

MONO COUNTY DEPARTMENT OF SOCIAL SERVICES
POLICY & PROCEDURES

DOMESTIC ABUSE SERVICES FOR CALWORKS CLIENTS	Policy Number 65	Page Number 11
Director's Signature	Effective Date	Implementation Date

OBSOLETE

REFERENCES

ACL 14-59

WELFARE AND INSTITUTIONS CODE (WIC) §11320.3(f), §11320.3(f)(2), AND §11495 et seq.; MANUAL OF POLICIES AND PROCEDURES (MPP) §42-713.21, §42-713.221, §42-715.1, §42-715.13, §42-715.2, §42-715.3, §42-715.4, §42-715.5, AND §42-715.511

DEFINITIONS

BACKGROUND

Domestic abuse is the use of intentional emotional, psychological, sexual, or physical force by one family member or intimate partner to control another. It can be a barrier to employment and participation in Welfare-to-Work (WTW) activities for the domestic abuse victim.

Both TANF and CalWORKs regulations provide considerations for domestic abuse victims to ensure that clients who are past or present victims of abuse are not placed at further risk or unfairly penalized by CalWORKs program requirements. CalWORKs requirements cannot be created or applied in such a way as to encourage a victim to remain with the abuser.

The goal is to assist clients to participate in Welfare-to-Work activities to the full extent of their abilities to enable them to obtain employment and move towards self-sufficiency, including participation in counseling and treatment programs for domestic abuse services.

Definition of Domestic Abuse

Domestic abuse is assaultive or coercive behavior. The motivation for the abuse is to control another person. The methods used to achieve the control include, but are not limited to:

- Physical acts that result in, or threaten to result in, physical injury
- Threats of, attempts at, or forced to participate in sexual acts or activity
- Psychological abuse
- Complete control of finances; economic control
- Isolation from family and/or friends
- Sabotage of work or training efforts
- Stalking – being followed around and threatened wherever you go

A domestic abuse relationship is defined as a relationship between or among:

- Adults or minors who are current or former spouses;
- Adults or minors who live together or who have lived together;
- Adults or minors who are dating or who have dated;
- Adults or minors who are engaged in or who have engaged in a sexual activity;
- Adults or minors who are related by blood or adoption;
- Adults or minors who are related or formerly related by marriage;
- Adults or minors who are engaged or were formerly engaged to be married; or
- Persons who have a child in common
- Minor children of all persons listed above
- Adult or minor acting in concert with or on behalf of a perpetrator in a relationship as defined above

PROCEDURE

I. DOMESTIC ABUSE SERVICES OVERVIEW

- A. All adults applying for or receiving CalWORKs assistance for themselves or their children shall be provided information about the availability of counseling and safety planning services provided through community resources for domestic abuse.
- B. Additional services are available for individuals who are eligible to receive CalWORKs assistance **and** able to participate in the Welfare-to-Work program. Possible services include:
 - Waivers of certain program requirements
 - Activities in the WTW plan to assist with resolving domestic abuse issues

Individuals who are not eligible for additional services are those who are:

- SSI/SSP recipients
- Non needy caregiver relative
- Fleeing felons
- Ineligible non-citizens (Exception: There are additional instructions for battered non-citizens who are eligible to receive aid)

II. INFORMING REQUIREMENTS

A. Information about domestic abuse services must be provided both verbally and in writing by Eligibility Staff. The information should include information on:

- Domestic abuse resources
- Confidentiality and any required limits to confidentiality
- Available waivers of program requirements
- Information on domestic abuse, including safety planning
- County assistance on WTW activities that meet the needs of domestic abuse victims.

Information must be provided at:

- Application
- Annual redetermination
- Development of the Welfare-to-Work Action Plan for CalWORKs clients referred to Workforce Services and during the Appraisal/Orientation process.

> The county has developed a flyer, "CalWORKs Assistance for Domestic Abuse Victims", that can be used to help inform CalWORKs clients about domestic abuse services: (MCCW 348 – GEN)

- Included in the Eligibility CalWORKs packets
- Available for Integrated Case Workers to give to clients at Orientation/Appraisal and office appointments
- Posted on the CalWORKS Webpage

III. DISCLOSURE OF DOMESTIC ABUSE

An applicant or recipient may report at any time that they are a victim of domestic abuse. This is called *self-identification* and is the usual method of identifying domestic abuse. The most effective way of self-identification is for the victim to be interviewed in a private area where the disclosure is most likely to occur; however, self-identification can happen at anytime throughout the interview process, including at screening. A verbal statement is sufficient to begin the process of arranging services.

Once self-identified, the client shall be offered resources to meet with a Domestic Abuse Counselor and also be informed that the service is optional and not required to receive any benefits from the Department. ***However, for waiver of program requirements, a meeting and assessment with a Domestic Abuse Counselor is mandatory.***

Verification to Establish Domestic Abuse

- A. For receipt of domestic abuse services and program waivers: Sworn statements by a victim of past or present abuse shall be sufficient to establish abuse unless the county documents, in writing, an independent and reasonable basis to find the applicant or recipient not credible.
- B. When the county documents the need for additional verification, the county may then request additional supporting documentation.

Supporting documentation includes, but is not limited to:

- ▶ Police, government, agency, or court records or files
- ▶ Documentation from a domestic abuse program
- ▶ Documentation from legal, clerical, medical, or other professionals from whom the applicant has sought assistance in dealing with domestic abuse
- ▶ Physical evidence of abuse
- ▶ Statement from another individual with knowledge of the circumstances that provided the basis for the claim of abuse, or
- ▶ Any other evidence that supports the client's statement

Journal Comments

When domestic abuse is identified either by self identification or staff suspicion, journal entries shall be made to provide a summary of actions taken and/or issues discussed. The Journal should reflect the facts and observations.

The journal should give anyone looking at the case a clear and concise picture of what is happening. Journal entries should:

- Record information not documented elsewhere in the case.
- Support case management decisions.
- Inform staff of the actions that have been taken.
- Provide a clear record for case review and audit.

IV. REFERRING CLIENTS

Mono County Social Services will link the client with appropriate community resources such as:

- Shelter assistance

- Community domestic abuse services
- Law enforcement
- Legal services
- Immigration services
- Mental health and/or substance abuse services
- Medical and public health services
- Financial services

V. RESPONSIBILITIES OF WORKFORCE SERVICES

The Integrated Case Worker will complete an individual assessment for each client to evaluate possible waiver of CalWORKs domestic abuse program requirements. The assessment will be used to help in developing WTW Action Plans. WTW Action Plans will take into account the following:

- The degree to which domestic abuse is a barrier to obtaining employment
- Flexibility to accommodate legal obligations
- Cultural or religious needs
- Protection for individuals in immediate danger
- The need for a waiver from program requirements that may be requested
- Other services the victim and his or her children need

VI. WAIVER REQUIREMENTS

When it has been determined that there has been domestic violence, program requirements may be waived if it makes it more difficult for the abuse victim or his/her children to escape abuse or puts the family at increased risk, with the exception of certain eligibility requirements.

Domestic abuse waivers may be granted retroactively for up to three months prior to the date the victim of past or present abuse requests a domestic abuse waiver.

A domestic abuse waiver may be granted retroactively for more than three months only if the failure to grant the temporary domestic waiver, at the time it was requested, was due to an error by the county. In this circumstance, the recipient would need to demonstrate that he or she notified the County that he or she was a domestic abuse victim and had requested a temporary waiver of a CalWORKs rule or requirement but the County failed to act and the condition or circumstances during the time period at issue temporarily prevented or significantly impaired the recipient from being regularly employed or participating in Welfare-to-Work activities.

Waiver of program requirements are to be given on a case by case basis for victims of domestic abuse and only for the period of time the abuse prevents the individual from obtaining employment or participating in WTW activities.

The following program requirements may be waived:

CalWORKs 48-month time limit
Welfare-to-Work Requirements
Education Requirements
Paternity establishment and child support cooperation
MFG Rule

The following program requirements may not be waived:

- Deprivation
- Assets
- Income
- Citizenship/Immigration status
- Homeless (unless the primary cause of homeless is domestic violence)

VII. WAIVER DETERMINATION AND REVIEW PROCESS

A. Waiver Determination

When it has been determined that the client is eligible for a waiver, the type of waiver, length of waiver, and retroactive options must be identified. Retroactive waivers of the Maximum Family Grant (MFG) shall not be considered, and like all other waivers, may only be approved in three (3) month increments.

B. Case Staffing Team (CST)

Prior to approving a waiver of program requirements, a review of the case must be completed. The review shall be completed using the following staff:

Case carrying Integrated Case Worker
Program Manager and/or Program
Director

The case staffing shall include review of:

- The client's sworn statement (and any other verifying documents provided).
- The journal comments completed by the Integrated Case Worker.
- An assessment, if requested by DSS, provided by a Domestic Abuse Agency or Counselor.
- Feedback from any assigned case carrying workers.

An Integrated Case Worker will be designated as the liaison for domestic abuse clients who are participating in or will be assigned to the Workforce Services program.

The liaison will be available to help answer questions about program requirements, waivers, and participation in WTW activities for clients who have domestic abuse issues.

- When the final determination has been made and the waiver requirements have been established:
 - ▶ The Integrated Case Worker is responsible for advising the client of the program waivers have been approved and scheduling an office appointment for the client to sign the WTW Action Plan.
 - ▶ The Integrated Case Worker is responsible for advising the client that the program waiver(s) have been denied. The client will be contact for an appointment for WTW participation.

C. Eligibility Waivers

Applicants or recipients of CalWORKs may be eligible for certain program requirement waivers. The following are the possible eligibility program waivers:

- CalWORKs 48-month Time On Aid
 - Sanctioned Clients
 - Timed Out Clients
 - Exemptions/Extenders
- Maximum Family Grant
- Homeless
- School Attendance
- Paternity Establishment

Once the Case Staffing Team has been established what program waivers the applicant or recipient is eligible for, the case must be updated by the Integrated Case Worker to allow for the waiver(s) to be processed in C-IV.

D. Employment Waivers

Individuals who receive a waiver from Eligibility and/or Welfare-to-Work program requirements participate in counseling and other domestic abuse services that are needed to help resolve barriers to full-time participation in the WTW program.

Welfare-to-Work program participation requirements may be waived while individuals are actively resolving their domestic abuse issues. The following WTW program requirements can be waived.

- Required hours of participation in activities per week. The hours receiving domestic abuse counseling and related services are counted as participation hours.
- Core and Non-Core activity requirements.
- Emergency Situations: All WTW requirements may be temporarily waived until the situation is stable.

The Integrated Case Worker will work to develop the WTW Action Plan to meet the needs of each individual participant. The goal of the plan is to provide the participant with the opportunity to begin to achieve independence and economic self-sufficiency.

Policy guidelines and instructions have been established to develop the WTW Action Plan.

E. Waiver Informing Notices (Approval and Denial of Waivers)

When a determination of approval or denial has been made regarding the waiver of program requirements, a notice must be provided to the customer informing of the outcome of the review.

Approval: If the waiver has been approved, the Integrated Case Worker will contact the client to make a waiver review appointment. At the initial interview, the Integrated Case Worker will review the approved program waivers, determine the domestic abuse services and other WTW activities the individual will participate in, and sign the WTW Action Plan. The Integrated Case Worker will complete the waiver approval notice. The WTW Action Plan will include the services that the participant needs to participate in to address his/her domestic violence issues. If the client fails to attend the initial interview appointment, the waiver approval may be denied.

Denial: Upon review by the Case Staffing Team, if the program waiver requirements are denied, a denial notice shall be sent by the Integrated Case Worker. A separate letter will be sent by the Integrated Case Worker to schedule an office appointment with the client.

Note: Prior to sending the notice to the client regarding domestic abuse information, the Integrated Case Worker ensures the address information can be safely used.

F. Waiver Review

Initial waiver of time limits, work requirements, or any other program requirements are to be granted for a period not to exceed 3 months. The Case Staffing Team has the discretion to determine the length of the waiver on a case by case basis.

The contact must be made with the victim and can be either a face-to-face or telephone contact, depending on the waiver plan. Compliance with the WTW Action Plan is mandatory to continue with the program waivers. If the client fails to comply as required, *without good cause*, the waiver requirements may be rescinded and participation in a regular the Welfare-to-Work activity flow will be required. This decision will be made by the Integrated Case Worker and the Program Manager.

If a waiver is still required after the initial 3 month period, the same process is required for the initial granting of a waiver. After the extension approval, the Integrated Case Worker will make any necessary modifications to the client's current WTW Action Plan.

VIII. DOMESTIC ABUSE - ICT'S

Domestic abuse is very difficult for the victims and their families. Therefore, the sending and receiving counties should work together to ensure that any information regarding domestic abuse services, waivers, and security issues are transferred as seamlessly as possible.

A. Recipients Leaving the Sending County

When a domestic abuse victim has decided to move to another county, the Department of Social Services shall assist the client by providing references to domestic abuse services in the county they will be moving to. Services can be found by calling 1-800-799-SAFE (7233). All communication regarding the specific domestic abuse issues of the client shall only be shared with those directly involved in the client's case. The ICT should be faxed using a restricted fax machine whenever possible.

B. Transferring Documentation

When transferring the domestic abuse case, the Department of Social Services shall include any information regarding any domestic abuse services and waivers the recipient received. However, the information can only be released if the client signs a WTW 37 form granting the release of the documents. The WTW 37 shall be provided to the client at each waiver review with an explanation that she/he has a right to terminate the release at any time. The WTW 37 is valid for a maximum of one (1) year after it is signed. ***Any information regarding the client's domestic abuse situation, such as waiver determinations, cannot be transferred unless there is a valid WTW 37 on file.***

C. Domestic Abuse Waivers

When the receiving county identifies that a transferring client is a victim of domestic abuse during the ICT process, the Department of Social Services shall ask the client if any domestic abuse waivers have been granted by the sending county. All domestic abuse waivers approved in the sending county shall remain in effect for 30 days after the case is approved.

After the 30 day transfer period, the case shall be reviewed for modification based on the current county domestic abuse policy. If the waiver is modified, a timely and adequate notice must be provided to the client. The reasons for modification can include:

- The situation for granting the original waiver no longer exists
- The services and activities in the sending county are not available in the current county
- The current waiver does not meet the needs of the clients current situation
- The policy in the sending county is not consistent with the current county's policies

The 48-month Time on Aid waivers shall be reviewed to determine the remaining months of aid based on the sending county's records.

IX. DOMESTIC ABUSE CONFIDENTIALITY

To guarantee the privacy and protection of the client, staff must ensure that confidentiality is adhered to at all times.

- Conversations about Domestic Abuse must be held in private, and never in the presence of the perpetrator.
- Information must be provided in a non-threatening manner.

When confirming personal information, such as address, social security number or phone number, staff should ask the client for the information rather than telling the customer the information and asking for confirmation. Staff should have the client sign statement indicating their preferred method for receiving notifications.

Information about Domestic Abuse victims and their child(ren) is not released to any other outside party (except for the service providers), other than governmental agencies or an employee who is directly involved in the case, unless the information is required to be released by law or approved in writing by the client.

The journal entry includes only the information which pertains to a customer's progress toward independence and self sufficiency.

Safe at Home

The Safe at Home California Confidential Address Program (Safe at Home) is a program for victims of Domestic Abuse or stalking who have escaped or are escaping an abusive environment to avoid further victimization. This confidential address program provides a no-cost mail forwarding service that helps keep the victim's address confidential.

In order to qualify for the Safe at Home Program, applicants must enroll and provide specified information regarding being a victim of Domestic Abuse or stalking to the local agency operating the program. Upon approval, the customer is assigned a confidential Post Office Box to use in place of a home address. The customer will have an ID card containing the address that can be used for all business or public transactions.