



MidPenn Legal Services

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September 11, 2008

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Edward J. Zogby, Director
Bureau of Policy
Department of Public Welfare
Room 431 Health and Welfare Bldg.
Harrisburg, PA 17120

INDEPENDENT REGULATORY
PANEL OF PENNSYLVANIA

2008 SEP 16 AM 9:33

RECEIVED

Re: Regulation No. 14-513
Codification of the Family Violence Option

Dear Mr. Zogby:

On behalf of MidPenn Legal Services, a private non-profit, public interest law firm providing legal assistance to low income residents in 18 counties in Central Pennsylvania, I am submitting the following comments in support of Regulation No. 14-513 which codifies the federal Family Violence Option requirements in Pennsylvania.

The Family Violence Option (FVO) was included by Congress in the Personal Responsibility and Work Opportunities Reconciliation Act of 1996 (PRWORA), as a means for states, at their election, to help assure and expedite access to Temporary Assistance for Needy Families (TANF) for needy victims of domestic violence. The FVO is grounded in research showing that a large percentage of women and children receiving welfare are or have been victims of domestic violence. TANF can provide financial support and services critically needed by these families as they flee abusive situations and attempt to address their safety needs.

In 1997, very shortly after the enactment of PWRORA, Pennsylvania under then Governor Ridge elected to adopt the FVO and created a Task Force to assist the state in implementing this provision for both TANF and General Assistance. The Task Force included advocacy organizations, clients, and officials from various offices of the Department of Public Welfare.

The Task Force worked cooperatively and productively for over a decade under Governor's Ridge, Schweiker, and Rendell to support and assist the Department in its implementation of the FVO. We are very pleased to see the publication of this regulatory package, the culmination of many years of cooperative effort.

The proposed regulations set forth policies and procedures that faithfully implement the intent of the FVO. The regulations reflect the Department's recognition that TANF and GA cash assistance can play a vital role for individuals and families as a means to escape domestic violence, address safety issues, and become financially independent of abusive partners. As envisioned by the FVO, the proposed regulations take a three-pronged approach to addressing the needs of domestic violence victims. These policies:

- Help to identify victims of domestic violence who may be in need of help;
- Provide for referral of victims to counseling, shelter, or other appropriate services; and
- Provide for waiver of certain TANF or General Assistance program requirements when compliance with a requirement would place a victim at greater risk of domestic violence; make it more difficult for a victim to escape an abusive situation; or unfairly penalize a victim because of domestic violence.

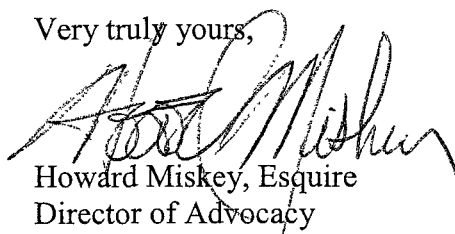
Importantly, the proposed regulations establish strict confidentiality requirements and protocols to ensure the privacy and protection of those who disclose domestic violence and ask for help.

Many of the policies codified in these regulations have actually been in operation under three administrations and have provided incalculable help to victim women, men, and children across the Commonwealth.

We enthusiastically support adoption of this regulation with a small number of modifications for clarification, as proposed in the joint comments of the Community Justice Project, the Women's Law Project, and Community Legal Services.

Thank you for your consideration of our comments.

Very truly yours,



Howard Miskey, Esquire
Director of Advocacy

cc: IRRC
Edwin B. Erickson, Chair, Senate Public Health and Welfare Committee
Vincent J. Hughes, Minority Chair, Senate Public Health and Welfare Committee
Frank Louis Oliver, Majority Chair, House Health and Human Services Committee
George T. Kenney, Jr., Minority Chair, House Health and Human Services Committee