

DOMESTIC VIOLENCE AND TANF SUPPORT REQUIREMENTS

Individuals and families who receive cash assistance from the Temporary Assistance for Needy Families program are required to apply for child or spousal support UNLESS EXCUSED FOR GOOD CAUSE.

What is Good Cause for not filing for support?

- ✓ It would be unsafe for you or your children because of domestic violence (physical, sexual, or emotional abuse).
- ✓ You fear that by providing information or going to court, you or your children will be in danger.
- ✓ Your child was born because you were raped or abused.
- ✓ Your child is being adopted.

What to consider when deciding whether to pursue support or request good cause?

- The *risks* involved in applying for support, and
- The *benefits* of receiving support.

What are the risks involved in applying for support?

Applying for support involves contact with the other parent of the child which may present a safety risk for some people.

- A public assistance applicant will be asked to give information about the identity and location of both parents of any children.
- If the parents are not married, the relationship of the father of the child (paternity) will have to be established.

- Every adult involved in the support action will have to:
 - receive court papers, with the addresses of each party although addresses may be left off the papers if it would be unsafe to include it.
 - attend conferences and hearings to determine if the noncustodial parent or spouse will be ordered to pay support and, if so, how much.

What can be done to address safety risks?

- If domestic violence is reported, the Family Court can place a *Family Violence Indicator* on the file so that addresses and other confidential information will not be given out or printed on any papers that are sent to others.
- Family Court may provide safeguards if you fear domestic violence while in the court or while going to or from court. *If you have safety concerns talk to the Family Court staff.*

What are the benefits of receiving support?

- *Support payments may increase the family's total income.* Every month that child support is paid **on time**, the Department of Human Services pays a portion of the child support to the custodial parent or caretaker. This is called the **child support pass-through**. A family with one child will receive up to \$100 in child support each month if the absent parent pays that month. Families with two or more children will receive up to \$200 per month. If you are having any difficulty receiving your child support pass-through, talk to your caseworker or child support pass-through liaison in the public assistance office.

This brochure is meant to give you general information and not legal advice.

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- A support order may include:
 - health care coverage,
 - payments towards medical expenses, and
 - payments towards child care expenses.
- When paternity is established for any children of unmarried parents, the children may be eligible for **future benefits** from the other parent, such as an inheritance, veteran's benefits, social security benefits, or life insurance.
- Cash assistance is time-limited. Income from child support and other sources may help individuals leave public assistance or provide income after leaving it.

How and when to request Good Cause?

Good Cause can be requested at any time. When Family Court is told that someone wants to request Good Cause it will not take any action on establishing paternity or support. Public assistance applicants/recipients will be referred to the County Assistance Office (CAO) for help in filling out the *Domestic Violence Verification Form* (PA 1747) or providing verification in cases of rape, incest, or adoption. The CAO will decide whether or not to grant Good Cause and will give written notice of this decision. If good cause is denied, you will receive a notice from the public assistance department explaining your right to appeal the decision.

What if a cash assistance recipient does not have good cause and does not cooperate with child support enforcement?

If an applicant or recipient for cash assistance does not cooperate with child support enforcement without good cause, the family's cash grant will be reduced by at least 25%. The recipient will remain eligible for food stamps and medical assistance even if no longer eligible to receive cash assistance.

What happens to support payments after someone leaves public assistance?

When a child stops receiving public assistance, the public assistance department is supposed to notify the court to stop sending the current support to the Department of Human Services and to start sending it instead to the family. This should happen the first day that cash assistance stops, usually two weeks after the last cash assistance payment was received. Arrears payments (support that was ordered to be paid in the past but has not been paid) may be owed to both the Department of Human Services and to the family.

Need help dealing with public assistance?

Call the Welfare Law Line 215-227-6485 or contact:

Community Legal Services
3638 N. Broad Street
Philadelphia PA 19140
215-227-2400
www.clsphila.org

or

Philadelphia Legal Assistance
718 Arch Street, Suite 300N
Philadelphia, PA 19106
215-981-3800
www.philalegal.org

For general information on what is involved in obtaining child support see the brochure *CHILD SUPPORT IN PHILADELPHIA COUNTY*.

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