

Colorado Model Office Project

CHILD SUPPORT POLICIES AND DOMESTIC VIOLENCE: A Preliminary Look at Client Experiences with Good Cause Exemptions to Child Support Cooperation Requirements

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INTRODUCTION

New federal welfare legislation will hold applicants and recipients of Aid to Families with Dependent Children (AFDC) to strict cooperation standards. To avoid severe reductions in benefits, they will be required to provide the name of the father of their children and other identifying information for the purpose of establishing paternity and pursuing child support. The law leaves it up to states to define several key issues: what constitutes cooperation; what constitutes good cause for exemption from pursuing child support; what constitutes noncooperation; the penalty for noncooperation; and which agency should make the good cause determination (Legler, 1996). Pursuant to the Family Violence Amendments to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 ("PRWORA"), states are urged to consider the impact of domestic violence on applicants and recipients and exercise flexibility in imposing the various time frames and performance requirements specified in welfare reform.

This article provides some preliminary information on how child support cooperation requirements affect victims of domestic violence. It also describes some of the experiences victims have when they request waivers from child support cooperation requirements through conventional "good cause" application procedures.

LITERATURE

It is widely acknowledged that the incidence of good cause requests and awards fall far below the projected level of serious domestic violence among welfare applicants. In 1993, there were five million AFDC eligibility determinations in the United States. Only 6,585 custodial parents claimed good cause for refusing to cooperate in establishing paternity and child support. In 4,230 cases, these claims were determined to be valid (U.S. Department

of Health and Human Services, 1995). Although the precise incidence of domestic violence among welfare applicants is not known, it is undoubtedly higher than these rates of award suggest. Estimates presented in the *Journal of the American Medical Association* in 1992 indicate that a woman in the United States has a 1-in-3 to 1-in-5 chance of being physically assaulted by a partner or ex-partner during her lifetime (JAMA, 1992:3185).

Among low-income women, estimates of the incidence of domestic violence are even higher. According to a 1996 Bureau of Justice Statistics report, women living in households with annual incomes below \$10,000 are four times more likely to be violently attacked, usually by intimates (Craven, 1996). Some writers place the frequency of domestic violence at between 50 and 80 percent of women receiving AFDC (Raphael, 1996a). For example, a recent study of 216 women in low-income housing and 220 homeless women in Worcester, Massachusetts revealed that 63 percent reported serious physical assaults by intimate male partner (Bassuk, Browne and Buckner, 1996). In a similar vein, 60 percent of a representative sample of Washington State's AFDC population reported that they had been physically or sexually abused as adults, although the study did not differentiate between current or past abuse (Roper and Weeks, 1993). Divorced and separated women are at particular risk of physical abuse. The U.S. Department of Justice reports that up to three-quarters of the domestic assaults reported to law enforcement were post-separation cases (U.S. Department of Justice, 1993). Over half of all male defendants in spousal homicide cases were separated from their victims at the time of the murder (Bernard et al, 1982). Divorced and separated women report being physically abused 14 times as often as women living with their partners (Haralow, 1991, as cited in Raphael, 1996b, n.5).

There are several possible reasons for the discrepancy between the incidence of domestic violence and the incidence of good cause requests and awards, although there is currently no empirical evidence to support or refute any of them. According to some welfare and child support agency administrators, the pursuit of child support rarely endangers a woman and her children, even if she is a victim of domestic violence. Domestic violence is not a common reason for noncooperation. In their experience, noncooperation often reflects a

mother's reluctance to jeopardize her relationship with the father and the informal support he provides by involving him in the formal paternity and child support system (Wattenberg, 1991; Pearson and Thoennes, 1996; Edin, 1995; Ellwood & Legler, 1993). Although they acknowledge that domestic violence is a factor for many women, they feel that child support often has little impact, with many victims failing to want or need an exemption from cooperation with paternity establishment and/or child support enforcement. As one administrator stated:

These guys are jerks, but whether or not you pursue child support will not make a darn bit of difference. It comes up very rarely and it is bureaucratic overkill to require 100 percent of your caseload to go through screening procedures that are only relevant for one or two percent.

Domestic violence and welfare advocates, on the other hand, tend to view the low rate of good cause requests and awards as worrisome. One attorney who has represented victims of domestic violence estimates that at least 20 percent of clients seeking an order of protection had been abused as a direct result of cooperating with IV-D child support enforcement proceedings (Pollack, 1996). As she puts it:

Many of the policies falling under the rubric of "welfare reform" not only ignore the reality of domestic violence among the AFDC population but also punish victims for being victims. Unrealistic requirements, harsh penalties, and misguided incentives on states put added pressure on domestic violence victims to choose between personal safety and economic support. These policies also increase the risk of abuse (Pollack, 1996).

Advocates feel that child support actions have the potential to renew violence because they alert the abuser to the victim's location, precipitate physical contact between the abuser and the victim in the courtroom, and/or stimulate desires for custody and visitation that could lead to regular and dangerous contact. The connection between child support and domestic violence is explained this way:

Many domestic violence victims who have gone 'underground' to avoid violence cannot seek child support because they might alert their abusers to their location. By their very nature, paternity and child support enforcement court proceedings involve physical contact with the abuser in the courtroom,

and this often leads to renewed violence or stalking. Advocates have seen that many abusers react to child support enforcement by beginning or reviving efforts for visitation and child custody, which could endanger women and children (Raphael, 1996b:193).

Other reasons offered to explain the discrepancy between the incidence of domestic violence and the incidence of good cause requests and awards involve issues of information and documentation (Mannix, Freedman and Best, 1987; Pollack, 1996). One is lack of awareness of the option among those who have legitimate claims to good cause. Social services clients may not receive required written notice of the right to claim good cause before requiring cooperation, or it may be lost in the flood of paper that accompanies the application process. Even if they receive written notification, applicants may not understand their rights or need to be reminded of the good cause option as they move through the application process. Those interested in good cause may be deterred by the requirement to corroborate a good cause claim with documents and agency records. Finally, the agency might not provide the applicant with the help she needs to obtain records and other documents needed to support a claim of good cause.

Several questions need to be answered in order to craft welfare and child support enforcement policies that are sensitive to the needs of abused women and their children while preserving the notion of financial responsibility for noncustodial, abusive parents.

What is the incidence of domestic violence among applicants and recipients of AFDC? How frequently is the perpetrator of the abuse the father of minor-aged children against whom a child support action is initiated?

How salient is the issue of child support for women who have been victims of domestic violence? Do they feel that the pursuit of paternity and/or child support poses any threat of harm to them or to their children? Are they interested in establishing paternity and receiving child support, or do they wish to be exempted from the requirement to cooperate with the child support program?

Do women fail to request a good cause exemption because they are unaware of, or do not understand, their rights? Do applicants who fear violence covertly avoid identifying the father rather than making a formal exemption request?

What is the application and corroboration process like for those who seek good cause exemptions? What kind of agency records and witness accounts might be available to support a claim? What are the barriers to obtaining documentation?

When is good cause granted? When is it denied? What are the applicant, abuse and documentation characteristics of good cause requests that are approved versus those that are denied?

What types of changes might be made to the child support process to increase the safety of cooperating victims and their children?

This article presents some preliminary answers to these questions. As such, it offers some clues on how states might pursue the goals of both collecting child support from all absent parents and protecting women and children from men who are violent.

METHOD

This investigation of domestic violence, child support and the good cause application process was conducted by the Center for Policy Research as part of the Colorado Model Office Project.¹ The investigation is based on interviews with victims of domestic violence who applied for and/or received AFDC or Medicaid at the Denver Department of Social Services (DDSS). The respondents were recruited several different ways. All applicants/recipients who had applied for an exemption to the cooperation requirements of the child support agency because of domestic violence during the past several months were notified of the study by mail and invited to participate in an interview. Another group of respondents was recruited by AFDC tech workers during the intake or JOBS orientation process. AFDC applicants were handed a postcard asking whether they had experienced domestic violence and/or feared that they would be at risk of physical harm by pursuing child support. Those who responded positively and were interested in being interviewed were telephoned and scheduled for an interview.

¹The Colorado Model Office Project, Grant No. 90-FF-0027 was awarded by the Federal Office of Child Support Enforcement to the Colorado Department of Human Services in October 1994 to demonstrate the effectiveness of various innovations in child support case processing in small, medium and large jurisdictions.

Ultimately, we conducted 16 face-to-face interviews and 4 telephone interviews. The in-person interviews were conducted by a trained social scientist in the respondents' homes, or in restaurants, parks and other public places. All respondents were given a modest incentive for participating in the interview, which took approximately one hour. Respondents were asked about their experiences applying for AFDC and dealing with the Child Support Enforcement Unit (CSE), their domestic violence experiences, their understanding of the "good cause exemption" option, their reasons for requesting or not requesting good cause, the documentation or other information available to them to corroborate their claim of domestic violence, and their thoughts on what might constitute a fair child support policy for victims of domestic violence. Five of the interviews were with women who had requested good cause but been denied, four interviews were with women who had been granted good cause, and eleven interviews were with women who had been victims of domestic abuse but had not pursued good cause at all. Table 1 presents a summary of selected characteristics of the interviewees.

In addition to conducting 20 interviews, we reviewed 69 good cause applications submitted to DDSS during June - November 1996. Information was extracted on the reason for the good cause request, the nature of documentation provided, the agency's recommendation and the reason good cause was awarded or denied.

In the next section of this paper, we present a brief discussion of the formal good cause application procedures currently in use at the DDSS. This is followed by a presentation of the results of the 20 interviews and the review of 69 applications.

Table 1
Selected Characteristics of Interviewees

Respondent	Fears of Harm	Abusive Parent Knows Location of Custodial Parent	Custodial Parent Informed of Good Cause Option	GCE Requested	Documentation	GCE Granted
A	Kidnap	Yes	No	No	Witnesses	
B	No	Yes	No	No	Police Records	
C	No	Yes	Yes	No	Restraining Order	
D	Kidnap (has happened)	No (She wants to find him)	No	No	None	
E	Claim custody	No	Yes	Yes	Unable to locate	No
F	Physical harm	No	Yes	Yes	Restraining Order	No
G	Physical harm; custody	Yes	Yes	Yes	Restraining Order	No
H	Physical harm; kidnap	Yes	Yes	Yes	Restraining Order	No
I	No	Yes	Yes	Withdrawn	None	
J	Physical harm; kidnap	No	No	No	None	
K	Kidnap	No	No	No	Restraining Order	
L	Physical harm; kidnap	No	Yes	Yes	Police records	No
M	Physical Harm	No	No	No	Unsure	
N	No	Yes	No	No	None	
O	Physical harm; kidnap	Yes	No	No	Police records; Restraining Order	
P	No	Yes	No	No	None	
Q	Physical harm; kidnap	Yes	Yes	Yes	News clips; Police Records	Yes
R	Physical harm	No	Yes	Yes	News clips; Police Records	Yes
S	Threat to kill	No	Yes	Yes	Police Records; Medical Records	Yes
T	Threat to kill; Physical harm	No	Yes	Yes	Police Records; Arrest; Letters	Yes

POLICIES AND PROCEDURES FOR GOOD CAUSE APPLICATIONS

The official good cause policies for the Denver Department of Social Services (DDSS) are found in Colorado Regulations Volume III for AFDC², and Volume VI for Child Support Enforcement. These policies define good cause as “circumstances under which cooperation with the CSE Unit may not be ‘in the best interests of the child.’” In addition to the circumstance of domestic violence (“physical or emotional harm to the child for whom support is sought and/or physical or emotional harm to the parent or caretaker relative with whom the child is living”), good cause may be granted when the child was conceived as a result of forcible rape or incest, when legal proceedings for the adoption of the child are pending, or when the caretaker relative is actively considering whether to relinquish or keep the child.³ According to these regulations:

1. the recipient or applicant may request good cause anytime;
2. the applicant may also re-apply if her request has been denied and she wants to provide new/more evidence that good cause exists; and
3. the county social services department will provide reasonable assistance in obtaining corroborative evidence, if requested.

PROCEDURES FOLLOWED BY DDSS

DDSS’s procedures regarding AFDC applicants/recipients who may wish to request good cause have changed somewhat during the past year. Currently, the divisions of Child Support Enforcement (Title IV-D) and AFDC (Title IV-A) work together in processing applications. In May 1996, in an effort to handle requests more consistently, DDSS appointed a IV-A hearing officer experienced in welfare fraud cases to serve as a Good Cause officer. DDSS also created a Good Cause Committee comprised of administrators from the IV-A and IV-D agencies to review the materials on each application assembled by the Good Cause Officer. Simultaneously, several Intake and Eligibility Technicians who are

²The 1996 Welfare Reform law replaces the AFDC program (Aid to Families with Dependent Children) with the TANF program (Temporary Assistance to Needy Families), effective July 1, 1997.

³The Model Office Project is primarily concerned with those cases involving domestic violence.

part of the Model Office Project began to administer a questionnaire to AFDC applicants that included two questions about domestic violence. While screening is not done on an agency-wide basis, this questioning of some clients may have also sensitized personnel in the agency to the issue of domestic violence and good cause. As one child support administrator confessed, “Before we began discussing good cause at MOP meetings and looking at screening question results, I never even checked the part of the application to see if someone was requesting good cause.”

The official procedure for a good cause application works this way:

1. At an introductory group orientation session, all applicants for AFDC are informed of the requirements for cooperating with CSE and of the option of applying for good cause, although the meaning of “good cause” is not explained in detail.

2. Each applicant for AFDC is required to provide information about her children, including identifying data for the absent parent (name, social security number, address of employment, and so forth). The final question on the information form asks “Do you have evidence that efforts to establish paternity or obtain support could cause physical or emotional harm to you or any of your children? If yes, explain.”

3. The Intake or Eligibility Technician reviews the AFDC application submitted by the applicant during an individual interview. If the applicant answers yes to the question on harm, the Technician discusses good cause with her. If the applicant requests an exemption from cooperation with Child Support Enforcement, the IV-A Eligibility Technician explains what evidence is needed for documentation of the claim. If the Technician believes there is sufficient documentary evidence, she submits the case to the Good Cause Officer for processing. While it is agency policy to suspend child support enforcement procedures in cases with a good cause application, this may not always happen since the automated child support and AFDC systems are not formatted to communicate this information. Suspension of case activity during the good cause process must be initiated by technicians using manual techniques.

4. The Good Cause Officer, who is part of the IV-A Self-Sufficiency division, then contacts the applicant, giving her a date by which to submit all documentation, generally in one to two weeks. In cases of domestic violence, this includes "court, medical, criminal, child protection services, social services, psychological or law enforcement records," written statements by a mental health professional, and sworn statements from individuals other than the applicant with knowledge of the circumstances forming the basis for a good cause claim.⁴

5. Upon receipt of all pertinent documentation from the applicant or technician, the Good Cause Officer either denies the application, if she feels it lacks adequate documentation, or sends it on to two-member Good Cause Committee. An administrator from the Child Support Enforcement Division and from the AFDC Division make separate recommendations. If they disagree, the Good Cause Officer works with both administrators until they agree. "Sometimes one of them has information that the other doesn't have, and that is the reason for the disagreement. When they both have the same information, they usually agree."

6. The Good Cause Officer sends the completed good cause waiver form with the recommendation for approval or denial to the Self-Sufficiency Division Director for a final decision. With access only to the recommendations but not the documentation, the Director usually follows the committee's recommendation.

7. If good cause is granted to the applicant, the case is closed by CSE. If good cause is denied, CSE initiates the process of establishing paternity and/or collecting child support from the absent parent.

AGENCY CHARACTERISTICS

The Denver Department of Social Services (DDSS) serves the city and county of Denver, which had a population of 492,861 in 1995, of which approximately 23 percent was Latino

⁴The various documents that are acceptable as corroborative evidence are enumerated in Colorado regulations (Volume III, 3.650.652).

and 13 percent was African American. The U.S. 1990 Census showed that in Denver county, more than half of all households with children under the age of eighteen and headed by females were living below the economic poverty level. At the end of December 1996, approximately 36,500 people, or 7.4 percent of Denver's population, were recipients of AFDC or Medicaid. AFDC cases are handled by the Department's Division of Self-Sufficiency, which has a staff of 220 workers.

Child support matters are handled by the Division of Child Support Enforcement, which includes 135.5 staff persons. At the close of 1995, Denver County had 44,292 child support cases. More than half of these cases (62 percent) involved absent parents who could not be located; only 22 percent of the cases involved parents who were paying child support. In 1993, the Denver Division of Child Support Enforcement spent \$1.00 in administrative costs to collect \$1.47 in AFDC cases and \$2.33 in non-AFDC cases. The agency collected nearly \$20 million in 1995.

In recent years, the Denver Child Support Division has participated in several innovations aimed at improving child support collection, including the operation of a satellite office to enhance the delivery of decentralized, comprehensive services; the initiation of centralized payment processing; several mass case processing initiatives including credit bureau reporting and driver's license suspension; and comprehensive outreach to hospitals, prenatal clinics and settings offering postpartum services to inform parents and health service providers about the voluntary paternity acknowledgement process. Most recently, the Denver Child Support Division was selected to be one of three Colorado counties participating in a national examination of innovative practices in child support known as the Model Office Project, one component of which involved experimentation with the roles of Eligibility and Child Support Technicians in the intake process.

Brief questionnaires, administered by Eligibility and Child Support Technicians associated with the Model Office Project at DDSS during the months March through September 1996, and completed by 413 AFDC applicants, reveal that 94 (23%) claimed to be abused by the father of their child(ren). A total of 51 (12%) agreed with the statement "If I try to get child

support, my child's father will harm me.” (See Table 2). On the other hand, only 1% of clients actually submitted an application for good cause.

Table 2 Client Reactions to Questions Concerning Domestic Violence Denver County: March - September 1996 N A 413	
My child's father abuses me/child	23% (94)
If I try to get child support, my child's father will harm me	12% (51)

During June through November 1996, 69 AFDC or Medicaid applicants in the City and County of Denver filed for good cause exemption for reasons of domestic violence or forcible rape. Nineteen applicants (28%) were awarded good cause. In 22 cases (32%), the applicant did not respond to a request for documentation and the process stopped with either the Eligibility Technician or the Good Cause Officer. In 28 denied cases (40%), documentation was presented, but was not considered to be sufficiently compelling (see Table 3).

Table 3 Results of Good Cause Requests for AFDC or Medicaid Applicants/Recipients June - November, 1996 N A 69	
Denied: No documentary evidence presented	32% (22)
Denied: Documentary evidence judged insufficient	40% (28)
Granted good cause	28% (19)

In those cases where the application was sent to the Good Cause Committee and good cause was granted, documentation included police records of arrest for domestic violence; court documents showing that restraining orders had been violated; newspaper articles of kidnaping, assault and arrest; letters of support from personnel from out-of-state battered women shelters; requests for new social security numbers; telephone records demonstrating patterns of harassment; and letters from friends and relatives.

RESULTS OF INTERVIEWS AND APPLICATION ANALYSIS

I. REACTIONS TO CHILD SUPPORT POLICIES

A. Many abused women want child support and require no changes to current paternity and child support establishment and enforcement procedures. Social services workers who interview clients when they apply for welfare report that most victims of domestic violence want child support even when apprised of the good cause option.

An intake worker at DDSS who routinely interviews AFDC applicants stated: "I explain good cause to them and we go over it, but they usually say, 'No, I still want him to pay for his children,' or 'I'm no longer afraid of him.' For some of them, the financial thing is the only way they can get back at him."

B. All respondents agree that, under ideal circumstances, it is fair for CSE to ask for information regarding the absent parent. However, complying with the cooperation requirement is often not a simple matter. Some women lack the requested information or find it too painful to divulge.

Respondent H says, "Don't punish people for what they don't know. Sometimes when a family has split up, the mother doesn't know where the absent father is working or living. Why should she and her children be punished for not knowing this?"

"Compliance is not a fair policy – it takes courage to name someone that has really hurt you." (Respondent D)

"I never knew his social security number, although he knows mine." (Respondent G)

C. Many abused women want child support but are worried that they will be unfairly endangered by child support notification policies.

"I think most women WANT those (abusive) guys to pay child support, but women also need to know they will be safe, and their children will be protected." (Respondent L)

"CSE should tell you what they are doing, so you can be prepared. I was told (by someone at CSE) that when they find my ex-husband and he starts paying child support, he will be able to get my address from them. I have

a restraining order from the courts, to block my address from going to him. How can CSE break that court order?" (Respondent L)

D. In some cases, the mother knows the whereabouts of the absent father, but believes that the pursuit of child support from him will trigger new violence or kidnaping.

The husband of Respondent H told her he would never support her and the children if she divorced him, and would kidnap the children rather than pay child support.

Respondent G and her husband are divorcing, and are in a custody battle over their daughter. She requested good cause exemption because of her husband's anger and violent behavior toward her, which she believes will be triggered by attempts to collect child support.

Respondents A, H, J, and K all described threats made by the fathers of their children to kidnap the children if the mothers either left the fathers or hassled them legally. In two of these cases, the fathers regularly visit relatives in Mexico, and threaten to take their children there.

E. In cases of rape, the policy of cooperation or compelling proof may place the mother in an untenable position.

Respondent E knows the identity of the man who raped her and fathered her child, but is afraid that he will claim visitation rights or custody if contacted by CSE. However, she is unable to provide satisfactory documentation of the rape.

F. Still other abused women hope to use the child support process to surface an absent parent who has disappeared.

Respondent D is hoping CSE will locate her ex-husband, who took her oldest son and disappeared four years ago.

II. APPLYING FOR THE GOOD CAUSE EXEMPTION

A. The term "good cause exemption" is not consistently explained in a way that makes sense to people, or that necessarily links it to the question about harm or danger from the absent parent.

Respondent B does not remember hearing the phrase "good cause exemption," or any kind of explanation about it, but says she was asked if she thought the father would harm her or the child if child support were sought.

Respondent K remembers hearing the phrase "good cause exemption," but does not know what it means; she said she never read nor was asked a question regarding harm to her or her children if child support was sought.

Respondent J says it would help if people were given something in writing explaining good cause exemption.

B. A parent applying for assistance may not understand the questions used by DDSS to flag cases that may be suitable for a good cause exemption.

On her AFDC application, Respondent A answered "No" to the question: "Do you have evidence that efforts to establish paternity or obtain support could cause physical or emotional harm to you or any of your children?" Nevertheless, Respondent A says that there is good reason for her to fear that the father, who comes and goes to Mexico, may kidnap their son and take him back to Mexico, to be raised by the father's mother, rather than make monthly payments.

C. The process of seeking child support, and of granting or denying an application for a good cause exemption is not clearly explained to applicants, and in some cases appears to be arbitrary and with no opportunity for redress.

Respondent G was denied good cause exemption, although she has a permanent restraining order against her husband. She feels that social services procedures did not allow her to adequately state her side of things; she says she was "put on trial without being allowed to be there."

"They (Social Services) don't really tell you anything, except that it might take 45 days to process your application, and for the check to come. I think it would help if they explained what is going to happen when they go after child support, and what will happen if you don't give the father's name. You don't really know how things work there." (Respondent A)

Respondent L's request for good cause exemption was denied. She says that the social services worker never asked for documentation, nor was she told she could re-apply if she wanted to provide new or more evidence.

Further, she did not realize that she could request assistance in obtaining corroborative evidence.

III. DOCUMENTATION FOR GOOD CAUSE EXEMPTION

A. Many applicants who are denied good cause fail to respond to a written request for documentary evidence of the circumstances alleged in the request for good cause. It is unclear how many of these women were discouraged from applying by technicians who considered their chances of award to be slim, or whether they changed their minds for other reasons.

A review of 69 applications for good cause shows that in 22 cases (32%), the applicant failed to respond to a written request for documentary evidence of the abuse alleged in the request for good cause. The application consists of a single sheet of paper. Asked to describe the reason for their request, these women usually provided a brief, general explanation, such as: "threat to physical or emotional well-being."

Respondent I withdrew her application for good cause without submitting any documentation. Although she stated she could have provided evidence, her story lacked any details to bolster her claim, and her motivations for applying for good cause remain uncertain.

B. Obtaining documents that corroborate a claim of domestic violence may be very difficult or impossible. Some victims, for example, are extremely reluctant, and sometimes unable, to go to a doctor or emergency room for medical treatment.

"It was never so bad that I had to go to the hospital. Once, when he was 'fighting' me, he did something to my arm, twisted it in some way, and it has never been the same since then. But I didn't go to a doctor, because I knew that if I did, it would open up a new chapter, and I didn't want that."
(Respondent B)

When the husband of Respondent H would become violent and beat her, he would not let her or the children out of the house, and would not let her use the phone. He threatened her with kidnapping the children if she told anyone.

Respondent J was raped and beaten by the father of her child numerous times. She never went to a doctor or the police, because he told her he would kill her parents if she talked to anyone about him.

C. When a woman *does* go to an emergency room or a doctor because of injuries sustained in a domestic violence incident, the people treating her may not record it as such in the medical records.

Respondent F has been to the emergency room and been treated by doctors for her injuries (a broken nose, several cracked ribs, and broken teeth, a split in her cheek), but she doesn't remember talking specifically to the medical people about how these injuries happened.

D. Women who leave the home as a result of a domestic violence incident often go to a relative's or friend's home, rather than to a shelter. When a woman does go to a shelter, she does not necessarily have the wherewithal to keep records, or to even notice the name and address of the shelter.

Respondent E and her child ended up in a shelter in Adams County several years ago, as survivors of a violent encounter with a man selected by their church to help them move to the Denver area from out of state. Respondent E now needs records from that shelter, but is unable to remember its the name or location.

The interviewer arranged to talk with an AFDC applicant who is staying at a shelter with her children. At the time of the arrangement, the respondent did not know the name or the exact address of the shelter, although she had been there for several weeks.

E. Sometimes the applicant does not have the means, either financial or logistical, to obtain the necessary documents to support her claim for good cause exemption.

Respondent F applied for good cause exemption, and was told it was denied because the police report she used as documentation did not have the name of the abusive partner on it. She understood that she had two weeks in which to provide other documentation. In order to get the report with the full name of the abuser on it, filed by the police in the county in which the incident occurred, she needed \$20.00 (the cost of obtaining copies of police records), and transportation to go to Aurora. She was unable to do this within two weeks.

F. Some documentation may be perceived to be ambiguous (or contradictory) as in the frequent award by judges of restraining orders and unsupervised visitation following a parental separation or divorce.

Respondent G believes that collecting child support from her husband will fuel his violent anger toward her. She was denied good cause exemption, although she has a permanent restraining order against her husband. She was told that the problem is not one of documentation, but the fact that the judge in the divorce proceedings gave the father the right to unsupervised visits with the child, despite the request for restrictions by Respondent G and her attorney.

IV. THE AWARD OF GOOD CAUSE

A. Within DDSS, there are inconsistencies in what constitutes sufficient documentation for good cause exemptions, and what is considered insufficient evidence.

The documentation of Respondent G, which included police reports on incidents of domestic violence and orders, was considered insufficient evidence.

When Respondent T first applied for good cause, she was told that unless she could prove physical harm, with visible bruises or broken bones, she would not receive the exemption.

The successful application of Respondent S included threatening letters from the abusive husband, as well as medical records and police reports.

One case was granted good cause even though the police reports were several years old. In a case denied good cause, it was noted “the incident (cited) is three years old... there is no evidence of recent violence.”

B. Certain kinds of evidence and documents appear to be more compelling to decision-makers than others. The most readily believed are records from out-of-state police departments or shelters, recent incidents of domestic violence, violations of restraining orders, newspaper stories, and reports of mental illness as opposed to "ordinary" violence.

The documentation of Respondent Q included news clippings about her child being kidnaped at gunpoint by his father.

In a case granted good cause, a Good Cause Committee member noted that "events are very recent."

In a case granted good cause, the applicant included police reports and newspaper articles from another state.

In a case granted good cause, the applicant had fled another state, and presented evidence that she and her children had been hiding in shelters for two years.

In a case granted good cause, the applicant provided evidence that she had changed the names and social security numbers of family members, as well as relocating to Colorado to avoid contact with the non-custodial parent.

Respondent R left two states in her flight from an abusive and threatening partner. She brought with her copies of all legal documents and police records detailing the activities of the father of her child in those two states.

C. Some applicants are better able to advocate for themselves, and are able to marshal copious documentation, including letters of personal support, coherent statements of events, and letters from attorneys or prosecutors.

Respondent S, who received a good cause waiver, stated: "I asked for a meeting with (the Good Cause Officer) and spent two hours telling her my story. I asked everyone who knows me to write letters describing the dangerous state of my husband. When I was hospitalized for a panic attack, I had a friend act as my representative with the Good Cause Officer."

Respondent T, who received a good cause waiver, stated: "I spent weeks making phone calls, taking in every paper to CSE that I could – divorce proceedings, custody documents, letters sent to me by my ex-husband threatening me, letters from everyone who knows the situation."

D. The award of good cause appears to be linked to pragmatic considerations, as well as to compelling evidence submitted by the applicant. Thus, the Good Cause Committee may be more likely to grant good cause if there is little or no money to be collected from the non-custodial parent.

Respondents Q, R and T, who have been granted good cause waivers, are receiving Medicaid benefits only.

In one case, a committee member noted that good cause was granted "based on documentation, the fact that this is a debt only case of \$72.00, and the fact that the R/A (recipient/applicant) is applying for Medicaid only."

In another case, a committee member recommended that an applicant, who had been granted good cause under Medicaid, be denied a good cause waiver if she applied for AFDC, "as county dollars would then be at stake, and we would be able to sanction her for noncooperation."

E. Social services agencies have no protocols for transferring files of good cause applicants or recipients from county to county. As a result, those applicants who move to a new county are required to reapply and provide a new set of documents with each move.

Respondent S received an award of good cause exemption in Denver County. Upon moving to a neighboring county, she was told by the Child Support Division that she would need to apply again, and that she should not expect to be granted good cause by the second agency just because she had received it in Denver.

V. OTHER REACTIONS

A. AFDC applicants are not necessarily given enough time to understand what they are being asked to sign and read, to ask questions, or to explain their situation.

Women are often accused of omitting information when in fact they just are not thinking clearly. The tech workers tend to be intimidating and rushed. (Respondent D)

"When you are sitting in orientation, you are simply surviving and trying to follow the rules...you don't have the resources to think through or find out what you really need to do." (Respondent I)

"When I was trying to read the information given to me, I was told by a AFDC technician, 'You can't read all of this material, you don't have time – just sign the forms.'" (Respondent S).

B. Whether the interviewer is male or female matters to some, but not all women being interviewed about domestic violence.

Respondent A stated she "is still uncomfortable around men, and would never talk about being hurt if the welfare worker is a man."

Respondent B said she would not be afraid to talk about her experiences with violence to a male worker: "It is like going to a doctor ... If they are doing their job, and will take care of me, I don't care if it is a man or a woman."

C. Not all applicants understand or believe that what they reveal to the workers at Social Services is confidential.

Respondent A said she was not told that what she said would remain confidential. She stated "If a woman knew the husband would not find out, or his family or friends, she might be more willing to talk about her problems."

Respondent H was told things would be kept confidential, but only "within the agency."

After successfully hiding from him for two years, Respondent M was found by her ex-husband. He located her by reading public records that showed the location of the welfare office that was requesting the court records of their divorce.

D. Women who are victims of domestic violence, and whose children have observed and/or experienced domestic violence, do not necessarily know where to go for help. Every woman interviewed expressed interest in referrals for counseling and therapy for themselves as well as their children. Some expressed a need for assistance with legal matters related to domestic violence.

Make available videos on domestic violence and the law, brochures and lists of referrals, classes for how to plan your life, how to deal with violent men, etc. (All Respondents)

E. Women who are applying for welfare and are victims of domestic violence would like to receive job training so that they can become self-sufficient, or would like to work if they have already received training. However, they may suffer from episodes of anxiety

or severe depression. They also need to know that their children are safe, and need affordable and appropriate child care.

Respondent D, who was physically and sexually abused as a child and by her first husband, loves working and believes that most women who have survived domestic violence want to be independent and self-sufficient. However, she thinks Social Services and employers should understand that victims of domestic violence will sometimes have "little breakdowns" for a month or so.

"If AFDC really wants women to become self-sufficient, they need to stop worrying about collecting child support (which puts us in danger), and help us with training and child care." (Respondent M)

CONCLUSIONS

Nonpayment of child support is a key cause of child poverty in America. Recent research by the Urban Institute shows that over 80 percent of all noncustodial fathers either paid no child support or less than 15 percent of their personal income on child support (Urban Institute, 1994 as cited in Legler 1996, n. 6).

Understandably, the collection of child support is a vital component of the new welfare law and the national plan for ensuring the financial well-being of children living in single parent households. To this end, many new enforcement remedies will be adopted, including the establishment of state and national case registries that contain up-to-date information on the location and identity of all parties to any paternity or child support proceeding.

While most custodial parents and policy-makers laud the commitment to more aggressive child support enforcement procedures, including effective automated formats that involve mass case processing techniques rather than individual case handling, domestic violence professionals fear that the new law poses some potential problems for victims. As states supplant the federal government in implementing welfare reform, many victims may well face more stringent definitions of cooperation and harsher penalties for noncooperation (Turetsky, 1996). It is unclear whether these trends will extend to the good case arena with

more limitations on the circumstances permitted and the documentation required to support a successful application.

An analysis of interviews with AFDC applicants who have experienced domestic violence and a review of applications for good cause exemptions to child support requirements in one jurisdiction suggest that a number of issues warrant attention as states craft their welfare and child support policies.

One is the need for more individualistic treatment of victims of domestic violence. Victims differ in their views about child support and its impact on violent ex-partners. Many victims want child support collected from the absent parent, and do not perceive the pursuit of child support to pose an additional threat of harm. Some, however, fear that the pursuit of child support will lead to physical harm and/or kidnaping of the child. Still others would like child support to be pursued if their confidentiality could be assured. Currently, the procedures and policies for establishing paternity and collecting child support are often not flexible enough to recognize these variations, and there are legal/procedural barriers which hinder efforts to keep location information from flowing to dangerous ex-partners of applicants.

Attention also needs to be paid to the environmental setting in which applicants apply for AFDC and open child support cases. Too frequently, it is not conducive to the disclosure of domestic violence and the consideration of appropriate case actions. Intake at DDSS involves a group orientation process, large amounts of paperwork, and interviews with numerous Social Services workers, none of whom are trained in the dynamics of domestic violence or charged with the responsibility to ask about it. It is also unclear whether applicants receive written notification and/or verbal explanation of the good cause exemption. Finally, DDSS workers do not appear to assist clients with completing an application for good cause or obtaining needed documents. As a result of these factors, legitimate reasons for good cause exemption from pursuing child support payments are under-explored.

These structural and organizational problems are complicated by the fact that victims of domestic violence who are applicants and recipients of AFDC are often in vulnerable and chaotic family circumstances, fearful of not achieving eligibility, and largely unable to advocate for themselves. When applying for good cause exemption, they often lack the skill or resources necessary to track down or obtain government documents, police reports, shelter records, medical records, or witness corroboration. Frequently such documentation is unavailable or ambiguous as in the typical award of both restraining orders and unsupervised visitation orders in separation and divorce actions.

In contrast, applicants who are granted good cause are those most able to present detailed, coherent statements of their situation with compelling documentation of recent and relentless violence by emotionally unstable ex-partners. Successful applications appear to be supported by out-of-state shelter and police records, violated restraining orders, and medical records attesting to serious injury and/or mental illness.

Administrators, however, clearly exercise considerable subjectivity in making good cause awards. Sometimes applications with seemingly comparable documentation receive different outcomes. Financial considerations may also come into play with more lenient award policies extended to Medicaid cases or cases with low child support debt. No doubt this reflects the fact that administrators face rival pressures to maximize child support collections and minimize the endangerment of clients and their children. They struggle with these choices. While some favor the routine award of a good cause exemption to applicants, at least on a temporary basis, others wonder whether safety concerns are beyond the purview of the child support agency. As one social services administrator put it, "We can't protect everybody, and I am not sure it is our responsibility to try to protect anyone."

Child support collection and safety, however, need not be contradictory objectives. Indeed, most AFDC applicants who have experienced domestic violence favor the collection of child support, especially with the use of appropriate confidentiality procedures. The pursuit of paternity and child support using techniques that do not reveal the whereabouts of abused

victims and their children will become even more salient with the development of national case registries.

To date, only one state has undertaken a state-funded program to address this issue. Washington's Address Confidentiality Program ("ACP") establishes a comprehensive system of post office addresses for victims of domestic violence. Initiated in 1991, ACP helps domestic violence victims keep their relocation secret by using a substitute mailing address. Through the use of this address, participants receive cost-free security mail forwarding by Washington's Secretary of State. By using this substitute mailing address when creating records with state and local agencies, participants can disguise their actual residential locations on databases that can be accessed by the general public. Participants can also request that public access to their voting and marriage records be blocked (Even, 1995/1996).

There are several steps that social service agencies can take to address many of the above-noted issues. The following recommendations attempt to accommodate the constraints of state welfare agencies while also serving the needs of survivors of domestic violence who require public assistance.

RECOMMENDATIONS

1. PROCEDURAL CHANGES

There are clear legal requirements for informing AFDC applicants of their rights with regard to applying for good cause exemptions, but these requirements may lose meaning or impact in the complex application process. It is possible that fear of losing eligibility keeps some applicants from applying for good cause exemption. Still others may not realize that it is an option or understand how it can be pursued. In order to satisfy federal and state regulations regarding notification, and to meet child support mandates without endangering victims of domestic violence, it is recommended that welfare and child support agencies implement a system of screening and advisement.

A. All AFDC applicants should be screened for domestic violence before being asked to give information about the father. The screening should be a brief series of simple behavioral questions that are developed with the input of local domestic violence professionals. All intake workers should receive some brief training on the dynamics of domestic violence and methods of screening for it.

B. If an applicant has been screened out for domestic violence, she should be referred to a child support technician who serves as a good cause specialist. This individual should have training on the dynamics of domestic violence and the good cause procedure. The specialist should:

(1) Explain the cooperation requirements and the good cause exemption option in an understandable manner;

(2) Explore the safety implications of establishing paternity or pursuing child support;

(3) Evaluate the pros and cons of either cooperating with CSE or applying for a good cause exemption;

(4) Direct the applicant to domestic violence professionals who are able to assist with collecting documentation if she decides to apply for good cause exemption;

(5) Discern what steps for protection, if any, are needed when she cooperates with CSE;

(6) Give the applicant the option to withdraw from applying for AFDC, if she believes it is too dangerous.

2. AUTOMATION ENHANCEMENTS

The automated systems for child support and welfare need to be amended to ensure that paternity and child support establishment procedures are suspended when a good cause application is filed. Manual processes are inherently unreliable. The automatic communication of information on pending, awarded and denied good cause requests is critical in the design of systems sensitive to the needs of victims of domestic violence.

3. ENHANCEMENTS OF CONFIDENTIALITY

It is recommended that child support agencies explore ways to enhance the confidentiality of victims and their children who cooperate with CSE and seek to establish paternity and/or collect child support. In cases where client location is a safety issue and confidentiality is critical, it is necessary to build into the system a means of controlling the flow of location information, even to supposedly neutral arenas such as courts and public schools. In other cases, it may be necessary to suspend the usual process of notifying obligors of pending child support actions. Colorado should look to other states for guidance, such as Washington State's system of post office box addresses for victims of domestic violence to ensure their confidentiality. (See Appendix A for information on Washington's Address Confidentiality Program.)

4. EXPANSION OF ACCEPTABLE DOCUMENTATION

Some victims will fear the threat of harm and the risk of kidnaping too much to cooperate, even if their whereabouts can be kept confidential. They will want to pursue a good cause exemption. In these cases, traditional documentation requirements may need to be relaxed or waived. Applicants may need additional time or assistance to procure official records. In these cases, agencies might consider granting temporary exemptions on an expedited basis. Child support enforcement activity should be suspended while good cause is pending.

If official records are unavailable, an individual's affidavit and/or witness statements should be considered to satisfy the burden of proof. Agencies should also explore the availability of local domestic violence professionals to perform domestic violence assessments and write letters of support when a situation of fear exists. Some battered

women's shelters currently perform these assessments for government housing agencies, the Federal Emergency Management Association and other federal programs that need to target benefits to victims who are at particular risk.

5. PERSONNEL TRAINING

It is recommended that all workers who screen applicants for domestic violence, provide information on good cause exemption, or review and approve good cause applications be given training on the dynamics of domestic violence and the legalities that surround cooperation and good cause. Welfare agencies should collaborate with local domestic violence professionals on the content and delivery of this training. All workers should be sensitized to the problem of domestic violence and understand their personal reactions to it and potential biases in order to be able to interview clients effectively.

6. REFERRAL MECHANISMS

Social services agencies should collaborate with local domestic violence professionals to develop a streamlined system to provide victims with needed counseling and supportive services. Social services workers need to know how to refer a victim to an umbrella organization that can provide more specific intake and referral services. All referral information should be compiled in a clear and accessible manner. Survivors of violent living conditions say they need, yet often lack the resources to obtain counseling and mental health therapy for themselves and their children. Improving the process of referring victims to needed services is directly responsive to the Wellstone/Murray Amendment to PRWORA.⁵

7. EMPIRICAL RESEARCH

⁵Recognition of the victims' need for various forms of assistance in addition to financial help is embodied in federal law, in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (H.R. 3734), signed by President Clinton on August 22, 1996. This law, often referred to as the new federal "Welfare Reform Law," contains the Wellstone/ Murray Amendment, which allows states the option to **"screen and identify individuals receiving assistance...with a history of domestic violence while maintaining the confidentiality of such individuals"**, and **"refer such individuals to counseling and supportive services."** Sec. 402 (a)(7)(A).

The debate about domestic violence, welfare reform, and the pursuit of paternity and child support has been fueled by ideology and anecdotal accounts rather than empirical information. While this paper begins to address this empirical void, it is based on the experiences of a small number of self-selected respondents in a single jurisdiction. More systematic information is needed in jurisdictions of different sizes on the number of victims of domestic violence, the proportion for whom child support is perceived to pose a threat of harm, the utility of various confidentiality procedures in minimizing the risk to victims and their children, the level of interest in good cause procedures, the types of evidence documenting abuse and risk of harm that victims are able to generate, and the longer term financial, emotional, and safety effects of pursuing paternity and child support on victims and their children. Finally, researchers should evaluate the impact of any remedial interventions designed to enhance the safety of victims and their children under new welfare and child support laws.

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