

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



July 29, 1987

ALL COUNTY LETTER NO. 87-102

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: VERIFICATION REQUIREMENTS FOR VICTIMS OF DOMESTIC VIOLENCE
APPLYING FOR AFDCREFERENCE: MPP 40-107, 40-115.22, 40-131.3e, 40-157.2, 43-107.12, 43-107.41
and 43-107.3

The purpose of this letter is to clarify the application of AFDC regulations when an applicant is a victim of domestic violence. The AFDC regulations require counties to provide assistance to applicants who are unable to obtain documentation necessary for determination of eligibility. Often, victims of domestic violence do not have access to family records and documents which may be needed to verify certain aspects of eligibility as a prerequisite to the granting of AFDC. If a victim of domestic violence applies for AFDC, counties should be sensitive to his/her needs, particularly as they relate to the victim's ability to provide necessary documentation.

Domestic violence is defined for this purpose as infliction upon any person of the opposite sex with whom he/she is cohabiting (not necessarily one's spouse), corporal injury resulting in a traumatic condition i.e., a wound or external or internal injury whether of a minor or serious nature caused by physical force. See Penal Code Section 273.5.

An applicant is to be considered a victim of domestic violence if he/she presents a copy of any of the following: a police report, hospital records, a restraining order, proof of residence in a shelter, or any similar document. In the absence of any of the above evidence, the applicant's sworn statement, under penalty of perjury shall be considered sufficient to verify his/her status as a victim of domestic violence.

MPP Sections 40-107, 40-115.22, 40-131.3e, and 40-157.2 require applicants to participate in the application process, including the gathering of evidence and the provision of documents necessary to determine eligibility. If, during the application process, the applicant claims that the necessary evidence is not available, due to the threat of violence, counties must assist the applicant as needed in establishing eligibility in accordance with MPP 40-157.2. Counties must identify the kinds of evidence which may be needed to establish eligibility

and assist the applicant when necessary verifications can be obtained from other sources. Aid is not to be denied or delayed pending receipt of verification when, in the absence of any conflicting evidence, the applicant provides a sworn statement under penalty of perjury.

These general principles also apply to the cooperation of the applicant with regard to the paternity and child/spousal support requirements of MPP 43-107.12. Domestic violence, or the threat thereof, may provide a basis for good cause as set forth in MPP 43-107.41. Again, aid is not to be denied or delayed pending a determination of good cause (43-107.3).

If you have any questions concerning this letter, please contact Kay Poletti at (916) 324-2725.



ROBERT A. HOREL
Deputy Director

cc: CWDA