

## Accessing Resources: *Public Benefits*

*Federal benefits:* Federal means-tested public benefits  
TANF Family Violence Option

Temporary Assistance for Needy Families (TANF) program rules include a time limit on the duration of benefits, a work requirement, and a child support cooperation requirement. These rules often harm survivors, as they do not account for the extent to which abuse hinders a survivor's abilities to reach financial stability.

Consequently, the Welfare Reform Act included a Family Violence Option (FVO) that permits states to grant waivers to these and other program requirements to survivors of domestic violence.<sup>1</sup> The waivers are temporary, but benefits workers may determine the time period for which a waiver will apply and renew each waiver on a case-by-case basis.

The TANF Final Rule<sup>2</sup> states that FVO waivers must be “federally recognized good cause waivers,” which require they are:

- Granted based on need, as determined by a TANF worker trained on domestic violence
- Reevaluated every six months
- Specific regarding the program requirements to be waived
- Accompanied by an appropriate service plan, which means the plans are developed by a person trained in domestic violence, reflect individualized assessment, and are designed to lead to work (without compromising safety)

41 states have adopted the FVO; the remainder report having adopted a similar policy.<sup>3</sup> States vary, however, in how they implement the FVO and the waivers they permit. Be familiar with your state's rules and practices, in order to effectively:

1. Support immigrant survivors who plan to apply for TANF to identify protections that meet their needs such as, for example:
  - permitting English classes to meet work requirements
  - waivers of work requirements
  - referrals to culturally relevant services
  - addressing relevant immigration status issues such as delays to work authorizations for immigrant survivors (see “Work authorization” in the *Immigration & Advocacy Toolkit* (2016) for more information)
2. Work with benefit providers to utilize the FVO to craft and include these protections.

## Tools & Resources

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<sup>1</sup> [PL 104-193](#) Title I, Sec. 103(a)(1). [The Personal Responsibility and Work Opportunity Reconciliation Act of 1996].

<sup>2</sup> US Department of Health and Human Services, Administration for Children and Families. 45 CFR Part 260 et al. [Temporary Assistance for Needy Families Program \(TANF\) Final Rule](#). Federal Register, Vol. 64, No. 69 (April 12, 1999). See Sec. 260.55.

<sup>3</sup> Casey, T., Davies, J., Gifford, A. & Menard, A. (March 2010). [Not enough: What TANF offers family violence victims](#). Legal Momentum and the National Resource Center on Domestic Violence.

[Family Violence Option: State-by-state summary](#) by Legal Momentum provides preliminary information regarding waivable requirements and baseline standards for waivers to be granted.

“The Family Violence Option: Implementation and cultural competency issues”<sup>4</sup> in [Facilitating access to TANF for battered immigrants: A pilot training program for TANF eligibility workers](#) provides guidance for individual/systems advocacy with TANF workers.

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<sup>4</sup> See pages 101-118.