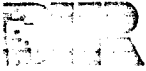


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 Department of Human Resources 311 West Saratoga Street Baltimore MD 21201	<b>FIA ACTION TRANSMITTAL</b>
	Control Number: FIA/CPR #98-30
	Effective Date: February 1, 1998
	Issuance Date: December 30, 1997

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

*Kevin Mahon*  
**FROM: 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/FLA 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  
Constituent Services  
Help Desk

DHR Executive Staff  
CTF