DOMESTIC ABUSE SERVICES

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Approved: ***Signature on file***

12/01/06 (R1/13)

POLICY

Regulations require that counties inform CalWORKs applicants and recipients that services are available to assist individuals who are current or past victims of domestic abuse. This policy contains guidelines to be used when an individual discloses the existence of domestic abuse, and should be used in conjunction with Policy 604 Domestic Abuse Services Unit (DASU) Operating Procedure.

DEFINITIONS

Domestic abuse is assaultive or coercive behavior that occurs within a domestic relationship including, but not limited to, physical, sexual and psychological abuse, economic control, stalking, isolation and threats.

Domestic relationships do not have to be intimate in nature. Domestic relationships are relationships among, or between, adults or minors who are:

- A current or former spouse,
- Living, or have lived, together,
- Dating, or have dated,
- Engaged, or have engaged, in a sexual relationship,
- Related by blood or adoption,
- Related, or were formerly related, by marriage,
- Engaged, or were formerly engaged, to be married, or who
- Have a child in common.

Domestic abuse also includes abuse perpetrated against the minor child(ren) of individuals in a domestic relationship, and/or when an adult acts with, or on behalf of, a perpetrator in a relationship with those listed above.

IDENTIFICATION AND DOCUMENTATION

Victims are often reluctant to discuss or disclose past or current domestic abuse. A client should be advised that answering questions about domestic abuse is voluntary; the information is requested to assist him/her in becoming self-sufficient while promoting the family's safety. The client's sworn statement is sufficient to establish that the abuse occurred. Under no circumstances is staff to contact the person believed to be the perpetrator of the abuse, or any other person deemed by the victim to be unsafe to contact, for the purpose of corroborating or refuting the victim's statement.

Supporting documentation may be requested only if the county has an independent and reasonable basis for determining that the client is not credible. Reasons for requesting additional documentation must be thoroughly narrated in the case record. Supporting documentation includes, but is not limited to:

- Police, court, legal, medical, clergical or other professional records,
- Physical evidence,
- A statement from someone who has knowledge of the circumstances, and/or
- Current participation in a domestic abuse program.

Undocumented Noncitizens

Undocumented noncitizens who are victims of domestic abuse should be advised of the provisions of the Violence Against Women Act (VAWA), and that VAWA provisions allow certain victims (including children) to file for immigration relief without the abuser's knowledge or assistance. Undocumented noncitizens should also be provided with the following resources:

- National Domestic Violence Hotline 1-800-799-7233,
- USCIS Forms Request Line 1-800-870-3676.

INFORMING REQUIREMENTS

Individuals must be informed that domestic abuse services are available both verbally and in writing, at application, during development of the Welfare-to-Work (WTW) plan, and at annual redetermination (RRR). The Domestic Abuse Services & Safety Plan brochure (F063-41-169) provides general information about domestic abuse and services that are available to assist the victim and his/her family. The brochure is included in the application and RRR packets and should also be shared with participants during the WTW Orientation/Appraisal, or whenever discussing domestic abuse.

Individuals should also be told about domestic abuse waivers, and that WTW plans may be tailored to accommodate the victim's needs.

CONFIDENTIALITY AND SAFETY

The family's safety is of primary importance. Staff will not release information regarding a domestic abuse victim and his/her dependents to any outside party or county employee who is not directly involved in the client's case, except as required by law, or as authorized in writing by the client.
To avoid breaching confidentiality, or compromising the family's safety, referrals made to other agencies or divisions (e.g. District Attorney Welfare Fraud [DAWF]) must clearly indicate the existence of domestic abuse.
Staff will evaluate whether cooperating with Child Support Services (CSS) would place the victim and/or child(ren) at risk of further abuse. If it is determined that good cause exists, the Child Support – Good Cause Claim for Noncooperation (CW 51) will be completed. Refer to Policy 100 A-1 Child Support for additional information.
DASU staff will discuss with the victim ways in which to meet his/her safety and confidentiality needs, while promoting self-sufficiency. To further ensure the family's safety, domestic abuse victims may designate how they wish to receive communication from the county. A written statement signed by the client must be maintained in the case file documenting the need for, and preferred method of, alternate communication and/or correspondence. Choices could include an alternate "safe" phone number and/or mailing address, P.O. Box, hand delivery of county correspondence, etc.
Safe at Home
Safe at Home (SAH) is a free, confidential address and mail-forwarding service for victims of domestic abuse, sexual assault, or stalking. The program is administered by the California Secretary of State's office and is intended to be used in conjunction with an overall safety plan. After enrollment in SAH, individuals are assigned a substitute P.O. Box and a unique four-digit ID number. Thereafter, only the substitute SAH P.O. Box is to be used as the individual's home and mailing address. The individual's actual residence address is never entered on any computer system, and must be kept in a secure location. Refer individuals who are interested in SAH to an official Orange County Safe at Home Enrolling Agency or to 1-888-322-5227 for more information.
Change of Identity
In certain situations domestic abuse victims may choose to legally change their identity. Refer to Policy 604 Domestic Abuse Services Unit (DASU) Operating Procedure for more information.

INTER-COUNTY TRANSFER PROCESS

Ensuring the victim's confidentiality and safety continues throughout the Inter-County Transfer (ICT) process. Information may not be released to any outside party, governmental agency, or employee in either the sending or receiving county who is not directly involved with the client. The client must sign the Permission to Release Domestic Abuse Information When Moving to Another County (WTW 37) in either the sending or receiving county to authorize release of any information related to the domestic abuse. The form is valid for one year from the date of signature, and can be withdrawn by the client at any time. Without a signed WTW 37 information about the domestic abuse cannot be sent to the new county. Information forwarded to the new county should not be faxed, including information about domestic abuse services the client is currently receiving, security issues, waivers and/or good cause (i.e. for child support noncooperation) established in the sending county. The WTW 37 should be reviewed at initial application for aid and at each waiver review meeting.
Refer to Policy 100-E11 Inter-County Transfer (ICT) for more information.

REFERRALS

Victims may be reluctant to disclose past or current domestic abuse. Past abuse is an equally important consideration as it may also present a barrier to successful participation in WTW activities. The length of time that has elapsed since the abuse ended should not prevent a referral from being made. When there is an indication of abuse staff will advise the participant of available services and encourage him/her to accept a referral. Domestic abuse services are voluntary; if the individual declines a referral none is made.

Referrals for domestic abuse services are made via the Domestic Abuse Assessment Referral (F063-41-220). There is no limit to the number of times an individual can request domestic abuse services. Each request requires a new referral, assessment, and notice of action (NOA), if applicable. After accepting services, victims are referred to trained staff for individual assessment and development of a Welfare-to-Work Plan (WTW 2) that does not place the individual and his/her family at further risk. The Domestic Abuse Services Unit (DASU) accepts and processes all Domestic Abuse Assessment Referrals. The DASU Senior Social Worker (SSW) assesses the existence of domestic abuse, any risk factors, and the extent to which they might limit or preclude the victim's participation in WTW activities.

SSA staff, contracted providers and partners, including CSS and DAWF, will notify the worker of record (ISW/OSW/ET/CM), by email or phone, whenever domestic abuse is disclosed or suspected so a referral can be completed, if appropriate.

DASU referrals can be made on behalf of individuals who are exempt from WTW participation (and choose not to volunteer for WTW), and for individuals who are ineligible to the CalWORKs program. They will receive emergency, short-term services and referrals to community resources.

Note: If the client is in crisis the referring worker should contact the DASU Senior Social Services Supervisor (SSSS) directly to expedite the clearance and case assignment process.

Whenever staff suspects that a child(ren) in the home may be at risk due to domestic abuse, a child abuse report will be made following established procedures. Notify the Child Abuse Registry (CAR) by:

• Calling 1-714-940-1000 and submitting the standard Suspected Child Abuse Report (SS8572), or
• Faxing the Suspected Child Abuse FAX Report (F063-04-69) to 1-714-938-0289.

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TEMPORARY WAIVERS AND NOTICING REQUIREMENTS

Waiver of certain CalWORKs and WTW program requirements can be allowed on a temporary, case-by-case basis, but only for as long as the domestic abuse prevents the participant from obtaining employment or fully participating in WTW activities. Availability of waivers should be reviewed with the applicant or recipient whenever discussing domestic abuse. To request a waiver the participant completes a Domestic Abuse Waiver Request (F063-41-213).

Temporary domestic abuse waivers are not granted automatically. The DASU SSW will determine whether the waiver is appropriate by completing a Temporary Domestic Abuse Services Waiver Criteria form (F063-41-209). Approved waivers must be reviewed at least every ninety days to determine if the participant continues to meet waiver criteria, and should not exceed one year in length. If the participant continues to meet waiver criteria after one year, extension of the waiver requires approval of the SSSS. There are no time limits in which to request a waiver; the effect of past abuse could warrant a waiver if the participant meets waiver criteria. Additionally, retroactive waivers can be granted on a case-by-case basis, at the recommendation of the DASU SSW.

Waiver Criteria

Criteria to be considered when evaluating or reviewing a waiver request includes, but is not limited to, matters related to the domestic abuse that:

- Make it difficult for the victim or family to escape or remain apart from the abuser, such as
  - Current and unresolved safety, confidentiality and/or legal issues, or
- Could interfere with WTW program participation requirements, or be detrimental to, or otherwise unfairly penalize the victim, such as
  - Unstable housing/homelessness,
  - Residing in a domestic abuse shelter/transitional living facility,
  - Unresolved physical/mental health issues of the victim and/or family members,
  - Interference on the part of the abuser with child care, transportation, access to information/documentation, etc.

Requirements that can be Waived

The purpose of a domestic abuse waiver is to ensure WTW program requirements do not place the family at further risk, or encourage the victim to remain with, or return to, his/her abuser. While on a waiver, participation in modified activities, including counseling and treatment, should be encouraged to the fullest extent of the individual's abilities.

The following CalWORKs/WTW program requirements can be temporarily waived or modified:

- Hourly participation requirements,
- CalWORKs Time on Aid (TOA) limits,
- WTW 24-Month Time Clock,
- WTW PPT (Cal-Learn) school attendance requirements,
- Child support and/or paternity cooperation, if cooperating would place the child, parent, or caretaker at risk,
- Self-Initiated Program (SIP) rules, if domestic abuse prevented the client from meeting SIP criteria at the time of Appraisal,
- Limits on Homeless Assistance,
- Deeming requirements for sponsored noncitizens for a period of twelve months, which may be extended if certain conditions apply. Refer to Policy 100-C8 Sponsored Noncitizens.

A timely Domestic Abuse Waiver Approval/Denial NOA (F063-41-212) must be sent when the waiver request is approved or denied. The "As of" date entered on the NOA is the date the Domestic Abuse Waiver Request was signed by the client.

Individuals who have been granted a waiver remain mandatory WTW participants (unless otherwise exempt) and must comply with requirements agreed to in their WTW plan. Failure to do so may result in initiation of the noncompliance process. Refer to the **WTW Plans, Good Cause, Noncompliance, and Sanctions** section in this policy and to Policy 240 Good Cause/Compliance/Sanction.

Ending the Waiver

When making a determination to end the waiver, the DASU SSW will consider all available information including, but not limited to, the family's safety and stability, and the participant's progress in his/her assigned Domestic Abuse Waiver (DAW) activities.

If appropriate, a Multidisciplinary Team (MDT) meeting may be convened to evaluate whether the waiver should be extended, or if the participant's situation is stable enough to allow engagement in concurrent WTW and Domestic Abuse Services (DAS) activities. When the waiver ends, the CalWORKs TOA clock begins or resumes, and a new Welfare-to-Work Plan (WTW 2) is developed to reflect full hourly participation in the new WTW activity(ies). Development of the new WTW plan is based on discussion between the DASU SSW, DASU CM, and participant, and if appropriate, previous WTW Assessment results. A participant who disagrees with hours and/or activities outlined in the new plan has the right to request an independent assessment. Refer to Policy 210-B Third Party Assessments.

A timely Domestic Abuse Waiver Discontinuance NOA (F063-41-214) must be sent when an approved waiver is being discontinued. The "As of" date entered on the NOA is the last day of the month in which the adequate and timely notice is mailed.

Inter-County Transfers

As part of the ICT process, waivers granted by the sending county remain in effect during the 30-day transfer period. The new county may continue the existing waiver if it continues to meet the client's needs and is consistent with the county's waiver criteria. The new county may also modify an existing waiver prospectively if circumstances that initiated the original waiver have changed. Any modification of an existing waiver requires timely notification.

WTW PLANS, GOOD CAUSE, NONCOMPLIANCE, AND SANCTIONS

Participation in WTW activities should be encouraged to the fullest extent of the individual's abilities. Counseling and treatment programs, and/or other activities designed to address domestic abuse issues, will enable the participant to move toward employment and self-sufficiency. The ability of, and extent to which, an individual is capable of participating in WTW activities will be based on an individual assessment completed by the DASU SSW, and re-evaluated during monthly contacts between the participant, DASU SSW, and DASU CM.

Welfare-to-Work Plans

Welfare-to-Work Plans (WTW 2) for victims of domestic abuse will be tailored to meet the needs of the individual, and modified as necessary to reflect his/her ability to participate. When developing the WTW plan, primary consideration should be given to the safety and confidentiality of the victim and his/her family, and the degree to which domestic abuse is a barrier to employment. Factors to consider include, but are not limited to:

- Legal obligations related to the domestic abuse,
- Cultural and/or religious needs,
- Housing stability, homelessness, relocation,
- Substance abuse, medical and/or mental health,
- Parenting and/or immigration issues,
- Temporary program waivers.

The WTW plan will be signed after the DASU SSW determines whether the participant meets temporary program waiver criteria, however, WTW plans may be modified as necessary, whether or not a waiver is granted. Plans must indicate the domestic abuse and/or other concurrent WTW activities to which the client is assigned, hours of participation, and identified supportive service needs.

Note: Noncitizens determined eligible under U-Visa status are subject to WTW participation requirements but may not be authorized to work. In these situations domestic abuse and/or employment preparation activities would be appropriate pending U-Visa approval.

Good Cause/Noncompliance/Sanction

When an individual, whose WTW plan includes participation in domestic abuse activities, fails or refuses to comply with requirements of the WTW program, the DASU CM will determine if good cause exists. The determination will be made in consultation with the DASU SSW and DASU OSW. If domestic abuse contributed to, or resulted in, the noncompliance, good cause is found. The noncompliance process ends and a sanction is not imposed.

If previously unknown domestic abuse is disclosed by the individual after a sanction has been imposed, a new DASU referral is made and an assessment is completed by the DASU SSW.

- If it is determined that domestic abuse was a factor that led to the sanction, the sanction is rescinded based on good cause for failing to comply with program requirements.
- If it is determined that domestic abuse was not a factor that led to the individual's noncompliance and sanction, the client must follow sanction curing guidelines before being added back to the Assistance Unit (AU)
  - If the activity to which the individual was assigned before being sanctioned is no longer available or appropriate, the ISW/DASU CM must specify another appropriate activity for the individual to perform. An MDT may be convened to determine whether a waiver from regular WTW activities should be granted (DAW), or if the client can participate in concurrent WTW and domestic abuse activities (DAS). Once participation in the newly assigned activity meets sanction curing guidelines specified in Policy 240 Good Cause/Compliance/Sanction, the sanction would be lifted.

Refer to Policy 240 Good Cause/Compliance/Sanction and Policy 211 Welfare-to-Work Plan.

WTW ACTIVITIES, HOURLY REQUIREMENTS, AND ATTENDANCE TRACKING

Based on the individual's ability and circumstances, hourly requirements may be reduced or waived entirely for those who have been granted a temporary domestic abuse waiver. The ability to participate in other concurrent WTW activities while on a waiver will also be considered. The individual's reduced or waived hourly participation requirement will be reflected in his/her WTW plan.

Individuals who are assigned to Domestic Abuse Services (DAS), and other concurrent WTW activities, are required to participate for a combined total of 20/30/35 hours, averaged weekly. Refer to Policy 202 Work Participation Hours and Activities for additional information.

Attendance and progress in domestic abuse activities are reported monthly on the Domestic Abuse Services/WTW Attendance and Progress Report (F063-41-30). Participation hours for concurrent WTW activities are documented separately. Enter actual, documented hours specific to domestic abuse and/or other concurrent WTW activities in CalWIN.

SUPPORTIVE SERVICES

Individuals who are assigned to DAS or DAW activities are eligible to receive all supportive services necessary to comply with the terms of their WTW plan, even if the assigned hours are less than the minimum required per week. Actual supportive services are based on need and participation hours, and must be re-evaluated whenever a new WTW plan is developed.

COMMUNICATION, CASE COMMENTS, AND CALWIN ENTRIES

To monitor progress and participation in assigned WTW activities, maximize service delivery, and facilitate communication, the DASU SSW and DASU CM will meet with the participant at least monthly. The meeting will be documented in CalWIN Case Comments and on the Case Manager (CM) Monthly Contact Checklist (F063-41-225). Refer to Policy 201.2 CalWORKs/Welfare-to-Work Monthly Contacts. CalWIN Case Comments must be updated to reflect information obtained during client contacts including, but not limited to:

- Cooperation,
- Information specific to the WTW domestic abuse activity (DAS/DAW) including attendance and progress,
- Other identified needs or referrals completed.

Disclosures irrelevant to WTW participation should not be recorded. In addition, specific details of the domestic abuse are not to be shared or recorded. Any disclosures that may assist the DASU OSW/CM/SSW should be managed professionally, on a "need to know" basis.

The CalWIN Data Collection and Employment Services subsystems must be updated to reflect DASU referrals, new or revised WTW plans, and any changes to an individual's WTW activity(ies), attendance, or participation hours.

Refer to the CalWIN Case Comments Resource Guide for additional information.

LINKS

1. Domestic Abuse Services & Safety Plan (F063-41-169)
2. Child Support - Good Cause Claim for Noncooperation (CW 51)
3. Permission to Release Domestic Abuse Information When Moving to Another County (WTW 37)
4. Domestic Abuse Assessment Referral (F063-41-220)
5. Suspected Child Abuse Report (SS8572)
6. Suspected Child Abuse FAX Report (F063-04-69)
7. Domestic Abuse Waiver Request (F063-41-213)
8. Temporary Domestic Abuse Services Waiver Criteria (F063-41-209)
9. Domestic Abuse Waiver Approval/Denial (F063-41-212)
10. Welfare-to-Work Plan (WTW 2)
11. Domestic Abuse Waiver Discontinuance (F063-41-214)
12. Domestic Abuse Services/WTW Attendance and Progress Report (F063-41-30)
13. Case Manager (CM) Monthly Contact Checklist (F063-41-225)

POLICIES

Policy 604 Domestic Abuse Services Unit (DASU) Operating Procedure
Policy 100 A-1 Child Support
Policy 100-E11 Inter-County Transfer (ICT)
Policy 100-C8 Sponsored Noncitizens
Policy 240 Good Cause/Compliance/Sanction
Policy 210-B Third Party Assessments
Policy 211 Welfare-to-Work Plan
Policy 202 Work Participation Hours and Activities
Policy 201.2 CalWORKs/Welfare-to-Work Monthly Contacts

CALWIN RESOURCE GUIDES

Case Comments

ATTACHMENTS

Orange County Safe at Home Enrolling Agencies

REFERENCES

EAS 42-701
EAS 42-711
EAS 42-713
EAS 42-715
EAS 44-314
EAS 44-211
ACL 00-07 Battered noncitizen Eligibility Under CalWORKs and Food Stamp Program
ACL 01-57 Safe at Home California Confidential Address Program
ACL 03-15 Q and As Relating to CalWORKs and WTW Transportation Services
ACL 06-60 Eligibility for Aid and Services for Noncitizen Victims of Human Trafficking, Domestic Violence, and Other Serious Crimes
ACL 12-67 New CalWORKs WTW 24-Month Time Clock
ACIN I-02-06 CalWORKs Domestic Abuse Protocols and Waivers
ACIN I-60-09 CalWORKs Domestic Abuse Issues with Regard to Inter County Transfers (ICTs)
ACIN I-111-01 CalWORKs Funding Sources for Services to Victims of Domestic Abuse

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