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Sargent Shriver National Center on Poverty Law

PUBLIC BENEFITS IN ILLINOIS FOR VICTIMS AND SURVIVORS OF DOMESTIC VIOLENCE

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Violence interferes with work, job training, and education, and thus undermines a person's attempts at economic independence. The following programs are available through the Illinois Departments of Human Services and Public Aid (IDHS and IDPA) for victims and survivors of domestic violence in order to support them in their efforts to gain self-sufficiency.

THE DOMESTIC VIOLENCE EXCLUSION

A TANF cash assistance recipient may be excused from work or training activity requirements:

- When she or he cannot participate in work or training activities for 30 hours per week because of domestic violence; or
- It is unsafe for her or him to participate in work or training activities.

If a customer qualifies for the Domestic Violence Exclusion, the TANF 60-month counter stops and the customer's Responsibility and Services Plan (RSP) must be appropriately updated. A customer does not have to be receiving domestic violence services to qualify for the Domestic Violence Exclusion.

To qualify a person must:

- Request to be excused from some or all TANF activity requirements because of a domestic violence problem, AND
- Provide proof (written or other) that she is a current or past victim of domestic violence.

Acceptable proof of Domestic Violence includes:

- A written statement from anyone other than the customer who knows the circumstances involving domestic violence;
- Police, government agency, or court records;
- Documentation from domestic or sexual violence service providers, a lawyer, doctor, clergy or other professional from whom the customer sought services or advice; or
- Physical or any other credible evidence of violence.

IDHS staff may never contact the abuser or the abuser's family to verify allegations of abuse and must assist customers in obtaining proof of domestic violence. The initial approval period for the Domestic Violence Exclusion is 2 months. After that, IDHS staff determines on a monthly basis whether to continue the Domestic Violence Exclusion. There is no limit on the number of times a Domestic Violence Exclusion may be continued.

Source: IDHS Policy Manual 21-01-05.

CRISIS ASSISTANCE

Limited cash assistance is available under the crisis assistance program for TANF recipients and eligible TANF applicants. Crisis assistance is provided when:

- a family is homeless due to a natural disaster, eviction, or court order.
- a family lacks needed food, furniture, clothing, and/or household supplies due to a natural disaster;
- a family does not have food or needed clothing because of lost or stolen cash; or
- *a caretaker and child, now homeless, have left their home because of physical abuse by a person who still occupies the house.*

If the family is not already receiving TANF, they must apply for TANF. Their application will be processed and if approved, Cash Assistance will then be received on the Crisis Assistance timeframe.

What Is Covered:

Crisis assistance may be provided to help defray the costs of food, clothing, household furniture and supplies, and non-medical needs related to essential medical care (i.e. food, lodging, transportation). Crisis Assistance may be sought more than once.

How to Apply:

A request for Crisis Assistance must be made in writing and should be approved or denied by IDHS within 5 workdays from the date of the request. If eligible, a payment must be approved and applied to the customer's LINK card within 2 workdays from the date of the decision.

Source: IDHS Policy Manual 06-03-00, 06-03-01, 17-02-01.

FOOD STAMPS

There are special rules to determine food stamp eligibility for battered women and their children who live in domestic violence shelters.

- Battered women residing in shelters are considered a separate Food Stamp unit;
- Only the battered woman's assets, income and expenses are used to calculate eligibility;
- Any asset held jointly by a battered woman and her abuser is exempt if the battered woman can only access it with the abuser's consent.

Source: IDHS Policy Manual 05-09-00 through 05-09-04.

GOOD CAUSE FOR NONCOOPERATION WITH CHILD SUPPORT ENFORCEMENT EFFORTS

TANF and Medicaid recipients are required to assist the IDPA & IDHS in their efforts to establish paternity and collect child support. However, a customer may claim that it is not within her or her child's best interest to cooperate in child support enforcement activities if doing so would be harmful or dangerous. The customer does not have to reveal the noncustodial parent's identity prior to a determination of good cause.

A customer has good cause for noncooperation when:

- the child on whose behalf support is sought was conceived as a result of incest or rape;
- there is a possibility that the child is going to be adopted;
- *there may be emotional harm to the customer or her child; or*
- *there is a fear of domestic violence.*

Child support collection and enforcement efforts are not taken as long as good cause exists. Proof of domestic violence is needed to establish good cause for noncooperation on that basis, and may be proven by verification, circumstances, or client reliability.

Acceptable proof of Domestic Violence includes:

- Court, medical, criminal, child protective services, psychological, or police records showing the noncustodial parent might physically or emotionally harm the child or the client; or
- Sworn notarized statements from persons other than the customer with knowledge of the events that show the basis for the good cause claim.

Customers have 20 days to provide proof of domestic violence. More time is allowed if proof is difficult to obtain. IDHS must notify customers if the claim of good cause is denied and if child support will be sought from the noncustodial parent. Customers may withdraw an application for assistance in order to prevent that contact. If good cause is not established, or if the customer does not wish to cooperate, her children may still be eligible for Medical Assistance. Also, a pregnant woman who does not cooperate may still be eligible for KidCare Moms and Babies for the duration of her pregnancy and 60 days after delivery or termination.

Source: IDHS Policy Manual 24-02-03, 24-02-04, 24-04-01, 24-04-02.

NONCITIZEN VICTIMS OF DOMESTIC VIOLENCE

Noncitizen victims of domestic violence and their children or parents qualify for AABD, GA or TANF cash and/or medical assistance if they meet the following criteria:

1. **Are a Lawful Permanent Resident (LPR) or have a pending or approved petition for status.** Status may be proven with Alien Registration Card (I-151 or I-551), Arrival-Departure Record (I-94), etc., **OR** pending or approved family immigration visa petition (I-130), self-petition under the Violence Against Women Act (I-360) and/or notarized affidavit submitted with the petition describing the abuse; employment authorization card (I-688B) indicating status, or Notice of Action (I-797) showing pending petition, etc.
2. **Are a spouse, widow or child of a U.S. citizen or a spouse or child of a LPR:** IDHS must accept the customer's statement absent contradictory evidence.
3. **Have been abused by the U.S. citizen or LPR or by a member of that relative's family who lived with them.** Proof includes order of protection or criminal conviction for abuse (either of which are conclusive proof of abuse); any proof that is acceptable to establish good cause for noncooperation with child support collection on the basis of domestic violence; or a sworn affidavit from anyone, including the victim of abuse, who has personal knowledge of the abuse.
4. **Need assistance, at least in part, due to the abuse.** The necessary connection between abuse and the need for benefits exists if victim of abuse needs assistance to become self-sufficient or to replace lost income or medical coverage after separation; to escape the abuser to ensure safety; to obtain medical attention, counseling or other supportive services; to make up for a job lost due to the abuse or separation from the abuser; etc.
5. **No longer live with the abuser or plan to live separately within 1 month after receipt of assistance.**

The family must fulfill all other eligibility requirements in order to receive cash or medical assistance. Public benefits received by abused immigrants who have filed self-petitions for immigrant visas cannot be considered in public charge determinations. Since the rules governing benefit eligibility for abused noncitizens are complex, local IDHS staff must consult the Bureau of Financial Support Policy or the Office of the General Counsel before denying benefits to a noncitizen who claims eligibility on this basis.

Source: IDHS Policy Manual and Workers' Action Guide
03-01-02-i, 11-01-00, 12-01-00.

IMPORTANT CONTACT INFORMATION

Sargent Shriver National Center on Poverty Law
Wendy Pollack
312-263-3830 x238

Illinois Department of Human Services (IDHS)
Help Line 1-800-843-6154

Public Benefits Hotline of the
Legal Assistance Foundation of Metropolitan Chicago
(Cook County Residents only)
1-888-893-5327

Land of Lincoln Legal Assistance Foundation
(Southern and part of Central Illinois)
1-877-342-7891

Prairie State Legal Services
(Northern and part of Central Illinois)
1-800-690-2130

IDPA Child Support Help Line
1-800-447-4278; (TTY) 1-800-526-5812

National Domestic Violence Hotline
1-800-799-7233; (TTY) 1-800-787-3224

Illinois Coalition Against Domestic Violence
217-789-2830; (TTY) 217-241-0376

City of Chicago's Domestic Violence Hotline
1-877-863-6338; (TTY) 1-877-863-6339

Illinois Coalition for Immigrant and Refugee Rights
312-332-7360