

104D – FAMILY VIOLENCE OPTION

Change #01-2024

March 1, 2024

I. FAMILY VIOLENCE

Violence in the family is a substantial barrier to self-sufficiency for many people, including some Work First participants. Family violence is defined in North Carolina as the commission of one or more of the following acts upon an aggrieved party or upon a minor child residing with or in the custody of the aggrieved party by a person with whom the aggrieved party has or has had a personal relationship, but does not include acts of self-defense:

- Attempting to cause bodily injury, or intentionally causing bodily injury; or
- Placing the aggrieved party or a member of the aggrieved party's family or household in fear of imminent serious bodily injury or continued harassment that rises to such a level as to inflict substantial emotional distress; or
- Committing any act of rape or sexual battery against another person.
- Physical Abuse includes: Hitting, Slapping, Shoving, Grabbing, Pinching, Biting and Hair pulling, etc.
- Sexual Abuse includes: Coercing or attempting to coerce any sexual contact or behavior without consent. Sexual abuse includes, but is certainly not limited to, marital rape, attacks on sexual parts of the body, forcing sex after physical violence has occurred, or treating one in a sexually demeaning manner.
- Emotional Abuse includes: Undermining an individual's sense of self-worth and/or self-esteem. This may include, but is not limited to constant criticism, diminishing one's abilities, name-calling, or damaging one's relationship with their children.
- Stalking: Is a pattern of repeated, unwanted attention and contact by a partner that causes fear or concern for one's own safety or the safety of someone close to the victim.
 - *NOTE: Stalking is often considered to be aggravated when the conduct involved also violates a restraining order protecting the victim*
- Dating Violence: The term "dating violence" means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - the length of the relationship;
 - the type of relationship; and
 - the frequency of interaction between the persons involved in the relationship.
- Sexual Harassment and Domestic Violence: The crimes of Domestic Violence, Dating Violence and Stalking can also constitute sexual harassment when motivated by a person's sex.

Recognizing the impact that violence can have upon individuals and families, **case managers** must assure that all individuals seeking assistance are given the opportunity and services necessary to address the violence.

II. OVERVIEW

North Carolina adopted the Family Violence Option to assist those participants who are, or have been, victims of family violence by providing the necessary tools to address the issues related to the abuse. **Standards and procedures have been developed to notify all Work First applicants and recipients about domestic violence and to identify applicants and participants with a history of being a victim of domestic violence, sexual harassment, sexual assault, dating violence and stalking.** There are also standards and procedures to ensure that case managers and other agency personnel responsible for administering the Work First program are trained in: the nature and dynamics of sexual harassment and domestic violence, sexual assault, and stalking and ensure the confidentiality of personal information and documentation related to applicants for assistance and their children who have provided notice about their experiences of sexual harassment, domestic violence, sexual assault, dating violence or stalking.

For some participants, the Option provides an opportunity for a waiver of one or more Work First requirements. For all participants, however, the Option seeks to heighten awareness of family violence and provides the means and impetus to develop appropriate methods for **coping**. By being more knowledgeable of the issue of family violence, **case managers** can make more informed referrals and offer services that will help individuals deal with the violence in their lives.

Adults seeking Work First assistance, including payees in child only cases and teen heads of household are given information about family violence and the services available to **help cope with the issue. If the adult should self-disclose or the case manager finds evidence of family violence, the case manager must discuss with the individual the services available and make any appropriate referrals.**

All Work First participants are notified of the potential to request a waiver of some or all of the Work First requirements. **All Active Work First cases including child-only cases must have the Family Violence Declaration form ([DSS-6966](#)) completed by the applicant during Work First interview.**

If, at any time, a participant discloses being a victim of family violence, the participant is referred to an individual trained in family violence. This individual will conduct a screening and/or an assessment of the participant's barriers to obtaining and/or keeping a job and meeting other Work First requirements.

III. LOCAL IMPLEMENTATION PLAN

Counties must develop a local plan addressing how the Option will be implemented and operated locally. The protocol must include, at a minimum:

- The qualified family violence agencies/individuals within the community who will accept referrals for Work First participants.
- The individual/agency responsible for screening/assessment;

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- The case manager within the agency responsible for giving notifications.
- Each county must develop a list of crisis centers in their areas for clients impacted by domestic violence. These centers should be specific on what services they provide such as:
 - Homeless shelters,
 - Food assistance,
 - Legal services,
 - Health services and Housing assistance,
 - Childcare services, and
 - Gender exclusive centers
- Local Counties must develop a comprehensive list of long-term supportive services in their areas for victims impacted by Domestic Violence such as:
 - Health Services,
 - Housing,
 - Childcare, and
 - Other essential services

Each county must designate an individual(s) within DSS or get the assistance of an outside agency to conduct screenings and/or assessments.

The individual conducting the assessment must be trained in family violence. Although there is no licensing procedure for family violence professionals, counties should carefully select the individuals/agencies who will be responsible for conducting in-depth assessments. In making the selection, consult with one or more of the following: The Council for Women, the NC Coalition against Domestic Violence, or the local domestic violence program in the county or area recognized by the NC Council for Women.

IV. TRAINING

All employees must complete Family Violence Option training before speaking with participants about the option. The State will provide training through the NC Learning Gateway to all Work First case managers in the state and any other external agencies that work with TANF clients in the following:

- the dynamics of domestic violence, sexual harassment, sexual assault, and stalking.
- procedures to ensure the confidentiality of survivors' personal information.

The training will be located under Special Webinars and Courses > Domestic Violence Training.

V. INFORMATION CONCERNING FAMILY VIOLENCE

Give each adult seeking assistance, including payees in child only cases and teen heads of household, information concerning family violence and the services available to deal with the issue. At a minimum, provide written materials to the adult. This can

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include the Family Violence Option brochure ([DSS-6967](#)), or written materials obtained from local domestic violence programs or other agencies. If there is evidence of family violence, **case managers** are strongly urged to provide verbal information as well.

VI. REQUIRED NOTIFICATION OF WORK FIRST PARTICIPANTS

Using the Notification of the Family Violence Option ([DSS-6966](#)), notify the participant of the definition of family violence and the right to request a waiver for some or all of the requirements on their Mutual Responsibility Agreement/**Outcome Plan (MRA-B/OCP)** if family violence is preventing them from fulfilling those requirements. **Case managers must** also advise the participant that services designed to address the violence are available. Complete the Notification, sign it, and have the participant sign it. **A telephonic signature is also acceptable.** If the participant refuses to sign the Notification, note on the form the refusal and sign. Give a copy to the participant and file the original in the case record. There is no penalty for failure to sign.

Provide Notification at each application **and recertification.**

VII. SCREENING OF WORK FIRST APPLICANTS/RECIPIENTS

Counties have the option of conducting an abbreviated screening or a full screening for the possibility of domestic violence. Counties must choose which method they will use and use that method for each screening.

A. Abbreviated Screening

After the notification form has been signed, ask the participant if family violence is an issue and if **they** wish to speak to someone further about family violence. At the bottom of the notification form, indicate the participant's response. This constitutes an abbreviated screening.

B. Full Screening

For counties that opt to conduct a stronger screening along with the notification, screening consists of a brief questionnaire that focuses on the potential of family violence occurring. Complete the screening tool ([DSS-6968](#)) for each Work First participant and file in the case record. The screening must be conducted in a confidential and private location. The participant is considered to have screened positive when one or more of the questions are answered affirmatively. If the participant screens positive for family violence, refer for an assessment.

NOTE: Do not sanction individuals if they refuse to be screened. Make a notation on the screening tool. Ask if they wish to speak to someone and refer for an assessment, if requested.

VIII. ASSESSMENT

Refer individuals who have self-disclosed family violence or who have screened positive for family violence for an in-depth assessment. Make the referral within 5 workdays of the self-disclosure or positive screening. If there is reason to believe that the participant is in immediate danger of serious abuse, and the participant consents to do so, assist them in contacting family violence services immediately.

The purpose of the in-depth assessment is to evaluate the participant's situation and determine the extent to which the violence is an impediment to self-sufficiency. The assessment ([DSS-6965](#)) must be administered in a private and confidential setting. No partners may **attend** the assessment. The participant's ability to work or participate in required Work First activities, the extent and volatility of the situation, the barriers to self-sufficiency and the needed services will be determined. The county department of social services is responsible for providing the [DSS-6965](#) to the individual/agency that is chosen to conduct the assessments.

Based on the assessment, a safety plan will begin to evolve. It will be developed jointly by the family violence service provider and the participant.

NOTE: If a participant does not self-disclose or screen positive but there is evidence of family violence, make a referral to a family violence service provider. The participant is not required to follow through with the referral. However, continue to work with the participant and if self-disclosure or a request for services occurs in the future, refer for assessment at that time.

IX. ASSESSMENT REPORT

The individual conducting the assessment will report to the case manager the overall results. An assessment report **must** be completed and returned to the case manager within 5 days of conducting the assessment. The assessment report should include, at a minimum, the following:

- Overall ability of the participant to fulfill Work First requirements.
- Recommended activities to remove barrier(s)
- Recommended time frame to address the violence.
- Whether the participant is requesting a waiver and if so, the assessor's recommendations.

File the assessment report in the case record. It is a county option to have the actual assessment form returned to the **case manager**. If returned to the **case manager**, file the assessment form in the case record. Refer to Section XVIII. for confidentiality.

X. TWO-PARENT HOUSEHOLDS

When working with two-parent families, notify both participants. However, never conduct a screening or assessment with an individual's spouse/partner present. Ensure that one partner is not informed that the other partner is being screened/assessed for family

violence as this may precipitate violence. To ensure privacy, the **case manager** may have to arrange for another meeting with the victim. If this is not possible, the **case manager** will need to devise other activities for the partner to be involved in while the assessment is taking place.

XI. WAIVER REQUEST

If a participant is unable to participate in work activities or comply with other Work First requirements at the time of the assessment, the participant **may** request a waiver.

Use the assessment report from the family violence professional in conjunction with other information concerning the case, to determine if a waiver should be granted. Take into consideration potential danger to the participant if activities are pursued, the amount of counseling/treatment needed to deal with the violence, the overall desires of the participant, and whether the requirement would unfairly penalize the participant in any way. Note in the case record any request for waivers due to family violence and their disposition.

A. Nature of Waiver

A waiver may be granted to a participant for any or all the Work First requirements. Some examples are:

- The participant is deemed to be able to work only 15 hours per week due to the need for family violence counseling. 20 of the 35-hour average weekly requirement would be waived.
- A teen parent's home is violent. For **the teen's** safety the requirement for living at home may be waived. Follow the normal procedures for assigning a protective payee for the case. See Section 107. School attendance requirements may also be waived for the minor parent.
- The participant has left the home and is currently residing in a shelter. **The participant** is determined to need at least 2 months to recover from the abuse s/he endured. The work requirement may be waived, and the 24-month clock stopped temporarily until **the participant** is able to begin meeting Work First requirements. County residence requirements may also be waived if necessary. **If a work requirement is waived, the case manager must enter family violence evidence on the dashboard following job aid "Processing a Family Waiver for Work First."**
- Any other Work First requirements, including the Family Cap and Child Support **Services** may be waived if necessary for the safety and well-being of the family. **Case notes must clearly document this decision.**

The **Federal** 60-month clock cannot be stopped. However, family violence may be a reason for a hardship exemption at the end of 60 months.

Although certain requirements may be waived, the Work First participant will need to engage in activities to address the family violence issues. The participant will work with a person trained in family violence to develop a safety plan that will address the violence and the barriers to self-sufficiency it has caused.

A waiver may not be appropriate if the participant is able to meet the Work First requirements without endangering the individual or the children. Therefore, do not automatically grant waivers. Rather, evaluate each request on a case-by-case basis.

EXAMPLE: A participant is being battered by **their** partner but does not prevent employment. In this case, a waiver of the work requirements would probably not be appropriate, but the **case manager** should refer the participant to counseling or other Work First services to address the violence.

B. Waiver Request Procedures

Upon receipt of the assessment report, determine with the participant if the participant **can meet** any or all of the Work First requirements. If necessary, consult with the assessor to determine what activities the participant can pursue, the measures that are needed for the participant to work on the family violence issues, and the estimated length of time needed for these activities. Based on the information received, determine if a waiver of any requirements should be granted, the length of the waiver and the activities in which the participant will participate during the waiver period.

C. Time Frame for Waiver Decisions

Decisions on waiver requests must be made within 10 working days of receipt of the assessment report.

D. Length of Waiver

Waivers may be granted indefinitely. However, the waiver must be reassessed at least once every 6 months. The actual length of the waiver will be determined by the amount of time needed to deal with the issues preventing compliance with Work First requirements. At the end of the waiver period the waiver must be reassessed to determine if the waiver is still needed. If appropriate, the waiver may be extended for up to 6 months, at which time it must again be reassessed.

E. Disposition of Waiver Request

If the **case manager's** decision is contrary to the assessor's recommendation, the **case manager** should consult with the assessor. However, the final decision rests with the **case manager**. Once a final decision has been made on the

waiver, inform the participant. Note in the case record the decision concerning the waiver.

Never inform the individual in writing, by voice mail, or **email** of the decision as this may precipitate violence if the batterer becomes aware of the activity. Rather, schedule a private meeting with the participant or have a personal phone conversation to inform **them** of the decision.

If it is determined that the waiver is not applicable, clearly explain the reason to the participant.

Regardless of the waiver decision, the **case manager** must develop a **Mutual Responsibility Agreement (MRA-B)/Outcome Plan (OCP) in NC FAST** with the participant. See Section XIII.

The **case manager** must notify participants of the right to appeal the decision if the waiver is denied, discontinued, or not renewed. Regular hearing procedures will apply.

F. Reassessment of Waivers

Reassess the applicability of waivers a few weeks prior to the end of the waiver period, if possible. To reassess the situation, refer the participant to the individual/agency conducting assessments for a follow-up assessment. An assessment report will be given to the **case manager**. (See Section XVIII. for confidentiality.) Based on the report, the **case manager** may decide to either extend the waiver for up to 6 months or terminate the waiver if the participant can now participate in Work First activities without risk of family violence.

EXAMPLE: A participant was granted a waiver of 10 hours of the work requirements for 3 months beginning in December. On February 10th, the participant is referred for an assessment. The person conducting the assessment reports to the **case manager** that the individual is still unable to work the total required hours for at least another 2 months. The waiver is extended for 2 months.

XII. EXTENSIONS TO TIME CLOCK

Follow normal procedures for granting extensions to the **State** 24-month time clock. **Case managers** should consider other forms of assistance, such as emergency assistance in the interim. It is, however, recommended that there be emergency procedures in place in the event that the assistance is crucial to the well-being of the participant.

Additionally, advise **participants** that they **can** bring to the hearing individuals such as the domestic violence expert to corroborate their case.

XIII. MUTUAL RESPONSIBILITY AGREEMENT AND/OR OUTCOME PLAN (MRA-B/OCP)

An assessment is not necessary to formulate a **Mutual Responsibility Agreement (MRA-B)/Outcome Plan (OCP) in NC FAST** that addresses the issue of family violence. If family violence is an issue in a family, but the participant does not wish to have the assessment, guide the participant toward activities that will address the issue. If an assessment is conducted, formulate an **MRA-B/OCP** which includes those items deemed necessary for the participant to overcome the barriers precipitated by abuse. The details of the Family Violence assessment report are not required on the **MRA-B/OCP**; however, reference to follow-through with a safety plan is appropriate. Follow-up with the participant to ensure compliance.

For two-parent households, each partner must be willing to participate in the activities deemed necessary to address the violence.

XIV. CORROBORATION OF FAMILY VIOLENCE

To grant a waiver, there must be some type of corroboration of the presence of family violence. One or more of the following verifications are acceptable (in order of preference). Document in the record the corroboration used.

- Verification by the individual/agency conducting the assessment.
- Corroboration by Child Support
- Any legal documents which document the abuse (protection orders, police reports, etc.)
- Statements by other people knowledgeable of the participant's circumstances
- Signed statement by the participant.

XV. SUPPORTIVE SERVICES

Local Counties must develop a comprehensive list of long-term supportive services in their areas for victims impacted by Domestic Violence such as:

- **Health Services,**
- **Housing,**
- **Childcare, and**
- **Other essential services**

All Work First participants, including those who have waivers, are eligible for supportive services to enable them to meet the requirements of their **MRA-B/OCP**. Participation in family violence counseling is an allowable work activity for federal and state hours. Refer to Work First Policy Section 118 for a full explanation. Childcare can be provided for family violence related counseling or activities.

XVI. CHANGE IN COUNTY RESIDENCE

There will be occasions when a participant will have to reside in a shelter or other safe place that is in a county other than their county of residence. If the participant's intent is to return to the original county after the crisis has been **managed**, the case will remain in the original county of residence.

If a participant's intent is not to return to the original county of residence, follow the guidelines in [Section 202](#) for change in county of residence. If a waiver exists for the participant, a new assessment must be completed to ensure that a waiver remains necessary.

XVII. VOLUNTARY NATURE OF SCREENING, ASSESSMENT, AND WAIVER

Screening, assessment, and acceptance of a waiver are not mandatory. A **participant** who does not wish to have any requirements waived cannot be required to do so, even if the **case manager** believes it would be in the participant's best interest. The **case manager** should attempt to involve the participant in activities to address the family violence, if the participant agrees.

XVIII. CONFIDENTIALITY

Because of the volatile nature of family violence, it is imperative that confidentiality be strictly maintained. At no time should the case be discussed with anyone other than those who need to know, such as those actively working with the participant. Information must never be shared with the batterer, even if it is a two-parent case. Never screen, assess, or notify couples at the same time. It is also important that one partner is never told the other partner is being assessed for or receiving services for family violence. Before referring a participant to a screening/assessment by an outside agency, a **Consent for Release of Information (DSS-6969)** must be signed by the participant. If the participant is involved with other outside agencies (such as **The Council for Women**) a release must be signed indicating what information can be shared with that agency. Domestic Violence Agencies will require participants to sign the agency's confidentiality release form prior to any information being released to the county DSS.

XIX. CONSEQUENCES FOR NONPARTICIPATION

If an individual fails to follow through on the activities agreed upon, the **case manager** must consult with the agency/individual working with the **participant** to determine the reasons for noncompliance. Clearly determine that the participant had ample opportunity to comply and that there were no intervening barriers. If it is determined that the participant could have complied, the waiver ends. The participant then becomes mandatory for all work requirements.

If a participant without a waiver does not follow-through with an activity the **case manager** should first determine good cause by consulting with both the participant and the Family Violence provider. If good cause exists, the **case manager** will need to consider if a waiver is applicable. If good cause does not exist, refer to [Section 120](#).

XX. REFERRAL TO CHILD PROTECTIVE SERVICES

By law, **case managers** are required to report any suspected child abuse to Child Protective Services. **Case managers** giving notification should make sure participants understand that if they reveal child abuse or neglect or if there is a suspicion that a child is being abused or neglected; a referral will be made to Child Protective Services.

Although the potential for child abuse substantially increases when there is violence in the home, disclosure of family violence does not necessarily warrant an immediate referral to Child Protective Services. Work with your local Child Protective Service unit in determining the guidelines for reporting.

XXI. NOTIFICATION TO CHILD SUPPORT

In many instances where family violence exists or existed in a previous relationship, the batterer may have threatened the participant if they pursue child support. Additionally, the participant may be fearful that if they pursue child support the batterer may learn of their residency and/or phone number.

For any case where family violence is documented, Child Support **Services** must be notified if the batterer is the parent of a child for whom support would be requested. Notify Child Support regardless of whether a court order for support exists so that child support staff can flag their records to indicate that family violence has occurred in the relationship. **If a participant already has a child support referral and indicates that domestic violence is an issue to Child Support, the Child Support worker will identify whether the individual wants to continue with the child support actions. If the participant no longer desires to cooperate with child support due to family violence, then the Child Support worker will refer that individual back to the Work First case manager to make a claim of good cause. Determination of good cause will be made by the Work First case manager.**

Refer to [Section 116](#) for a full discussion of Child Support and Good Cause.