

Date of Issue
01/16/2002
Office of Issue
AWI FG 02-026
Reference
Domestic Violence Program Guidance

**WELFARE TRANSITION
DOMESTIC VIOLENCE PROGRAM
FINAL GUIDANCE PAPER**

OF INTEREST TO:

Workforce Florida, Inc., Regional Workforce Boards (RWB), and other entities engaged in implementing programs under Temporary Assistance to Needy Families (TANF) and Welfare Transition (WT)

SUBJECT:

Welfare Transition Domestic Violence Program Guidance

PURPOSE:

To implement federal and state laws by providing guidance to staff providing Welfare Transition support services to victims of domestic violence. In the event that Domestic Violence Services are contracted out, it is the responsibility of the RWB to ensure the service provider is aware of and has incorporated into the service delivery program all elements described in this document.

BACKGROUND AND UNDERLYING FEDERAL AND STATE POLICY:

Section 402 (a) (7) of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 provided states the option of developing a state program to address issues of domestic violence for Temporary Assistance for Needy Families (TANF) program recipients. Florida has taken this option. The state legislature has passed several Domestic Violence related mandates. Section 445.006 (6) (a), F. S., mandates that Workforce Florida, Inc., include strategies in their Strategic Plan that foster the provision of support services to reduce the incidence and effects of domestic violence on individuals and children in families receiving cash assistance.

Section 414.0252 (4), F. S. defines domestic violence as: “any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense that results in the physical injury or death of one family or household member by another.”

To further assist domestic violence victims, the Florida Legislature passed several initiatives that identify various services and considerations to assist these victims become more self-sufficient including the following statutory references:

- Section 414.065 (4) (b) allows domestic violence victims an exemption from work requirements if their safety is threatened.
- Section 414.065 (4) (c) may allow an exemption for victims of domestic violence if the participant is unable to comply with work requirements due to mental or physical impairment caused by past occurrences of domestic violence.
- Section 414.095 (10) (g) informs domestic violence victims of their right to receive information about counseling and support services available to them as well as protecting confidentiality of information related to their case.
- Section 414.095 (15) (d) allows the RWB provider to assign good cause to domestic violence victims. The participant does not have to comply with TANF Child Support Enforcement (CSE) disclosure requirement (e.g., provide the name of child's other parent so child support can be assigned and collected) if this would put the victim at risk.
- Section 414.105 (5) allows a domestic violence victim to be considered for a Hardship Extension of TCA time limits.
- Section 414.157 provides for diversion services including a one-time payment of up to \$1,000 for domestic violence victims.
- Section 445.021 provides funds for relocation if domestic violence interferes with the ability of a parent to become self-sufficient.

PROGRAM GUIDANCE

After a family applies for Temporary Cash Assistance (TCA), the Department of Children and Families refers the participant to the RWB. If approved for TCA, the participant is screened by the provider and required to attend Welfare Transition Orientation. If during the screening/orientation process, the RWB provider determines that the participant is or has been a victim of domestic violence, the RWB provider would inform the participant of services available and/or refer the participant to community resources that specialize in domestic violence.

If the RWB provider does not have a Domestic Violence Specialist on staff or needs information on community resources available, the provider should call the Florida Coalition Against Domestic Violence (FCADV) **Domestic Abuse Hotline at 800-500-1119. Additional information can be found at the FCADV web site: <http://www.fcadv.org>.**

RWB Service Provider Duties:

Some of the RWB provider responsibilities are:

- Assure participant that any information disclosed to the RWB provider regarding domestic violence will remain confidential.
- Develop an Individual Responsibility Plan (IRP) or Alternative Requirement Plan (ARP) that includes a Safety Plan.
- Identify domestic violence victims during the Intake and Screening process beginning with Program Orientation.
- Inform all TCA participants at Orientation of Domestic Violence services available in the community, e.g., local Florida Coalition Against Domestic Violence contact person and telephone number; identify local Domestic Violence Shelter contact if available, and provide information regarding counseling services or any other resources available to help victim.
- Provide information about Diversion Services available, e.g., Relocation Services and up to \$1,000 payment to assist Domestic Violence victims.
- Provide assessment and referrals to support services as needed.

A. Intake/Screening Process

Screen and identify participants who may be victims of domestic violence beginning with Orientation.

1. Participants are to be encouraged to voluntarily disclose domestic violence information, but cannot be forced to disclose or accept services.
2. The completion of any screening tool must be voluntary and information provided must remain confidential.
3. Because of the sensitivity of the issue and the fact that the victim often denies the domestic violence, RWB providers involved in an interview/interaction with the participant should use a universal explanation of domestic violence which:
 - (a) Normalizes the discussion of what constitutes domestic violence;
 - (b) Explains the risks and benefits of revealing abuse;
 - (c) Explains confidentiality and safety procedures, and
 - (d) Explains steps that can be taken to become self-sufficient.

4. Participants should be informed that they may identify themselves as victims of domestic violence and/or ask for a referral for further assessment and/or services at any time during program participation without penalty, as the frequency of incidents of domestic violence may change or be cyclical.

B. Orientation

The RWB Service Provider staff should inform all Welfare Transition participants of available resources, referrals, and options and that these options are available to clients at any point in the program.

Information should:

1. Be clearly and consistently articulated and repeated using oral and written communication in a language understood by the participant;
2. Provide frequent, confidential, and clearly voluntary opportunities for participant to self-disclose that he/she is, or has been, a victim of domestic violence, accompanied by an explanation of RWB Provider confidentiality procedures;
3. Provide educational, resource, and referral information about domestic violence;
4. Include information on allowable deferrals or exemptions from Welfare Transition work activity requirements for domestic violence victims; and
5. Inform participants about the Florida Coalition Against Domestic Violence (FCADV) organization and services available including the **Domestic Abuse Hotline number: 800-500-1119.**

C. Confidentiality

Disclosure of information regarding the participant as a past or current victim of domestic violence shall be confidential whether the information is provided by the victim or by a third party. Information should be used solely for the purposes of:

1. Referring a participant to domestic violence and/or Welfare Transition services including the referral to the closest Domestic Violence center or Mental Health counselor.
2. Determining eligibility for exceptions or deferrals from Welfare Transition work activities and placement in alternative activities as described in Section 414.065(7)(b), F.S.; and
3. Protecting participants at risk of further domestic violence by developing procedures to prevent release of information:

- To any individual named as the defendant in a Protection From Abuse order entered on behalf of the participant or the participant's dependent children; and/or
- If the WT Provider has reason to believe that the release of information may result in physical or emotional harm to the participant.

RWB Service Providers must ensure that participant information related to domestic violence is kept in a separate designated file and not included in the participant's general hard copy case file. The case file should prominently note confidentiality protection and provisions. RWB provider staff should not contact the person believed to be the perpetrator of such violence for the purpose of trying to confirm the participant's statement or documentation of abuse. Information shall not be released to anyone (including other government agencies, service providers, or law enforcement) except for the following purposes:

- Documenting need for and referrals to special services;
- Where required to conform with child abuse and neglect laws; or
- Where the participant has requested and authorized in writing the disclosure of the information.

Confidential settings should be used to provide privacy during screenings, interviews, and referrals to appropriate services.

NOTE: Because batterers use a wide variety of information and methods to locate their current or former partners, participant information must be protected. This includes, but is not limited to, current addresses, phone numbers, training sites, job placement sites, employment addresses, health providers, children's schools, etc.

D. Assessment

1. Participants who self-disclose situations of domestic violence should be provided with the option of continued assessment and services from a trained domestic violence expert, if available. If a community does not have a domestic violence expert, the RWB provider can:
 - Refer the participant to a local mental health counselor for counseling services; and/or
 - Contact the FCADV at 850-425-2749 and request the location of the nearest Domestic Violence provider and/or shelter or access their web site at <http://www.fcadv.org>.

RWB providers who have not been trained in Domestic Violence should not attempt to counsel Domestic Violence victims.

2. The results of the assessment will be used to develop a safety plan.

3. Allegations of domestic violence by the participant should be sufficient to establish a domestic violence situation when the RWB Service Provider does not have a reasonable basis to find the participant not credible.

Note: The absence of proof of “official” verification, such as police intervention or protection orders, shall in no way indicate the absence of violence or the lack of credibility of the participant. Unless there is substantial evidence that the participant is not credible, simple attestation will be sufficient.

E. Individual Responsibility Plan

Some domestic violence victims are able to participate in work activities with few, if any, restrictions or need for special services. In cases such as these, the RWB provider will develop an Individual Responsibility Plan to assist the individual toward self-sufficiency.

F. Alternative Requirement Plan

In many cases, victims of domestic violence have physical or mental impairments related to the abuse and will need special protection and support services. To help the participant move toward self-sufficiency, the RWB provider, participant, and, if available, the Domestic Abuse Specialist will develop an Alternative Requirement Plan (ARP) that will include elements of the safety plan.

The ARP provides a vehicle for addressing the barriers to self-sufficiency while still preserving Temporary Cash Assistance payments within the Welfare Transition framework. Additionally, the alternative requirement plan procedure will provide professional expertise for a difficult and recurring area of social and economic dysfunction. At all times, the RWB provider should consider two factors in determining the acceptability of activities for the ARP:

- The ongoing safety of the participant and his/her children; and
- The goal of self-sufficiency.

Acceptable activities that may be incorporated as elements of the ARP may include, but are not limited to:

- Participating in various levels of safety planning;
- Working with a domestic violence advocate;
- Obtaining emergency shelter or a safe house;
- Participating in peer support groups;
- Applying for an injunction for protection or other legal assistance;
- Participating in case management activities at a victim services agency;

- Assembling adequate documentation regarding domestic violence;
- Attempting temporary or permanent relocation ;
- Participating in prosecution of the perpetrator;
- Participating in life skills training;
- Participating in pastoral counseling;
- Participating in substance abuse treatment;
- Accessing services for the children;
- Participating in stress management activities;
- Participating in parenting classes;
- Receiving medical treatment related to domestic violence; and
- Participating in mental health counseling

Participation in alternative requirements does not preclude involvement in traditional work activities such as job skills training, community service, alternative job placement and vocational education. Alternative job placement should address individual safety concerns including those associated with public contact that could put the individual at risk of exposure.

G. Hardship Extension of Time Limits

Victims of domestic violence may be granted a hardship extension of established time limits (24/60 or 36/72 months or 48 month life-time limit) if effects of domestic violence delay, interrupt, or adversely affect the individual's participation in the WT program and ability to achieve self-sufficiency.

SUPERCEDES:
WSB 98-12-002

An equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. All voice telephone numbers on this document may be reached by persons using TTY/TDD equipment via the Florida Relay Service at 711.