

42. Domestic Abuse

42.1 Program Overview

Assembly Bill (AB) 1542 required that the California Department of Social Services (CDSS) convene a Domestic Violence Task Force. In consultation with the Task Force, CDSS developed protocols to identify and assist CalWORKs applicants and recipients who are victims/survivors of past or present domestic abuse to obtain employment and become self-sufficient while not placing them at further risk or unfairly penalizing them by CalWORKs requirements and procedures.

A domestic abuse issue may limit or preclude successful participation of a CWES client's self-sufficiency activities. Domestic abuse occurs in many different circumstances inflicting long-lasting trauma that may create significant barriers which need to be addressed in order for a client to be self-sufficient. Support services are available and included in the self-sufficiency plan to assist clients who are victims/survivors of past or present domestic abuse to obtain and retain employment.

If a client discloses a domestic abuse situation and a child is at risk, the Social Services Agency employee, who is first notified, is mandated to report this incident immediately. Reports should be made to the Child Abuse and Neglect Hotline in the following areas:

San Jose Area	(408) 299-2071
Gilroy/Morgan Hill Area	(408) 683-0601
Palo Alto Area	(650) 493-1186

42.2 Definitions

42.2.1 Domestic Abuse

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

Forms of domestic abuse may include, but are not limited to:

Physical	Kicking, punching, shoving, slapping, pushing, and any other acts which may hurt the body.
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Sexual	Calling vulgar names, criticizing body parts or sensuality, forced or pressured sexual acts, including rape.
Psychological	Causing a person to feel as if they are “going crazy”.
Emotional	Assaults against self-esteem.
Verbal	Name-calling, threats, put downs.
Financial	Controlling and manipulating by threatening economic status and basic needs.
Immigration	Using immigration status and fear of deportation.
Threats	Actual or threatened assault of children, pets or property.
Spiritual	Attacking spiritual or religious beliefs.
Homophobia	Bias against or dislike of gay, lesbian, bisexual and transgender people or stereotypical gay/lesbian behavior.
Destructive Acts	Actual or threatened assault of family, property or pets to scare the individual.

42.2.2 Domestic Relationships

“Domestic Relationships” are relationships between or among persons who:

- Are current or former spouses
- Live together or have lived together
- Are dating or have dated
- Are engaged in or who have engaged in a sexual relationship
- Are related by blood or adoption
- Are related or were formerly related by marriage
- Are engaged or were formerly engaged to be married
- Have children in common
- Have minor children of persons mentioned above, or
- Are acting in concert with, or on behalf of, a perpetrator in a relationship identified above.

42.3 Informing Requirements

All CalWORKs applicants and recipients must be informed verbally, and in writing, of the availability of services. These services are designed to assist victims/survivors of past or present domestic abuse, to identify, escape, or stop current or future domestic abuse.

The “Important Notice About Domestic Abuse” (SCD 830) must be explained and provided to each CalWORKs assistance unit:

- During the CalWORKs Intake process

- At annual redetermination (RD)
- When the client enters the CWES Program, and
- Anytime the client requests domestic abuse information.

Eligibility Support staff and the EC are responsible for reviewing the SCD 830 with the client and must document on the **Maintain Case Comments** window that domestic abuse information was explained and provided.

The SCD 830 includes the following information:

- Definition of domestic abuse
- Availability of services
- Waiver of certain program requirements
- 24-hour hotline numbers
- Confidentiality information
- U.S. Citizenship and Immigration Services (USCIS) information regarding “battered noncitizen” status.

42.4 Confidentiality

All clients must be given the opportunity to confidentially disclose domestic abuse. A client’s confidentiality must be protected at all times. With the exception of mandated reporting requirements, domestic abuse information is NOT to be shared with any outside party, other governmental agency, resource and referral program or to any employee of the agency who is not directly involved in the client’s case, unless a written release of information has been signed or the information is required to be disclosed by law.

Once the client gives consent, the only information exchanged will be on a “need to know” basis. Not all information is shared, but only that which the other agency needs in order to work effectively for, and with, the client.

Note: Referral to the CalWORKs Social Work Unit is processed through the **Client Referral** subsystem of CalWIN. Eligibility Support must document that the “client gave verbal consent for this referral” on the [Referral Notes] tab in the **Manage Referral Detail** window.

“Permission to Release Domestic Abuse Information When Moving to Another County” (WTW 37)

The WTW 37 must be provided to recipients who have been identified as victims of domestic abuse at the time they are identified and at their annual redeterminations. The recipient must be informed that if they move to a new county and have not signed the WTW 37 form, any information regarding their domestic abuse situation cannot be transferred to the receiving county unless they sign a new WTW 37 form in the receiving county.

42.4.1 Sensitive Information Indicator

With CalWIN Release 45, the Domestic Abuse indicator has been associated to the Sensitive Information indicator type. When the indicator is entered, a red color indicator will display in window headers to readily identify the case.

42.5 Safe At Home

The Safe at Home Program was implemented by the State in July 1999. The program is to help survivors of domestic abuse 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 client enrolls in the Safe at Home Program.

If a client/applicant is interested in enrolling in the Safe at Home Program, they must contact one of the following local agencies:

Safe At Home Enrolling Agency	City	Phone Number
Asian Americans for Community Involvement	San Jose	(408) 975-2739
Next Door Solutions to Domestic Violence	San Jose	(408) 501-7550
YWCA of Silicon Valley	San Jose	(800) 572-2782
Victim/Witness Assistance Center	San Jose	(408) 295-2656
Community Solutions	Gilroy	(408) 683-4118
Support Network for Battered Women	Sunnyvale	(800) 572-2782

42.5.1 Alternate Mailing Address

The safety of the client is considered at all times by our agency. The client may choose to use an alternate mailing address and/or telephone number.

The alternate mailing address and/or telephone number chosen by the client may be indicated on the "CalWORKs Participation Status" (SCD 1554). Eligibility Support staff must scan the form into IDM, as verification for an alternate mailing address and/or telephone number request.

Use the chart below for appropriate action:

If the client chooses...	Then Eligibility Support must...
A post office (P.O.) box,	Enter the P.O. Box address in the Maintain Address window as Mailing address.
The mailing address of a relative or friend,	Enter the alternative mailing address in the Maintain Address window as Alternative Address. Enter the residence address in the Maintain Address window as Home Address.
An alternate telephone number,	Enter the telephone number on the Maintain Address window.

42.6 Mandated Reporting

CalWORKs staff should reassure clients that the disclosure of domestic abuse is not an automatic condition for reporting child abuse or neglect, or removal of the child(ren) by the Department of Family and Children Services (DFCS). The criteria for removal of the child is viewed in terms of the risk of abuse or neglect to the child. Whenever possible, the general policy is not to remove the child from the home, BUT TO REMOVE THE ABUSER. However, if the child is at risk, the Social Services Agency employee must report this incident to the Child Abuse & Neglect Hot Line at (408) 299-2071.

42.7 Supporting Documentation

It is not required for the client to provide supporting documentation, such as hospital reports or restraining orders, in order for the CalWORKs Social Worker/Domestic Violence Advocate to approve an exemption/waiver due to domestic abuse.

When a client is able to provide supporting documentation, the documentation will be scanned into IDM.

Supporting documentation of domestic abuse may include, but is not limited to:

- A sworn statement by the client
- Police, government agency or court records or files
- Documentation from a domestic abuse program
- Documentation from legal, clerical, medical or other professional from whom the applicant or recipient has sought assistance in dealing with domestic abuse
- Physical evidence of abuse
- Statement from another individual with knowledge of the circumstances that provide the basis for the claim of abuse

- Any other evidence that supports the statement.

42.8 Request for DV Waiver (CW 2186A)

A client may request a Domestic Violence (DV) waiver in writing or verbally through their Employment Services worker or Eligibility Support Staff. When requesting in writing, the “CalWORKs Time Limit and Welfare to Work Participation Exemption Request Form” (CW 2186A) is one written method for requesting the waiver/exemption.

42.8.1 Determination Form (CW 2186B)

Effective immediately, when the exemption/waiver is either approved or denied, the CalWORKs Social worker must also complete the “CalWORKs and Welfare to Work Time Limit Exemption Determination” form (CW 2186B) and issue a copy to the client. This form adheres to state noticing requirements for exemptions, including DV waiver approval or denials.

42.9 Referral Process

When a CalWORKs client discloses domestic abuse, use the following charts to determine the appropriate action.

42.9.1 Emergency Referral

Eligibility Support or the EC must do the following when an emergency Domestic Abuse situation arises:

STEP	ACTION
1.	<p>Contact the CalWORKs Social Worker/Domestic Violence Advocate located in the District Office nearest to the client.</p> <p>1879 Senter Road San Jose, CA 95112 (408) 758-3563</p> <p>South County 379 Tomkins Court Gilroy, CA 95020 (408) 758-3563</p> <p>North County 1330 W. Middlefield Road Mtn. View, CA 94043 (408) 278-2400</p> <p>If the CalWORKs Social Worker/Domestic Violence Advocate is unavailable, call the Social Work Unit at (408) 758-3563 to find out who is the CWSW Officer of the Day (OD). (For EMERGENCY/UNSAFE situations, call 9-1-1.)</p>
2.	Follow the referral process described in CalWIN Announcement (CA) 85.

42.9.2 Non-Emergency Referral

The following must be done when a non-emergency Domestic Abuse situation arises:

WHO	STEP	ACTION
Eligibility Support/EC	1.	Completes the Client Referral subsystem of CalWIN.
CalWORKs Social Work Supervisor	2.	Assigns the case to a CalWORKs Social Worker/Domestic Violence Advocate.

42.9.3 Retroactive Requests

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.

The approved retroactive dates will be entered on the "CalWORKs Domestic Abuse Participation Status" form (SCD 1554).

42.9.4 CalWORKs SW/DV Advocate Actions

The following actions will be followed by the CalWORKs Social Worker/Domestic Violence Advocate, on all domestic abuse referrals.

The CalWORKs Social Worker/Domestic Violence Advocate:

STEP	ACTION
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<p>1.</p>	<p style="text-align: center;">Initial Domestic Abuse Assessment (Steps 1-8)</p> <ul style="list-style-type: none"> • Meets with the client to determine if the client is a victim/survivor of domestic abuse, and the client is or has been in a domestic abuse relationship that precludes successful participation in Welfare-to-Work (WTW) activities. • Completes the “Authorization For Release of Information” (SCD 1029). • Assists in completing the “General Affidavit” (CSF 2 or SCD 101). • Completes the “Domestic Abuse Risk Assessment” form, including safety plans. • Determines if a domestic abuse exemption is needed and completes the “CalWORKs Domestic Abuse Participation Status” (SCD 1554). • Completes the “CalWORKs Domestic Abuse Service Plan” (SCD 1555). • Completes the dates on the SCD 1554 and SCD 1555 as follows: <ul style="list-style-type: none"> <li style="text-align: center;">For Timed-Out Individual (Extenders) • Safety Net Case: The first of the month following the month verifications are received is the begin date, and the end date is up to three full months later. • Family applying for cash aid: The date of application is considered the begin date and the end date is up to three full months later.
<p>2.</p>	<p style="text-align: center;">Active CalWORKs Individual (Exemptions)</p> <ul style="list-style-type: none"> • The begin dates of the SCD 1554 and SCD 1555 is the date verifications are received, and the end date is up three full months later. <p style="text-align: center;">Note: Dates on both forms (SCD 1554/1555) must coincide.</p> <ul style="list-style-type: none"> • Makes the appropriate referrals to service providers. • Provides the client with “Important Notice About Domestic Abuse” (SCD 830), along with a copy of the “CalWORKs Domestic Abuse Service Plan” (SCD 1555). • Completes the “Permission to Release Domestic Abuse Information When Moving to Another County” (WTW 37), if appropriate.
<p>3.</p>	<ul style="list-style-type: none"> • Completes the “CalWORKs Domestic Abuse Participation Status” (SCD 1554) within three working days, when a Domestic Abuse Exemption/Extender is approved, denied, declined by the client or the client is a “no show.” • In the case of a “no show”, the Social Worker/Domestic Violence (SW/DV) Advocate will enter: “Client did not keep scheduled (enter date) appointment. Unable to determine need for exemption.” <p>Note:</p> <p>If the initial exemption is denied, the SW/Advocate must scan and attach the SCD 1554 to the “CCS Request Form” for Task Management Tool (TMT) assignment and STOP here.</p>

<p>4.</p>	<ul style="list-style-type: none"> • Places a copy of the SCD 1554 and SCD 1555 in the Social Work Unit basket, within three (3) working days, following assessment or exemption determination. • Social Work CST will scan forms daily and e-mail to the CalWORKs Social Worker/Advocate. • CalWORKs Social Worker/Advocate generates “CCS Request Form” and attaches the SCD 1554 for the Task Management Tool (TMT) assignment to the Eligibility Support staff. <p>Note: The SW CST generates the “CCS Request Form” and attaches the SCD 1554 for the DV Advocate.</p> <ul style="list-style-type: none"> • CalWORKs Social Worker/Advocate e-mails forms directly to the Employment Counselor.
<p>5.</p>	<p>If the client is not known to Employment Services (ES caseload ID is blank), or the WTW program is unassigned, scans and e-mails the SCD 1554 to the designated Intake Employment Counselor (EC) who will be required to make the CalWIN entries.</p> <p>Note: Unassigned cases will be assigned an EC via the Scheduling and Compliance Unit. See/call the Scheduling Unit’s Officer of the Day (OD) for assistance.</p>
<p>6.</p>	<p>Documents appropriate Domestic Abuse activity and outcome in the Maintain Case Comments window of CalWIN by selecting “Assigned SW/DV Advocate” from the type field of the Maintain Case Comments.</p>
<p>7.</p>	<p>Ensures that the domestic abuse exemption information is entered by the Eligibility Support, in the Collect Domestic Abuse Detail window of CalWIN.</p>
<p>8.</p>	<ul style="list-style-type: none"> • To stop the clock, ensures the activity, “Domestic Abuse SV” is entered in the Maintain Participant Activity window by the EC. The [Registration] tab should remain in “Registered” status. • For an integrated plan that does not stop the clock, ensures the activity “Integrated DV-WTW SV” is entered in the Maintain Participant Activity window. The [Registration] tab should remain in “Registered” status.
<p>9.</p>	<p>Provides ongoing services to the client as needed.</p> <p>Note: The Social Worker/Advocate should contact clients between office visits and document activities in the Maintain Case Comments window of CalWIN on a monthly basis.</p>

<p>10.</p>	<p style="text-align: center;">Domestic Abuse Reassessment/Redetermination</p> <p>In the month that the domestic abuse exemption expires:</p> <ul style="list-style-type: none"> • Meets with the client to determine if domestic abuse continues to be a barrier to employment, before the exemption end date. • IF Domestic Abuse (DA) exemption is extended, completes a new SCD 1554. New exemption dates should be entered sequentially on the initial SCD 1554 electronic form. Case comments should be added for clarification, when needed. • IF circumstances have changed, updates the Domestic Abuse Service Plan (SCD 1555), and other related documents: <ul style="list-style-type: none"> •“Authorization for Release of Information” (SCD 1029) •“General Affidavit” (CSF 2 or SCD 101) •“Domestic Abuse Risk Assessment” form (including safety plans) • Places a copy of the SCD 1554 and SCD 1555 in the Social Work Unit basket, within three (3) working days following assessment/determination. • Social Work Unit CST will scan forms daily and e-mail to the CalWORKs Social Worker/Advocate. • CalWORKs Social Worker/Advocate generates “CCS Request Form” and attaches the SCD 1554 for the Task Management Tool (TMT) assignment to the Eligibility Support staff. <p>Note:</p> <p style="padding-left: 40px;">The SW CST generates the “CCS Request Form” and attaches the SCD 1554 for the DV Advocate.</p> <ul style="list-style-type: none"> • CalWORKs Social Worker/Advocate e-mails forms directly to the Employment Counselor.
<p>11.</p>	<p style="text-align: center;">Exemptions Granted After Exemption Expiration Date</p> <p>If the client contact the Social Worker/Advocate after the exemption expires, and the CalWORKs Social Worker/Advocate grants the exemption, the SCD 1554 is completed with the following comment: “Client assessment conducted on (enter date) and exemption granted effective (enter date).”</p> <p>Reminder: If a Domestic Abuse exemption is denied, declined by the client, or the client no shows, the social work case closes anytime within 30 days.</p>
<p>12.</p>	<p style="text-align: center;">Timed-Out Clients</p> <p>When a client has timed-out (reached their 48-month CalWORKs lifetime limit):</p> <ul style="list-style-type: none"> • Follow Steps 1-6 and Step 8 from above. • Ensure the EC has entered the activity, “<i>Extender-Domestic Abuse Services</i>” in the Maintain Participant Activity window and “Exempt” status on the [Registration] tab with the Exemption Reason, “Manual Exemption: Domestic Abuse (CalWORKs Time Limit Waiver).” <p>Note:</p> <p style="padding-left: 40px;">Unassigned cases will be assigned an EC via the Scheduling and Compliance Unit. Contact the Scheduling Unit’s Officer of the Day (OD) for assistance.</p>

The Eligibility Support staff:

STEP	ACTION	
1.	Enters the exemption information in the client’s Collect Domestic Abuse Detail window and completes the Override Exemption Results procedure when the “Notification of CalWORKs Participation Request” (SCD 1554) is received. Refer to the OLUM instruction, “Override Exemption Results.”	
2.	Updates the Collect Domestic Abuse Detail window if the CalWORKs exemption is extended.	
3.	Reviews the client’s situation for other possible exemption reasons if the domestic abuse exemption is denied by the CalWORKs Social Worker.	
	If...	Then Eligibility Support must....
	No other exemption applies,	Run Exemption in the Employment Services Participation subsystem to register the client with CWES as a mandatory registrant.
The client is exempt for a reason other than domestic abuse,	Enter the appropriate exemption reason along with a through date in the Employment Services Participation subsystem. Refer to Online Users Manual for step by step instructions.	

42.9.5 CalWORKs Office Telephone Numbers

CalWORKs Office	CalWORKs Social Work Main Telephone Number
1879 Senter Road San Jose, CA 95112	(408) 758-3563
1330 W. Middlefield Road Mountain View, CA 94043	
379 Tomkins Court Gilroy, CA 95020	

42.10 “Authorization For Release of Information” (SCD 1029)

The “Authorization For Release of Information” (SCD 1029) may be used as a release to obtain information to assist the client to identify and remove barriers to employment and self-sufficiency.

42.11 “Permission To Release Domestic Abuse Information When Moving To Another County” (WTW 37)

The “Permission to Release Domestic Abuse Information When Moving to Another County” (WTW 37) must be provided to the client in the event they move to another county. They have the option to have our county share with the new county any domestic abuse related information we may have in their current case record.

42.12 “CalWORKs Domestic Abuse Participation Status” (SCD 1554)

The CalWORKs Social Worker/Domestic Violence Advocate will use the “CalWORKs Participation Status” (SCD 1554) to offer the client the opportunity to utilize the following options:

42.12.1 Domestic Abuse Exemption/Extender Determination

The top portion of the SCD1554 is completed by the CalWORKs Social Worker/Domestic Violence Advocate to:

- List the date the client was seen/contacted
- Identify the CalWORKs client’s case status as pending or active
- Approve a Domestic Abuse Exemption/Extender and document the approved time period
- Deny a Domestic Abuse Exemption/Extender because it does not impair the client’s ability to participate in Welfare to Work (WTW) activities
- Inform the Employment Counselor (EC) that an integrated domestic abuse WTW plan is to be developed.
- Notify the EC and the Eligibility Support staff when the client has declined the Exemption/Extender or failed to keep their appointment
- Extend a Domestic Abuse Exemption/Extender when appropriate and list the new expiration date
- Initiate a Local Child Support Agency (LCSA) Child Support Domestic Abuse Good Cause request
- Send a copy of the SCD 1554 to the EC and the Eligibility Support staff
- Document the date the EC and Eligibility Support staff were sent a copy of the form
- List supportive services the client may need during the Domestic Abuse Exemption/Extender period in order to support the domestic abuse WTW activities.

42.12.2 Child Support Domestic Abuse Good Cause

The CalWORKs Social Worker/Domestic Violence Advocate will advise the client of the option of claiming “Good Cause” due to domestic abuse in order to prevent a child support referral to the LCSA to establish paternity and child support.

[Refer to the Common Place Handbook “The EW must inform the client that if Good Cause for non-cooperation is determined, DCSS will not continue to pursue support until the client requests it.” page 31-5]

42.12.3 Alternate Mailing Address/Safe At Home Program

If the client chooses to use an alternate mailing address, P.O. Box number or telephone number, they will need to complete the middle section of the SCD 1554 “Customer Completes” section.

If the client is enrolled in the Safe at Home Program this information will be accepted and recorded by the Eligibility Support staff. The middle section of the SCD 1554 must still be completed by the client.



Exception:

When factors affecting eligibility or apparent eligibility, such as in cases of immediate need, diversion or suspected fraud, cannot be satisfactorily determined, the applicant/recipient is required to provide the actual residence address. This information is to be maintained in the case file only and is not to be entered on any computer/automated system. Continue to use the Safe at Home P.O. Box and fictitious street address on all computer generated documents.

42.12.4 SC 1554 Distribution

The SCD 1554 is distributed as follows:

- Original retained by the CalWORKs Social Worker/Domestic Violence Advocate
- Scans and attaches the SCD 1554 to the “CCS Request Form” for Task Management Tool (TMT) assignment to the Eligibility Support staff.
- Scans and sends to the designated EC and
- Provides a copy to the client, upon their request.

42.12.5 Eligibility Support Staff and Employment Counselor (EC) Coordinated Review and Action

When the SCD 1554 is received from the CalWORKs Social Worker/Domestic Violence Advocate, Eligibility Support and EC must review the form and take the following action:

Stage	Who	Action
1.	EW Support Staff	<ul style="list-style-type: none"> • Enters the information on the Collect Domestic Abuse Detail window to match the dates on the SCD 1554. • Enters the alternate mailing address, if one is chosen • Signs and dates the bottom of the SCD 1554. • E-mails a copy of the SCD 1554 to the EC • E-mails a copy of the SCD 1554 to the CalWORKs Social Worker/Domestic Violence Advocate • IDMs the SCD 1554 • Receives e-mail notification from the EC that the Maintain Participant Activity window in CalWIN has been updated with the activity: <ul style="list-style-type: none"> • Domestic Abuse SV activity for exemptions, or • Extender-Domestic Abuse Service for Extenders, and Registration status of “Exempt” with Exemption Reason of “Manual Exemption: Domestic Abuse (CalWORKs 48-month time limit waiver). • Enters the Domestic Abuse Special Indicator in the Collect Special Characteristics Detail - Accommodation window. • Runs EDBC (on-line or overnight in Batch) • Sets Discrepancy switch to “Y” for each of the applicable months, and authorizes the results.
2.	EC	<p style="text-align: center;">For Domestic Abuse Exemptions</p> <ul style="list-style-type: none"> • Ensures that Registered status on the [Registration] tab of the Maintain Employment Services Participation window is entered. • Enters <i>Domestic Abuse SV</i> activity in the Maintain Participant Activity window with the <i>Planned Start Date</i> and <i>Planned End Date</i> indicated on the SCD 1554 matches, and updates the activity status to First Day Attendance. • Contacts Centralized Client Services (CCS) to notify them that the entries have been made on the Maintain Participant Activity and Maintain Employment Services Participation windows to run EDBC online or overnight batch and to authorize case.

Stage	Who	Action
3.		<p style="text-align: center;">For Domestic Abuse Extenders</p> <ul style="list-style-type: none"> • <i>Ensures that Exempt</i> status on the [Registration] tab of the Maintain Employment Services Participation window is entered with Reason of <i>Manual Exemption: Domestic Abuse (CalWORKs 48-month time limit waiver)</i>. • Enters the <i>Extender-Domestic Abuse Service</i> activity in the Maintain Participant Activity window with the <i>Planned Start Date</i> and <i>Planned End Date</i> matches the SCD 1554. and updates the activity status to First Day Attendance. • Contacts Centralized Client Services (CCS) to notify them that the entries have been made on the Maintain Participant Activity and Maintain Employment Services Participation windows to run EDBC online or overnight batch and to authorize case.

42.13 Domestic Abuse Exemption/Extender

An individual who is past or present victim/survivor of domestic abuse may be exempt from Welfare-to-Work (WTW) activities and/or have certain program regulations waived on a case-by-case basis, but only for as long as domestic abuse prevents the individual from obtaining employment or participating in WTW activities. Program requirements/regulations that may be waived, include:

- WTW participation
- 48-month time limit on receipt of CalWORKs benefits
- Education requirement (for Cal Learn participants)
- Paternity establishment,
- Child support cooperation,
- Maximum Family Grant (MFG),
- Once-in-a-lifetime Homeless Assistance rules,
- Sponsored non-citizen deeming rules
- Immunization requirements, and
- School attendance requirements.

42.13.1 Welfare-to-Work Participation

When a CalWORKs client is approved for a Domestic Abuse Exemption/Extender, the CalWORKs Social Worker/Domestic Violence Advocate will consult with the Employment Counselor and any other agency working with the client, to develop a plan which removes the client’s barrier(s) to self-sufficiency.

Clients are encouraged to participate in WTW activities, to the full extent of their abilities, including appropriate counseling and treatment programs, to enable them to move toward self-sufficiency.

CalWORKs clients approved for a domestic abuse waiver are eligible for all supportive services and payments for which a mandatory registrant would qualify, if they are participating in a domestic abuse related activity/service.

42.13.2 48-Month Time Limit

Exemption: CalWORKs clients approved for a domestic abuse exemption will not have their time on aid counted against their CalWORKs 48-month time limit.

Extender: CalWORKs clients who have been aided as an adult for 48-cumulative months, may receive CalWORKs beyond the 48-month time limit, when the client is a victim or a survivor of past or present domestic abuse, and it is determined that the abuse has significantly impaired the client's ability to participate in self-sufficiency activities. The TOA exemption begins:

- For Safety Net cases: the first of the month, following the month verifications are received, or the first of the following payment period if results in a grant decrease,

[Refer to "Adding a Person to the AU" Chapter 4 and "Beginning Date of Aid" Chapter 3]

- The date of re-application for a family applying for cash aid, or date verification is provided, whichever is later.

[Refer to "Time Limits (EAS 42-302)," page 39-1" in the CalWORKs Handbook for more detailed information regarding TOA Extenders/Exemptions].

42.13.3 Paternity Establishment/Child Support Cooperation

CalWORKs clients who disclose domestic abuse will be offered the opportunity to claim "good cause" regarding paternity establishment and child support cooperation when:

- The child(ren) will have increased risk of physical, sexual or emotional harm
- The risk of domestic abuse to any person receiving aid on behalf of an aided child and the person is listed in the "Domestic Relationship" definition is increased
- It would be contrary to the best interest of the child. [Refer to Common-Place Handbook, "Good Cause Determinations [EAS 82-512, 82-514, CCR 50175, 50771.5, 50185]," page 31-14.]

A CalWORKs client who discloses domestic abuse may have the Local Child Support Agency (LCSA) requirements regarding paternity and child support requirements waived. The "Child Support - Good Cause Claim For Noncooperation" (CW 51) must be completed with the client following existing procedures. The Eligibility Support staff must complete the "good cause" process and the SSPM or the SSPM's representative will make the final decision.

42.13.4 Maximum Family Grant (MFG)

The rules regarding the exclusion of a MFG child were repealed effective January 1, 2017. This change was not applied retroactively and the number of needy persons in a family continued to exclude the needs of a child subject to the MFG rule until 1/1/2017. For additional information on the MFG rule refer to [CalWORKs Handbook Chapter 48](#).

42.13.5 Homeless Assistance

An Assistance Unit may be eligible for temporary and permanent homeless assistance every 12 months. Clients may also receive temporary and permanent homeless assistance as an exception to the once every 12 month rule when homelessness is a direct result of domestic violence by a spouse, partner or roommate.

Clients are permitted to verify Domestic Violence as an exception to the rule with a sworn statement made by the victim, unless the county documents in the case file a reasonable basis to find the recipient not credible.



Example:

A CalWORKs recipient received homeless assistance in January 2017. In November 2017, the client requests homeless assistance and declares, in a sworn affidavit, that she is currently a victim of domestic violence. If otherwise eligible, homeless assistance is granted to the client. The client may request homeless assistance and be eligible again in January 2018 based once every 12-months rule.

42.13.6 Expanded Temporary Homeless Assistance

An apparently eligible applicant, who is fleeing domestic abuse and who provides a sworn statement of past or present abuse, is considered homeless and may be eligible for up to 32 days of Expanded temporary homeless assistance (THA). The available income and assets (such as cash on hand) used to meet the applicants needs at the time of application is used to determine the immediate need property limit. Additionally, the income and assets of the alleged abuser are not considered when determining eligibility for Expanded THA.

Refer to CalWORKs Chapter 36.11 [“Expanded Temporary Homeless Assistance,”](#) page 36-35 for details.]

42.13.7 Sponsored Non citizens

A sponsored CalWORKs client who discloses domestic abuse may qualify to have the Sponsored non-citizen deeming rules waived for a 12-month period. To be exempt from the deeming rules, there

must be a substantial connection between the battery or extreme cruelty and the need for aid. [Refer to 24.2.3]

42.14 Program Requirements That Cannot Be Waived

The following program requirements may NOT be waived due to domestic abuse:

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

42.14.1 Domestic Abuse Exemption/Extender Review

When a client has been approved a domestic abuse exemption or extender, the CalWORKs Social Worker/Domestic Violence Advocate must review the case prior to the expiration date, to determine appropriate action.

The CalWORKs Social Worker/Domestic Violence Advocate will review the pending expiration date and provide a recommendation on a new SCD 1554. The CalWORKs Social Worker/Domestic Violence Advocate scans and attaches the SCD 1554 to the “CCS Request Form” for Task Management Tool (TMT) assignment to the Eligibility Support staff.

42.14.2 Verification

The SCD 1554 recommending Domestic Abuse Exemption/Extender must be sent by the CalWORKs Social Worker/Domestic Violence Advocate to Eligibility Support Staff and the EC.

42.14.3 Coding TOA Exemptions in CalWIN

An individual who has been approved a Domestic Abuse Exemption/Extender is also exempt from WTW participation. In order for a Domestic Abuse Exemption/Extender to record correctly in CalWIN, the following actions must be taken by the EW Support Staff and EC prior to running EDBC/Authorizing results:

Stage	Who	Action
1.	EW Worker Support Staff	<p style="text-align: center;">DA Exemptions</p> <ul style="list-style-type: none"> • Updates the Collect Domestic Abuse Detail window in Data Collection by updating <i>Begin and End Date</i>.

Stage	Who	Action
2.	EC	<ul style="list-style-type: none"> Updates the “Domestic Abuse SV” activity in Employment Services by updating Planned Begin and End Date. Ensures that registration status in [Registration] tab is “Registered.” <p style="text-align: center;">When client no longer qualifies for another Exemption:</p> <ul style="list-style-type: none"> Updates the <i>Domestic Abuse SV</i> activity status to “Complete.” <p>Note: There is no need to update the Registration window since the status should have been <i>Registered for Exemptions</i>. Calls the CCS Phone Support (X4670 for generic cases or X4099 for cases in continuing) once ES entries are done in order to run EDBC and authorize results.</p>
3.	Eligibility Worker Support Staff	<p style="text-align: center;">DA Extenders</p> <ul style="list-style-type: none"> Updates the Collect Domestic Abuse Detail window in Data Collection by updating <i>Begin and End Date</i>.
4.	EC	<ul style="list-style-type: none"> Updates the “Extender- Domestic Abuse Service” activity in Employment Services by updating Planned Begin and End Date. Ensures that the registration status in the [Registration] tab is “Exempt” with the reason “<i>Manual Exemption: Domestic Abuse (CalWORKs 48-month time limit waiver)</i>.” <p style="text-align: center;">When client no longer qualifies for another Extender:</p> <ul style="list-style-type: none"> Updates the “Extender-Domestic Abuse Service” activity status to “Complete” End the “Exempt status” in the [Registration] tab.

42.15 TOA Exemption Priority

The domestic abuse exemption takes precedence over all others exemptions.

When a domestic abuse exemption expires and will not be extended, the Eligibility Support staff must review the case for any other exemption for which the client may qualify. If the client does not meet any other exemption criteria, the exemptions must be run in the **Wrap Up** subsystem, since the client is a mandatory registrant.



Reminder:

The domestic abuse exemption stops the 48-month CalWORKs clock and the clock status on the **Display Individual Time Line Clock Summary** window should display as “Non Ticking.”

42.16 Battered Noncitizen Status

Battered noncitizen status should not be confused with the criteria provided in this chapter to determine eligibility for domestic abuse services in CalWORKs. Battered noncitizens may have Lawful Permanent Residence (LPR) status or may be undocumented. The United States Citizenship and Immigration Services (USCIS) determines who is eligible for this status. The main purpose in determining battered noncitizen status is to allow these individuals to enter or to remain in the United States without the sponsorship of their abuser. They will be asked to complete various documents including the “Petition for Amerasian, Widow or Special Immigrant” (Form I-360). This document helps USCIS to determine if the client has a valid “prima facie” (at first view) case for immigration status as a battered noncitizen.

The client may be asked to provide any of the following to substantiate their claim of abuse:

- Police, government agency, or court records or files, documenting the abuse/cruelty,
- Documentation from a domestic abuse program, legal, clerical, medical, or other professional from whom the client has sought assistance in dealing with the abuse, or
- A statement from any other individual with knowledge of the circumstances of the claim, or physical evidence or any other evidence that supports the claim.

The applicant can call 1-800-870-3676 to request the required forms to complete the application with USCIS. They may also call the National Domestic Violence Hotline at 1-800-799-7233. Santa Clara County’s Domestic Violence Crisis Line is 408-279-2962 and the Elder Abuse Hotline number is 1-800-414-2002.

42.16.1 Connection Between Battery and Need for Benefits

Verification that there is a substantial connection between the battery and the need for benefits can be one or more of the following. Benefits are needed:

- To enable the applicant, the applicant’s child, and/or (in the case of a noncitizen child) the applicant’s parent to become self-sufficient following separation from the abuser
- To enable the applicant’s child, and/or (in the case of a noncitizen child) the applicant’s parent to escape the abuser and/or the community in which the abuser lives, or to ensure the safety of the applicant, the applicant’s child, or the applicant parent from the abuser
- Due to a loss of financial support resulting from the applicant, his or her child’s, and/or his or her parents separation from the abuser
- Because as the result of battery or extreme cruelty, the applicant loses his/her job, earns less, or is required to leave his or her job for safety reasons. Results of battery/extreme cruelty include:

- Separation from the abuser
 - Work absences
 - Lower job performance resulting from the battery or extreme cruelty, or
 - Legal proceedings relating to child support, child custody or divorce action.
- Because the applicant, applicant’s child or parent of noncitizen child requires medical attention or mental health counseling, or has become disabled, as a result of the battery or extreme cruelty
 - Because the loss of a dwelling or source of income or fear of the abuser following separation jeopardizes the applicant or parent of the noncitizen child to care for his or her children. (This includes the inability to house, feed, or clothe the children or to put the children into a day care for fear of being found by the abuser.)
 - To alleviate nutritional risks or need resulting from the abuse or following separation from the abuser
 - To provide medical care during a pregnancy resulting from the abuser’s sexual assault or abuse of, or relationship with the applicant, the applicant’s child, and/or the parent of the noncitizen child, and/or to care for any resulting children
 - When medical coverage and/or health care services are needed to replace medical coverage or health care services the applicant had when living with the abuser.

42.16.2 Rules

Applicants

Only the following noncitizen applicants can apply for “battered noncitizen” status:

An individual who is a	Of a U.S. Citizen...	And/Or a Legal Permanent Resident...
Husband or Wife	X	X
Widow or Widower	X	
Unmarried child under age 21	X	X
Unmarried child age 21 or older		X

Approval/Pending Status

Battered noncitizens must also meet certain requirements. They must have been APPROVED or have a petition PENDING (with USCIS) which sets forth a prima facie (apparent) case for:

- Status as a spouse or child of a U.S. citizen pursuant to clause (ii), (iii) or (iv) of Section of the Act [8 U.S.C.A 1154 (a)(1)(A)(ii), (iii) or (iv)]; or
- Classification pursuant to clauses (ii) or (iii) of Section 204(a)(1)(B) of the Act; or
- Cancellation of removal under Section 1229(b) of this title (as in effect prior to April 1, 1997); or
- Status as a spouse or child of a U.S. citizen pursuant to clause (i) of Section 204(a)(1)(A) of such Act [8U.S.C.A 1154 (a)(1)(B)(i)], or
- Cancellation of removal pursuant to Section 1229(b)(92)of the title.

Only USCIS can make the decision for “Battered Noncitizen” status (“pending” or “approved”) by providing one of the documents listed above.

Deeming Sponsor’s Income

Medi-Cal does not implement the deeming of sponsor’s income.

1 Year Exemption: Battered noncitizens are exempt from the new deeming regulations for 1 year if certain conditions are met. The conditions to exempt the deeming of sponsored income for one year exist:

- In the case of an abused noncitizen:
 - The noncitizen has been battered or subjected to extreme cruelty in the U.S. by a spouse or parent of the noncitizen, or by a member of the spouse or parent’s family residing in the same household as the noncitizen if the spouse or parent consents to or acquiesces in such battery or cruelty.
 - There is, in the opinion of the agency, a substantial connection between the battery or extreme cruelty and the need for benefits, and
 - The battered noncitizen no longer resides in the home of the abuser.
- In the case of the noncitizen whose child is abused:
 - The noncitizen’s child has been battered or subjected to extreme cruelty in the U.S. by a spouse or parent of the noncitizen, or by a member of the spouse or parent’s family residing in the same household as the noncitizen if the spouse or parent consents to or acquiesces in such battery or cruelty, and the noncitizen did not actively participate in the battery or cruelty.
 - There is, in the opinion of the agency, a substantial connection between the battery or extreme cruelty and the need for benefits, and
 - The battered noncitizen no longer resides in the home of the abuser.
- In the case of the noncitizen child whose parent is abused:

- The noncitizen's child's parent has been battered or subjected to extreme cruelty in the U.S. by a spouse or parent of the noncitizen, or by a member of the spouse or parent's family residing in the same household as the noncitizen if the spouse or parent consents to or acquiesces in such battery or cruelty, and the noncitizen did not actively participate in the battery or cruelty.
- There is, in the opinion of the agency, a substantial connection between the battery or extreme cruelty and the need for benefits, and
- The battered noncitizen no longer resides in the home of the abuser.

Extended Exemption:

The 1 year exemption may be extended for a longer period. The deeming exemptions with regard to resources and income, of the batterer only, will continue if:

- The applicant demonstrates that the battery or cruelty has been recognized in an order of a judge or administrative law judge or a prior determination on USCIS, and
- There is, in the opinion of the agency, a substantial connection between the abuse or battery suffered by the applicant, the applicants child, or (in the case of noncitizen child) the applicant's parent and the need for benefits.

Residence

"Battered noncitizen" status does not apply to a noncitizen during any period in which the individual responsible for such battery or cruelty resides in the same household as the individual subjected to such battery or cruelty. If receipt of benefits is mandatory to enable the battered person(s) to get out of the home, when possible, Eligibility Support staff can process the application to determine if eligibility exists. If eligibility exists (pending the person leaving the batterer) Eligibility Support can tell the applicant they are eligible and leave the case pending until the battered person has demonstrated they no longer live with the batterer. Refer the applicant to the Domestic Violence Hot Line (1-800-799-7233). Follow regular program application timelines.

Abuser No Longer in the Home

Any relevant credible evidence that supports the noncitizen's statement that the abuser is not in the home is acceptable, as long as the agency has no conflicting information. Relevant credible evidence can include, but is not limited to:

- Protective orders issued by the court
- Rental receipts, or
- The noncitizen's written statement supported by a statement from any other individual with knowledge of the circumstances.

Documents

The noncitizen applying for “battered noncitizen” status must file a petition with USCIS. Only USCIS makes the determination of this status for public benefits purposes. The client may have any of the following documents:

“Petition for Amerasian, Widow or Special Immigrant” (Form I-360)

One of the uses of the Form I-360 is an application form to petition USCIS for Special Immigrant status (i.e. Battered Noncitizen status). If the client has a copy of the I-360, they must have another document showing approval or pending status. By itself, this is not adequate documentation.

In addition to the I-360, the applicant must have additional documentation to indicate any level of battered noncitizen status. Acceptable documentation includes, but is not limited to:

- I-797C-Notice of Action from USCIS stating the notice type is a “Receipt Notice.” The receipt shows the client paid for case type “I-360 Petition for Amerasian, Widower, or Special Immigrant.” This is sufficient evidence of pending battered noncitizen status. This document is valid for 120 days from the date of receipt.
- I-797-Notice of Action from USCIS indicating filing of the I-360 petition. Within 3 weeks (or sooner) USCIS will send an additional notice.
- I-797-Notice of Action from USCIS stating “Establishment of Prima Facie Case.” The case type is “I-360 Petition for Amerasian, Widower, or Special Immigrant.” This is sufficient evidence of pending battered noncitizen status. This document is valid for 150 days; there is an expiration date on the form. This is usually enough time for the case to be adjudicated. An extension can be requested in writing to USCIS if needed to continue public benefits. If the establishment of the prima facie case is not re-issued or extended the case may have been denied.
- I-797-Notice of Action from USCIS stating the notice type is an “Approval Notice.” This means the client has attained “battered noncitizen” status and is eligible to receive federal public benefits as a qualified alien. In addition the “approval” may say one of the following:
 - You are approved to apply for an adjustment of status with USCIS. The client must obtain the “Application for Permanent Residence” form and file on the Approved Petition with USCIS.
 - You are not approved to file for an adjustment of status at this time. An additional notice was sent with this I-797 stating “You will be notified by mail no later than 15 months from the date of this notice whether you are required to have an adjustment of status interview.”

I-551

The applicant may also have an I-551 with any of the following class of admission codes:

USCIS DOCUMENT	USCIS CODE
I-551	Code printed on the front of a white card or the back of a pink card. AR1,AR6, C20-C29, CF1, CF2, CR1, CX1-CX3, CX6-CX8, F20-F29, FX1-FX3, FX6-FX8, IF1, IF2, IR1-IR4, IR6-IR9, IW1, IW2, IW6, IW7, MR6, MR7, P21-P23, P26-P28.
I-551	Code stamped on the lower left side back of the pink card. IB1-IB3, IB6-IB8, B11, B12, B16, B17, B20-B29, B31-N33, N36-B38, BX1-BX3, BX6-BX8.
I-551	Z13 may demonstrate approval of a petition; BUT, needs additional follow-up. Institute Secondary Save.
Foreign Passport	Any of the codes listed above.
I-94	Any of the codes listed above.

Legal Documents

The applicant may also have documentation of a final order by an Immigration Judge or from the Board of Immigration Appeals:

- Giving approval of status or establishing a prima facie case, or
- Granting Suspension of Deportation under Section 244 (a)(3) of the USCIS as in effect prior to April 1, 1997 or cancellation of removal under section 240(b)(2)of the USCIS.