



MARYLAND'S FAMILY VIOLENCE OPTION

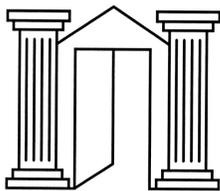
A WORK IN PROGRESS

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Funded By:

Jacob & Hilda Blaustein Foundation
Annie E. Casey Foundation
Marjorie Cook Foundation
Ms. Foundation for Women



THE WOMEN'S LAW CENTER OF MARYLAND, INC.

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ACKNOWLEDGMENTS

This report would not have been possible were it not for the efforts of a multitude of individuals and organizations. First and foremost, we would like to thank the sponsoring organizations that funded the research for and drafting of the report, namely the Annie E. Casey Foundation, the Jacob and Hilda Blaustein Foundation, Inc., the Ms. Foundation for Women, and the Marjorie Cook Foundation.

Second, we would like to thank the staff of the Women Law Center of Maryland, Inc., who conducted the extensive surveys, managed the project, and drafted and edited this report. Staff attorney, Marguerite Angelari, took the lead on and managed most of the project. She also drafted the final report with editorial help from Gwendolyn Lubbert, Tara Boyd, Jessica Morgan, Melvina Ford and Denise Davis. Additional staff support was provided by Catherine Brennan and Kathleen Shemer and the numerous staff members who conducted the written and telephonic surveys.

Finally, both the Women's Law Center and the project sponsors would like to thank the many advocates, service providers, Department of Social Services employees, and Child Support caseworkers that participated in this project. These tireless employees completed multiple rounds of survey forms and participated in lengthy telephone inquiries.

Introduction

A. The Family Violence Option: Background

Welfare reform brought about sweeping changes in the provision of public assistance to disadvantaged children nationwide. Following the passage of the Personal Responsibility and Work Opportunities Reconciliation Act (PRWORA) in 1996, state welfare programs were required to make economic independence through parental employment and child support collection their primary focus.

Congress recognized, however, that strict new requirements to retain employment outside of the home and cooperate with child support collection efforts could endanger some battered women and might lead others to return to their batterers. These concerns led to the passage of the Wellstone/Murray Amendment to PRWORA, also known as the "Family Violence Option."

The Family Violence Option provision of PRWORA offers States the option to screen all applicants for Temporary Assistance to Needy Families (formerly Aid to Families With Dependent Children) and waive any program requirement that would make it more difficult for domestic violence victims to escape abusive relationships or create a risk of further abuse. To date, over one-half of all States have implemented the Family Violence Option.

Maryland was one of the first States to take the Family Violence Option and is breaking new ground in its implementation. In Maryland, the Family Violence Option incorporates a collection of federal and state laws, regulations, and procedures that require local welfare offices to screen applicants and recipients of Temporary Cash Assistance ("TCA" or welfare) for domestic violence, provide exemptions to certain program requirements for customers identifying themselves as victims of domestic violence, and link these customers to local domestic violence service providers.

The Women's Law Center of Maryland, Inc. ("WLC") supported the decision by the Maryland Department of Human Resources ("DHR") to adopt the Family Violence Option and offered technical assistance on the implementation of the screening, referral, and waiver requirements. The WLC activities have included:

- Submitting comments to Maryland's proposed regulations, in conjunction with the Women's Legal Defense Fund (now the National

Partnership for Women and Families);

- Participating in a work group convened by DHR to develop procedures for implementing the Family Violence Option;
- Participating in five regional Domestic Violence Awareness trainings for local welfare department administrators;
- Attending two national conferences on domestic violence and welfare reform and sharing information obtained at these conferences with DHR and local welfare departments;
- Developing and distributing flyers to advocates and service providers (App. A) and to customers (App. B) to publicize the Family Violence Option;
- Assisting individual customers with their applications for program waivers;
- Making presentations to groups of TCA customers at welfare-to-work programs and shelters; and
- Conducting a survey of local welfare departments and issuing our preliminary report of the implementation of the Family Violence Option in Maryland.

B. Why the Family Violence Option is Needed

Family violence often interferes with women's efforts to become economically self-sufficient.

Study after study shows that family violence is a leading cause of poverty and homelessness among women. Research has shown that 20-30% of women receiving welfare are current victims of domestic violence—as compared to 6% of the population as a whole.¹

When women are battered by their partners, their children are often abused as well.

Research indicates that over half of all men who batter their female partners beat their children. Additionally, children in homes where there is domestic violence suffer from an increased risk of sexual abuse by the batterer. Finally, the psychological impact of witnessing abuse against a parent causes severe psychological injury.²

In many cases, abuse actually escalates immediately after the victim leaves the abusive relationship.

Even after separation, batterers continue to try to control their victims through physical abuse, threats, and harassment. In fact, research indicates that the severity of domestic violence increases after separation.³

Because economic self-sufficiency threatens their control, batterers often sabotage women's efforts to become or remain employed.

As a result, even when the battered woman has left the relationship, her job may be in jeopardy because her batterer continues to harass and threaten her at work. Under welfare reform's strict work participation requirements, losing a job results in the loss of TCA and medical assistance for the family.

Efforts to collect child support from a batterer may lead to renewed violence.

Recipients of TCA "assign" their rights to child support to the state and must cooperate with efforts to establish child paternity and child support or face termination of TCA and medical assistance. In Maryland, all of this child support goes back to the state. Therefore, although TCA recipients and their children do not receive any portion of child support collected from batterers, the State's collection efforts may put them at risk of renewed violence.

C. Profiles of Cases Affected by the Family Violence Option

Profile 1:

An abused woman goes into court for an *Ex Parte* (stay away) order. The court orders her batterer out of their apartment for one week. One week later, the woman must return to court for a full Protective Order hearing at which the batterer will be present. The batterer has been supporting the woman and their two children ages 2 and 3. Immediately following the *Ex Parte* hearing, the woman goes to the Department of Social Services ("DSS") for financial help. At DSS she is informed that before she can receive any financial benefits, she must cooperate in the establishment of paternity and child support. The woman fears that seeking child support from her batterer at this time will only make him angrier and that he might take it out on her and the children.

Under the family violence option, when the woman expresses this fear to her caseworker, the staff family violence expert is brought in immediately

to talk to her. She is then informed that under the Family Violence Option, she can request an exemption from the child support cooperation requirement. After six months, her case will be evaluated again to determine whether it is necessary to continue the exemption.

Profile 2:

A woman moves away from the home of her abuser and takes their three children with her. She applies for and begins to receive TCA and medical assistance for herself and her children. Within two months, she obtains a housekeeping position at a motel through a welfare-to-work program. Although she is working, she still qualifies for TCA and medical assistance. Her job does not include health insurance and she cannot afford childcare without her TCA grant. The woman's abuser follows her to work one day and starts yelling at her in the parking lot. Motel staff and guests come out to see what is causing the commotion. Fearing for her safety and embarrassed by her abuser's behavior, the woman gets into his car and drives away with him. Four hours later, she returns to work and finds out that she has been fired for missing her shift. As a result of being fired "for cause" the woman loses the TCA and medical assistance the State provides to her and her three children.

Under the Family Violence Option, if the woman's caseworker is aware that the customer's failure to comply with the work requirement was due to domestic violence, the caseworker can bring in the staff family violence expert to make a recommendation as to whether the woman has good cause for an exemption from the work requirement and, therefore, can avoid termination of benefits.

How the Family Violence Option Should Work in Maryland: An Overview of Laws, Regulations, and Policies Governing the Implementation of the Family Violence Option in Maryland

A. Federal and State Law and Regulations Defining the Family Violence Option in Maryland

Federal law⁴, State law⁵, and state policy⁶ all govern aspects of the screening, exemption, and referral requirements known collectively as the Family Violence Option. To further complicate implementation, specific requirements went into effect at different times.

When Maryland first adopted the Family Violence Option in December 1996, the federal law provided no guidance on the implementation of the Family Violence Option. DHR issued state regulations in December 1996 and an initial statement of procedure, or "Action Transmittal," on January 23, 1997.⁷ A superseding Action Transmittal was issued in December 1997 that incorporated the recommendations of a work group composed of domestic violence service providers and advocates and welfare and child support administrators from throughout the state.⁸

Finally, in April 1999, the Federal Department of Health and Human Services issued regulations governing the Family Violence Option.⁹ These regulations went into effect in October 1999. While Maryland's regulations and Action Transmittal already addressed some of the new federal requirements, others have not yet been incorporated into Maryland law or procedure. The following section combines federal law, state law, and state policy to create a comprehensive guide to Family Violence Option requirements in Maryland.

B. Definition of Domestic Violence: Who Can Use the Family Violence Option

Under Maryland law, for the purpose of requesting a welfare program exemption under the Family Violence Option, "domestic violence" means subjecting a spouse, ex-spouse, or intimate partner to:

- (a) Physical acts that result in, or threaten to result in, physical injury to the individual;
- (b) Sexual abuse;
- (c) Sexual activity involving a dependent child;
- (d) Nonconsensual acts or activities;
- (e) Threats of, or attempts at, physical or sexual abuse;

- (f) Mental abuse;
- (g) Neglect or deprivation of medical care; or
- (h) False imprisonment.¹⁰

Verbal abuse includes threats, controlling behavior, deprivation of freedom, denial of personal liberties and isolation, moreover, “[i]n addition to physical injuries, family violence can also include such acts as intimidation of a partner or her children.”¹¹

C. Mandatory Screening: When and How Domestic Violence is Identified

Screening for domestic violence must take place at:

- The initial assessment when applying for benefits;¹²
- The job readiness assessment;¹³ and
- The re-determination (the mandatory “re-application” for TCA that should take place every six months.)¹⁴

D. Program Options That Can be Waived

Upon identification of domestic violence, the following program requirements can be waived if there is “good cause” to believe that “circumstances exist in which the compliance with program requirements may be against the best interest of the customer or the child.”¹⁵

- Cooperation with the child support agency in establishing paternity and support;¹⁶
- Overall time limits for benefits (Any month during which a victim is in counseling for the abuse would not count toward the 60-month time limit.);¹⁷
- Work participation requirements.¹⁸

E. Mandatory Procedures for Determining Whether Good Cause Exists to Grant/Deny an Exemption

- Each welfare office “should designate at least one staff person as the in-house family violence expert.”¹⁹
- Upon identification of domestic violence (through screening or

voluntary self-disclosure) the customer should be given an opportunity to speak to the family violence expert immediately.²⁰

- “The customer and the family violence expert [should then] work together to develop a safety plan, which is signed by the family violence expert and the customer.”²¹
- The family violence expert then advises the TCA case manager as to whether a good cause exemption is needed.²²
- The TCA case manager makes the good cause decision upon recommendation from the in-house family violence expert.²³
- The program exemption must be accompanied by an appropriate service plan developed “by a person trained in domestic violence.”²⁴
- The TCA case manager must make the decision as to whether a good cause exemption is granted within 30 days of receipt of the request and provide the customer with a written explanation of the local department’s findings and basis for the determination.²⁵

F. When Can Requests for Exemptions be Made and How is Domestic Violence Proved

- There are no limitations on the points in the process at which a request for an exemption can be made.
- Formal written documentation is not required to qualify for a good cause waiver.²⁶
- In order to qualify for a waiver, however, the customer must participate in a minimum of one session with an in-house family violence expert.²⁷
- Exemptions must be “based on need, as determined by an individualized assessment by a person trained in domestic violence”²⁸ and be designed to lead to work only to the extent that is consistent with safety.²⁹

G. Confidentiality

- The federal law suggests that States adopt special procedures to protect the confidentiality of battered women.³⁰

- “The case manager must make the customer aware that the information she gives is kept confidential,” but “DSS is under legal obligation to report information when child abuse or neglect is suspected.”³¹

H. Length of Program Exemptions

- Program exemptions must be reevaluated at re-determination and/or at least every six months.³²
- If the TCA “case manager determines that the circumstances have changed and good cause no longer exists, the local department will proceed to enforce the Family Investment Program (“FIP”) requirements.”³³
- Time limit waivers may be granted to domestic violence victims “based on the need for continued assistance due to current or past domestic violence or the risk of future violence.”³⁴
- Time limit exemptions do not depend on a victim’s inability to work or the grant of another domestic violence exemption.³⁵

I. Referral to Counseling and Other Services

- States must certify that they have established and are enforcing standards and procedures to refer domestic violence victims to counseling and supportive services.³⁶
- “The in-house family violence expert may refer the customer to community providers who offer counseling and other support services that help the customer become independent.”³⁷

The Surveys

A. Description of the Survey Process

The WLC conducted a survey of local welfare offices and domestic violence service providers statewide between April 1998 and June 1998. The WLC surveyed assistant directors; FIP caseworkers; in-house domestic violence experts; domestic violence service providers; and others involved with the implementation of the Family Violence Option.

The WLC began by mailing an extensive survey to the attendees of the regional Domestic Violence Awareness Workshop from each of the local departments and/or the assistant directors of local departments. (App. C). WLC then mailed out a brief questionnaire to over 300 domestic violence and other family service providers. (App. D). Nineteen of Maryland's twenty-four counties responded.

Following the WLC's initial survey and report issued in July 1998, the WLC continued to receive anecdotal information from TCA customers and domestic violence advocates, indicating that the Family Violence Option was being applied improperly. Due to this concern, and because new federal regulations had been issued in April 1999, the WLC conducted a second survey from July 1999 through November 1999. (App. E).

In the second survey, the WLC contacted welfare officials in all twenty-four of Maryland's counties. Fifteen counties agreed to be surveyed by telephone: Allegany, Baltimore City, Caroline, Carroll, Cecil, Charles, Dorchester, Garrett, Howard, Kent, Prince George's, Queen Anne's, Somerset, Washington, and Worcester.

The Assistant Director and/or the family violence expert in the FIP office of each county provided responses. Respondents were asked questions about the following issues: staff domestic violence training; appointment of family violence experts and responsibilities; domestic violence screening; links between their office and DSS departments; links to local domestic violence service providers; customer and staff responses to domestic violence screening; exemptions process and granting rate; effectiveness of procedures; data collection; confidentiality; and the need for additional information, resources, and/or training.

Based on our experiences conducting the preliminary survey, the WLC altered some of the questions asked and conducted the survey in a different fashion. While the questions contained in the preliminary and

follow up surveys were not identical, the issues covered were substantially similar.

An additional difference is that for the preliminary survey, forms were initially mailed to respondents. Only a small percentage of the forms were returned and those often contained inadequate or non-responsive answers. These forms were ultimately completed by telephone.

Finally, because participation in the survey was voluntary, the WLC had no control over whether particular counties responded. Nonetheless, fourteen of the fifteen counties responding to the follow up survey had responded to the preliminary survey.³⁸

The following section lists Family Violence Option requirements, provides summaries of the responses obtained through the preliminary and follow up surveys, and provides an analysis of these responses.

B. Analysis of Survey Responses

1. Domestic Violence Training for DSS Workers

Requirements: Pursuant to federal regulations that went into effect October 1, 1999, the staff member who makes the determination as to whether an exemption is needed must be "trained in domestic violence."³⁹ Additionally, in each case where there is an exemption granted there must also be a service plan "developed by a person trained in domestic violence."⁴⁰ Currently, there is no training requirement under the Maryland law or policy directive.

Preliminary Survey Responses: Out of the eighteen counties responding to the preliminary survey, only twelve responded that training had been provided to DSS workers. Most troubling was the finding that even among the twelve counties that provided training, a majority of these counties had begun screening for domestic violence *before* training was provided to staff.

Follow up Survey Responses: Only eight out of the fifteen counties responding had provided training in the last year or had trainings planned for the near future. In one county, only the designated family violence experts attended trainings. All of the other counties required FIP personnel to attend. Training was open to child support workers in two counties. Child Protective Service workers were included in two counties and clerical staff in another.

In addition, the amount of training varied so extensively that it is not possible to generalize. One county offered a half-hour training on domestic violence as part of a staff meeting, whereas other counties offered multiple four-hour workshops ranging from a total of 16 to 32 hours.

A majority of counties responded that the most useful part of the training was learning about the indicators of abuse. Also cited as useful were statistics on domestic violence, audience participation, explanation of the cycle of violence, the finding that victims are reluctant to discuss domestic violence, hypotheticals, and videos. When asked what was the least useful, none of the counties surveyed offered a response.

On whether to add or change anything about the training, a number of counties responded that it could have been longer. One county responded that the training could have been more personalized. Most counties recognized a need for ongoing training but did not have firm plans for future trainings.

Analysis/Conclusions: While there is no specific amount of training required under federal or Maryland law or policy directive, it is clearly stated in federal law that trained workers must assist the customers.⁴¹ Therefore, in every case where the domestic violence victim's application is processed by a case worker not trained in domestic violence, and/or without the assistance of the family violence expert, Maryland is out of compliance with federal law and can be sanctioned financially.

Until every caseworker can receive training, one temporary solution would be for the family violence experts to make the good cause exemption decision and to develop the service plan with the customer. Even with this solution, however, it still would be troubling that untrained case workers would be delving into such a sensitive issue with victims.

2. Designation and Responsibilities of Family Violence Experts

Requirements: Pursuant to the Action Transmittal effective February 1, 1998, every local welfare office is required to designate at least one in house "family violence expert."⁴² The responsibilities of the family violence experts include serving as the first point of referral for the customer upon identification of domestic violence, making recommendations as to whether program exemptions should be granted, and providing referrals to local service providers.

Preliminary Survey Responses: Only twelve of the eighteen counties

surveyed as part of the preliminary survey responded that they had designated family violence experts.

Follow up Survey Responses: Thirteen out of the fifteen counties responded that family violence experts had been designated in their counties. In most counties, one person was designated. In larger counties with multiple offices, there was one person per office.

Unfortunately, our conversations with the staff person designated as the family violence expert often indicated that they were not fully aware of their responsibilities. We spoke with family violence experts in seven counties. Out of these seven, only one county had written guidelines for the family violence experts. When asked what their responsibilities included, the most frequent response was to make referrals to domestic violence programs. Three of the seven family violence experts volunteered that they were involved in determinations as to whether customers received domestic violence exemptions.

When asked how they received notification about customers with domestic violence issues, most family violence experts responded that they were notified when domestic violence was identified through the screening process. In some counties, the family violence expert is only brought in if the customer appears to be in crisis as determined by a case worker who is untrained in domestic violence. In many cases, family violence experts also responded that the local domestic violence investigator notifies them about a domestic violence victim who is coming in for services prior to that customer's application for services. Five of the seven family violence experts responded that they were keeping their own records on the domestic violence victims assisted.

Analysis/Conclusions: It is troubling that some of the family violence experts are not aware of their responsibilities. Also disconcerting is the indication that family violence experts are not brought in whenever domestic violence is indicated. Instead, they are only brought in when the caseworker perceives that the customer is in crisis. This is especially troublesome because most caseworkers have not received any domestic violence training.

Furthermore, only three family violence experts had been provided with written guidelines describing their responsibilities. As a result, only three of the fifteen counties responding were in compliance with the requirement that the family violence expert be involved in the good cause determination.

3. Screening for Domestic Violence

Requirements: Screening for domestic violence is required in Maryland at the point of initial application, job readiness assessment, and re-determination.⁴³ There are no specific requirements as to whether screening should be oral or in writing. Likewise, local offices are free to create their own screening questions.

Preliminary Survey Responses: Eleven out of eighteen counties indicated that they used the screening questions suggested in the Action Transmittal. (App. F). All eighteen counties responded that questions were asked at the initial application. Thirteen counties responded that questions were asked at re-determination. Not one county responded that screening was conducted at reconciliation conferences or by child support workers (unless they were part of a team).

Follow up Survey Responses: All fifteen of the counties responding indicated that they ask questions about domestic violence, but only nine out of fifteen counties reported that they are using the questions suggested in the Action Transmittal. Four counties reported asking the questions orally only. Six counties reported asking the questions in writing only. Five counties reported asking the questions both orally and in writing. None of the counties surveyed reported creating written materials for clients to explain the Family Violence Option. A number of counties noted, however, that they distribute literature from local domestic violence service providers.

In response to a question about the point or points at which questions about domestic violence are directly asked, all counties responded that this was during the initial application/intake. Only three counties asked about domestic violence at re-determination as well.

When asked at which points during the interview did customers offer unsolicited information about domestic violence, a number of counties responded that it comes up through discussion of the work requirement. Additionally, unsolicited information often comes up during re-determination.

Analysis/Conclusions: It is alarming that only three counties mentioned screening at re-determination, particularly since this is substantially less than indicated in the preliminary survey. Additionally, none of the respondents mentioned screening at the job readiness assessment as required by law, nor did any of the counties indicate that screening was

conducted at reconciliation conferences or child support interviews.

4. Links Between Child Support, Child Protection, and Cash Assistance Agencies

Requirements: The only formal requirement pertaining to links between divisions of local DSS offices is that when child abuse or neglect is being investigated, or has been substantiated, and domestic violence against a parent has been identified, the Child Protective Services worker shall work along with the family violence expert and the customer.⁴⁴

Preliminary Survey Responses: A number of counties indicated that they interview applicants in teams that include child protective services and child support workers. Most of the other counties responding to this question stated that the child support worker refers the client to the family violence expert upon learning of domestic violence. Other counties responded that the TCA worker is the initial contact, and, therefore, domestic violence screening would be conducted before the customer is referred to the child support office.

Follow up Survey Responses: Four counties reported that they work in teams. Four counties reported that they work in the same building and have frequent contact. No other formal links were noted.

Analysis/Conclusions: Although no formal links are required between the child support workers and cash assistance workers, the work group that developed the implementation procedure saw this as another important area for links to be formed. Under Maryland's "child support first" policy, TCA cannot be granted until an application for child support is completed.⁴⁵ As noted above, some counties interview applicants in teams that include a child support worker. In most counties however, new TCA applicants are sent to the child support agency to apply for child support before they can complete an application for TCA. The child support agency is not under a mandate to screen for domestic violence. Therefore, a child support case could be initiated before safety concerns have been identified. Because of this, it is particularly important that child protective service and child support workers are informed about the domestic violence screening and exemption requirements for TCA customers.

5. Links to Domestic Violence Service Providers

Requirements: It is a federal requirement that customers receive referrals to counseling and supportive services.⁴⁶ The Action Transmittal simply states that the Community Services Administration will provide a

directory of DHR funded family violence service providers for each local office and that the in-house expert “may refer the customer to community providers who offer counseling and other support services that help the customer become independent.”⁴⁷

Preliminary Survey Responses: In the preliminary survey, seven of the thirteen counties responding to this question indicated that DSS staff called a domestic violence service provider while the victim was present and, with her permission, made a direct referral. Seven counties stated that written materials about local domestic violence service providers were available in the DSS office.

Follow up Survey Responses: Responses received from the follow up survey did not vary significantly from those provided in the preliminary survey. Seven of the fifteen counties responding indicated strong links with domestic violence service providers. Only one county specifically noted that their link was “weak.”

In some of the counties, FIP personnel would call the local domestic violence agency while the customer was present. Other counties simply provided informational materials to victims.

In some counties, DSS offices had contracted with their local domestic service providers to ensure that assistance was available to TCA customers at the time domestic violence was identified as an issue. Most notably, one DSS office provided funding for local domestic violence counselors to wear beepers so that they could respond immediately to calls from DSS.

Analysis/Conclusions: While it appears that the adoption of the Family Violence Option in Maryland has led to increased communication between DSS offices and local domestic violence service providers in some counties, survey responses indicate that this is not the case throughout Maryland. The federal requirement that referrals be provided is undoubtedly weakened by the statement that the family violence expert “may” refer the customer to counseling and other services.

It is particularly important to involve the local domestic service provider in counties where domestic violence training has not been provided and/or there is no designated family violence expert. In these counties, failure to involve the local provider in the development of the customer's service plan means that these counties are out of compliance with the federal requirement that the service plan be “developed by a person trained in domestic violence.”⁴⁸

6. Customer Responses to Domestic Violence Screening

Preliminary Survey Responses: There was a wide range of responses to this question, which, for the most part, could not be categorized. In general, five counties noted "positive" responses, three "negative," and three noted a lack of response.

Follow up Survey Responses: In the follow up survey, respondents were asked to indicate which of the following best described the most common response to their domestic violence screening questions: silence; answered reluctantly; defensive; confused; readily answered; or other. Three counties reported that customers answered reluctantly, while four counties reported that customers answered readily. Three counties responded that customers almost always answered "no." Only one county reported that customers were defensive.

Analysis/Conclusions: More research needs to be conducted to determine why the perception of how customers respond varied so greatly. This is an area where standardization of training and screening questions might benefit domestic violence victims.

7. Staff Responses to Domestic Violence Screening

Preliminary Survey Responses: Six counties responded that their staff feels uncomfortable and/or awkward asking the questions. Three counties simply responded "positive."

Follow up Survey Responses: Only three counties responded that their staff was uncomfortable or reluctant to ask questions about domestic violence. One county noted that staff was more supportive after training and concluded that this was because they did not initially understand why exemptions were needed.

Analysis/Conclusions: While there is still discomfort regarding the domestic violence screening in some counties, it appears that, overall, the comfort level is increasing.

8. Exemption Determinations

Requirements: Federal law mandates that the exemption decision be based on an individualized assessment by a person trained in domestic violence.⁴⁹ Pursuant to the Action Transmittal, the TCA case manager, upon recommendation from the in-house family violence expert, must make the determination as to whether a request for a program exemption

can be granted.⁵⁰

Preliminary Survey Responses: This question was not asked as part of the preliminary survey.

Follow up Survey Responses: In three counties, the decision as to whether to grant an exemption is made by the individual case manager/assessment worker. In four counties, a team that includes a service worker, social worker, or supervisor makes this decision. In three counties, the family violence expert makes the decision. In one county, the assistant director makes the decision.

Analysis/Conclusions: In counties where the decision to grant an exemption is made without input from the family violence expert, the DSS office is out of compliance with the Action Transmittal. Additionally, in counties where domestic violence training has not been provided to all TCA case managers and a family violence expert is not consulted in making the exemption decision, Maryland is out of compliance with the federal law.

9. Number of Exemptions Requested and Granted

Requirements: Local DSS offices are not required to maintain or analyze their own data on domestic violence exemptions. They are required, however, to enter coded data on whether domestic violence has been identified into the customer's central computer record.⁵¹ Additionally, information on whether a domestic violence exemption is requested must be entered into a narrative field in the customer's computer record.⁵²

Preliminary Survey Responses: Thirteen counties responded to this question. Ten counties reported that they had no requests for program exemptions. Three counties reported that they had each granted two exemptions to the work requirement. Only one county appeared to keep specific information on domestic violence exemption requests. Five counties did not provide a response to this question.

Follow up Survey Responses: Three counties responded that they were keeping their own data on exemptions requested and granted. Only two counties were tracking the number of referrals that they made to domestic violence service providers.

When asked how many exemptions had been requested in the last year, seven counties were able to respond. Estimates of exemptions requested ranged from one to twenty-five.

With the exception of two counties, respondents were unable to estimate the percentage of exemptions granted. The two counties who were able to respond indicated that exemptions were automatically granted when domestic violence was identified.

The work requirement was cited as the type of exemption requested by six counties. Three counties also cited the child support cooperation requirements.

Analysis/Conclusions: Most counties are not keeping their own data on domestic violence exemptions.

10. Evidence Required Before an Exemption is Granted

Requirements: There is no requirement that domestic violence victims provide any evidence of abuse. While Maryland regulations and an Action Transmittal suggest different types of evidence that can be considered, the Action Transmittal specifically states that “[i]t is not mandatory that the customers provide any type of formal written documentation to qualify for a waiver under good cause.”⁵³

Preliminary Survey Responses: This question was not included in the preliminary survey.

Follow up Survey Responses: In response to the question of whether any verification was required before a domestic violence exemption is granted, five counties responded that they required police reports, physical evidence, and/or proof of prior shelter involvement. A sixth county stated that no additional evidence was required for an exemption from the work requirement, but additional evidence was required for an exemption from the child support cooperation requirement. Five counties responded that no documentation was required and four were unable to answer the question.

Analysis/Conclusions: It is extremely troubling that some counties have created their own evidentiary requirements.

11. Effectiveness of Procedures

Requirements: Aside from the procedures set forth in the Action Transmittal and discussed in section II, counties are free to develop their own procedures for implementing the Family Violence Option.

Preliminary Survey Responses: Only four counties provided responses to our request for information on procedures they believed to be particularly effective for assisting domestic violence victims. Two counties noted that the advantage to being small was that their case workers got to know their customers well and the customers had the continuity of receiving services from the same case worker over a long period of time. One county was exploring the possibility of providing childcare so that children would not be present when their mother was asked questions about domestic violence. Another county noted that their technique of interviewing the customer in teams consisting of the FIP case manager, child support worker, social worker, and employment specialist was particularly effective.

Four counties also responded to our request for information on procedures that they believed were not effective for assisting domestic violence victims. Two counties responded that a written questionnaire is not effective for assisting domestic violence victims. One county responded that when the interviewer expresses anger at the batterer, the victim then defends him and is less likely to ask for help. One county responded that asking a specific list of questions was not effective.

Follow up Survey Responses: In response to our request that counties describe any practices or procedures that they thought were particularly effective for assisting domestic violence victims, the following responses were provided: team approach to screening; ongoing case management; showing concern for the clients; agency wide training including clerical staff; and individual plans tailored to the customer's needs.

Only two counties responded to our request to describe any practices or procedures that were not effective for assisting domestic violence victims. One county stated that firing questions at the customer was not effective, it was best to start a dialog with the customer. Another county discovered that confidentiality was extremely important when a customer became upset that a service worker was notified about her situation without her consent.

Analysis/Conclusions: In both surveys, respondents volunteered that they thought that a team approach to screening and an ongoing relationship between the customer and case worker were two procedures that were particularly effective for assisting domestic violence victims. Other than these similarities, however, there was a wide range of responses in both surveys.

12. Confidentiality

Requirements: The preamble to the federal regulations governing the Family Violence Option encourages States to consider the special needs of domestic violence victims and institute special safeguards, if needed, such as staff training, special computer and paper protections, and particular caution in revealing the whereabouts of victims.⁵⁴

Initial Survey Responses: Four counties reported creating additional or different confidentiality procedures for cases where domestic violence was identified. One county noted that they do not keep detailed information about domestic violence incidents in the case record. Two counties keep case files containing detailed information about domestic violence segregated from other files.

Follow up Survey Responses: In response to the question of whether additional practices or procedures had been developed to ensure that information on domestic violence is kept confidential, five counties stated that they had additional procedures, ten counties responded that they did not have additional procedures or were not aware of any.

Analysis/Conclusions: More research needs to be done to determine whether additional confidentiality procedures are needed in each DSS office.

13. Need for Additional Information, Resources, and/or Training

Preliminary Survey Responses: The need for training, or additional training, was noted by nine counties. Other responses included requests for information on the experience of other counties and an effective screening tool. Five counties responded that they did not need any additional resources.

Follow up Survey Responses: Seven counties responded that they did not need any additional information, resources, or training. Seven counties responded that they needed additional training. One county responded that it needed a better screening tool.

Analysis/Conclusions: Training and effective screening tools were identified as being needed by both surveys.

Summary of Conclusions and Recommendations

A. Summary of Conclusions

- A significant number of counties recognize that additional domestic violence training is needed.
- Family violence experts are not fully aware of their responsibilities.
- Most counties are not in compliance with the requirement to involve family violence experts in good cause determinations.
- Many counties may not be in compliance with the federal requirement that exemption decisions be made by staff trained in domestic violence.
- Domestic violence screening is not always conducted at re-determination and job readiness assessments as required by Maryland law.
- The wide variety of links between DSS offices reflects their very different internal structures.
- The governing Action Transmittal may cause confusion by stating that family violence experts "may" refer victims to counseling and other services.
- More research needs to be conducted to determine why perceptions of customer's responses vary so much from county to county.
- Some counties have created additional evidentiary requirements for good cause exemptions and are therefore out of compliance with Maryland law.
- Most counties have not created additional procedures for ensuring the confidentiality of domestic violence information.

B. Recommendations for Local Welfare Offices

- Take the necessary steps to ensure that domestic violence victims get assistance from someone trained in domestic violence. If no

one on staff can perform this function, involve the local domestic violence service provider.

- Provide family violence experts with written guidelines on responsibilities that reflect state and federal requirements and local office practices and ensure that all requirements are met.
- At a minimum, ensure that screening is conducted as required at re-determinations and job readiness assessments. Consider conducting additional screening at all reconciliation conferences and at the application for child support.
- Domestic violence victims would probably benefit from statewide standardization of the links between divisions. Therefore, it is critical that every division of the local DSS offices be aware of the role of the family violence expert.
- Include child protective and child support workers in trainings.
- Assess whether additional confidentiality procedures are needed.

C. Recommendations for the Maryland Department of Human Resources

- Issue regulations requiring a specific amount of ongoing domestic violence training for all FIP, child protective services, and child support workers.
- Provide grants to develop a core curriculum that can be used for trainings throughout the state.
- Conduct a conference for family violence experts throughout the state to share best practices and obtain additional training.
- Provide family violence experts with written guidelines on federal and state mandates.
- Require counties to submit detailed written descriptions of how and when screening is conducted.
- Revise the Action Transmittal to reflect the new federal requirements and clarify state mandates.

D. Recommendations for Domestic Violence Advocates & Service Providers

- Approach local DSS offices about participating in staff trainings.
- Identify and contact the family violence expert in your county.
- Ensure that exemption decisions and service plans are being developed by someone trained in domestic violence.
- Survey your clients to determine whether they have been required to produce evidence of abuse and/or denied exemptions because of an inability to produce evidence of abuse.
- Survey your clients to determine whether confidentiality procedures at your local DSS office are adequate.

Footnotes

1. Stacy Plichta, *Violence and Abuse: Implications for Women's Health*, Women's Health: the Commonwealth Fund Survey 237-70 (Johns Hopkins University Press, 1996); Jody Raphael and Richard M. Tolman, Report, *Trapped by Poverty/ Trapped by Abuse*, 21 (1997).
2. See generally Joan Zorza, *Protecting the Children in Custody Disputes when One Parent Abuses the Other*, Clearinghouse Review, at 1113 (April 1996).
3. See generally Martha Mahoney, *Legal Images of Battered Women: Redefining the Issue of Separation*, 90 Mich. L. Rev. 1 (1991).
4. Pursuant to the Personal Responsibility and Work Opportunities Reconciliation Act of 1996, States have the option to screen all applicants for Temporary Assistance to Needy Families (TCA in Maryland) and waive any welfare program requirement that would make it more difficult for domestic violence victims to escape abusive relationships or create a risk of further abuse. See Temporary Assistance for Needy Families Program, Part II, 64 Fed. Reg. 17720 (1999) (codified at 45 C.F.R. § 260-265).
5. See generally COMAR 07.03.03.
6. See *infra* notes 7 and 8.
7. Department of Human Resources, Family Investment Administration Action transmittal, Control Number FIA/OPR #97-77 (January 23, 1997).
8. Department of Human Resources, Family Investment Administration Action Transmittal, Control Number FIA/OPR #98-30 (issued December 30, 1997; effective February 1, 1998).
9. See 64 Fed. Reg. 17720 (1999).
10. COMAR 07.03.03.02B(9).
11. FIA/OPR #98-30 at 2.
12. COMAR 07.03.03.04C(2)(d). The Action Transmittal sets forth five suggested screening questions. FIA/OPR #98-30 at 2.
13. FIA/OPR#98-30 at 2.
14. *Id.*

15. *Id.* at 5.
16. COMAR 07.03.03.08A(3). *See also* COMAR 07.03.03.08F(1).
17. COMAR 07.03.03.07K(2)(b).
18. COMAR 07.03.03.07I(6)(c).
19. FIA/OPR#98-30 at 4.
20. *Id.*
21. *Id.* at 5.
22. *Id.* at 6.
23. *Id.*
24. 45 C.F.R. § 260.55(b) (1999).
25. FIA/OPR#98-30 at 6.
26. *Id.* *See also* COMAR 07.03.03.08G.
27. FIA/OPR#98-30 at 6.
28. 45 C.F.R. § 260.55(b) (1999).
29. 45 C.F.R. § 260.55(c)(3) (1999).
30. *See* 64 Fed. Reg. 17720, 17745.
31. FIA/OPR#98-30 at 2.
32. *Id.* at 6. *See also* 64 Fed. Reg. 17720.
33. FIA/OPR#98-30 at 6.
34. 45 C.F.R. § 260.59(a)(2)(i) (1999).
35. 64 Fed. Reg. 17720, 17746.
36. *Id.* at 17743. *See also* 45 C.F.R. § 260.54 (1999).

37. FIA/OPR#98-30 at 5.
38. The following counties responded to the preliminary survey: Allegany, Anne Arundel, Baltimore City, Baltimore County, Calvert, Caroline, Carroll, Charles, Cecil, Dorchester, Garrett, Howard, Kent, Montgomery, Prince George's, Queen Anne's, Washington, Wicomico, and Worcester.
39. 45 C.F.R. § 260.55(b) (1999).
40. 45 C.F.R. § 260.55(c)(1) (1999).
41. *Id.*
42. FIA/OPR#98-30 at 4.
43. *See supra* notes 12-14.
44. FIA/OPR#98-30 at 5.
45. COMAR 07.03.03.03D(2)
46. 45 C.F.R. § 260.52(b) (1999).
47. FIA/OPR#98-30 at 5.
48. 45 C.F.R. § 260.55(b) (1999).
49. *Id.*
50. FIA/OPR#98-30 at 6.
51. *Id.* at 3.
52. *Id.* at 4.
53. *See supra* note 26.
54. 64 Fed. Reg. 17720, 17746

APPENDICES

A:

Family Violence Option Flyer
For Advocates & Service Providers

B:

Family Violence Option Flyer
For Customers

C:

Family Violence Option Survey
For Domestic Violence Awareness Workshop Attendees

D:

Family Violence Option Survey
For Advocates & Service Providers

E:

Family Violence Option
Second Survey

F:

Action Transmittal

Appendix A



THE FAMILY VIOLENCE OPTION A New Opportunity to Interrupt the Cycle of Family Violence

Dear Advocate/Service Provider:

Family violence often interferes with women's efforts to become economically self sufficient. Study after study shows that family violence is a leading cause of poverty and homelessness among women. ***One study found that over 50% of women in welfare to work programs have been or are currently victims of domestic violence.*** Now, under welfare reform's strict requirements and time-limits, a battered woman who loses a job because of her batterer, or fails to cooperate with child support collection, will also lose critical medical and financial assistance for her children. Ironically, many battered women may have no choice but to return to their batterers to support their children.

Recognizing that strict adherence to program requirements would put some women and children at risk of harm or unfairly penalize them because of domestic violence, **Maryland law now requires welfare offices to screen all TCA applicants for family violence, make referrals, and waive the following program requirements, *at any time*, upon a finding of good cause:**

1. cooperation with the child support agency in establishing paternity and support;
2. 12 month residency requirement for full benefits;
3. 60 month time limit for benefits;
4. work participation requirements.

APPLYING FOR A GOOD CAUSE EXEMPTION

Good cause exemptions can be requested at any time. Family Investment Program (FIP) caseworkers accept and process good cause applications.

LEGAL ASSISTANCE AVAILABLE

Please post and/or distribute the attached flyer to your clients. The Women's Law Center of Maryland will assist TCA applicants/recipients over the telephone with their good cause applications. **A Women's Law Center attorney is available to speak to your staff and clients about domestic violence laws in Maryland and the Family Violence Option.** We are also monitoring the implementation of the Option statewide and would like to hear about the experiences that you and your clients have with the Family Violence Option. **For more information, call Marguerite Angelari at (410) 321-1040.**

Appendix B

Notice: Changes in Maryland's Welfare Laws Can Help Keep You and Your Children Safe

- Does your boyfriend, husband, partner, or the father of your children try to stop you from leaving your home?
- Are you afraid that he might hurt you or your children?
- Do you think that seeking child support from him might make him angry enough to hurt you or your children?
- In the past, have you been involved with a man who physically harmed you or your children or threatened harm?

If you answered "yes" to any of these questions, some welfare requirements may put you and your children in danger.

Welfare caseworkers must now ask you questions like these to make sure that it is safe for you to meet welfare requirements and to find out if you could use free services, such as counseling for your children. The following welfare requirements may be waived or modified at any time if meeting these requirements would hurt you or your children: cooperation with the child support agency in establishing paternity and child support; 12 month residency requirement for full benefits when you come from a state with lower benefits; overall time limits for benefits; and work participation requirements. **You must apply for a waiver or modification of a welfare requirement.**

The Women's Law Center of Maryland would like to help you.

- An advocate from the Women's Law Center can talk to you confidentially about your options and legal rights, even if you choose not to share this information with your caseworker (but call us immediately).
- If you wish to apply for a waiver from a welfare requirement, an advocate can talk to you about the evidence that you will need.

For more information: call Marguerite Angelari at (410) 321-1040, outside of the Baltimore metro area, call 1 (800) 818-9888.

5/1/98

Appendix C



Family Violence Option Survey For Welfare, Child Support, and Child Protective Services Agencies

Name: _____ Date: _____
Title: _____ Agency/Office: _____
County: _____ Telephone: _____

Please feel free to attach additional sheets if you need more space to respond. Return your completed survey form by April 21, 1998 to Marguerite Angelari at the address listed above.

1. Has your agency started family violence screening and if so, when?
2. Was training provided to your staff? If yes, please list when the training was held, who conducted the training, what types of staff attended, and how many hours it lasted.
3. Has your agency designated a staff person to be the in-house family violence expert? If yes, please provide that person's name, title, and telephone number.
4. Is your agency using the screening questions suggested in the FIA Action Transmittal issued December 30, 1997. If no, please attach a copy of the screening questions used.
5. Has your agency created any written materials related to the Family Violence Option? If yes, please attach.
6. Please describe the points in the process at which agency staff members directly ask customers the domestic violence screening questions.

7. Are there other points in the process where customers have provided **unsolicited information** about domestic violence? If yes, where?

8. Please describe any links that have been created between your county's welfare, child support, and child protective services agencies. (E.g. upon learning that a TCA recipient is in an abusive relationship, the child support worker explains the Family Violence Option and refers the customer to the family violence expert in the welfare agency.)

9. Please describe how the local domestic violence service providers work with your agency to assist domestic violence victims identified through the screening process? (E.g. a staff person calls the domestic violence agency while the victim is present.) Does your agency provide written materials about the services offered by the domestic violence provider?

10. In general, how have your customers responded to the domestic violence screening questions?

11. What feedback have you received from your staff about domestic violence screening, referral, and program exemptions?

12. Please describe any practices or procedures developed by your staff that you think are particularly effective for assisting domestic violence victims.

13. Please describe any practices or procedures that you think are not effective for assisting domestic violence victims.

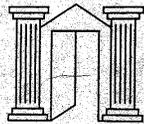
14. Since your agency began screening, how many program exemptions have been requested and for which types of program requirements? How many of these exemptions were granted?

15. What practices or procedures has your agency developed to ensure that information on domestic violence is kept confidential?

16. Does your agency need additional information, resources, or training to fully implement the Family Violence Option? If yes, please describe.

17. On a separate sheet, please provide anecdotal information about your agency's experiences -- both positive and negative -- with the Family Violence Option.

Appendix D



THE BRUCE A. KAUFMAN CENTER FOR FAMILY LAW

A Project of the Women's Law Center of Maryland, Inc.
305 West Chesapeake Avenue, Suite 201 • Towson, Maryland 21204
Phone 410 321 1040 • Fax 410 321 0462 • E-Mail: womenslaw@misc.org

FAMILY VIOLENCE OPTION QUESTIONNAIRE for Advocates and Service Providers

Name: _____ Date: _____
Title: _____ Agency/Organ: _____
Address: _____
County: _____ Telephone: _____
FAX: _____ E-Mail: _____

Please return your completed questionnaire to Marguerite Angelari at the address listed above or fax it to (410) 321-0462. We will place you on our mailing list for updates on the Family Violence Option in Maryland.

1. Were you aware of the Family Violence Option prior to this announcement?

YES _____ NO _____

2. Are your local welfare, child support, and/or child protective services agencies screening for domestic violence?

YES _____ NO _____ DON'T KNOW _____

3. Have you or your clients had any experiences relating to the Family Violence Option?

YES _____ NO _____ DON'T KNOW _____

If YES, please describe these experiences. Feel free to attach additional sheets if you need more space to respond.

4. Have your clients efforts at self-sufficiency been hindered because of domestic violence?

YES _____ NO _____ DON'T KNOW _____

If YES, please describe these experiences. Feel free to attach additional sheets if you need more space to respond.

Appendix E

Family Violence Option Survey

For Welfare, Child Support, and Child Protective Services Agencies

Name: _____ Date: _____
Title: _____ Agency/Office: _____
Address: _____
County: _____ Telephone: _____
FAX _____ E-mail _____

Responded to preliminary survey: YES NO

I am interviewing domestic violence advocates, and welfare and DSS program staff as part of a survey that I am conducting for the Women's Law Center of Maryland. This interview should take about 15 minutes. In my report on this survey, I will not identify the source of any particular information by name or even by county. For example, I will state that "one welfare office staff person responded that the most useful part of the training was the informal question and answer period." I will provide a list of the designated Family Violence Experts at the end of the report for referral purposes only.

- Have you received a copy of the preliminary report prepared by the Women's Law Center?
 - Under the Family Violence Option, your local welfare office is required to screen all TCA applicants for domestic violence, provide referrals and information about program exemptions, and exempt TCA applicants/recipients from program requirements where appropriate.
1. Has your local welfare office started family violence screening and if so, when?
 2. Was training provided to your staff? If yes, please list when the training was held, who conducted the training, what types of staff attended, and how many hours it lasted.
- A What was the most useful part of the training?

B What was the least useful part of the training?

C Is there anything that you would add/change about the training?

D What is your plan for on-going training for staff?

3. Has your agency designated a staff person to be the in-house family violence expert? If yes, please provide that person's name, title, and telephone number.

Or, if you are the Family Violence Expert:

A When did you start?

B How long is your appointment/term?

C How many DV experts does your office have?

D Do you feel qualified? Why or why not?

E Do you have a written job description or guidelines? If yes, please describe/fax.

F What is your understanding of your role/responsibilities?

G Please describe how you are notified about DV cases?

H What kind of assistance have you provided to customers identified as DV victims?

I Approximately how many customers have you assisted?

J Are you keeping your own records on these cases?

4. Is your agency using the screening questions suggested in the FIA Action Transmittal issued December 30, 1997. If no, please describe the screening questions used and fax.

Are questions asked orally? _____

Or in writing? _____

5. Has your agency created any written materials related to the Family Violence Option? If yes, please describe and fax.

6. Please describe the points in the process at which agency staff members **directly ask** customers the domestic violence screening questions.

7. Are there other points in the process where customers have provided **unsolicited information** about domestic violence? If yes, where?

8. Please describe any links that have been created between your county's welfare, child support, and child protective services agencies. (E.g. upon learning that a TCA recipient is in an abusive relationship, the child support worker explains the Family Violence Option and refers the customer to the family violence expert in the welfare agency.)

9. Please describe how the local domestic violence service providers work with your agency to assist domestic violence victims identified through the screening process? (E.g. a staff person calls the domestic violence agency while the victim is present.) Does your agency provide written materials about the services offered by the domestic violence provider?

10. In general, which if the following is the most common response by customers to the domestic violence screening questions?

Silence _____ Answer Reluctantly _____ Defensive _____

Confused _____ Readily Answer _____ Other _____

11. What feedback have you received from your staff about domestic violence screening, referral, and program exemptions?

12. Please describe any practices or procedures developed by your staff that you think are particularly effective for assisting domestic violence victims.

13. Please describe any practices or procedures that you think are not effective for assisting domestic violence victims.

14. Since your agency began screening,

A. How many program exemptions have been requested?

Est. %

B. For which types of program requirements?

C. How many of these exemptions were granted?

Est. %

D. What are the reasons for denials?

E. Do you track the number of referrals that you make?

If yes, how many per month? Total?

Do you know how many of your customers actually follow through with referrals?

What is your estimate?

F. Do you require any verification before a domestic violence exemption is granted?

15. What practices or procedures has your agency developed to ensure that information on domestic violence is kept confidential?

16. Does your agency need additional information, resources, or training to fully implement the Family Violence Option? If yes, please describe.

17. What do you see as the biggest barrier for workers implementing the Family Violence Option?

Fear _____ Lack of training _____ Lack of experience _____
Lack of resources _____ (describe)
Other

18. Please provide anecdotal information about your agency's experiences -- both positive and negative -- with the Family Violence Option.

Appendix E

RECEIVED
JAN 7 1998

 Department of Human Resources 311 West Saratoga Street Baltimore MD 21201	FIA ACTION TRANSMITTAL
	Control Number: FIA/OPR #98-30

TO: DIRECTORS, LOCAL DEPARTMENTS OF SOCIAL SERVICES
DEPUTY/ASSISTANT DIRECTORS FOR FAMILY INVESTMENT
FAMILY INVESTMENT SUPERVISORS

FROM: *Kevin Mahon*
KEVIN MAHON, EXECUTIVE DIRECTOR,
FAMILY INVESTMENT ADMINISTRATION
Denese Maker
DENESE MAKER, EXECUTIVE DIRECTOR,
COMMUNITY SERVICES ADMINISTRATION
Clifford Layman
CLIFFORD LAYMAN, EXECUTIVE DIRECTOR,
CHILD SUPPORT ENFORCEMENT ADMINISTRATION
Linda Ellard
LINDA ELLARD, EXECUTIVE DIRECTOR,
SOCIAL SERVICES ADMINISTRATION

RE: FAMILY VIOLENCE SCREENING

PROGRAM AFFECTED: TEMPORARY CASH ASSISTANCE

ORIGINATING OFFICE: OFFICE OF POLICY AND RESEARCH

SUMMARY

The Personal Responsibility and Work Opportunity Act of 1996 (PRWORA) allows States the option to screen applicants and recipients for the occurrence of family violence. The option also allows States to waive certain requirements where compliance would make it difficult for individuals receiving assistance to escape such violence. Recognizing that family violence may affect the customer's ability to become independent, Maryland selected this option. This Action Transmittal replaces Action Transmittal 97-77, issued January 23, 1997.

DEFINITION OF FAMILY VIOLENCE:

A victim of family violence is one who has been subjected to one or more of the following:

- physical acts that result in, or threaten to result in, physical injury to the individual
- sexual abuse
- sexual activity involving a dependent child
- being forced as the caretaker-relative of a dependent child to engage in nonconsensual sexual acts or activities
- threats of, or attempts at, physical or sexual abuse
- neglect or deprivation of medical care
- false imprisonment
- mental injury, verbal abuse (i.e., threats, controlling behavior, deprivation of freedom, denial of personal liberties and isolation)

In addition to physical injuries, family violence can also include such acts as intimidation of a partner or her children.

ACTION REQUIRED:

Identification Procedure

Family violence victims generally hide the fact that the situation is occurring. Consequently, the screening and identification of customers with a history of family violence requires the local department to include several appropriate screening questions as a part of their job readiness assessment and redetermination process.

Due to the delicate nature of family violence issues, worker sensitivity and customer confidentiality is extremely important. The case manager must make the customer aware that the information she gives is kept confidential. Case managers must also let the customer know that the DSS is under legal obligation to report information when child abuse or neglect is suspected.

Suggested questions that may reveal possible indicators of family violence are listed below:

- Are you currently or have you been in a relationship in which your partner has harmed you physically, mentally or sexually?
- Have you ever been afraid that this person might hurt you or your child(ren)?
- Has this person ever harmed or threatened to harm you or your child(ren) physically, mentally or sexually?
- Has this person ever prevented you from leaving your home, traveling to work or visiting your family or friends?
- Do you believe that seeking child support would put you or your child(ren) in danger?

The questions listed in this transmittal are only a guide and case managers may rephrase questions as appropriate. The questions can be introduced when case managers discuss the relationship between the child(ren), the customer and the absent parent. It is also appropriate to ask these questions when discussing issues regarding employment barriers. In addition, it is important to listen carefully to both what is said and what is left unsaid. There may be clues that indicate the customer is in a threatening relationship. Follow up with additional questions and possible service referrals. When family violence issues have an impact on a customer, they must be given consideration in the independence plan to ensure the safety of the customer and the children.

Systems Procedures

AIMS:

To identify an individual, who is a victim of family violence, enter one of the following codes in the **BGRR** (Block Grant Reporting Requirements) field on the AMF-1 or AAPB form:

- ❖ **AAD** - Victim of Family Violence
- ❖ **ADF** - Victim of Family Violence and Fleeing Felon
- ❖ **ADC** - Victim of Family Violence and Convicted Drug Offender
- ❖ **ADP** - Victim of Family Violence and Parole Violator
- ❖ **DFC** - Victim of Family Violence, Fleeing Felon, and Convicted Drug Offender
- ❖ **DPC** - Victim of Family Violence, Parole Violator, and Convicted Drug Offender

To identify an individual exempt from the time limited eligibility requirements due to family violence, enter one of the following codes in the **TLEX** (Time Limited Exemption) field on the AMF-1 or AAPB form:

- ❖ **PI** - Physical Injury
- ❖ **SA** - Sexual Abuse
- ❖ **SC** - Sexual Activity
- ❖ **NS** - CTR Non-Consensual Sexual Activity
- ❖ **AT** - Attempted or Threatened Sexual Abuse
- ❖ **MA** - Mental Abuse/False Imprisonment
- ❖ **ND** - Neglect/Deprivation of Medical Care

Since the AMF-1 and AAPB do not have these fields to enter the appropriate codes, the case manager must write "**BGRR =**" and "**TLEX =**" along with the appropriate code in the bottom of the update box, along with the individual's name, whenever an individual meets any of the above conditions. The case manager should review the AMF screen whenever their turnaround document is received to ensure the coding was entered.

Write, in your dictation, the family violence information and what steps are being taken to assist the individual and family.

CARES:

To record the family violence information gathered during the application or redetermination interview, enter in the **DMVIOL** (family violence was formerly called domestic violence) field on the individual's **DEM2** screen:

- ❖ "Y" if the family violence screening for that individual is positive (Yes, this person is a victim of family violence), or
- ❖ "N" if the screening is negative (No, this person is not a victim of family violence.)

To identify an individual **exempt** from the time limited eligibility requirements due to family violence, enter in the **TLEX – Rsn** field on the individual's **DEM2** screen:

- ❖ **AT** – Attempted or Threatened Sexual Abuse
- ❖ **MA** – Mental Abuse/False Imprisonment
- ❖ **ND** – Neglect/Deprivation of medical care
- ❖ **NS** – CTR Non-Consensual Sexual Activity
- ❖ **PI** – Physical Injury
- ❖ **SA** – Sexual Abuse
- ❖ **SC** – Sexual Activity Involving a Dependent Child

NARRATE:

- ❖ The family violence information,
- ❖ What steps are being taken to assist the individual and family,
- ❖ **ANY EXEMPTIONS** to the time limit rules (either the 24-month work rule or the 60-month maximum receipt of benefits rule),
- ❖ The tracking of the compliance with family violence counseling, and
- ❖ The number of months the household is exempted from the time limited eligibility rules.

Service Referral

Each local department should designate at least one staff person as the in-house family violence expert. This staff person should be the first referral upon identification of family violence.

If, during the interview, the customer states, or the local department has reason to believe, the customer is a victim of family violence, refer the customer to the designated in-house family violence expert. If during the course of any interview, information is received about child abuse

or neglect, this must be reported to the local department of social services Child Protective Services screening unit. The local department may develop an in-house procedure to use to make referrals to the family violence expert and the Child Protective Services screening unit or you may use the DHR/FIA 461- referral form. The customer and the family violence expert will work together to develop a safety plan, which is signed by the family violence expert and the customer. When child abuse or neglect is being investigated, or has been substantiated, and family violence has been identified, the Child Protective Services Worker shall work along with the family violence expert and the customer

The Community Services Administration will provide a directory of DHR funded family violence service providers for each local office. Distribution of the DHR funded family violence service providers directory will take place at the each family violence regional training session. The in-house family violence expert may refer the customer to community providers who offer counseling and other support services that help the customer become independent.

Waivers

Certain program requirements may be waived or extended if the customer and local department have good cause to believe that compliance with these requirements would make it more difficult for the customer to escape family violence. These program requirements are:

- **Time limits** – Any month in which a victim of family violence is working with a counselor toward recovery or independence does not count toward the 60-month limit.
- **Residency requirement** – A victim of family violence who is a new resident of Maryland will receive the Maryland benefit and not a lesser benefit from the former state.
- **Child support cooperation** – Use the good cause procedure as defined for child support non-cooperation outlined in this transmittal.
- **Work activities** – Based on the recommendation of a service provider, some or all work activities may be deferred. For instance, job search may not be appropriate, but a work experience activity in a supportive environment such as social services could be required.

Good Cause

“Good cause” means that circumstances exist in which the compliance with program requirements may be against the best interest of the customer or the child. In general, use the same criteria to determine good cause as is done for child support. Acceptable evidence upon which the local department may begin to substantiate a determination of good cause includes the following documents:

- Court, medical, criminal, child protective services, psychological, licensed social worker,

or law enforcement record which indicates that physical or emotional harm might be inflicted on the child or caretaker relative.

- Medical record which indicates the emotional health history and the present emotional health status of the child or caretaker relative, or written statement from a mental health professional that indicates a diagnosis or prognosis of the emotional health of the child or the caretaker relative.
- Documentation from the family violence counselor.

It is not mandatory that the customers provide any type of formal written documentation to qualify for a waiver under good cause.

The identified family violence victim must participate in a minimum of one session with an in-house family violence expert to receive a family violence waiver. Family violence victims who attend the in-house session can be exempt from the work requirement and the sixty-month limit. The local department in-house family violence expert will advise the FIA case manager on the good cause determination.

The FIA case manager makes the good cause decision, sends the customer a written explanation of the local department's findings and basis for the determination and retains a copy in the FIP record. The case manager makes the decision within 30 days of the receipt of the claim by the local department, and reviews the good cause claim at each redetermination. If the case manager determines that the circumstances have changed and good cause no longer exists, the local department will proceed to enforce the FIP program requirements.

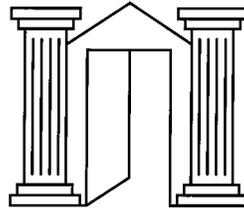
ACTION DUE

For all applications and redeterminations received on or after February 1, 1998.

INQUIRIES

Please direct questions to Patricia Jeffers at (410) 767-7143. System inquiries may be directed to the DHR Help Desk at (410) 767-7002 or 1-800-3471350.

cc: FIA Management Staff DHR Executive Staff
 Constituent Services CTF
 Help Desk



The Women's Law Center of Maryland (WLC), a non-profit organization, established in 1971, advocates for an equal playing field in the law for women and children. For more than a quarter of a century, the WLC has fought and won many battles to protect and preserve the rights of women--by educating the public and the judiciary on the effects of legal decisions affecting women, by monitoring compliance with the law, by seeking to change unjust laws and unjust lawmaking, and by implementing innovative programs to pave the way for systemic change.

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