

Know Your Welfare Rights!

DOMESTIC VIOLENCE



If you are getting welfare or applying for welfare and you have a problem with domestic violence, the welfare office can give you special help.

What kind of help can I get?

The welfare program has special rules for victims of domestic violence, rape, or incest, concerning:

- **Work requirements**—Most people who get welfare must participate in a work activity right away in order to get cash assistance. You do not have to participate in the welfare work program right away if you need extra time because of domestic abuse.
- **Time limits on benefits**—Welfare cash benefits under the WFNJ welfare program are limited to 60 months. You can get additional benefits if you need extra time because of domestic abuse.
- **Child support cooperation**—If you are applying for welfare for your children, the welfare office will ask you to provide information about the other parent so that child support can be collected. You do not have to provide information about an abuser if you can show that you or your child will be emotionally or physically harmed if you do.
- **Residency requirements**—If you are under 18 years of age and pregnant or caring for a dependent child, you do not have to live in the home of your adult guardian/ parent if there is a threat to your emotional health or physical safety **or** a risk or history of physical/ sexual abuse to you or your child.
- **Assistance for children**—Generally, if you have another child while receiving TANF, your cash benefits will not increase due to a family cap. However, if the child was conceived as a result of rape, incest, or domestic violence, your TANF benefits usually will be increased.

These special rules are called the *Family Violence Option*. N.J.A.C. 10:90-20.

How do I get this help from the welfare office?

The welfare office must notify all applicants and recipients of these exceptions and their right to ask that any of these special rules be applied to them. You don't need to have a restraining order, a police report, or medical records to qualify for these special domestic violence rules.

When you first apply for welfare, a welfare worker is supposed to offer you an opportunity to apply for these exceptions by meeting with a welfare worker with training in domestic violence. This person is called a county welfare agency Family Violence Option representative (CWA FVO representative). You do not need to discuss domestic violence with the caseworker. But make sure that he or she refers you to the CWA FVO representative. At any time, you can ask for a referral to the FVO representative.

You can ask the CWA FVO representative to have any or all of the exceptions applied to you. The domestic violence representative will grant you a temporary *wavier*, meaning that you will be excused from the regular welfare requirements until your situation is reviewed. You will then be sent to meet with a domestic violence specialist working in a program for victims of domestic violence, outside of the welfare agency, for a risk assessment. The domestic violence program will meet with you or talk with you by

Continued from other side

phone to review your situation for a risk assessment and make a final decision about whether you should be excused from any of the welfare requirements. They will then inform the CWA FVO of their decision. Once you are excused from welfare requirements, you will be reevaluated at least every six months to see if your situation has changed.

The domestic violence program must also develop a safety and service plan with you. The plan should provide for you to get helpful services, such as counseling, legal help, medical attention, and housing assistance, so that you may be able to work eventually. You can discuss with the program representative the type of help you think you need. This will be part of your *Individual Responsibility Plan* (IRP), a plan developed for all welfare recipients to assess their needs and address any issues or problems that prevent them from working. The welfare agency can provide you with transportation and other necessary services so that you can participate in services.

Getting away from the abuser:

You may feel that you and your family must move away from your abuser. If you need help to get away, ask the welfare office for, or ask the domestic violence program representative you speak with to help you get:

- Cash assistance right away (immediate need assistance) **N.J.A.C. 10:90-1.3**
- Emergency shelter or other temporary housing assistance (Emergency Assistance) **N.J.A.C. 10:90-6.1**

What if the welfare office won't give me the help I need?

If you are denied one of the exceptions discussed above, you can:

- Ask for a hearing to challenge the welfare office's decision.
- Get legal help. You can contact your local Legal Services program in your county for free legal assistance.

If you need more information about your rights concerning a domestic violence problem, free legal help is available to low-income New Jersey residents by calling LSNJLAWSM, Legal Services of New Jersey's statewide, toll-free legal hotline, at:

1-888-LSNJ-LAW
(1-888-576-5529)

You may also apply online at www.lsnjlawhotline.org.