when current or past DV prevents the individual from securing or retaining employment. ▪ Child support: exemption when determination made that cooperation with enforcement activities could endanger the child or the child’s relative with whom the child is residing. 	“With the exception of universal screening and time limits on exemptions, Indiana’s policies are consistent with those of the Family Violence Option.”	Unknown.

Iowa	Yes.	Iowa Code § 239B.2, 239B.4, 239B.8 (2003); Iowa Admin. Code r. 441-41.30, 441-47.24 (2004).	<ul style="list-style-type: none"> ▪ Time limits ▪ Work activities ▪ Child support enforcement 	<ul style="list-style-type: none"> ▪ Universal screening. ▪ Time limits: unlimited number of 6-month hardship exemptions from 60-month time limit available if DV is a past or current experience that is affecting the family's functioning. Must develop a safety plan. ▪ Work activities: participation in a safety plan to address or prevent family or DV satisfies work requirement. Waiver also possible from required participation in JOBS program. ▪ Evidence: court, medical, criminal, child protective services, social services, psychological, or law enforcement records; statements from professionals, vocational, or other job training professionals; statements from individuals other than the applicant or recipient with knowledge of the hardship circumstances; living in a DV shelter shall not automatically qualify an individual for a hardship exemption, but would be considered strong evidence. 	\$1000 self-sufficiency grants available to help remove an identified barrier to self-sufficiency. Grants limited to one per 12-month period.	Yes; federal definition.
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Kansas	Yes.	Kan. Admin. Regs. 30-4-64; Kan. Econ. and Employment Support Manual §§ 2243, 2244, 3310.4, 3530, 2162 <i>at</i> http://www.srskansas.org/KEESM/KEESM7_01_04/keesm2200.htm (last accessed June 22, 2004).	<ul style="list-style-type: none"> ▪ Time limits ▪ Work activities ▪ Child support enforcement 	<ul style="list-style-type: none"> ▪ Universal screening, referral to DV services & development of safety plan with DV staff. ▪ Time limits: 6-month renewable extensions may be granted for individuals who are satisfactorily participating in a self-sufficiency plan if compliance with regular program requirements would increase risk of harm for the individual or any children in the individual's care. ▪ Work activities: good cause exists for failing to participate in work program if the individual is a victim of DV and compliance would increase the risk of harm for the individual or any children in the individual's care. Victims may be placed in Orientation, Assessment, Referral & Safety ("OARS") program as work activity. ▪ Child support: good cause exists for failure to cooperate when compliance would increase risk of harm for the individual or any children in the individual's care. ▪ Evidence: individual's written statement plus one piece corroborating evidence satisfies standard; if victim in hiding or other "rare situations," written statement alone acceptable proof. 		Yes.
Ky.	Yes.	921 Ky. Admin. Regs. 2:006 (2003).	<ul style="list-style-type: none"> ▪ Time limits ▪ Work activities ▪ Child support enforcement 	<ul style="list-style-type: none"> ▪ Time limit and requirements: may be waived if compliance would make it more difficult for an individual to escape DV or unfairly penalize the individual who is or has been victimized by DV. Waivers granted for 6-month periods and are renewable for so long as necessary. DV victims who receive a time limit waiver may "bank" months and use them after they hit the 60-month limit. ▪ Child Support: good cause exists for failure to cooperate if cooperation is reasonably anticipated to result in physical or emotional harm of a serious nature to the child or caretaker relative. 		Yes; federal definition.

La.	Yes.	La. Rev. Stat. Ann. §§ 46:460.9, 46:2132 (West 2004); La Admin. Code tit. 67, §§ 1213, 5309 (2002).	Any public assistance requirement, including: <ul style="list-style-type: none"> ▪ Time limits, ▪ Work, training, or educational activities ▪ Limitations on TANF assistance to non-citizens 	<ul style="list-style-type: none"> ▪ All requirements: waivers granted where requirements “create obstacles for a victim of DV to escape a DV situation” or “penalize that victim for past, present, and potential for abuse.” ▪ DV victims must develop a plan “to enable themselves to become free of the DV situation.” ▪ Evidence: client’s statement may be accepted if unable to provide documentation to substantiate DV claim. 		No.
Maine	No, but equivalent policies.	Me. Rev. Stat. Ann. tit. 22, §§ 3762, 3785 (West 2004).	Any ASPIRE-TANF requirement: <ul style="list-style-type: none"> ▪ Time limits ▪ Work activities ▪ Child support enforcement 	<ul style="list-style-type: none"> ▪ Oral and written notification of services available to DV victims and of DV policies. ▪ All requirements: good cause for non-cooperation exists when an individual is unable to participate because of physical injuries or the psychological effects of abuse; because of legal proceedings, counseling or other activities related to abuse; because the abuser actively interferes with the individual’s participation; because the location puts the individual at risk. ▪ Evidence: court, medical, law enforcement, child protective, social services, psychological or other records or sworn statements from persons other than the individual with knowledge of the circumstances affecting the individual or other good cause related to DV. ▪ Child support: good cause for failure to cooperate when compliance will “result in abuse or harm to parent or child” or child result of incest or rape. 	Maine will not grant a hardship exemption from time limits to any family that has had three or more TANF sanctions, but this provision is not applied to a family that has experienced domestic violence.	Yes; federal language.

Md.	Yes.	Md. Regs. Code, tit. 7, §§ 3.03.02, 03.03.04, 03.03.07, 3.03.20 (2004); Maryland Dep't of Human Res. Temp. Cash Assistance Manual, 4:6, at http://www.dhr.state.md.us/tca/manual/04_06.pdf (last updated January 15, 2003).	<ul style="list-style-type: none"> ▪ Time limits ▪ Work activities ▪ Child support cooperation 	<ul style="list-style-type: none"> ▪ Universal screening. ▪ Time limits, child support & work activities: waivers available if the individual and the local department believe compliance would make it difficult for the family to escape family violence. Any month in which a DV victim is working with a counselor is not counted towards the 60-month limit. ▪ Evidence: the individual is not required to provide any formal written documentation to support the claim of family violence, but the caseworker is directed to obtain documentation if possible. ▪ Individual must participate in at least one session with DV expert to receive family violence waiver. 	Maryland uses state funds to serve families where an adult or child is a victim of family violence and is receiving services as part of a service plan to overcome barriers caused by family violence as well as families with legal immigrants who are not eligible under federal law and meet all other requirements.	No.
Mass.	Yes.	Mass. Regs. Code tit. 106, §§ 203.110, 203.740-775 (2004).	<ul style="list-style-type: none"> ▪ Time limits ▪ Work activities ▪ Child support enforcement ▪ Family cap ▪ Minor parent's school attendance 	<ul style="list-style-type: none"> ▪ Mandatory notification of DV waivers at application and eligibility review stages. ▪ All requirements: waivers when requirements would be unfair to DV victim or make it more difficult to escape from DV ▪ Evidence: if no documentary evidence available, sworn statement of victim and at least one other individual with knowledge of the circumstances may be sufficient to support good cause claim. ▪ Child support enforcement: requirements waived if cooperation would result in serious harm or emotional impairment to the child or the relative with whom the child resides. Sworn statement sufficient verification. 		No.

Mich.	No, equivalent measures.	Mich. Comp. Laws Ann. §§ 400.56i, 400.1501 (West 2004); Mich. Family Independence Agency, TANF State Plan 20 (2003), <i>at</i> http://www.michigan.gov/documents/TANF-StatePlan2003-2005_76360_7.pdf (last accessed June 28, 2004).	<ul style="list-style-type: none"> ▪ Work First Program requirements ▪ Child support enforcement cooperation & paternity establishment 	<ul style="list-style-type: none"> ▪ Universal screening ▪ All requirements: waivers where compliance would make it more difficult for individuals receiving assistance to escape DV or would unfairly penalize individuals who are or have been victimized by DV or individuals who are at risk of further DV. 		No.
Minn.	Yes.	Minn. Stat. Ann. §§ 256J.08, 256J.42, 256J.521, 256J.545, 256.741 (West 2003); State of Minn. TANF Plan (2003) <i>at</i> http://edocs.dhs.state.mn.us/lfserver/Legacy/DHS-4063-ENG .	<ul style="list-style-type: none"> ▪ Time limits ▪ Work and job search requirements ▪ Child support enforcement 	<ul style="list-style-type: none"> ▪ Time limits: any month in which individual complies with “safety plan” does not count against 60-month cash assistance limit where compliance with normal program requirements would make it more difficult for individual to escape DV. ▪ Work requirements: individuals must develop an Alternative Employment Plan with a DV advocate and job counselor. ▪ Child support: good cause exemption possible upon documentation that pursuit of child support is likely to place the child or caregiver at risk of further abuse. ▪ Evidence: may include sworn statement of DV or collateral evidence such as police record. If client already obtained Title IV-D exemption from child support cooperation, then she need not re-establish DV. 		No.

Miss.	No, but similar policies.	Miss. Code Ann. § 43-17-5 (2004); Miss. State TANF Plan 12-14 (2002) <i>at</i> http://www.mdhs.state.ms.us/eatanfstplan.pdf (last accessed June 28, 2004).	<ul style="list-style-type: none"> ▪ Time limits ▪ Work requirements 	<ul style="list-style-type: none"> ▪ Time limits: victims of DV may receive hardship exemptions from 60-month limit. ▪ Work requirements: victims of DV may receive exemptions from work activities for up to 12 months if they are at risk of further DV. ▪ Evidence: DV must have been reported as required by state law and substantiated by police reports or court records. 		Yes.
Mo.	Yes.	Mo. Code Regs. Ann. tit 13, §§ 40-2.350, 40-2.315, 30-8.010 (2004); M. Hearn interview with state official, 2001. DFS Manual, § 0205.060.20 (“Good Cause Defined”). Relevant manual sections provided by DFS, July 2001.	<ul style="list-style-type: none"> ▪ Time limits ▪ Work requirements ▪ Child support enforcement 	<ul style="list-style-type: none"> ▪ Universal screening. ▪ Time limits: DFS has the option to extend assistance to a family on the basis that the family includes someone who has been battered, according to the federal definition. ▪ Work requirements: an individual who is a victim of DV may be temporarily excluded from participating in work activities. ▪ Child support: good cause waivers are available where TANF applicant or recipient anticipates “physical or emotional harm” to child; “physical or emotional harm . . . so serious that it reduces his/her capacity to care adequately for the child; or “physical or emotional harm” to the individual, “as a result of DV” if required to comply with program requirements. ▪ Evidence: individual’s statement alone sufficient if no other evidence available. 		Yes; federal definition.

Mont.	Yes.	Mont. Admin. R. 37.78.202, 37.78.215 (2003); Mont. State Plan for the TANF Program 13-14, 18-20 (2003) <i>at</i> http://www.dphhs.state.mt.us/services/plans/revised_state_plan_2003.pdf (last accessed June 28, 2004).	<ul style="list-style-type: none"> ▪ Time limits ▪ Work requirements ▪ Child support enforcement 	<ul style="list-style-type: none"> ▪ Universal screening with referral to the state DV coalition or other appropriate DV services organization. ▪ Time limits: individuals dealing with a current DV situation or incapacitated due to DV are eligible for extensions of the 60-month limit in 6-month increments. ▪ Work requirements: participating in domestic violence counseling services constitutes work activity. ▪ Child support: good cause exemption possible if cooperation is likely to result in substantial danger, physical harm, undue harassment or severe mental anguish to the child or the caretaker relative. 		Yes; federal definition.
Neb.	Yes.	Neb. State Plan for the TANF Program 8-9, 15 (2003), <i>at</i> http://www.hhs.state.ne.us/wer/TANFPlan03.pdf (last accessed June 28, 2004); M. Hearn interview with state official, 2001.	<ul style="list-style-type: none"> ▪ Time limits ▪ Work requirements ▪ Child support enforcement ▪ Family cap 	<ul style="list-style-type: none"> ▪ Universal screening; referral to a DV agency for evaluation and joint development of employment plan. ▪ Requirements waived where it would be more difficult for a victim of DV to escape DV or unfairly penalize him/her or place him/her at risk of further DV for up to 6 months or longer if necessary. ▪ Family cap: provisions only waived in case of incest or sexual assault. 		Unknown.

Nevada	Yes.	Nev. Rev. Stat. Ann. §§ 422.29318, 422.3754, 33.018 (Michie 2004); State of Nev. TANF Plan 14-18, 27-28 (2004) <i>at</i> http://welfare.state.nv.us/elig_pay/TANF-state-plan.pdf (last accessed June 29, 2004); M. Hearn interview with state official, 2001.	Any eligibility requirement: <ul style="list-style-type: none"> Time limits Work requirements Child support enforcement 	<ul style="list-style-type: none"> Universal screening of TANF applicants for current or past DV. When individual discloses DV, he or she is referred to licensed social worker in department who assesses for waivers. Time limits: may be extended for hardship. Work requirements & child support enforcement: good cause waivers are made through an individualized assessment and based on need. They are reviewed every 6 months. Evidence: may include signed statements from any individuals with first-hand knowledge, as well as court or medical records. Domestic violence cases may not have welfare receipt terminated, denied or sanctioned without social worker intervention. 	The State Welfare Division contracts with domestic violence agencies across the state to provide services for TANF recipients, including assistance with obtaining orders of protection, shelter and counseling.	No.
N.H.	Yes.	N.H. Code Admin. R. Ann. HE-W 602.05, 602.07-.08, 602.10, 606.31, 618.01, 637.07, 637.18 (2004).	<ul style="list-style-type: none"> Time limits Work/training requirements Child support enforcement 	<ul style="list-style-type: none"> Time limits, work & child support requirements: if cooperation would make it more difficult for the family to escape DV, would unfairly penalize the family or would put the family at further risk of DV. Work requirements: victims who can't participate in work/training activities due to DV can choose a six month waiver; referral to domestic violence agency; or full participation in activities. Evidence: sworn statement of individual acceptable if corroborative evidence not available. 		Yes; federal definition.
New Jersey	Yes.	N.J. Stat. Ann. § 44:10-59 (West 2004); N.J. Admin. Code tit. 10, §§ 90-15.1, 90-20.5 (2004).	Any Work First New Jersey requirement: <ul style="list-style-type: none"> Time limits Work requirements. Child support cooperation Family cap Residency requirements for qualified aliens 	<ul style="list-style-type: none"> Universal screening & referral to DV services. All requirements: where compliance with such requirements would make it more difficult for a recipient to escape DV or unfairly penalize the recipient who is or has been victimized by such violence, or who is at risk of further DV. Waivers are granted for 6 months and are renewable. Individuals seeking waivers must complete a risk assessment within 10 days of request or waiver is cancelled. Must also develop a safety plan. Evidence: affidavit from individual sufficient. 		Yes; federal definition.

New Mexico	Yes.	N.M. Stat. Ann. § 27-2B-6 (Michie 2004); N.M. Admin. Code, tit. 8, §§ 102.410.17, 102.460.11, 102.460.28, 102.420.14 (2003).	<ul style="list-style-type: none"> ▪ Time limits ▪ Work participation ▪ Child support enforcement 	<ul style="list-style-type: none"> ▪ Time limits: hardship extensions available for individuals who have been battered or subjected to extreme cruelty. Certification to be made by a trained DV counselor. ▪ Work requirements: 24-week exemption if family violence or threat of family violence effectively bars the individual from employment; longer waiver under FVO available under federal standard and subject to review every 6 months. ▪ Child support enforcement: exemption possible where a trained DV counselor has certified that cooperation would make it more difficult to escape the DV or would unfairly penalize the individual in light of current circumstances. ▪ Evidence: “reliable medical, psychological or mental reports, court orders, police reports, or personal affidavits if no other evidence is available.” 	Work activity can include “domestic violence activity”: mix of services and other work program activities; can include going to court to be a criminal witness, relocating, etc. Participation available for up to 24 weeks.	Yes.
New York	Yes.	N.Y. Soc. Serv. Law § 349-a (McKinney 2004); N.Y. Comp. Codes R. & Regs. tit. 18 § 351.2 (2004).	<p>Any program requirement:</p> <ul style="list-style-type: none"> ▪ Time limits ▪ Work activity ▪ Child support enforcement cooperation & paternity establishment 	<ul style="list-style-type: none"> ▪ Universal screening using written screening form; referral to a special domestic violence caseworker for assessment. ▪ All program requirements: waivers where compliance with public assistance program requirements would make it more difficult for the individual or the individual’s children to escape from DV or subject them to further risk of DV. Waivers are for an initial period of 4 months, and are subject to review at least every 6 months. Recipient and DV liaison must develop a service plan when waiver is granted. ▪ Evidence: minimum needed for credibility is sworn statement by individual. 		No.

N.C.	Yes.	<p>N.C. TANF State Plan, at 6 (2003) at http://www.dhhs.state.nc.us/dss/docs/TANF_StatePlan_0405.pdf (last accessed June 29, 2004); NCDHHS, "Work First Manual" 104-D (2004) at http://info.dhhs.state.nc.us/olm/manuals/dss/csm-95/man/index.htm (last accessed June 29, 2004).</p>	<p>Any "Work First" requirement:</p> <ul style="list-style-type: none"> ▪ Time limits ▪ Work activities ▪ Child support enforcement ▪ Family cap 	<ul style="list-style-type: none"> ▪ Universal screening and referral to DV services. ▪ Time limits: 60-month clock will not be stopped, although 6-month extensions may be granted at the end of 60 months for hardship, defined in part as DV circumstances. ▪ Work activities: waivers available where participant is unable to "participate in work activities or comply with other Work First requirements at the time of the assessment." 24-month clock may be stopped until individual is able to begin meeting Work First requirements. ▪ Work activity, child support, & family cap waivers can be granted indefinitely, but subject to reassessment every 6 months. ▪ Child support: waiver is handled by a separate unit that will be informed by the TANF agency if family violence is indicated. ▪ Evidence: verification by individual conducting assessment; corroboration by Child Support; any legal documents which document the abuse; statements by other people knowledgeable of the participant's circumstances; signed statement by the participant. 		No.
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North Dakota	Yes.	N.D. Cent. Code §§ 50-09-29, 14-07.1-01, 75-02-01.2-35.1 (2004); N.D. TANF Manual (2004), at http://www.state.nd.us/robo/projects/tanf/tanf.htm (last accessed June 29, 2004); N.D. JOBS Manual (2004) at http://www.state.nd.us/robo/projects/jobs/jobs.htm (last accessed June 29, 2004).	<ul style="list-style-type: none"> ▪ Time limit ▪ JOBS program participation ▪ Child support cooperation 	<ul style="list-style-type: none"> ▪ Universal screening & referral services. ▪ Time limits: households reaching the 60-month limit may apply in writing for an exemption if the caretaker is a DV victim and unable to be regularly employed or to participate fully in approved work activities due to the physical, emotional, or psychological effects of DV. Written request must include documentation from a professional service provider. Waivers are reviewed every 6 months. ▪ Work requirements: case manager determines whether involvement in JOBS program is likely to place the individual at further risk of DV and can grant a good cause exemption. ▪ Child support: actual risk of physical or emotional harm, either to the child or to the custodian which in turn could be expected to reduce his or her capacity to care for the child; reviewed every 12 months. 		Yes.
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Ohio	No, FVO-type policies can be adopted at county level at county option.	Oh. St. §§ 5107.18(E); 5107.42(B); Oh. TANF Plan (2003) <i>at</i> http://jfs.ohio.gov/ohwf/Tanf/2002StatePlan.pdf (last accessed June 29, 2004).	County policies vary widely. Some do not have any domestic violence waivers or policies in place.	Counties policies vary: <ul style="list-style-type: none"> Time limits: possible to get either a hardship or good cause extension of the 36-month time limit for cash assistance; each county sets its own policies for extensions. Work requirements: counties may provide alternative work activities for individuals facing a temporary or permanent barrier to participating in a work activity, including imminent danger of suffering continued DV. 		Unknown; may vary.
Okla.	No.	N/A	N/A	N/A	N/A	N/A
Oregon	Yes.	Or. Rev. Stat. § 411.117 (2003); Or. Admin. R. 461-135-0075, 461-130-0327, 461-135-1200, 461-140-0040 (2004).	All requirements: <ul style="list-style-type: none"> Time limits Work requirements Paternity establishment & child support cooperation Family cap Citizenship requirements 	<ul style="list-style-type: none"> Universal screening. All requirements: waiver or modification available for any requirements that may make it more difficult for individuals to escape DV or place those individuals at risk of further or future DV. Time limits: any month an individual is unable to participate in work because of DV is not counted towards the 24-month time limit. Evidence: client's oral statement sufficient. 	Special "Temporary Assistance for Domestic Violence Survivors Program." DV victim may receive up to \$1200 in 90 days PLUS regular TANF grant. No verification of DV required. Client must create a case plan with activities identified to increase safety.	No.
Penn.	Yes.	55 Pa. Code §§ 141.51, 141.53, 187.27, 281.3, 187.22 (2004); Pa. TANF State Plan 22 (1999) <i>at</i> http://www.dpw.state.pa.us/oim/pdf/TANFstateplan.pdf (last accessed June 30, 2004).	<ul style="list-style-type: none"> Time limit Child/spousal support cooperation & paternity identification 	<ul style="list-style-type: none"> Universal screening forms, palm-sized cards, and oral notification. Time limits: an individual is eligible for extended TANF benefits if she is or has been a victim of DV or is at risk of further DV. Extension can last as long as necessary. Eligibility will be reviewed every 6 months. Must create a DV services plan that meets the requirements of 45 C.F.R. § 260.55(c). Child/spousal support: good cause if action would make it more difficult for the individual to escape DV or unfairly penalize the individual who has been victimized by or is at further risk of DV. Written affirmation without other documentation sufficient for 6-month good cause waiver. Evidence: applicant's written affirmation sufficient if no other verification available. 	"Time out" benefits available for victims of DV for up to 12 months.	Yes.

Rhode Island	Yes.	R.I. Gen. Laws § 40-5.1-46 (2004); R.I. Dep't. of Human Res. Code of Rules, "Family Independence Program," <i>at</i> http://www.ridhsco.de.org/0800.htm (last accessed June 28, 2004).	<ul style="list-style-type: none"> ▪ Time limits ▪ Work participation ▪ Child support cooperation 	<ul style="list-style-type: none"> ▪ Universal screening. ▪ Time limit: recipients do not accrue months towards their lifetime limit during the period that they are eligible for a work activity waiver. An individual who has reached the lifetime limit may request a hardship extension for 6 months if s/he qualifies for a waiver of the work requirement. Extension renewals may be approved by the regional manager. ▪ Work & residency requirements: applicants requesting DV waivers must undergo a Family Violence Option Assessment with a DV advocate. If the requirements would make it more difficult to escape DV or unfairly penalize for being a victim of DV, the advocate can recommend waivers, to be approved by the appropriate FIP supervisor, for up to 6 months. Waivers are renewable with approval of the regional manager. ▪ Child support: DHS can find good cause on the basis of anticipated physical harm to the child or mother without corroborative evidence; the claimant has the burden of establishing her credibility as well as explaining why no evidence is available. 		Yes.
S.C.	Yes.	S.C. TANF Block Grant State Plan, §§ 3.1.8, 3.1.16 (2004-05) <i>at</i> http://www.state.sc.us/dss/fi/index.htm (last accessed June 30, 2004).	<ul style="list-style-type: none"> ▪ Time limits ▪ Work requirements ▪ Child support ▪ Family cap 	<ul style="list-style-type: none"> ▪ Universal screening & referrals. ▪ Time limit: victims of DV may receive an extension of the 24-month or 60-month time limits if the reason for not becoming self-reliant within the time frame is due in whole or in part to DV issues. The victim must be enrolled in a program supervised by a DV advocate. ▪ Work, child support, residency & family cap waivers: "for so long as necessary ... where compliance would make it more difficult for such individuals to escape domestic violence." 	Waiver recipients must develop a service plan in conjunction with DSS Family Plan.	Unknown.

South Dakota	No; some equivalent policies.	S.D. Codified Laws §§ 28-7A-3(1), 28-7A-3(4), 28-7A-3(12) (Michie 2003); S.D. Admin. Code tit. 67, §§ 10:06:08, 10:01:27 (2001); S.D. Dep't of Soc. Serv. State Plan for the TANF Program (2002) at http://www.state.sd.us/social/TANF/plan.htm (last accessed June 30, 2004); D. Baumgarten interview with DSS official, Nov. 2001.	<ul style="list-style-type: none"> ▪ Time limit ▪ Work activity ▪ Child support enforcement 	<ul style="list-style-type: none"> ▪ Time limit: DSS will review each case as the 60-month time limit is reached to assess need for extension of time; will consider DV. ▪ Work activity: an individual may qualify for a deferral of work activities if extenuating circumstances, including DV, are expected to last at least 30 days and prevent the individual from participating. Individual is not required to submit evidence. ▪ Child support: an individual may establish good cause by presenting evidence that physical or emotional harm can reasonably expected to come to the mother with whom the child is living which would significantly reduce her capacity to care for the child. 		Unknown.
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Tenn.	Yes.	<p>Tenn. Comp. R. & Regs. 1240-1-49-.04(1), 1240-1-51.01; Tenn. TANF Program Plan of Operation (October 1, 2002-September 30, 2004) <i>at</i> http://www.state.tn.us/humanserv/tanfplan.pdf (last accessed June 30, 2004); Tenn. Dep't Human Serv. Families First Serv. Contractor Manual Policy and Procedures Manual 118-126 (2002) <i>at</i> http://www.state.tn.us/humanserv/contractor_manual.pdf (last accessed June 30, 2004).</p>	<ul style="list-style-type: none"> ▪ Time limits ▪ Child support cooperation ▪ Family cap provisions 	<ul style="list-style-type: none"> ▪ Time limits & work requirements: individuals who are in DV shelters or who have initiated a safety plan to escape DV can be referred to Family Services Counseling. Whether or not in FSC, the caseworker can interrupt the time limit and modify the number of required work activities hours. Months during which the assistance group is fleeing DV or abuse do not count towards the 18 or 60-month time limits. Actively seeking shelter from DV constitutes good cause for failure to participate in the employment program. ▪ Other requirements: DV victims may be waived from requirements when “they are at risk of endangerment.” 		Unknown.
Texas	Yes.	<p>Tex. Hum. Res. Code Ann. § 31.0322 (Vernon 2004); Tex. Fam. Code Ann. § 71.004; 40 Tex. Admin. Code §§ 811.16, 811.22-.23 (2004).</p>	<ul style="list-style-type: none"> ▪ Time limits ▪ Work requirements ▪ Child support cooperation & paternity establishment. 	<ul style="list-style-type: none"> ▪ Assessment required regarding ability to obtain and retain employment, including family violence screening. ▪ Time limit, work activity, child support, & paternity establishment requirements: waivers available if requirements would (1) adversely affect the individual's ability to attain financial independence; (2) make it more difficult for the individual to escape family violence; or (3) place the individual at greater risk for additional family violence. Waivers granted based on case-by-case determination and for no longer than one year. Must develop a safety plan. 		No.

Utah	Yes.	Utah Code Ann. § 35A-3-306 (2003); Utah State TANF Plan (1999) <i>at</i> http://jobs.utah.gov/edo/info/tanf.pdf (last accessed June 30, 2004); M. Hearn interview with state official, 2001; D. Baumgarten interview with state official, 2001.	<ul style="list-style-type: none"> ▪ Time limits ▪ Work activities 	<ul style="list-style-type: none"> ▪ Universal screening by caseworker and referral to licensed clinical therapist if any DV related question answered yes. ▪ Time limits: Will allow assistance past 36-month time limit for as long as necessary where recipient meets Federal FVO standard as determined through individualized evaluation by a Licensed Clinical Therapist (LCT) trained in DV with re-determinations at least every six months. ▪ Work activities: employment plan for FVO will mean mental health therapy, coordination with a DV advocate, etc., and any other work related activities that are deemed appropriate. Plan will be reviewed by the LCT for appropriateness. Re-evaluations every 30 days to make sure still needs alternate plan. For extensions, victim must be actively participating in his/her negotiated plan. 	Utah has a “diversion program” to provide short-term financial assistance to families in need and an “emergency assistance” program that may provide housing or utility assistance. Neither program is explicitly targeted towards DV survivors.	Yes; federal definition.
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Vt.	Yes.	Vt. Code. R. 13-170-003, §§ 2225.1, 2332.1, 2341, 2365.31, 2370.32 (2004).	<ul style="list-style-type: none"> ▪ Work requirements ▪ Child support enforcement 	<ul style="list-style-type: none"> ▪ Applicants are informed they can ask for waivers or modifications of work and child support requirements and that they have a right to confidentiality unless the law requires a report of abuse. ▪ Work requirements: deferrals given where effects of DV mean work requirement will likely result in serious physical or emotional harm to the parent that will significantly impair her ability to fulfill the requirements or to care for her child or may result in serious physical or emotional harm to the child. Requires the individual to sign a sworn statement, and the department can require additional documentation. In order to maintain waiver, the individual must participate in a “Family Development Plan” that addresses the effects of DV. Deferrals can last up to 6 months and may be renewed as long as the requisite conditions are met. ▪ Child support: 12 month waivers can be granted if cooperation is reasonably anticipated to result in serious physical or emotional harm to the child or the caretaker so serious that it reduces the ability to care for the child adequately. 	<ul style="list-style-type: none"> ▪ Time limits: there is no time limit to cash assistance. It will be provided as long as necessary in conjunction with fulfillment of work requirements and Family Development Plan. ▪ Non-citizens: VT provides assistance with state funds to new citizens restricted from receiving federal means-tested benefits for five years. 	No.
Va.	No.	N/A	N/A	N/A		N/A

Wash.	Yes.	Wash. Admin. Code §§ 388-61-001, 388-452-0010 (2004).	<ul style="list-style-type: none"> ▪ Time limit ▪ Work activities ▪ Child support cooperation 	<ul style="list-style-type: none"> ▪ Universal screening; written and oral notice of waivers to all TANF recipients; maintenance of confidentiality. Mandatory service referrals. ▪ Waivers granted if requirements unfairly penalize victims of family violence, make it more difficult to escape family violence or place victims at further risk. ▪ Time limits: after 52 weeks of cash assistance, 6 or 12-month extensions are possible for DV victims. Extensions are renewable. Satisfactory participation in an individual responsibility plan required. ▪ Work activities: specialized work activities may be developed where participation in regular activities would place the individual at further risk of family violence. 		No.
West Va.	Yes.	W.V. Dep't of Health & Human Serv. Income Maint. Manual, 13.8, 15.6 (2003) <i>at</i> http://www.wv.gov/Offsite.aspx?u=http://www.wvdhhr.org (last accessed July 1, 2004); M. Hearn interview with state advocate, 2001.	<ul style="list-style-type: none"> ▪ Time limits ▪ Work activity ▪ Child support cooperation 	<ul style="list-style-type: none"> ▪ Universal screening. When an individual discloses DV, the individual is referred to a FVO advocate who works at one of the state's licensed DV program. ▪ Time limit: after the 60 months have expired, an individual who meets the definition of a DV victim can be granted unlimited 6-month extensions. The individual must accept a referral to a DV agency and comply with any plans developed with the agency. ▪ Work activities: 6-month waiver possible if individual discloses DV which is a "barrier to work activities," accepts a referral to a DV agency, creates a service plan and complies with it. After 6 months, waiver renewable for one month at a time. 		Yes; federal definition.

Wis.	Yes.	Wis. Stat. § 49.1473 (2003); Memo from Bill Clingan, Division Administrator, Wis. Dep't of Workforce Dev., Div. of Workforce Solutions, to W-2 Agency Directors (May 17, 2004) at http://www.dwd.state.wi.us/dws/adminmemos/pdf/2004/04010.pdf (last accessed July 1, 2004).	<ul style="list-style-type: none"> ▪ Time limits ▪ Child support enforcement 	<ul style="list-style-type: none"> ▪ Universal screening. ▪ Time limits: Financial and Employment Planners have the discretion to extend a participant's 24-month or 60-month time limit if the individual has significant limitations that prevent him or her from obtaining or maintaining unsubsidized employment, including but not limited to domestic abuse (no specific guidelines). ▪ Work requirements: FEP's have the discretion to make job assignments so that a participant's DV issues can be addressed (no specific guidelines or waivers of work activities). ▪ Child support: waivers for good cause, but not defined. 	Emergency Assistance Program is available to provide resources to DV victims, especially those who are homeless or at risk of homelessness.	Unknown.
Wyo.	Yes.	Wyo. Stat. Ann. § 42-2-103 (Michie 2000); Wyo. State Plan Document TANF 10, 15 (2003) at http://dfsweb.state.wy.us/STATEPLN/tanfstateplan02.pdf (last accessed July 1, 2004); Wyo. Dep't. Family Serv. Econ. and Child Support Div. Child Support Rules 3-3 (2002) at http://dfsweb.state.wy.us/csehome/cserulesAugust142002.pdf (last accessed July 1, 2004).	<ul style="list-style-type: none"> ▪ Time limits ▪ Work activities ▪ Child support enforcement 	<ul style="list-style-type: none"> ▪ Time limits: a hardship exemption may be made upon verification the individual is fleeing for personal safety or for the safety of the children because of DV. It shall not exceed 2 years. ▪ Work and education activities: can be waived for 1 year and a second year if working with DFS, DWS & DV agency to overcome the situation which led to the violence. ▪ Child support: good cause waiver possible if evidence is provided that cooperation is reasonably anticipated to result in physical or emotional harm to the child or caretaker as demonstrated by previous court, medical, criminal, law enforcement, psychological, child protection or social services records. 		Unknown.

