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Domestic Violence

2200 DOMESTIC VIOLENCE

2210 IDENTIFICATION

The Division is required to periodically evaluate applicants/participants to identify victims of domestic violence. An evaluation is accomplished by reviewing Form 2678-EG at initial application and redetermination. Each district office is asked to have brochures, posters and other informational material relating to domestic violence and local resources available in their office lobbies, restrooms, training rooms, etc.

2211 DEFINITION

When an individual displays a pattern of power and control over another individual, domestic violence may be present when any of the following occurs:

■ Verbal Harassment	■ Economic Control
■ Loss of Self Control	■ Physical Abuse
■ Social Deprivation	■ Family Isolation
■ Emotional Abuse	■ Sexual Abuse

An applicant/participant is experiencing **current** domestic violence when:

1. The perpetrator is actively inflicting abuse (physical or emotional) on the client; or
2. The participant's current ability to participate in work activities or with Child Support Enforcement is impaired due to a current or past domestic violence situation.

2220 DISCLOSURE

Any disclosure of domestic violence is voluntary. Applicants/participants who voluntarily disclose domestic violence are to be screened to determine if the disclosure is a current or past domestic violence situation and how the situation affects their ability to participate in the Child Support Enforcement and/or NEON programs.

There are circumstances when requiring a family member to comply with NEON, Child Support Enforcement or eligibility program requirements may endanger or threaten the physical safety of the household. If it is determined a member of the household would be endangered, temporarily waiving participation in a program activity may be necessary.

The following guidelines are to be used when disclosure of domestic violence occurs:

SITUATION	ACTION/RESPONSIBILITY
Family currently experiencing physical abuse and/or is fleeing from perpetrator.	Case manager or CSEP requests the participant meet with a division social worker for an immediate assessment and potential referral/case management of a domestic violence situation. Case manager or CSEP will follow procedures for barriers to eligibility, work requirements and CSEP. Advise victim of the Confidential Address Program (CAP) administered through the Secretary of State Office.
Claiming barriers to E&T activities.	Case manager or CSEP will provide participant information on local domestic violence groups and community resources. Case manager or CSEP makes referral to social worker. Social worker conducts an assessment and determines circumstances surrounding the domestic violence situation. If it is determined domestic violence is a barrier to employment, the social worker will work in partnership with the case manager to determine requirements of the participant's Personal Responsibility Plan (PRP) (refer to E&P manual section A-2100).
Claiming "Good Cause" not to cooperate with CSEP.	Case manager follows "good cause" procedures under E&P manual section A-1600.
No immediate danger or barriers.	Case manager or CSEP informs participant of their local domestic violence community program.

Prior domestic violence occurrence may affect an individual's current ability to cooperate with program requirements. Flexibility and sensitivity are required when working with domestic violence victims regarding program requirements. When the case manager is unsure how to proceed with a past domestic violence case, the case manager is to consult with a Division social worker. In current domestic violence situations, the case manager may explore alternative procedures to obtain eligibility verifications and reasonably extend time limits, documenting the rationale used to make a decision if time is extended.

Mandatory employment and training requirements may be altered to take into consideration the current domestic violence situation and how the situation is affecting the family, living conditions and opportunities to move the family to self-sufficiency. The participant's assessment must reflect the domestic violence situation. The PRP must specify the work mandatory requirements (work being defined to include non-countable activities).

2230 VERIFICATION

When victims of domestic violence require special handling (extended time frames for providing eligibility verification or a waiver for working with child support or employment), verification of their domestic violence situation is required.

Verification includes:

1. A copy of court, medical or law enforcement records reflecting the domestic violence situation; or
2. Signed statements from child protective, social services, advocacy groups working with the family; or
3. Signed statements from other individuals with first-hand knowledge of the circumstances surrounding the request for the waiver.

The Division social worker may help the family obtain needed verification. If no documents exist and the Division social worker can substantiate the domestic violence situation, his or her signed statement is adequate verification.

2240 CONFIDENTIALITY

The Division must not disclose to any person, other than the victim, that a determination of domestic violence has been made. However, the Division may disclose the information to the Secretary of Health and Human Services or his/her designee for purposes of including information in the Federal Parent Locator Service.

NRS 217 allows victims of domestic violence to protect their location by applying for a fictitious address through the Secretary of State Office's Confidential Address Program (CAP). When such an address is established, the Division must accept the address and not require the person to provide their residence address. Anyone requesting to apply for this protection must be referred to their local community domestic violence advocacy group. Local advocacy group staff determines if the CAP program is appropriate for the victim, assists the victim in completing the application process and forwards the application and a referral to the Secretary of State's Office. Persons pending a determination from the CAP program may use an alternative address (i.e., friend, relative or shelter address) in the interim.

The Secretary of State's Office provides a notice to the applicant approving or denying the request for a fictitious address. If approved, the notice will contain an individual authorization code and substitute mailing address for the household. The address will be a Carson City address, even if the applicant resides outside the area. A copy of this notice must be kept in the case file. The address used must include the authorization code. When completing the TANF action form, place the authorization code in the first address field and list the fictitious address in the second address field.

Individuals with a fictitious address must be allowed at least 17 days for mailing (refer to E&P manual section A-134).

2250 GOOD CAUSE WAIVERS

An applicant/recipient who is currently in or has previously been in a domestic violence situation, may request a good cause waiver to waive their participation in Child Support Enforcement and/or TANF Employment and Training (NEON) participation requirements. Determine good cause waivers through an individualized assessment based on need. Social workers may case manage participants requiring domestic violence services and develop individualized Personal Responsibility Plans (PRPs). Good cause waivers are to be reviewed by the social worker no less often than once every six (6) months.

Substantiated victims of domestic violence may be granted a good cause waiver to not participate in the following:

1. Cooperation with Child Support Enforcement as determined by CSEP;
2. Work requirements mandated by NEON; or
3. Eligibility requirements to establish cash assistance, such as using alternative procedures for obtaining eligibility verifications, allowing alternative sources of verification to establish a requirement of eligibility, or extending the time frame for providing required verifications, as approved by the office manager.

No negative action (denial, sanction, termination) may be imposed on an active domestic violence case for failing to meet Personal Responsibility Plan or Employment and Training requirements, without Social Worker intervention/concurrence. Social Worker intervention/concurrence is not required if the denial or termination is due to failing to meet requirements of eligibility.

Good cause waivers of normal program requirements are provided only when such requirements would make it more difficult for individuals:

- to escape domestic violence: or
- unfairly penalize those who are or have been victimized; or
- who are at risk of further domestic violence

Note: The applicant/recipient must meet all eligibility requirements. Good cause waivers cannot be approved for failing to meet the factors of program eligibility such as, but not limited to:

- Age
- Relationship
- Residency
- Income Limits
- Mandatory Assistance Unit Members; or
- Citizenship

When it is determined a good cause waiver is appropriate, social work/case managers must:

1. Have screened the family for domestic violence;
2. Refer the family to counseling and/or domestic violence services;
3. Document how specific program requirements would:
 - a. make it more difficult for an individual to escape a domestic violence situation; or
 - b. unfairly penalize those who are or have been victimized; or
 - c. put the participant at risk of further domestic violence.

2260 STATISTICAL REPORTS

The division must be able to report to the Nevada State Legislature and federal government on the numbers of individuals disclosing domestic violence. The following items are reported from all district offices to Central office staff on a monthly basis:

1. Number of domestic violence disclosures;
2. Number of good cause waivers for child support;
3. Number of good cause waivers for employment and training activities.