REACHING ECONOMIC STABILITY SAFELY: ADVOCACY WITH SURVIVORS
Economic Options

Housing
Utility Waivers
Crime Victims’ Compensation
Spousal Support
Child Support
Unemployment Compensation
Financial Literacy
Taxes
Immigrants’ Access
TANF
Family Violence Option
A victim of family violence in a rental property has the right to:

- Seek police and emergency assistance in response to family violence.
- Terminate her lease without penalty.
An individual’s status as a victim of domestic violence, dating violence, or stalking is not an appropriate basis for denial of admission or denial of housing assistance.

New exception to federal “one-strike” eviction rule for residents who are victims of VAW.

Criminal activity “directly relating to” domestic violence, dating violence, or stalking does not constitute grounds for termination of tenancy.
Family with voucher may move to another jurisdiction to protect health or safety of an individual who is or has been the victim of domestic violence, dating violence, or stalking — even if moving otherwise would be lease violation.
PHA or Section 8 landlord may ask for documentation that tenant is or has been a victim. Approved documentation:

- Police or court record (including DV or family court orders)
- Statement signed by certain professionals
- Or, HUD-approved certification form

Must give victim at least 14 business days to provide
HOUSING PROTECTIONS: FEDERAL

- If victim provides documentation, PHA or Section 8 landlord must keep the information confidential, including the individual’s status as a victim.
- PHA or Section 8 landlord may not enter the information into any shared database or provide it to any related entity.
Utility Waivers

Victims of family violence in most areas throughout Texas can receive waivers of deposit for gas, telephone and electric services.
Crime Victim Compensation

CVC is available to innocent victims of crimes involving “criminally injurious conduct” who suffer physical or emotional harm as a result of the crime. The applicant must report the crime in a reasonable time and file her CVC application within 3 years of the date of the crime.
Spousal Maintenance And Support

- A survivor may also request spousal maintenance within a suit for dissolution of marriage if she/he meets certain qualifications.
- Spousal support is available in divorce proceedings for duration of temporary orders, even if a client may note be eligible for long term maintenance.
- A survivor may request support for herself within a protective order.
Child Support

- Parents may apply to receive child support through the Office of the Attorney General.
- Obligor also must cover or pay for the health insurance of the children.
- The OAG can place a “Family Violence Indicator” on a case to keep location information confidential as well as automatically route a case to court.
- Survivors will need to request and complete a Form of Non-disclosure to receive this protection.
Unemployment Insurance

Survivors who must leave their job to protect themselves from family violence or stalking may be eligible for unemployment compensation.

Individuals may apply for unemployment on line or over the phone.
Taxes

Various tax credits and protections are available to survivors. Individuals may receive refunds for returns filed within 3 years of the due date.

- Earned Income Tax Credit
- Child Tax Credit
- Child and Dependent Care Credit
- Innocent Spouse Relief
Financial Literacy

- Advocates are encouraged to work with survivors on basic financial literacy skills such as budgeting, prioritizing spending and saving.

- Programs can partner with volunteers, banks and other community organizations to provide classes.

- TCFV has the Realizing your Economic Action Plan curricula available for DV programs and can offer technical assistance on administering the REAP course.
Benefits Available To All Immigrants

- Victim assistance
- Child and adult protection services
- Violence and abuse prevention
- Treatment of mental illness or substance abuse
- Soup kitchens and Community food banks
- Short-term shelter or housing assistance or transitional housing for the homeless, victims of domestic violence, or for runaway, abused, or abandoned children
Benefits Available To All Immigrants

- Community programs not conditioned on income
- Elementary and Secondary education
- School lunch and breakfast
- WIC
- Short-term, non-cash emergency disaster relief
- Immunizations, testing, and treatment of communicable diseases
- Emergency Medicaid
Immigrant Access

- **LEGAL SERVICES:** victims of SA and DV eligible for services to provide relief from abuse or related to the abuse using LSC and non-LSC funds

- **HOUSING:**
  - Mixed families-if at least one family member has eligible status, the family can receive prorated federal housing assistance.
The Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996 transformed welfare from an entitlement program (AFDC) to a pay by performance program (TANF) with strict time limits and work requirements as well restrictions on immigrants access.


Congress passed continuing until the TANF program was reauthorized as a part of the Deficit Reduction Act of 2005.

TANF provisions were folded into this broad budget bill with little debate over specific requirements.
Receiving TANF in Texas

- In Texas, time limits range from 1-3 years based on an applicant’s education and work history.
- Applicants must sign a Personal Responsibility Agreement and comply with all the terms or else face sanctions.
Welfare in Texas: Three Agencies

- **Health and Human Services Commission (HHSC):**
  - Determines eligibility for TANF funds
  - Reviews applications every six months to determine continued eligibility

- **The Texas Workforce Commission (TWC):**
  - Contracts with local workforce boards or agencies to develop individual plans for applicants to help them move into the workforce and
  - Determines local policy and procedure for employment, education, and training

- **Office of the Attorney General Child Support Division:**
  - Responsible for child support enforcement and collection
“Explain to applicants and recipients that if domestic violence or the potential for domestic violence exists, DHS [HHSC] may grant an exemption from the requirement to cooperate with child support, and Choices staff may grant good cause for noncompliance with employment services participation.”
Family Violence Option

The FVO in Texas allows the Health and Human Services Commission (HHSC) and the Texas Workforce Commission (TWC) to grant “good cause” waivers for certain requirements including time limits, child support enforcement, paternity establishment and work activity to victims of family violence if compliance would place an applicant or her children in danger or make it more difficult to leave a violent situation.
Family Violence Option

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Family Violence Option

- The Texas Workforce Commission must grant the waiver from work activities.
- The state time clock stops when a person is granted this “good cause” waiver from work requirements.
- In Texas, this waiver cannot exceed one year and is reevaluated every month.
- Recipients in need should inform their caseworker at the local workforce office.
Family Violence Option

The FVO also requires HHSC and TWC to:

- Provide referrals to family violence programs.
- Maintain the confidentiality of information regarding the identity and location of a victim of family violence.
Extended TANF: Domestic violence is a qualifying hardship exemption for extended TANF applicants.
Sanctioning: attempts must be made to determine if family violence was the reason for an individual’s failure to comply with work activities prior to sanctioning the individual.
Appeals Process

- A recipient should not be sanctioned if family violence is the reason for noncompliance with work activities.
- A recipient has the right to appeal to HHSC any action that affects her benefits.
- Appeals may be made orally or in writing within 90 days of the action.
HB 1175: Family Violence Training

In 2001, the 77th Texas Legislature passed a law (HB 1175) mandating all caseworkers working with recipients of financial assistance to have four hours of family violence training.