

# WorkFirst and the Family Violence Amendment

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## What does the Family Violence Amendment do?

It says DSHS will:

- Screen and identify TANF (Welfare) recipients for a history of family violence.
- Notify TANF recipients about the Family Violence Amendment.
- Maintain confidentiality.
- Refer individuals needing counseling to supportive services.
- Waive (excuse victims from) WorkFirst requirements that would make it harder to escape family violence or put victims at more risk.

Some requirements DSHS may waive include:

- time limits for TANF recipients
- cooperating with the Division of Child Support (DCS)

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- ❖ DSHS will develop specialized work activities if you meet the definition of family violence where taking part in work activities would place you at further risk of family violence.
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## Who does the Family Violence Amendment cover?

DSHS defines family violence as when a recipient or family member has been subjected by another family or household member to:

- Physical acts resulting in or threatening to result in physical injury

- Sexual abuse
- Sexual activity involving a dependent child
- Being forced as the caretaker relative of a dependent child to engage in nonconsensual sexual acts or activities
- Threats or attempts at physical sexual abuse
- Mental abuse
- Neglect or deprivation of medical care
- Stalking

Family or household members include:

- spouses
- former spouses
- persons with a child in common
- adults related by blood or marriage
- adults living together or who have lived together in the past
- persons age sixteen or older living together now or in the past who have had a dating relationship
- persons who have a biological or legal parent-child relationship

## What if I am a victim of family violence and need TANF?

⇒ Tell your caseworker about the family violence. Be specific. Explain what the batterer has done.

Did/does the person hit you? Punch you? Slap you? Threaten you? Do any of these in front of the children? Describe the threats.

## Does the batterer use abusive language? Give examples.

What injuries have you suffered? Where on your body? Did you get medical care? Did the batterer deny you access to medical care or calling for help? Does the batterer threaten to take the child/ren away? Does the batterer abuse the court system? How? Do you have a protection order against the batterer?

⇒ Explain why work activities put you at risk of more danger.

Give examples of why you are at high risk. Will the batterer be able to find you? Will you have to put your children in childcare where they are at risk of kidnapping or child snatching? Has the batterer stalked you? Try to work with your caseworker to develop safe alternatives.

⇒ Explain why family violence keeps you from being able to fully take part in WorkFirst.

Do work activities interfere with counseling? Does family violence interfere with your job attendance? Do court appearances interfere with your job attendance? Has your batterer forbidden you to work? Do you have to care for your children because they have been victims of family violence? Do you have mental health problems because of family violence? Do they make it hard for you to function?

⇒ Develop safe alternative activities.

Explain your needs for referrals, time for safety planning, supportive services, and counseling. Has your batterer isolated you? Kept you from self-improvement? Do you need classes in adult basic education, English as a second language, or vocational training?

⇒ Do not be afraid to ask for more time for recovery. Many victims of family violence need time to recover to the point that they can start looking for work. DSHS generally allows victims 30 days to gather the info to support a request for deferral from work activity. DSHS then usually gives deferrals in 30-day blocks. If you have mental health or substance abuse issues related to family violence, you should get time to work on resolving these just like anyone else.

## What if I disagree with a decision about my TANF benefits?

You can appeal the decision by asking for an administrative hearing. Examples of decisions you can appeal include when DSHS denies your application, reduces or stops your TANF, or makes you take part in work activities you feel put you at risk of danger.

You ask for an administrative hearing by writing the Office of Administrative Hearings, P.O. Box 42489, Olympia, WA 98504. If it is an emergency, call the Office of Administrative Hearings (OAH) at (360) 664-8717 or 1-800-583-8271 to ask to have your hearing scheduled as soon as possible. This is an “expedited” hearing. [Representing Yourself at an Administrative Hearing](#) has more info.

DSHS must give you written notice of a denial, termination, or reduction of benefits. You can ask for an administrative hearing within ninety days of the date DSHS wrote the notice. If you are getting benefits and ask for a hearing within ten days of the date of the notice, or before the date that the proposed action goes into effect, DSHS must continue your benefits until an administrative law judge has made a decision in your case. If DSHS stops your benefits without

informing you, you may ask for an administrative hearing and ask for continued benefits.

If DSHS is stopping or reducing your benefits, any assistance you receive during the administrative hearing process may become an overpayment (a debt you owe to DSHS) if you lose the administrative hearing.

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