

Welfare-to-Work Program Domestic Violence (DV)

- ❑ DV Good Cause Waiver Policy
- ❑ DV Reverse Referrals



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DV Good Cause Waiver Policy



DV Good Cause Waivers of CalWORKs/WtW Program Rule(s)/Requirement(s)

CalWORKs/WtW Program rule(s)/requirement(s); and/or time limits (clock stoppers/extenders) must on a case-by-case basis be temporarily waived when the DV circumstance temporarily prevents, significantly impairs the participant's ability to participate in the WtW Program, be regularly employed or fully participate in WtW activities, and/or when complying with a program requirement/procedure would unfairly penalize/place the participant and/or child(ren) at risk of further abuse.



Examples of CalWORKs/WtW Domestic Violence GC Waivers

CalWORKs Program Waivers

- Child support collection and Paternity establishment
- Sponsor-deeming requirement rule
- Address disclosure

Welfare-to-Work Program Waivers

- Mandatory Welfare-to-Work participation
- CalWORKs 60-Month Time Clock time limit (clock stopper/clock extender)



DV Good Cause Waiver Assessment by GAIN Staff

- Specialized Supportive Services (SSS) GAIN Services Workers (GSWs)/Contracted Case Managers (CCMs) **will no longer need to initiate a DV referral to a DV services provider to have the DV participant assessed for a DV GC waiver.**
- SSS GSW/CCM when conducting DV assessments will determine on a case-by-case basis if the DV participant is to be granted a DV GC waiver of program rule(s)/requirement(s); and/or time limits (clock stoppers/extenders).
- SSS GSW/CCM when conducting DV assessments will assess and determine if the participant's DV circumstance significantly impairs their ability to participate in the WtW Program, be regularly employed or to fully participate in WtW activities. This includes barriers created by certain CalWORKs/WtW Program rules that place the victim and child(ren) at risk of further abuse.



DV Good Cause Waiver – Qualifying Conditions

- The SSS GSW/CCM will examine, based on discussion with the participant, to determine if the participant's DV circumstance meet any of the qualifying conditions for granting a DV GC waiver of WtW Program rule(s)/requirement(s); and/or time limits (clock stoppers/extenders).

Examples of DV Good Cause Waiver qualifying conditions include, but are not limited to:

- a) They self-identify or disclose that they are a victim or survivor of abuse, such as domestic violence, sexual assault, sexual harassment, or stalking and the abuse prevents or significantly impairs the recipient's ability to be regularly employed or to participate in WTW activities.
- b) They are concerned about their safety and/or the safety of their children.



DV Good Cause Waiver – Qualifying Conditions (Continued)

Examples of DV Good Cause Waiver qualifying conditions (Continued):

- c) They are fleeing their abuser and are in temporary housing or experiencing homelessness.
- d) They are getting divorced or ending a relationship with an abuser.
- e) They have entered a shelter.
- f) They are a party to a restraining order or divorce action against the abuser.
- g) They and/or their child(ren) are undergoing counseling to cope with the effects of abuse.
- h) Any other circumstance which prevents the survivor from fully participating in WTW activities.



DV Good Cause Waiver - Third-party DV assessments

- Third-party DV assessments will be offered to participants when the SSS GSW/CCM have determined that GC does not exist, but the DV participant continues to believe that the DV circumstance impairs their capacity to participate in the WtW Program.
- SSS GSW/CCM will refer participants to an impartial DV services provider to have a third-party DV assessment conducted via the initiation of a direct DV services referral.
- GC is established when it is determined that the DV circumstance significantly impairs the DV participant's ability to participate in the WtW Program, be regularly employed or to fully participate in WtW activities. This includes barriers created by certain CalWORKs/WtW Program rules that place the victim and child(ren) at risk of further abuse.
- If the DV service provider determines GC exists, the DV GC waiver determination will be accepted as long as the DV circumstance continues to prevent or significantly impair the participant's ability to participate in the WtW Program, be regularly employed or to fully participate in WtW activities.



WtW Program Participation - DV Good Cause Waiver

- The SSS GSW/CCM will discuss the benefits of a DV referral, such as available DV services (e.g., participation in counseling and treatment programs, specialized case management, assistance with DV legal service for family and immigration related needs, etc.) that are offered through the WtW Program to assist survivors of domestic abuse and enabling them in obtaining unsubsidized employment and move toward self-sufficiency.
- Participants who have been granted a DV GC waiver, if determined that their DV circumstance temporarily prevents them, will not be required to participate in WtW activities. DV GC waivers of program rule(s)/requirement(s); and/or time limits (clock stoppers/extenders) will be reassessed every three months.



WtW Program Participation - DV Good Cause Waiver (Continued)

- Participants who have been granted a DV GC waiver, if they choose to participate in WtW activities, including DV services, will participate with a modified WtW Plan that allows them to engage in services specially designed to assist them in overcoming barriers associated to their DV situation, including participating at a reduced rate based on their individual need.



DV Reverse Referrals (PA 1923 - CalWORKs Treatment Services Verification Form – DV)



PA 1923 - CalWORKs Treatment Services Verification Form for DV - Also Known as the Reverse Referral (RR)

Participants may be identified as already receiving treatment services for domestic abuse prior to entry into the WtW Program. When this occurs, County-Contracted DV service providers must use the PA 1923 to alert the Department of Public Social Services (DPSS) – CalWORKs eligibility/GAIN staff any time:

- There is a need to set up DV SSS for CalWORKs participants and provide specialized case handling; and
- Obtain authorization from the DPSS Centralized PA 1923 Unit through the accepted PA 1923 confirming the participant's CalWORKs SSS eligibility, via the Provider Notification Letter which is provided within five business days of PA 1923 submission .

Therefore, **all** PA 1923's must **only** be submitted to the Centralized PA 1923 Unit via Mass Transfer File (MFT) or Fax when it has been verified with the DV participant that their CalWORKs eligibility has been established. The Provider Notification Letters (acceptance/rejection) are issued by the DPSS Centralized PA 1923 Unit.



PA 1923 - CalWORKs Treatment Services Verification Form for DV - Also Known as the Reverse Referral (RR) (cont.)

- PA 1923s that have been submitted for individuals who do not have CalWORKs eligibility established, will be rejected;
- The GN 6006B (direct referral) will not be sent when a reverse referral, has been received and subsequently accepted.

Note: DV participants are to notify DV service providers of their CalWORKs eligibility status (CalWORKs aided/not aided). When a participant does not know if they are CalWORKs aided/not aided, they may contact eligibility staff for clarification as needed. The term “CalWORKs aided” refers to whether a portion of the CalWORKs cash grant has been granted for an individual on an active CalWORKs case. PA 1923s for individuals who are deemed potentially eligible (such as sanctioned by GAIN, child support enforcement non-cooperation, or time limited) who are otherwise cash aid eligible on an active CalWORKs case should be submitted to the DPSS Centralized PA 1923 Unit for review.



Provider Notification Letter **Acceptance for PA 1923's that are submitted to the DPSS Centralized PA 1923 Unit by County-Contracted DV Services Providers**

- DPSS Centralized PA 1923 Unit - Accepted PA 1923s – DV services providers will be provided with the Provider Notification Letter informing them as follows:
 - a) Participant is receiving CalWORKs; or
 - b) Participant is part of the CalWORKs assistance unit.
- Notification Letter Acceptance - Accepted PA 1923s for participants who are identified to be part of the CalWORKs assistance unit but are identified to not be CalWORKs eligible due to reasons identified on the Notification Letter of Acceptance, must resolve the program eligibility or program participation related issues identified (e.g., GAIN or child support enforcement sanctioned, or timed-off).



DV Services Provider Notices Sent by SSS GAIN Staff Upon Acceptance/Processing of PA 1923s

- The SSS GSW/CCM will send the PA 1132, GAIN Services Worker and CalWORKs Eligibility Worker Information to Service Provider notice to the DV services provider to confirm receipt of the PA 1923, and dually provide the DV services provider with SSS GSW/CCM contact information.
- The SSS GSW/CCM will send the GN 6149, CalWORKs Welfare-to-Work Notification form to provide the DV services provider with a status update on all DV service types identified on the PA 1923, to inform the DV services provider when services have been accepted/added onto the WtW Plan, the need to follow-up with the DV participant to reinforce needed program compliance, and/or when applicable terminate services as appropriate.



Provider Notification Letter **Acceptance** for PA 1923s - Participants identified to be part of the CalWORKs assistance unit but are not CalWORKs eligible

- Although the PA 1923 has been accepted for individuals who are part of the assistance unit but are found to not be CalWORKs eligible due to GAIN or child support enforcement sanctioned, timed-off, or Exempt WtW Program Registrants (e.g., medically, or administratively - 60 years of age and older), these individuals must resolve the issue to restore their CalWORKs eligibility/WtW Program participation and agree to comply with the WtW Program requirements, as appropriate. DV services providers are to ensure that the participant reengages in GAIN and agrees to resolve any CalWORKs eligibility or WtW Program participation issues.
- **Reminder:** If the CalWORKs eligibility or WtW Program participation issue remains unresolved, DV services providers may continue to provide services to the participant for a period not to exceed 30 calendar days from the date on the Provider Notification Letter.



Provider Notification Letter **Rejection** for PA 1923's that are submitted to the DPSS Centralized PA 1923 Unit by County-Contracted DV Services Providers

- DPSS Centralized PA 1923 Unit - Rejected PA 1923s – DV services providers will be provided with the Provider Notification Letter informing them as follows:
 - a) Individual is not eligible and/or not in the household;
 - b) Information is incomplete and/or illegible, unable to verify;
 - c) No active case and/or no case record found; or
 - d) Case terminated/denied, or other reason specified.
- DV services providers are not authorized to bill for any services, since individual identified on the PA 1923 was determined to not be receiving CalWORKs; or considered part of the CalWORKs assistance unit.



PA 1923 (Reverse Referral) Electronic Signature Requirements



PA 1923 Electronic Signature Requirements

■ PA 1923 Electronic Signature Requirements - The following conditions must be met to be considered an acceptable form of electronic signature:

1. The client must take an affirmative action to indicate concurrence, such as entering a Personal Identification Number (PIN) or providing verbal affirmation via Telephonic Signature. That is, the individual being recorded must provide a verbal affirmation as to their understanding that the recording will carry the same legal weight and effect as a handwritten signature;
2. The record of the signature must be maintained electronically and link the record to the document to which the signature attests;
3. The electronic signature record must be maintained for a minimum of three years [7 CFR 272.1(f)];



PA 1923 Electronic Signature Requirements (Continued)

4. Establish effective safeguards to protect against identity theft, impersonation, and invasions of privacy; and
5. The process put in place must constitute a legal signature in the State of California, as defined by the Secretary of State and the Uniform Electronic Transactions Act.



PA 1923 Electronic Signature Options

- PA 1923 Electronic Signature Options - Options that may be used in meeting the requirements of an electronic signature captured on the PA 1923, are as follows:
 1. The client signature may be handwritten signature input onto an electronic signature pad;
 2. The client signature may be handwritten signature, mark, or command input on a display screen;
 3. The client signature may be a digitized image of a handwritten signature that is attached to an electronic record;
 4. The client signature may be the typed name (e.g. on an online platform);
 5. The client signature may be in the form of a unique identifier (e.g. code, password, or PIN);
 6. The client signature may be in the form of an electronically recorded sound (e.g. voice recording, telephonic signatures);
 7. The client signature may be in the form of a procedure using a mouse to click a button (such as an “I Agree” button); or
 8. The client signature may be in the form of a digital signature.



Uniform Electronic Transactions Act

Section 1633.7(c) of the Uniform Electronic Transactions Act specifies that if a law requires a signature, an electronic signature satisfies the law. Further, an electronic signature is defined at section 1633.2(h) as an electronic sound, symbol, or process attached to or logically associated with an electronic record and executed or adopted by a person with the intent to sign the electronic record. A telephonic signature may be considered an electronic signature. It is the responsibility of the DV agency to maintain accurate records of the signature which will link the record to the document to which the signature attests.



PA 1923 Electronic Signature Options - Unique Identifier

- PA 1923 Electronic Signature Options - Unique identifier provides an alternative to the telephonic signature and may be integrated into telephone business processes. For example, Interactive Voice Response (IVR) technology may be used to capture the client's affirmative action indicating concurrence (i.e. entering the unique identifier) and to create a record of the client's action. This record should be retrievable and satisfies California's requirements for a legal signature. Unique identifiers that may be used when employing this option include, but are not limited to:
 - Last four digits of Social Security Number
 - Last four digits of case number
 - PIN previously provided (auto-generated by IVR system)
 - PIN provided over the phone by DV agency
 - Birthdate of individual



PA 1923 Electronic Signature – Telephonic Signature

- Electronic Signature - Telephonic Signature is a type of electronic signature that uses an individual's recorded spoken signature or verbal assent in place of an actual written signature and is considered legally enforceable under certain conditions. The use of a telephonic signature, as part of the PA 1923 process, will eliminate the process of gathering a client's ink signature:
 1. For the telephonic signature option, the DV agency must have technology in place to catalog and maintain a retrievable audio file recording of both the individuals verbal assent and a summary of information to which the individual assents.
 2. An example of a verbal assent or agreement during an interview is a recording of "Yes," "No," "I agree," "I do not agree," or an otherwise clear indication of agreement or disagreement.

Note: A recording of the summary of the information to which the individual's assent does not require a recording of the entire interview.



PA 1923 Electronic Signature – Telephonic Signature (Continued)

3. For other electronic signature options, such as the unique identifier, DV agencies must have technology in place to catalog and maintain a retrievable electronic record of the applicant's affirmative action (i.e. record of individual entering the unique identifier).;
4. Establish effective safeguards to protect against identity theft, impersonation, and invasions of privacy; and
5. The date of the electronic signature as the date of the PA 1923.

Questions?

