

County of San Diego, Health and Human Services Agency (HHS)
CalWORKs Program Guide

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Revision Date:

May 1, 2022

Background:

- Program regulations require that past, or present, victims of domestic violence not be placed at further risk, or unfairly penalized, by CalWORKs requirements or regulations
- Requirements are not to be created or applied in such a way as to encourage a victim to remain with an abuser
- Domestic violence policies for the CalWORKs Program were developed, as required by State law, to identify and assist CalWORKs customers who are past, or present, victims of domestic violence to obtain employment and become self-sufficient

Purpose:

The purpose of this revision is to complete a sunset review and to renumber this CalWORKs Program Guide (CPG) section from 40-100.O to 40-100.E. There is no change in policy. CPG section 40-100.O becomes obsolete with the issuance of this material. This revision also removes some processes from the CPG section and incorporates them into the Processing Guide.

Policy:

Definitions

Domestic violence means battering, or subjecting a victim to extreme cruelty by:

- Physical acts that result in, or threaten to, result in physical injury
- Sexual abuse
- Sexual activity involving a child in the home
- Being forced to participate in nonconsensual sexual acts or activities
- Threats of, or attempts at, physical or sexual abuse
- Mental abuse
- Neglect or deprivation of medical care
- Stalking

Domestic Relationships are relationships between individuals who:

- Are current or former spouses/partners
- Live, or have lived, together
- Are dating/have dated
- Are engaged in, or have engaged, in a sexual relationship
- Have common children

Confidentiality

All staff must ensure the confidentiality of any information pertaining to customers who claim to be victims, and their dependents, whether provided by the customer or by a third party.

Information with respect to victims and their dependents must not be released to:

- Outside parties or other governmental agencies

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- Staff not directly involved in the customer's CalWORKs case, including the Employment Services (ES) and Child Care cases, with the following exceptions:
 - The information is required to be disclosed by law
 - The release was authorized, in writing, by the customer

This includes the following information:

- The customer's current address
- The customer's workplace or work placement
- The customer's status as an identified victim of abuse
- Any details concerning the abuse

This information must be used solely for the purpose of referral to services or determining good cause for failure to comply with any program requirement.

Personal safety will be discussed with customers who have been identified as domestic violence victims. The customers will be provided the opportunity to make decisions about how they are to receive communications and correspondence from the county, subject to due process requirements. The safety of the customer must be considered at all times.

Staff Training

All staff are required to participate in domestic violence training. Self-Sufficiency Services will coordinate domestic violence trainings for staff in accordance with State regulations.

Identification of Victims

Identification of victims is accomplished by self-identification, as some victims may be deterred from seeking services and become more reliant on abusive partners, or they may simply deny the abuse, if pressured to answer questions about abuse.

A customer may self-identify any time while applying/receiving CalWORKs or while participating in the ES program. Customers must be provided a safe and private physical space to confidentially disclose domestic abuse.

The customer must be advised that all responses to the questions concerning domestic violence are optional, and that answers indicating abuse will not have a negative effect on their CalWORKs eligibility, or ability to participate in the ES Program.

Staff will explain that the information is being requested to better assist the customer in becoming self-sufficient, while promoting their safety.

Individual case assessments, performed by staff who are trained to serve victims of abuse, are crucial to determine the need for waivers of program requirements. These waivers may be requested and help develop ES plans that meet the individual's needs. Each customer who has been identified as a victim of domestic abuse must be referred to staff who are trained in serving victims of domestic abuse.

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Domestic Violence Documentation

A sworn statement by the victim is sufficient to establish abuse unless there is documentation in writing that an independent and reasonable claim finds the customer not credible. In those instances, additional supporting documentation will be requested.

Additional supportive documentation of abuse includes:

- Police, government agency, or court records or files
- Documentation from a domestic violence program, legal, religious, medical, or other professional, from whom the customer has sought assistance
- A domestic violence waiver request form, signed by the customer
- Any other evidence such as statements from other individuals with knowledge of the circumstance, which provides the basis for the claim or physical evidence of abuse

Domestic Violence Waiver Request

Customers may request a waiver of specific CalWORKs/ES program requirements at any time.

Customers identified as victims do **not** automatically qualify for a program waiver. When evaluating criteria for granting waivers, staff will ensure:

- Victims are not placed at further risk or unfairly penalized by CalWORKs/ES requirements and procedures
- Program requirements are not created, or applied, in such a way as to encourage a victim to remain with the abuser
- Participation by CalWORKs customers in ES activities is encouraged, to the fullest extent of their abilities, including participation in counseling and treatment programs, to enable the customers to move toward self-sufficiency

A domestic abuse waiver determination Notice of Action (NOA), containing the state hearing rights on the back, will be used to notify the customer when their request for a domestic violence waiver is approved, denied, or discontinued. The approving NOA must notify the customer that the domestic violence waiver is temporary and will end. If known, the planned ending date also needs to be included on the NOA. A copy must be imaged or filed in the case.

Good cause for waiving program requirements for victims include, when the victim:

- Is currently fleeing the abuser and is in temporary housing or homeless
- Has recently entered a shelter
- Is concerned about the safety of the children
- Is party to a restraining order or divorce action against the abuser
- Is (or the children are) undergoing counseling to cope with the effects of the abuse

Domestic Violence Waiver Reevaluation

Waivers will **not** be granted permanently. Waivers will be reevaluated for good cause at least every three months. ES related waivers will be monitored monthly. A waiver may continue for an indeterminate period, as long as the conditions or circumstances that supported the granting of the waiver remain applicable.

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Refer to Processing Guide 40-100.E3 for complete domestic violence protocols related to ES.

Domestic Violence Waiver Retroactivity

Domestic violence waivers may be granted retroactively for up to three months from the date the customer requests a waiver, and a determination of good cause is made.

A waiver may be granted retroactively for more than three months only when there is an administrative error made. In these circumstances, the customer would need to demonstrate that:

- They notified the staff that they were a victim
- They requested a waiver, but staff failed to act
- The waiver request was not processed/followed
- The condition or circumstances during the time period at issue temporarily prevented or significantly impaired the customer from being regularly employed or participating in ES activities

The waiver would be effective retroactively to the date when staff were notified of the waiver request by the customer.

Domestic Violence Waivers

A domestic violence victim may have certain CalWORKs program regulations waived from ES activities on a case-by-case basis.

The following program regulations will not be waived due to domestic violence:

- Deprivation
- Property (real and personal)
- Income
- Homeless Assistance eligibility criteria

Program requirements/regulations that may be waived include:

- ES Participation Domestic Violence Waiver (Good Cause)
Reference: CPG 10-020.B
- School Attendance (Good Cause)
Reference: CPG 42-100.G
- Immunization (Good Cause)
Reference: CPG 42-100.J
- Paternity Establishment/Child Support Cooperation Domestic Violence Waiver (Good Cause)
Reference: CPG 43-200.C
- Time On Aid (TOA) Domestic Violence Waiver
References: CPG 15-100.A
- Homeless Assistance (including Expanded Homeless Assistance) Domestic Violence Waiver
Reference: CPG 44-200.F, CPG 44-200.G, CPG 44-200.H, CPG 44-200.I
- Noncitizen Rules Domestic Violence Waivers
References: CPG 42-400.D, CPG 42-400.E, CPG 42-400.F, CPG 70-100.A

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There must be a linkage to the customer's domestic abuse circumstances that temporarily prevents them from working or participating in ES activities. The evaluation is to determine if the customer's abusive circumstance temporarily prevents, or significantly, impairs their ability to be regularly employed or participate in ES activities.

If during the domestic violence waiver period, the customer fails to comply with any domestic violence requirements without good cause, staff will end the waiver(s), with adequate and timely notice.

Once the domestic violence waiver has been terminated for Non-Compliance, the customer must comply with the required ES Plan, including the domestic violence requirements, and may submit a new waiver request for evaluation before the domestic violence waiver can be reinstated.

Required Child Welfare Services (CWS) Referral

Per Health and Human Services Agency (HHSA) policy, **ALL** HHSA employees are mandated reporters of suspected child abuse or neglect.

If a customer discloses a domestic abuse situation and a child is at risk, staff must report the incident immediately.

Reports should be made to the Child Welfare Services (CWS) Child Abuse Hotline at **(858) 560-2191**, or to the State of California toll free at **(800) 344-6000**.

http://www.sandiegocounty.gov/hhsa/programs/cs/child_welfare_services/child_abuse_hotline.html

Refer to HHSA Chapter: Policy, Strategy and Program Development No. HHSA-H-1 on how to report suspected child abuse/neglect:

<http://insite.sdcountry.ca.gov/hhsa/Misc%20Policies/Child%20Abuse%20Reporting.pdf>

The referral must be documented in the case file.

CWS staff will assess the victim's need for ongoing services and will notify the ES staff of the victim's treatment schedule, if applicable.

Note: CWS staff may request that the person who made the referral follow up with a suspected child abuse report form.

Reference: Penal Code Sections 11164-11174.3

Resources and Referrals for Domestic Violence Services

Each customer who has been identified as a victim of domestic violence must be referred to domestic violence service providers.

These resources include:

- Domestic violence agencies
- Medical services
- Legal counseling and advocacy

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- Immigration resources
- Criminal process victim advocates
- Mental health care, counseling, support groups
- Financial assistance for victims of crime

Note: A copy of the resource guide must also be available in the lobby of each FRC and ES site.

Informing Victims of Domestic Violence Services and Good Cause

Staff will provide information regarding the availability of domestic violence counseling and services, and refer the victims to services upon request:

- During the CalWORKs intake process
- During the annual redetermination
- During the ES Orientation
- During the development of the ES plan
- Anytime the customer self-identifies as a domestic violence victim, or requests domestic violence information

This information will be provided both verbally and in writing via the resource guide.

Also see Identification of Victims and Resources and Referrals for Domestic Violence Services sections above.

Residency Issues

In some cases, a victim who is a resident of another state may flee to California temporarily to escape abuse.

Evaluation for waivers of immigrant-related requirements under the CalWORKs program and of the state residency requirement requires approval from the Self-Sufficiency Services Director.

Inter-County Transfers (ICT)

A permission form to release domestic violence information is needed for ICTs. The form must be provided to the customer when they are moving to another county. Customers have the option to have our county share with the new county any domestic violence related information available in the case.

References: CPG 40-100.P, EPPG 01-04

Safe at Home Program

The Safe at Home Program is to help domestic violence victims remain safe after they have left an abusive situation.

Each certified participant of this program is assigned a substitute Post Office (P.O.) Box address to use in place of a home, work, or school address. This P.O. Box address becomes confidential when the customer enrolls in the Safe at Home Program.

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If a customer is interested in enrolling in the Safe at Home Program, they must contact one of the local agencies. For an updated list, visit the following site: <http://www.sos.ca.gov/safeathome/safe-at-home-agencies-new.htm#agency-S>

Procedure:

1. Site managers must take extra precautions to ensure the confidentiality of domestic violence victims, depending on the level of risk to the victim's safety
2. Domestic violence victims may complete a domestic violence waiver request form, indicating the program requirements they are requesting a waiver for, and submit the waiver request form to staff for evaluation and determination
3. A domestic violence victim, who is in immediate crisis, must be referred for services in an expedited manner
4. Staff will assist in finding alternative methods of obtaining verifications when circumstances prohibit the customer from returning to the home to obtain the verification
5. Refer to Processing Guide 40-100.E1 and Processing Guide 40-100.E3 for additional waiver information
6. Refer to Processing Guide 40-100.E2 for required CalWIN entries related to domestic violence information

Impacts:

CalFresh policies pertinent to victims of domestic violence:

- 63-124.2, 63-245.2
A customer may be aided in two different households for the same month; and eligibility may be based on the income and expenses, for which they are responsible, as of the date of the interview.
- 63-155.5, 63-155.15, 63-155.18, 63-156.4, 63-158.3, 63-161.2
Treatment of qualified noncitizens, social security number, and work registration exemptions for victims of human trafficking/other serious crimes or non-citizen victims of domestic violence.

Medi-Cal policies pertinent to victims of domestic violence:

- 15.01.01, 15.01.03
Medi-Cal customers are required to report, and use, any Other Health Coverage (OHC). Good cause due to domestic violence may be used to remove OHC codes from Medi-Cal Eligibility Data System (MEDS).
- 7.3.01
Noncitizens who are battered or subjected to extreme cruelty, may be considered qualified noncitizens, and entitled to full scope Medi-Cal benefits, if they meet certain criteria.
- MPG Article 4, Section 18.8
Good cause for noncooperation in establishing paternity, medical support payments, or identifying third party liability.

References:

EAS 42-715

ACLs No. 14-59, 18-34, 18-78

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Sunset Date:

This policy will be reviewed for continuance by May 31, 2025.

Approval for Release:

Handwritten signature in blue ink, followed by the date 5-24-22.

Rick Wanne, Director
Self-Sufficiency Services