



A Tradition of Stewardship
A Commitment to Service

NAPA COUNTY HEALTH AND HUMAN SERVICES AGENCY

Self Sufficiency Services Division

<u>POLICY AND PROCEDURE:</u>		EFFECTIVE DATE:	October 12, 2001
Domestic Abuse Protocol		ORIGINAL DATE OF ISSUE:	November 16, 2001
<u>REVIEW FREQUENCY:</u> Every two years		LAST REVISION DATE:	September 11, 2018
POLICY # 2000601-2007-18		APPROVAL:	<i>Juan Brufesa</i> 9/11/18 Eligibility Services Manager Date
<u>DISTRIBUTION:</u>		APPROVAL:	<i>Teresa Brown</i> 9/11/18 Employment Services Manager Date
<input checked="" type="checkbox"/> Employment Services	<input checked="" type="checkbox"/> Eligibility Services	APPROVAL:	<i>Lynn Perry</i> 9/18/18 SSSD Deputy Director Date
<input checked="" type="checkbox"/> Quality Mgmt		APPROVAL:	<i>Jane Collier</i> 9/20/18 HHS Director Date

POLICY STATEMENT:

It is the policy of the Napa County Health and Human Services Agency (NCHHSA) to ensure the safety of its participants by properly identifying family risks and issues.

ADMINISTRATION:

Eligibility Worker (EW)
Employment Services Worker (ESW)

DEFINITIONS:

Domestic Abuse – Defined as assaultive or coercive behavior which includes physical abuse, sexual abuse, psychological abuse, economic control, stalking, isolation, threats and/or other types of coercive behaviors occurring within a domestic relationship.

Domestic abuse is also abuse perpetrated against children of any of the persons listed in a domestic relationship or when an adult or minor acts in concert with the perpetrator of the abuse of a person in a domestic relationship.

Domestic Relationship – Relationships between or among:

- Adults or minors who are current or former spouses
- Adults or minors who live together or have lived together
- Adults or minors who are dating or have dated
- Adults or minors who are engaged in or have engaged in a sexual relationship

- Adults or minors who are related by blood or adoption
- Adults or minors who are or were formally related by marriage
- Adults or minors who are engaged or were formally engaged to be married
- Persons who have children in common

END OF POLICY

PROCEDURE

I. Welfare-to-Work and CalWORKs Good Cause Criteria

- A. When determining 'Good Cause' due to domestic abuse, the following criterion is considered:
 - 1. Participants who are past or present victims of abuse are not placed at further risk or unfairly penalized by CW requirements and procedures,
 - 2. Program requirements are not created or applied in such a way as to encourage a victim to remain with the abuser, **and**
 - 3. Participation by CalWORKs recipients in WTW activities is encouraged, to the full extent of their abilities, including participation in counseling and treatment programs, as appropriate, to enable the participant to obtain unsubsidized employment and move toward self-sufficiency.
- B. Situations that may constitute good cause for victims of domestic abuse include:
 - 1. The participant is fleeing the abuser and is in temporary housing or is homeless.
 - 2. The participant has entered a shelter.
 - 3. The participant is concerned about the safety of his/her children.
 - 4. The participant is a party to a restraining order or divorce action against the abuser.
 - 5. The participant and/or the children are undergoing counseling to cope with the effects of the abuse.
 - 6. Attending WTW activities, such as Job Search, that take place at public facilities would expose the participant to danger.
 - 7. The participant must be available to accompany children to and from school in order to avoid contact of the abuser with the children.
- C. The ESW shall determine if participant has 'Good Cause' for not fulfilling the Welfare-to-Work (WTW) requirements.
- D. If 'Good Cause' is determined, program requirements may be waived on a case-by-case basis and only for as long as the domestic abuse prevents the participant from obtaining employment or participating in WTW activities.
- E. Certain program requirements may be waived for victims of domestic abuse. These include:
 - 1. 48 month CalWORKs (CW) time limit
 - 2. WTW 24-Month Time Clock
 - 3. WTW activity participation requirements

II. Identification

- A. Identification of participants who are victims of domestic violence and who may meet the criteria to have 'Good Cause' determined and program requirements waived shall be done using the following processes:
 - 1. Information
 - a. All CalWORKs applicants and recipients should be informed verbally and in writing, in a language they understand, of the availability of services designed to assist individuals to identify, escape, or stop future domestic abuse.
 - 1) Literature and program information addressing the subject and 'good cause' criteria will be provided during the application process, during the development of the WTW plan, and at annual renewal.
 - 2. Resources
 - a. A resource list of local domestic abuse resources shall be maintained by the Welfare Department and provided to all applicants and recipients. This information should include:

- 1) Domestic abuse resources available through Napa Emergency Women's Services (NEWS);
 - 2) Information regarding confidentiality and any required limits on confidentiality;
 - 3) Information regarding any waivers of program requirements for victims of abuse i.e. that for victims of domestic abuse time limits may be waived on a case-by-case basis;
 - i. Good cause for this is reviewed at least once a month.
 - 4) Information on domestic abuse which includes legal options, safety planning and the effects of witnessing domestic abuse on children, etc;
 - 5) Information regarding assistance in tailoring WTW plans to meet the needs of abuse victims; **and**
 - 6) For non-citizens who are victims of domestic abuse, information should be provided on CalWORKs eligibility requirements for non-citizens, including information on income deeming requirements. Information should also be included on applying for legal status.
3. Self-Identification
- a. Applicants and recipients shall be provided with opportunities to confidentially self identify or disclose domestic abuse at any time. The EW/ESW is encouraged to "identify" abuse victims by allowing victims to self identify after they receive the above information.
 - b. 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 participant not credible.
 - c. The EW/ESW is encouraged to provide the information regarding domestic abuse and services in a supportive manner and to provide a safe, private, physical space for disclosing abuse, including:
 - 1) Displaying posters and other materials regarding domestic abuse;
 - 2) Discussing confidentiality during informational sessions, including any legally required disclosures; **and**
 - 3) Making telephones available for individuals who have disclosed to call resources safely and privately.
 - i. A participant may use a closed interview room after the EW/ESW has:
 1. Removed any personally identifiable information (PII)
 2. Locked the C-IV computers
 3. Notified reception that a participant is left alone in a room.

III. **Determination and Verification**

- A. The ESW shall evaluate the participant's circumstance for good cause when:
 1. The participant indicates that an issue exists and requests a good cause determination.
 2. The participant is not fully participating in their assigned WTW activity(ies).
 3. The ESW makes a home visit and learns of issues the participant has not formerly divulged.
 4. The ESW believes that good cause may exist and confirms and verifies with the participant.
- B. Verification of domestic abuse for the purpose of establishing 'good cause' includes but is not limited to:
 1. Sworn statement by the victim of past or present abuse;
 - a. The ESW shall document the impact of past abuse and its effect on the current ability of the participant to fully engage in WTW activities due to the past abuse.

- b. Unless the county documents in writing an independent and reasonable basis to find the applicant or recipient not credible, then the ESW shall pursue verification as described in the following section B.3-6.
 - 2. Physical evidence of abuse;
 - 3. Documentation from a domestic abuse program;
 - 4. Documentation from legal, clerical, medical, or other professions from whom the applicant or recipient has sought assistance in dealing with domestic abuse;
 - 5. Police, government agency, or court records or files; or
 - 6. A statement from another individual with knowledge of the circumstances that provide basis for the claim.
- C. EW/ESW will assist the participant in obtaining any verification that is not readily accessible by the participant and cannot be pursued by the participant due to the circumstance under consideration

IV. **C-IV Input and Review of Good Cause**

- A. When the EW/ESW determines good cause exists for a participant, the EW/ESW will make all appropriate C-IV entries. The ESW shall record the participant's good cause status, the date of review, and document the actions that are to proceed which will assist the participant to engage in activities to deal with the effects of domestic abuse. Data shall be recorded:
 - 1. On WTW Status List, work registration should show "Mandatory"
 - 2. Under "Program" click "Add Status"
 - 3. On the WTW Status Detail Page:
 - a. Status = Good Cause
 - b. Status Reason = Domestic Violence
 - c. Begin Date – Begin Date of Good Cause Status
 - d. Click "Save and Return"
 - 4. On the WTW Status List page – click "edit" to update the review date for good cause.
 - a. All good cause determinations will have a monthly review date which corresponds to the date of the 'good cause' determination onset or that which corresponds with the assigned activity.
 - 5. Journal Entry is completed
 - a. Short Description = Good Cause Determination
- B. If a time limit waiver is being provided so that the months in good cause do not count towards the 48-month CalWORKs time clock then an exception entry must be made on the time limits page.
 - 1. On the Cash Aid time Limit Detail Page an exception is entered as follows:
 - a. Choose the month in which an exception should be entered. Click "edit" for that month.
 - b. Under exceptions enter:
 - 1) Type = Good Cause
 - 2) Reason = 403 – 60 Mo. And 18/24 Mo. Limits

V. **Waivers**

- A. When good cause has been established, program requirements may be waived. The determination to waive the requirements shall be made by the EW/ESW with approval from the supervisor.
 - 1. A domestic abuse waiver of a CW rule or requirement may not be granted permanently. EW/ESW must review the continuing appropriateness at least every three (3) months.
- B. Program requirements that may be waived include, but are not limited to:
 - 1. Time limits
 - 2. Work requirements

3. School attendance requirements
 4. Immunization requirements
 5. Paternity establishment and child support cooperation.
- C. Program requirements that cannot be waived are the following eligibility factors
1. Deprivation
 2. Resources
 3. Income
 4. Homeless assistance requirements
- D. 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 and the EW/ESW determines that good cause exists.
- E. An adult who is undocumented or ineligible for CW benefits (SSI recipient, NNR, etc.) is not authorized to be granted a temporary domestic abuse waiver.

VI. **Domestic Violence WTW Assessment**

- A. Once identified, domestic abuse victims should work with the ESW, in conjunction with NEWS, if applicable, to agree upon a WTW plan.
- B. A complete and signed Release of Information (ABCDM 228) should be obtained from the participant.
1. An ABCDM 228 from the participant should be on file for every activity provider
- C. The development of this plan shall not place the participant at further risk. The health and safety of the victim and children are critical. Considerations in development of the WTW plan may include:
1. The degree to which domestic abuse is a barrier to obtaining employment;
 2. Flexibility to accommodate any prior/current legal obligations or other activities/issues related to the abuse;
 3. Special cultural or religious needs;
 4. Services for the victim and his/her children, including mental health, substance abuse, public health, and community/domestic abuse services as necessary;
 5. A determination of the need for medical assistance, and the appropriate protections for individuals in immediate danger, which would also be integrated into the WTW plan.
- D. The WTW plan shall be individualized to meet safety, confidentiality and other needs.
- E. Once a WTW plan is developed to meet the needs of the participant and satisfies the WTW program requirements, the good cause status ceases to exist and satisfactory participation is expected from the participant.
- F. If the participant and ESW are unable to reach agreement on the WTW plan, the matter shall be referred by the department for an independent assessment by a third party.

VII. **Referral to Other Services**

- A. In addition to employment services, the ESW shall consider all available appropriate services to assist the individual towards self-sufficiency, while maintaining the safety of the individual and the children.
- B. Services obtained from other agencies may, or may not, be included in the WTW plan. Other service providers for participants may include, but are not limited to:
1. Legal services
 2. Shelter and support group services (NEWS)
 3. Substance abuse services
 4. Mental health counseling

5. Children's mental health counseling
 6. Family Preservation
 7. Immigration services
 8. Parenting skills training
 9. Independent living skills training
 10. Medical and Public Health assistance
 11. Financial planning
 12. Relocation activities(NEWS)
- C. Many of these services are available via NEWS.

VIII. ESW Continuing Actions

- A. Participants in good cause status shall be contacted at least monthly to see if they are making progress in addressing the good cause circumstance and to determine if a change in the participant's situation has occurred which impacts the good cause determination.
- B. When the household reports any change, the ESW will evaluate the change to determine if it impacts the reason that good cause was allowed.
- C. If good cause ceases to exist, the ESW shall input the appropriate status, plan & activity (if applicable), and document the action in C-IV.

IX. Confidentiality procedures

- A. Prior to initiating a referral to services related to domestic abuse, the ESW shall obtain a signed written consent form (ABCDM 228) from the participant. This written consent will enable the ESW to consult with the provider of services on an ongoing, as needed basis, as long as the participant is engaged in an activity related to the effects of domestic abuse.
- B. Information shall not be released to any outside parties or other governmental agencies or to any employee of the welfare department who is not directly involved with the case, unless the information is required to be disclosed by law or unless authorized by the participant in writing.

X. Notice procedures

- A. The EW shall discuss personal safety with individuals who have self-disclosed. Individuals will be provided the opportunity to make decisions about receiving communications and correspondence from the county, subject to due process requirements. Individuals shall be notified of program requirements in a manner which preserves confidentiality and safety.
- B. The EW shall discuss any needs for alternative notice requirements such as telephone calls, alternate mailing address, or hand delivery. The participant must sign a Sworn Statement indicating the chosen method.
 1. C-IV Journal must include documentation from the EW that these needs were discussed and the decision made.
- C. The safety of the individual shall be considered at all times.
- D. This may include the use of alternative mailing addresses; notices may be hand delivered.
- E. The case file must include documentation of any need for alternate noticing requirements and the method chosen.

XI. Transferring to Another County

- A. A case with domestic violence information shall not be transferred via fax.
- B. When the EW/ESW is informed of a participant moving to another county, the EW/ESW shall provide the participant with references located in the receiving county.

1. These services can be found by calling 1-800-799-SAFE and/or by contacting the receiving county.
- C. The EW/ESW should send any information regarding any domestic abuse services that the participant may be receiving and waivers that the recipient may have.
 1. A WTW 37 – Permission to Release Domestic Abuse Information When Moving to Another County must be obtained in order to release any information.
 - a. The WTW 37 is only valid for one year from the date the participant signs it.
 2. Participants should be informed that without a WTW 37, the EW/ESW cannot provide any information to the receiving county.

REFERENCES:

ACIN [I-02-06](#) – Domestic Abuse Protocols and Waivers
 ACIN [I-60-09](#) – Domestic Abuse Issues with Regard to ICTs
 ACL [14-59](#) – Domestic Abuse Waiver Policy Clarification
 ACL [18-34](#) – AB 557 CW Victims of Abuse
 EAS [42-713.22](#)
 EAS [42-715](#)

FORMS

ABCDM 228 – Applicant’s Authorization for Release of Information
 WTW 37 – Permission to Release Domestic Abuse Information when Moving to another County

CONTACT PERSON(S):

Shanna Gardner, Staff Services Analyst

END OF PROCEDURE

REVISION HISTORY:

Revision	Date	Description of Change	Requested By
1.0	03-06-12	Biennial Review. Updated to reflect changes in computer system to C-IV.	S. Gardner, SSA
2.0	12-03-15	Biennial Review.	S. Gardner, SSA
3.0	09-11-18	Biennial Review. Removed MFG waiver allowance. Included ACL 18-34	S. Gardner, SSA