

Placer County Human Services

EFFECTIVE DATE: 9/26/2009	REVISION DATE: 9/17/2014	TITLE: Domestic Abuse Policy	PROGRAM: ES
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Background	<p>Not only women, but men are victimized by domestic abuse. These issues affect one third or more of adult women sometime in their lives and it is estimated that 835,000 men are physically assaulted by an intimate partner annually. Its consequences reach far beyond the immediate abuse. It can affect the mental, physical, and economic health and safety of the victim and the victim's children.</p> <p>The CalWORKs program requires that identified applicants and recipients be given referral resources to obtain information and/or services addressing their needs with regard to the effects of domestic abuse situations in their families.</p>
References	EAS Manual Sections : 42-701.2(d), 42-711.6, 42-715.1-6 ACLs: 14-59 (8-21-2014) ACINs: I-02-06 (1-9-2006)
Program Goals	Domestic abuse can be a barrier for families attempting to achieve self-sufficiency. The goal of the CalWORKs and Employment Services (ES) domestic abuse policy is to assist applicants and recipients who are or have been victims of domestic abuse, and their children, to live safely, be independent, and function to the maximum of their abilities.
Domestic Abuse	Domestic abuse is defined as assaultive or coercive behavior, which includes: physical, sexual, psychological and/or economic control. The abuse may also include stalking, isolation, threats and other types of coercive behaviors within a domestic relationship.
Domestic Relationships	<p>California Department of Social Services defines domestic relationships as:</p> <ul style="list-style-type: none"> • 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 related or formerly related by marriage; • adults or minors who are engaged or formerly engaged to be married, • persons who have a child in common; • minor children of persons in the above listings; or • an adult or minor acting in concert with or on behalf of a perpetrator in a relationship identified above.
Informing Requirements	CalWORKs regulations require that we inform clients verbally and in writing about the availability of domestic abuse services at application, re-determination, and development of Employment Services plans. The written notice shall be in a language understood by the recipient.
Verification	A sworn statement, or the signed and completed domestic abuse waiver request form, by a victim of past or present abuse shall be sufficient

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	<p>verification that the client is a domestic abuse victim unless the worker has an independent and reasonable basis to determine that the individual victim is not credible. This determination must be documented in writing.</p> <p>Other evidence of domestic abuse may include, but is not limited to:</p> <ul style="list-style-type: none"> • police, government agency, or court records; • documentation from a domestic abuse program; • documentation from legal, clerical, medical, or other professionals from whom the individual has sought assistance in dealing with domestic abuse; • physical evidence of abuse; • statement from another person with knowledge of the circumstances that provide the basis for the claim of abuse; or • any other evidence that supports the statement. <p>In most circumstances, the signed and completed domestic abuse waiver request form (DA 1A) would be sufficient to establish the individual is a domestic abuse victim.</p>
Alternate Noticing Methods	<p>In cases where domestic abuse has been identified, staff should discuss personal safety issues with the individuals prior to sending any notices to the client's address.</p> <p>Domestic abuse victims shall be provided the opportunity to decide how they would like to receive correspondence/communication from the county; this should be in a manner that preserves confidentiality and safety. Possible options include, but are not limited to:</p> <ul style="list-style-type: none"> • Office pick-up; • Personal/hand-delivery to the individual; • E-mail; • Alternate mailing address (chosen by the participant); or through • Telephone calls. <p>Alternate noticing methods must be documented with a written statement in the case record, signed by the applicant/recipient, indicating the noticing method s/he has chosen.</p>
Response to Domestic Abuse Questions Optional	<p>Anytime questions relating to domestic abuse issues are asked, the applicant or recipient must be informed that answering such questions is optional and that the information is requested to better assist him/her in becoming self-sufficient while promoting his/her safety. Also, s/he must be told that answers which indicate abuse will not have a negative impact on his/her ability or opportunity to participate in the Employment Services (ES) program.</p>

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Confidentiality	<p>Case assessments should be individualized to meet safety, confidentiality and other needs of the victims and their children. Individuals must be provided a safe and private space to confidentially self-identify or disclose domestic abuse. Information shall not be released to:</p> <ul style="list-style-type: none"> • any outside party/parties; • other government agencies; • any employee of the Health and Human Services Department not directly involved in the applicant/recipient's case. <p>Exceptions are only made when the release of information is:</p> <ul style="list-style-type: none"> • required by law; or • authorized in writing by the applicant/recipient. <p>Every effort shall be made to preserve the confidentiality and integrity of the service provider/recipient relationship.</p>
Developing the ES Plan	<p>Victims of domestic abuse shall be assessed on an individual basis to develop an ES plan which will not place the individual at further risk of domestic abuse. The health and safety of a victim and his/her children is critical. ES plans should be developed with an awareness of:</p> <ul style="list-style-type: none"> • employment limitations/barriers resulting from the domestic abuse situation; • flexibility in accommodating prior or current abuse-related obligations; • special cultural or religious needs; • referral sources for the victim and children, which include mental health, substance abuse, public health and community domestic abuse services; • a medical referral when needed; • protection for individuals in imminent danger (this would also be included in the ES plan); • waivers for certain program requirements as needed, including possible waiver of participation hour requirements and the CalWORKs 48 time-on-aid clock. • the need and requirement of counseling and/ or therapy service
Rule	<p>A recipient is excused (given good cause) from ES participation when it is determined that there is a condition or other circumstance that temporarily prevents, or significantly impairs, the individual's ability to be regularly employed or to participate in ES activities.</p>
Good Cause Not an Exemption	<p>Being a past or present victim of domestic abuse is a circumstance that could potentially temporarily prevent, or significantly impair, the individual's ability to be regularly employed or to participate in ES</p>

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	<p>activities.</p> <p>Therefore, depending on the circumstances, being a victim of domestic abuse may be a good cause reason for the individual to not participate in employment or otherwise required ES activities. These requirements may be waived.</p> <p>If the client or the client's family is prevented from escaping from abuse or put at risk of further abuse, or unfairly penalized, by the normal CalWORKs requirements, the 48-month time clock may be stopped. The client is usually required to be engaged in domestic abuse counseling to maintain this status, unless doing so would place the client or family at further risk.</p>
Rule	<p>Certain program requirements may be waived for an applicant/recipient who has been identified as a past or present victim of domestic abuse when it has been determined that good cause exists.</p> <p>The criteria for granting waivers shall include provisions that ensure:</p> <ul style="list-style-type: none"> • Applicants and recipients who are past or present victims of abuse are not placed at further risk or unfairly penalized by CalWORKs requirements and procedures; • Program requirements are not created or applied in such a way as to encourage a victim to remain with the abuser; and • Participation in employment services activities is encouraged, to the full extent of a client's abilities; including participation in counseling and treatment programs, as appropriate, to enable him/her to obtain unsubsidized employment and move toward self-sufficiency.
Can be Waived	<p>Program requirements which can be waived due to domestic abuse include, but are not limited to, the following:</p> <ul style="list-style-type: none"> • time limits; • participation hours and activity requirements; • the Maximum Family Grant (MFG) rules; • school attendance for children; • paternity establishment; and • child support cooperation <p>While it is up to the CSPS, or eligibility worker, to determine the appropriateness for waiving the latter four requirements, the Employment Services Counselor must consider and determine the appropriateness of waiving time limits and participation requirements. This should usually be done with the input of a professional working with the client on the domestic abuse issues. The counselor should consider the following:</p>

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	<ul style="list-style-type: none"> Do program requirements prevent or deter the client or family from escaping abuse? Do program requirements put the client or family at risk of further abuse? Would the program requirements unfairly penalize the client and family?
Cannot be waived	<p>The following program requirements <u>cannot</u> be waived:</p> <ul style="list-style-type: none"> deprivation; assets; income and homeless assistance
When to Waive Program Requirements	<p>After the client is identified as a domestic abuse victim, the Employment Services Counselor should discuss the potential need for waiving program requirements with the client, and present the domestic abuse waiver request form to them.</p> <p>The Employment Services Counselor must consider several factors when determining the need to waive the CalWORKs time limit and the Employment Services participation requirements, the client's safety being the foremost. If the client or the client's family's immediate safety would be jeopardized by participating in Employment Services activities, the time-limit and participation requirements should be waived.</p> <p>If safety is not an immediate concern, the client should be assessed for their ability to participate full time. Professional assessment, by a therapist, counselor or doctor working with the individual, is necessary.</p> <p>If the client has not begun working with a professional on the domestic abuse issues, the Employment Services Counselor should refer the client to the Linkages Practitioner. The Linkages Practitioner, or the professional with whom the client is already working, should provide the Employment Services Counselor with their assessment of the clients' needs and abilities to participate. The Employment Services Counselor may then determine if program requirements are to be waived.</p> <p>When it is the opinion of the professional working with the client that the client, due to domestic abuse issues, is unable to participate full time in regular Employment Services activities, the CalWORKs 48 month time limit should be stopped. A plan that includes the activities the professional indicates the client is able to undertake, and that includes domestic violence services, should be initiated by the Employment Services Counselor. The plan may be for domestic violence services only. The client granted good cause for some program requirements remains a mandated participant and should participate to the extent of</p>

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	<p>his or her abilities, unless the client and or family would be placed in immediate jeopardy by so doing.</p>
Retroactive Waiver	<p>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 CWD determines that good cause exists.</p> <p>The three month retroactive application of a waiver is not automatic for all requests and is based on the victim's needs and circumstances. For instance, if the domestic abuse prevented participation during that time, and a sanction was incurred, this may be lifted and the waiver granted. However, if a victim had been participating and meeting hours, and an incident occurred immediately before the request is made, and there is no indication that there was need prior, the waiver would not be granted retroactively.</p> <p>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 CWD.</p>
On-going Review of Waivers	<p>A domestic abuse waiver of a CalWORKs rule or requirement may not be granted permanently by a CWD.</p> <p>CalWORKs Program requirements, including the time limit on receipt of assistance, may be waived on a case-by-case basis for a victim of domestic abuse, but only for as long as domestic abuse prevents the individual from obtaining employment or participating in Employment Services activities. The continuing validity of the good cause determination upon which the waiver is based must be reviewed as necessary, but at least every three months.</p> <p>The Employment Service Counselor (ESC) will sign a plan for Domestic Abuse services for three months and provide an approval notice for that time period. If further services are required past the three months, the ESC will staff the case with their supervisor before approving another plan and continued services.</p> <p>Individuals must comply with the county's request for appropriate documentation as required to review a good cause determination. Continued good cause is usually established through documentation by the domestic violence services provider with whom the client is working.</p>
When not to Waive Program Requirements	<p>In the case that the client is identified as a domestic abuse victim, and the client declines to sign the domestic abuse waiver request form, or declines services or waives good cause, the Employment Services Counselor should reiterate the possible benefits and ensure that the client understands the waiver. If the client continues to decline, good cause for waiving program requirements should not be found.</p>

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	<p>If the client has requested waiver of program requirements, and the opinion of the professional working with the requesting client is that the client is able, with or without supportive domestic abuse services, to participate in regular Employment Services activities at the level required of other participants, and safety is not an immediate issue, good cause for waiving requirements, such as the CalWORKs limit on time-on-aid and Employment Services participation, should not be found, and the client should sign a plan under normal Employment Services rules.</p> <p>If a participant previously granted good cause from Employment Services requirements begins or requests to participate at a full-time rate, indicating that the domestic abuse may no longer prevent the individual from obtaining employment or participating in Employment Services activities, the participant should be reassessed, and the good cause finding may no longer be appropriate.</p>
Domestic Abuse as an Extender	<p>Extender exceptions apply at any time after adults are discontinued due to reaching the CalWORKs 48-month limit when exception criteria are met. Good cause due to domestic abuse may be the basis for the determination of a CalWORKs time limit extension according to the same basic criteria as the time-limit exemption.</p> <ul style="list-style-type: none"> • While most extenders require all adults in the AU to meet an extender requirement, an individual who is currently a victim of Domestic Abuse and has been aided as an adult for 48 months may have his/her CalWORKs time limit extended without requiring all other adults in the AU to meet any extender criteria. • Criteria for a Domestic Violence/Domestic Abuse time limit extender shall be evaluated on a case-by-case basis, but the extender is granted only for so long as the domestic abuse prevents the individual from obtaining employment or participating in ES activities. • The Employment Services Counselor shall evaluate the individual's circumstances at least every 3 months to determine if the basis for good cause continues to exist. • Extensions for Domestic Abuse will only be allowed from the time a current DA1 is signed requesting services. No retroactive extenders will be considered. • A person receiving a time extender due to good cause because of domestic abuse is usually required to be engaged in domestic abuse counseling to maintain this status, unless doing so would place the client or family at further risk.
Battered	If otherwise eligible, certain non-qualified immigrants and their children may

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Immigrants	<p>be eligible for CalWORKs and CalFresh if they have been battered or subjected to extreme cruelty by:</p> <ul style="list-style-type: none"> • a spouse who is a U.S. citizen or lawful permanent resident, or • a parent, or • a member of the spouse's family living in the same household as the parent who consented or participated in the abuse. <p>Eligibility may also exist if:</p> <ul style="list-style-type: none"> • The battered person has been approved on an I-360 petition, pending with Immigration and Naturalization Services (INS) (If the petition is pending, it will be valid for 150 days from the day INS received it), and; • There is a substantial reason to believe the applicant requires benefits because of the battery or cruelty. <p>The State of California will provide assistance to these individuals because they meet the U.S. definition of permanent residence under color of law (PRUCOL).</p>
Medi-Cal Only	<p>Undocumented immigrants are eligible for emergency medical services but may contact call center for more information or other resources.</p>
Mandated Child Abuse Reporting	<p>All Human Services staff members are mandated reporters and as such are required by law to report any issues of child abuse and neglect. If in the course of working with a family child abuse or neglect is suspected, it is the duty of the Employment Services Counselor to report this to Family and Children's Service at (916) 872-6549.</p> <p>http://www.ag.ca.gov/childabuse/pdf/ss_8572.pdf</p> <p>Email: pc_scar@placer.ca.gov</p>