DEPARTMENT OF SOCIAL SERVICES
744 P Street, Sacramento, CA 95814

March 2, 1998

ALL-COUNTY LETTER NO. 98–12

TO: ALL COUNTY WELFARE DIRECTORS

REASON FOR THIS TRANSMITTAL

[ ] State Law Change
[ ] Federal Law or Regulation Change
[ ] Court Order or Settlement Agreement
[ ] Clarification Requested by One or More Counties
[X] Initiated by CDSS

SUBJECT: IMPLEMENTATION OF THE FAMILY VIOLENCE OPTION

REFERENCE: ACL 97-71, ACL 97-72, ACL 97-54

The purpose of this letter is to provide clarification to counties regarding implementation of the requirements for waiving program requirements, including time limits and work participation requirements, for victims of domestic violence, which were established by Assembly Bill (AB) 1542, (Chapter 270, Statutes of 1997).

The Family Violence Option (FVO) also called the Wellstone-Murray Domestic Violence Provision, is part of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA). If a state accepts the FVO, the state must establish and enforce standards and procedures to (1) screen and identify individuals receiving assistance with a history of domestic violence; (2) refer victims to counseling and supportive services; and (3) waive program requirements, based on good cause criteria, in cases where compliance with requirements would make it more difficult for individuals receiving aid to escape domestic violence or unfairly penalize individuals who are or have been victimized by such violence, or who are at risk of further domestic violence.

ACL 97-71 states that pending the outcome of proposed federal legislation, both time limits and work participation requirements shall not be waived. At the time the California Department of Social Services was developing ACL 97-71, it was the Department's belief that domestic violence waivers could only be granted if the Wellstone-Murray Amendment contained in the Labor-Health and Human Services Education Appropriations bill passed. That amendment proposed changes to the PRWORA that would clarify that states could waive time limitations and work requirements for victims of domestic violence without risk of federal fiscal penalty. The Wellstone-Murray Amendment failed passage.

Once the amendment failed passage, CDSS again reviewed the California Work Opportunity and Responsibility to Kids (CalWORKs) domestic violence provisions, and has determined that Welfare and Institutions (W&I) Code, Section 11495.15, which applies until the domestic violence protocols and regulations referenced in Section 11495.1 are developed and

implemented, does contain good cause provisions applicable to victims of domestic violence. Thus, counties can waive program requirements, including welfare-to-work requirements, and 60 month time limits for a recipient who is a victim of domestic violence. The criteria for developing these waivers should ensure that:

- applicants and recipients who are past or present victims of abuse are not placed at further risk or unfairly penalized by CalWORKs requirements and procedures;

- program requirements not be created or applied in such a way as to encourage a victim to remain with the abuser; and

- participation by CalWORKs recipients in welfare-to-work activities is encouraged, to the full extent of their abilities, including participation in counseling and treatment programs, as appropriate, to enable the recipient to obtain unsubsidized employment and move towards self-sufficiency.

If you have any questions or concerns, please contact Barbara Triplett at (916) 653-5216 or CALNET 453-5216.

Sincerely,

Bruce Wagstaff

BRUCE WAGSTAFF
Deputy Director
Welfare to Work Division