

Legal Assistance of Western New York, Inc. ®



We provide free legal aid to people with civil legal problems in western New York.

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Fact Sheet on Public Benefits and Domestic Violence

How can I get help if I am a victim of domestic violence who needs public benefits?

When you apply for public benefits the caseworker should ask if you are a victim of domestic violence. If you say "yes" the caseworker should immediately refer you to a Domestic Violence Liaison (DVL). If you already get public benefits, you can tell your Department of Social Services (DSS) worker at any time and they can put you in touch with a DVL.

What is a Domestic Violence Liaison (DVL)?

A DVL is someone who works with your local DSS office to help people who are victims of domestic violence.

What can a DVL do for me?

Your DVL will look at your claims of domestic violence. Then your DVL will look at what you need to do to get public benefits. If what you need to do to get public benefits might hurt you or your children, or put you or your children at further risk, your DVL can give you a waiver. Your DVL can also help you find counseling or other support.

Why would I need a waiver?

Sometimes what you have to do to get public benefits might put you in danger. For example, you can get a waiver from what you have to do to get child support if your DVL agrees that cooperation with child support services might cause harm to you or your children. This waiver lets you get assistance without welfare agencies going after your abuser to collect, which should help protect you. You also may be able to get a waiver of employment or training rules, if your safety is in danger.

How long does my waiver last for?

Your waiver will last for at least four months. Your DVL must review your waiver at least every six months. Your DVL must tell you when your waiver will expire. Your waiver can be extended, changed, or stopped after a review.

Is there a maximum amount of time my waiver can last for?

No. You can have a waiver for as long as your DVL thinks you need one.

Is what I talk to my DVL about confidential?

Usually, the information you give your DVL is confidential unless you give written permission. However, DVLs must report to Child Protective Services if what you say makes them think that your children are abused or neglected.

What happens if I ask for a waiver but I don't get it?

You have the right to appeal if your request for a waiver is not granted. You can ask for a fair hearing by calling (800) 342-3334, or by writing to: NYS OTDA, Office of Administrative Hearings, P.O. Box 1930, Albany, NY, 12201-1930. You can also go to the Office of Administrative Hearings home page here: <http://www.otda.state.ny.us/oah/default.asp>.

Can I get a waiver from welfare time limits?

If you have received more than sixty months of TANF (Federally funded public assistance) in your lifetime, you will not be able to get any more. (However, in New York State you can still get other public assistance which is not TANF, a Federal Benefit). If you are close to your sixtieth month, you can get an extension of TANF if you meet one of the following conditions:

- You have a mental or physical problem that is because of domestic violence and it will last for at least three months
- Your child has a mental or physical problem because of domestic violence that requires you to stay home

Tell your DVL when you get close to your sixtieth month. Your DVL might be able to get you a waiver.

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This article provides general information about this subject. Laws affecting this subject may have changed since this article was written. For specific legal advice about a problem you are having, get the advice of a lawyer. Receiving this information does not make you a client of our office.

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