

**Questions & Answers  
TANF & TA-DVS  
Domestic Violence Intervention**

**1. What is domestic violence?**

There are many definitions of domestic violence within DHS and even more within in the community. The definition for self sufficiency programs comes from ORS 411.117.

Domestic Violence means the occurrence of one or more of the following acts between family members (*including mom, dad, brothers, sisters, etc.*), intimate partners (*including boyfriends; girlfriends; dating partners; spouses; ex-spouses; ex-partners*) or household members (*including roommates*):

(a) Attempting to cause or intentionally, knowingly or recklessly causing physical injury (*pushing, shoving, slapping, grabbing, punching, kicking, choking, etc.*) or emotional (*threats of injury against family, friends, children; threats of suicide; blaming victim for abuse, etc.*), mental (*acting like nothing happened after the abuse; unfounded accusations of infidelity; accusations of being unfit parent; etc.*) or verbal abuse (*degrading language; name calling; putdowns; etc.*)

(b) Intentionally, knowingly or recklessly placing another in fear of imminent serious physical injury;

(c) Committing sexual abuse (*non-consensual sexual contact*) in any degree as defined in ORS 163.415 or , 163.425 and 163.427; or

(d) Using coercive (*use of intimidation*) or controlling (*control of money, victims actions who she see's, where she goes, whether or not she can work*); *isolation; using jealousy to justify actions*) behavior.

***The behaviors in italics are not part of the statutory definition in ORS 411.117, they have been added to help folks understand more specifically what behaviors constitute the various types of abuse.***

**2. When is safety a concern?**

The behaviors described in italics above are just some of the ways that abusers may exert power and control over their victims. Domestic violence usually starts with verbal and emotional abuse and escalates over time to pushing, shoving and then to more physical abuse. For TA-DVS we are looking for safety concerns that would lead to a risk of further or future domestic violence. Single instances of verbal abuse or controlling behavior does not necessarily constitute a risk of further or future domestic violence. When there is a history of these behaviors or when these behaviors have escalated (i.e. verbal to emotional to physical abuse) there is higher risk to the

victim. If the abuser has access to a weapon or has injured the client in a visible way (e.g. black eyes; bruises; broken bones; etc.) the danger may be even greater. When presented with verbal abuse or controlling behaviors we need to look at whether the client is fearful of escalation; whether the partner has threatened violence; whether there has been past physical abuse of the current client or past partners; and what the client feels they need to be safe.

### **3. Should we be making TA-DVS payments for issues that are not domestic violence?**

Our clients may be victims of other crimes besides domestic violence. It is not the intent of TA-DVS to help people flee these situations, even though the situation may be compelling. When criminal acts are by strangers; friends; neighbors; or landlords (unless they meet one of the relationships described in our definition), there is no eligibility for TA-DVS. For these types of criminal acts, a client should be referred to victims assistance through your local District Attorney. Domestic and Sexual Assault programs may also offer support and referrals to victims.

In addition, even when a situation may appear to meet our definition, a fifteen year old son abusing his mother, TA-DVS may not be the appropriate intervention. It is not our intent to separate a mother and minor child. We would offer other potential interventions including referral for counseling and juvenile justice connections.

### **4. What do you do if you suspect DV payments are being used fraudulently?**

There are many things we can do to address potential fraud in TA-DVS cases.

#### How we make payments:

Program guidelines state we should make payments by dual payee (both the client and vendor signs the check) whenever possible. It is also possible to do direct vendor (vendor signatures only) payments. (This is especially crucial if we suspect A&D issues)

#### Verification or Documentation:

We can ask for verification of landlord/lease agreements, call tax assessors to verify property ownership, request estimates for u-hauls, verify residency; ask for proof of pregnancy, etc., if we believe the information is questionable. Note: We can waive some or all verification of these items if not available in time to meet an immediate safety need. We do not ask for documentation of the domestic violence, but we should ask questions that will lead to the clients safety concerns and help in establishing the DV Assistance Agreement.

#### Income:

For TA-DVS we are looking at immediately available income to determine eligibility, but we can look at income the client is expecting to receive within the 90 day eligibility period to meet part of their need.

Investigation (Effective in April 2004):

In cases where it is suspected that fraud has been committed, (i.e. false or forged leases, landlord agreements), we can ask our investigators to look into the situation. We would be looking at whether the client acted as a result of coercion by the abuser; what safety implications in pursuing the investigation (for either client or investigator); If a potential fraud situation includes unreported income, was the income controlled by the abuser or used to help the client flee the domestic violence situation. If the potential fraud situation is around children being in the home, we need to determine whether it was reasonable to believe the client intended to have the child returned to the home once safety was established (proceed with caution if the child is in the custody of a potential abuser).

Overpayments (Effective in April 2004):

We would pursue overpayments in TA-DVS cases when they were a result of intentional program violation and they were not a result of coercion and there were no known safety implications in pursuing those overpayments.

Consultation:

If a domestic violence situation is questionable, you can consult with your local domestic violence service provider and have them help determine what the safety concerns are for the victim and her children. You can also staff the case with your SDA domestic violence point person or the central office Domestic Violence Intervention Program Analyst.

**5. What are the time lines around evictions?**

Unlike emergency assistance, an eviction notice as a result of non-payment of rent alone, would not constitute eligibility for TA-DVS. Payment of past due rent is permissible under TA-DVS if rent was not paid because the funds were controlled by the abuser or the abuser used the funds for something besides paying the rent; the victim was unable to pay the rent due to the domestic violence (i.e. lost hours on the job so had a low pay check); the client used the funds to help keep themselves and their children safe; or if not paying put the client at greater risk of violence.

Time sequences may vary depending on type of eviction. You can contact legal aid for information about evictions and landlord tenant issues. You can also access information on-line at [www.oregonlawhelp.org](http://www.oregonlawhelp.org).

**6. How many times can a client get TA-DVS?**

Currently TA-DVS is available every ninety days if there is a safety issue related to domestic violence and the client meets all other eligibility requirements. Statistics show that most people (95.8%) receive only 1 payment within a 12 month period, with a few (3.9%) getting it twice and even less three times (.3%). It has been decided that anytime a person is coming in for a third time (within a year or longer) the case should be staffed with central office.

**7. What are the mandatory reporting requirements in domestic violence cases?**

In Oregon, there are no mandatory reporting requirements to law enforcement of domestic violence itself. If the adult victims is a senior or person with a disability, these cases should be referred to Adult Protective Services. In cases where children witness domestic violence, though this is a risk factor for child abuse, it does not automatically constitute a referral to child welfare or law enforcement, unless the child was also abused, neglected or there is a substantial risk of abuse. See the “What you can do about child abuse” pamphlet PAM 9061 - Rev. 12/01, for more details.

**8. When should a DV Service Provider be involved in a DV agreement?**

If the client agrees, it is always a good idea to involve DV service providers in the development of TA-DVS or TANF domestic violence assistance agreements. DV service providers are experts in helping victims identify what they need to be safe and in helping them through the many systems in which they may be involved. DV service providers also act as information and referral agencies for victims seeking services.

If the client decides they do not want to access the DV service provider, DHS staff can always call and consult with DV advocates on steps or activities that would be appropriate to enhance a victims safety. It’s important that client confidentiality is maintained in these situations.

**9. How do we deal with rent issues?**

First, it is appropriate before issuing payments to a landlord to verify who the property owner is or that the landlord has agreed to rent to the client. This can be done by phone; in writing or with a copy of a lease agreement. In reviewing TA-DVS payment records, many times our staff have issued payments to one landlord and then turned-around and reissued to a second landlord because the first landlord decides not to rent to the client. Though the first check is returned, the re-issuance and cancellation of the first check increases workload for staff. Secondly, when reviewing examples of potential fraud, many times the fraud was based on false documentation of a rental need and subsequent payments that did not go to a bonafide landlord/rental agent/property owner.

When issuing shelter payments, the TA-DVS client's immediate safety needs must be met. Make all attempts to secure affordable shelter. If the client's future shelter costs exceeds the client's income, the DV Assistance Agreement must address how the client will pay subsequent shelter costs.

**10. How much training do staff really need on domestic violence?**

Federal law states that staff who develop domestic violence case plans or who waive TANF requirements related to domestic violence, must have domestic violence training for the State to receive federally recognized DV waivers. In addition, the DHS DV Council is developing

recommendations around DV training that will include recommendations for yearly or biennial updates, with the need being assessed during annual performance reviews.

Currently it is recommended that all staff have basic domestic violence training (*DV 101*) from their local DV service providers of at least 4 hours. *DV 101* is available in Salem for folks who are unable to arrange, in a timely manner, for local training. In addition, folks who determine eligibility for TA-DVS or who are case managing cases where domestic violence is a family risk factor should receive DV policy information through the *DV Policy and Case Planning in Self Sufficiency Programs* class (7 hrs). The *DV Policy and Case Planning in Self Sufficiency Programs* class can be taken to the field either by SDA or regionally if there are enough staff need to fill a class.

For more information on domestic violence intervention within Self Sufficiency Programs, contact Carol Krager, DV Intervention Program Analyst (503) 945-5931. For more information on domestic violence practice within Child Welfare Programs, contact Bonnie Braeutigam, DV Program Coordinator (503) 945-6686.