

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1037

2001 HOUSE HUMAN SERVICES

HB 1037

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1037

House Human Services Committee

☐ Conference Committee

Hearing Date January 10, 2001

Tape Number	Side A	Side B	Meter #
Tape 1	X		0.1 to 5508
Tape 1		X	0.1 to 614
Committee Clerk Signature <i>Corinne Easton</i>			

Minutes:

Chairman Price, Rep. Dosch, Rep. Galvin, Rep. Klein, Rep. Pollert, Rep. Porter, Rep. Tieman, Rep. Weiler, Rep. Weisz, Rep. Cleary, Rep. Metcalf, Rep. Niemeier, Rep. Sandvig.

Chairman Price: We will open the hearing on HB 1037.

Rep. Delzer: HB 1037 is the result of the TANF study that was done during the interim. The budget committee on Human Services passed this out. What it would do is allow the state department to include domestic violence as one of the 20% exemptions to the 60-month time limit for TANF. He asked for favorable consideration.

Roxanne Hobza: Legislative Council Budget Committee on Human Services. Provided brief explanation of HB 1037. The bill relates to exemptions to the temporary assistance for needy families work requirements and sixty-month benefit limit. She specifically addressed the amendment of subsections c. and i.

John Hougen: Director of Public Assistance for the Department of Human Services. The bill identifies rights of domestic violence victims. (See Testimony)

Chairman Price: The amendments that you have, are they in agreement with the council and your department?

John Hougen: Yes

Chairman Price: In the interim when we discussed this bill, obviously the screening process and referral process came up.

John Hougen: Absolutely. In looking at some figures of the first quarter of fiscal year 2000, and in that three month period, there were just 2 people that didn't qualify.

Chairman Price: You are saying the biggest benefit in subsection i. would be that it is specifically listed, and is an education process.

John Hougen: Chairman Price, that is correct.

Chairman Price: If someone refuses to leave a dangerous situation for them and their children, and we continue the assistance and keep them in that situation, how do we get them out of the danger?

John Hougen: It is unfortunate in some situations where people do make bad choices. What we would like to accomplish is to recommend treatment.

Rep. Dosch: If they are exempt from the 5-year and can go beyond the 60 month assistance, can they go on indefinitely.

John Hougen: There would have to be reassessment.

Chairman Price: How are you tracking the safety of the children?

John Hougen: Referrals from other agencies.

Chairman Price: So if you have a client who refuses the situation, you are watching over the children.

John Hougen: A lot of that has to do with referrals.

Linda Isakson: Council on Abused Women's Services. (See Testimony.)

Rep. Metcalf: These 5 steps you are talking about, they currently can't be accomplished without this bill?

Linda Isakson: They aren't being implemented right now. They aren't always successful.

Rep. Dosch: In your presentation you indicated that this bill will provide survivors of domestic violence with an additional tool to help them and their children remain independent and work toward self-efficiency. How would that be accomplished when in essence you are telling them that they can stay on the system after 5 years? Let's help them generate their own income so they don't have to rely on the abusive spouse.

Linda Isakson: We need to seek treatment for these women. They need to get safe housing or protection orders.

Rep. Dosch: Don't you think 5 years is a sufficient window of opportunity.

Linda Isakson: If a woman is on TANF, and we have provided a sound support system, we would tell them it is time to start the job program. Women will move in and out of the system two or three times. My experience with these women is that they want to be off the system, they want to improve their lives. Knowing that there is some reserve time, it is not going to keep them from being independent.

Rep. Pollert: You made a statement that some of these women are going to be back in the system two or three times, are you saying that we are going to continue with the TANF benefit even though it has been proven that two or three times she has left and goes back to the spouse, I find that to be of a problem.

Linda Isakson: Traditionally it takes women several times to get a handle on what is going on with their lives. We can give them the tools and show them a better way, but things keep cropping up.

Rep. Galvin: I have to agree with Rep. Doseh. Our overall goal in welfare reform is to get people off the system.

Rep. Niemeier: It seems to me that the issue here is in the language. Is the language standard across the country. Secondly, a lot of victims don't even identify themselves as being in an abnormal situation because they have been brainwashed to the effect that they are lucky to have this protector in their family situation. Does shedding some light on the language of domestic violence help that woman identify herself as a woman who deserves a better life.

Linda Isakson: We are asking for additional time to make women safe so that when they do go out in the work force, they are ready.

Rep. Klein: What percent of the TANF individuals leave before the 5 years now? There are approximately 2,000 that are repeats. How many times are they repeating? What is the history of that?

Linda Isakson: I don't know about the TANF question. Certainly there will be repeats.

Rep. Pollert: Question to Mr. Hougen. Can you enlighten me on the 20% exemption.

John Hougen: We took a look at our case load.

Rep. Pollert: Your amendments shows on the first page under a.1 that the department will inform all temporary assistance for needy family applicants. So are you going to go back to all the people on TANF and let them know about this option or just the ones that have a domestic violence issue?

John Hougen: Yes, everybody would be notified.

Rep. Pollert: After the 1st, or 2nd, or 3rd consultation with the spouses, does domestic violence taper off? Is there something that tells us this is working, or are we prolonging the problem for them?

John Hougren: It takes awhile for people to break the link.

Rep. Porter: What point in time do we draw the line?

John Hougren: TANF is only available to victims with children until they turn 18. We do want to move them towards the workforce to make them more self-sufficient.

Chairman Price: We will have more discussions before we take any action on this. As much as the issue in front of us today is the fact that the screenings of the referrals has not worked as everyone would like it to work, and that is the main reason the bill is here. Am I understanding that correctly? We are trying to actually make that process work.

Bonnie Pollachek: To have it in the statute makes it much clearer for us to be able to move forward together on training programs.

Chairman Price: We will now close the hearing on HB 1037

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1037 A

House Human Services Committee

☐ Conference Committee

Hearing Date February 20, 2001

Tape Number	Side A	Side B	Meter #
(Tape didn't work)			
Committee Clerk Signature <i>Connie Carter</i>			

Minutes:

Chairman Price, Vice Chairman Devlin, Rep. Dosch, Rep. Galvin, Rep. Klein, Rep. Pollert,
Rep. Porter, Rep. Tieman, Rep. Weiler, Rep. Weisz, Rep. Cleary, Rep. Metcalf, Rep. Niemeier,
Rep. Sandvig

COMMITTEE WORK:

DO NOT PASS 14 YES 0 NO 0 ABSENT CARRIED BY REP. WEISZ

FISCAL NOTE

Requested by Legislative Council

12/14/2000

Bill/Resolution No.: HB 1037

Amendment to:

1A. State fiscal effect: *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

1B. County, city, and school district fiscal effect: *Identify the fiscal effect on the appropriate political subdivision.*

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2. Narrative: *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

There is no anticipated fiscal impact resulting from this bill amendment. The bill amendment clarifies that Domestic Violence should be treated as an incapacity, which allows recipients to be excused temporarily from work requirements. This would also allow recipients to receive assistance beyond the 60 month time limit imposed by federal regulations. This is allowed under the current statute, however, this proposed bill is a clarification of that statute. System changes would not be required if this amendment passes.

3. State fiscal effect detail: *For information shown under state fiscal effect in 1A, please:*

A. Revenues: *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

B. Expenditures: *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

Name:	Brenda Weisz	Agency:	Department of Human Services
Phone Number:	328-2397	Date Prepared:	12/18/2000

Date: 2-20-01
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1037

House Human Services Committee

☐ Subcommittee on _____
or
☐ Conference Committee

Legislative Council Amendment Number _____

Action Taken DO NOT PASS

Motion Made By Rep. Weising Seconded By Rep. Klein

Representatives	Yes	No	Representatives	Yes	No
Clara Sue Price - Chairman	✓		Audrey Cleary	✓	
William Devlin - V. Chairman	✓		Ralph Metcalf	✓	
Mark Dosch	✓		Carol Niemeier	✓	
Pat Galvin	✓		Sally Sandvig	✓	
Frank Klein	✓				
Chet Pollert	✓				
Todd Porter	✓				
Wayne Tieman	✓				
Dave Weiler	✓				
Robin Weisz	✓				

Total (Yes) 14 No _____

Absent _____

Floor Assignment Rep. Weising

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
February 21, 2001 8:07 a.m.

Module No: HR-32-4132
Carrier: Weisz
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1037: Human Services Committee (Rep. Price, Chairman) recommends DO NOT PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1037 was placed on the Eleventh order on the calendar.

2001 TESTIMONY

HB 1037

**TESTIMONY BEFORE THE
HOUSE HUMAN SERVICES COMMITTEE
REGARDING HOUSE BILL NO. 1037
JANUARY 10, 2001**

Chairman Price, members of the House Human Services Committee, my name is John Hougen. I am Director of Public Assistance for the Department of Human Services.

House Bill 1037 identifies victims of domestic violence as being able to be temporarily waived from participation in work activities and also being able to qualify under the 20% hardship exemption to continue receiving TANF assistance beyond the 60th month of assistance.

My testimony will be brief. Previously, we had included victims of domestic violence under the incapacity exemption. This allowed them the same considerations being proposed in this bill. Very few victims of domestic violence have been identified to receive this TANF waiver. This bill, by speaking specifically to domestic violence, is a further attempt to recognize the difficulty victims of domestic violence can have in becoming self-sufficient.

A first vote was taken on this bill by the Interim Human Services Committee. I was asked to work with advocates for domestic violence victims to make a bill that they and the Department of Human Services would be in favor of. I worked with Linda Isakson and Bonnie Palecek from the North Dakota Council of Abused Women's Services on the language of this bill.

The original bill amended subsection 1 of section 50-09-29 in two places. This proposed amendment is to create a new unnumbered subsection to section

50-09-29. A hoghouse amendment proved to be the most efficient way to accomplish this.

The concern is that we give a better explanation of our domestic violence waiver and recognize the serious impact domestic violence has on victims who are TANF recipients. We also recognize that we need to allow these victims to work on the issues resulting from the domestic violence if they are to become self-sufficient.

As the fiscal note indicates we do not anticipate added cost with this amendment. Victims of domestic violence are presently allowed to be waived from the 60-month limit and work requirements.

The department respectfully requests the Committee afford House Bill 1037 a do pass.

Presented by:

**John Hougen
Director, Public Assistance
ND Department of Human Services**

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1037

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new subsection to section 50-09-29 of the North Dakota Century Code, relating to requiring domestic violence screening.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new subsection to section 50-09-29 of the North Dakota Century Code is created and enacted as follows:

- a. The department of human services shall:
 - (1) Inform all temporary assistance for needy families applicants and recipients of the options available under the domestic violence option;
 - (2) Screen all applicants to determine who are past or present victims of domestic violence or are at risk of further domestic violence;
 - (3) Refer these individuals to a local domestic violence sexual assault organization for safety planning and supportive services; and
 - (4) Determine if good cause exists to waive work requirements or time limits on receipt of benefits for victims of domestic violence.
- b. For purposes of this subsection:
 - (1) "Domestic violence option" means the provision of title IV-A under which a state may elect to implement a special program to serve victims of domestic violence.

- (2) "Domestic violence sexual assault organization" has the meaning provided in section 14-07.1-01.
- (3) "Victims of domestic violence" means a person subject to domestic violence as defined in section 14-07.1-01."

Renumber accordingly

BISMARCK
Abused Adult Resource Center
222-8370

BOTTINEAU
Family Crisis Center
2028

SLAKE
Alternatives for
Abused Families
1-888-662-7378

DICKINSON
Domestic Violence and
Rape Crisis Center
225-4506

ELLENDALE
Kedish House
349-4729
FARGO

Rape and Abuse Crisis Center
800-344-7273

FORT BERTHOLD RESERVATION
Coalition Against
Domestic Violence
627-4171

FORT YATES
Tender Heart Against
Domestic Violence
854-3402

GRAFTON
Tri-County Crisis
Intervention Center
352-4242

GRAND FORKS
Community Violence
Intervention Center
74

JACKSON
S.A.F.E. Shelter
888-353-7233

MCLEAN COUNTY
McLean Family
Resource Center
800-657-8643

MERCER COUNTY
Women's Action and
Resource Center
873-2274

MINOT
Domestic Violence Crisis
Center
852-2258

RANSOM COUNTY
Abuse Resource Network
683-5061

STANLEY
Domestic Violence Program,
NW, ND
628-3233

VALLEY CITY
Abused Persons Outreach
Center
2078

WILLISTON
Family Crisis Center
64

WILLISTON
Family Crisis Shelter
572-0757

Representative Clara Sue Price
Chair, House Human Service Committee
House Bill 1037
January 10, 2001

Chairman Price and Members of the Human Services Committee:

My name is Linda Isakson and I am speaking on behalf the Council on Abused Women's Services. The Council on Abused Women's Services and its 19 members support the amendment to House Bill 1037 presented by Mr. Hougren and the Department of Human Services. This additional language clarifies and defines the exception for survivors of domestic violence from time limits in section c and from work requirements in section i.

As Congress moved toward passage of welfare reform in 1996, concerns were raised that some battered women on welfare may not be able to comply with work requirements or may need more time than the time limits allow. Many of these women's intimate partners, threatened by their education, training, or work, sabotage their efforts through emotional and physical coercion. Such concerns led to the passage of welfare reform legislation which permits states to implement a Family Violence Option which allows for screening for domestic violence, referrals to specialized services, and temporary exemptions or alternatives from program requirements to enable these battered women to have the time, services and supports they need to address their victimization issues and move toward self-sufficiency.

The language proposed in the amendment to HB1037 provides a basis from which to provide alternatives to the time limits and work requirements of TANF and also to help identify a stable support system that can assist with overcoming the variety of barriers that prevent victims from finding and retaining employment.

Women coping with situations of physical abuse struggle daily to create and maintain safe lives for themselves and their children. The additional task of securing skills and education necessary for steady employment and long-term self-sufficiency is overwhelming. For us to successfully assist this population to make such a challenging transition, systemic changes are required. The keys to assisting survivors of domestic violence from within the North Dakota TANF system are:

1. Training of caseworkers in county positions and JOBS programs on safety and confidentiality issues associated with domestic violence.
2. Screening of survivors to consistently identify domestic violence abuse as a barrier to maintaining employment.
3. Universal notification of program options which detail the possible benefits of self-disclosure as well as the support services and program options available to abuse victims.
4. Partnerships between domestic violence advocacy and state services to develop and review procedures that impact battered women, and lastly
5. Alternative work activities and time requirements to allow time to address legal, medical and personal issues of domestic violence.

North Dakota Council on Abused Women's Services • Coalition Against Sexual Assault in North Dakota
418 East Rosser #320 • Bismarck, ND 58501 • Phone: (701) 255-6240 • Toll Free 1-800-472-2911 • Fax: 255-1904



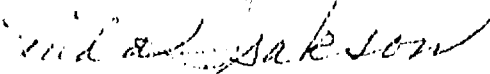
These changes are neither major, nor do they have significant financial implications, but they could spell the difference between prolonged poverty and a stable life for North Dakota women and children.

Last year (1999), there were 5,821 incidents of domestic violence reported to crisis intervention centers in North Dakota directly affecting over 4,750 children. These incidents involved 3,597 new victims of domestic violence. Eight hundred and eighty-five orders of protection were filed with the assistance of program staff. 37% of the survivors were under the age of thirty. In reviewing the employment statistics that are kept by the 19 member programs of CAWS we found that 21% of victims were unemployed. We do not currently request income information from survivors, however data from four major research projects revealed consistent prevalence of current domestic violence in welfare caseloads of between 20 and 30%.

These amendments to House Bill 1037 will provide survivors of domestic violence with an additional tool to help them and their children remain independent and working toward self-sufficiency.

Thank you for this time before your committee. If I may be of any further assistance, you can contact me at 255-6240 or e-mail tristreo@btigate.com.

Respectfully submitted


Linda Isakson

FACTS ABOUT DOMESTIC VIOLENCE IN NORTH DAKOTA

January - December 1999

- ☐ 3,597 new victims (new = unduplicated for the year) received services from crisis intervention centers in North Dakota.
- ☐ 5,821 incidents of domestic violence were reported to crisis intervention centers in North Dakota.
- ☐ At least 4,750 children were directly impacted by these incidents.
- ☐ 885 orders of protection were filed with the assistance of domestic violence program staff
- ☐ 95% of the victims were women.
- ☐ At least 37% of the victims were under the age of 30. At least 2% were under the age of 18.
- ☐ 11 percent of the new victims were disabled, up slightly from 1998. Of those disabled, 33% were mentally ill and 58% were physically disabled.
- ☐ Weapons were used in at least 17% of the cases identified. Guns were used in 36% of the cases involving weapons and knives were used in 26% of the cases involving weapons.
- ☐ Law enforcement officers were called to respond in 46% of the incidents (44% in 1998 and 41% in 1997). In at least 36% of these incidents, an arrest was made (34% in 1998).
- ☐ Alcohol use by abuser only was indicated in 35% of the new cases. Alcohol use by both victim and offender was indicated in 11% of the cases.
- ☐ The abuser had a history of abusive behavior with other adults in at least 35% of the cases.
- ☐ Victims reported that 131 batterers violated their protection orders. 52 were arrested for an initial violation and 19 were arrested for a subsequent violation.
- ☐ Preliminary statistics released by ND Bureau of Criminal Investigation indicate that 6 of the 11 homicides in 1999 were domestic violence related.

These homicides included the death of an infant by his father; the double murder of a woman and her friend by an ex-boyfriend; the stabbing death of a stepfather by his stepson; a boyfriend stabbed to death by his girlfriend; and a woman shot to death by her husband.

*Domestic Violence Statistics are compiled by the ND Council on Abused Women's Services/
Coalition Against Sexual Assault in ND for the State Health Department.*