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Field Operations Memo 98-40
October 1, 1998

To: Transitional Assistance Office Staff
From: Joyce Sampson, Assistant Commissioner for Field Operations
Re: Domestic Violence Update - TAFDC Waiver Requests

Introduction The Department has adopted regulations (State Letters 1134 and 1137) and procedures (Field Operations Memo 97-49) that explain when certain program requirements (work program, the family cap rule, the 24-month time limit and teen parent school attendance requirements) will be waived for good cause due to domestic violence. The purpose of this memo is to provide:

- reminders for Transitional Assistance Workers helping recipients complete the new Request for a Waiver of TAFDC Program Requirement(s) Due to Domestic Violence (Rev. 10/98) form; and
 - new information to facilitate the processing of the request.
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Reminders If an applicant or recipient informs the Transitional Assistance Worker of being a victim of domestic violence, the Transitional Assistance Worker must remember to:

- refer the victim to community-based domestic violence programs for support if there are any questions, concerns or needs for emergency safety planning as a result of domestic violence (these supports are listed in the *You and Your Children Deserve to Be Safe* brochure);
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**Reminders
(continued)**

- inform the recipient of the availability of a domestic violence waiver and how to apply for such waivers. This includes what constitutes good cause, what constitutes acceptable verification of good cause and how it relates to the applicable TAFDC requirement (work program requirement, the family cap rule, the 24-month time limit and the teen parent school attendance requirements, refer to 106 CMR 203.110);
 - emphasize the importance of the recipient's completion of the *Request for a Waiver of TAFDC Program Requirement(s)* form in a clear and concise manner; and
 - thoroughly complete the *Domestic Violence History Form* in a clear and concise manner.
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**Privacy
Require-
ments**

To ensure the recipient's safety, the Transitional Assistance Worker must meet with the recipient privately to inform him or her of the availability of domestic violence waivers. If the recipient is accompanied by another individual, including his or her children, **the Transitional Assistance Worker must ask to speak with the recipient privately for this portion of the interview.** Even if the recipient's companion is not the batterer, he or she could have ongoing connections or communications with the batterer which could place the potential victim at further risk.

Exceptions:

- A DTA translator is acceptable when necessary.
- The recipient's attorney or legal advocate is permitted.
- If a recipient requests a domestic violence waiver, the recipient may choose to identify someone to accompany him or her throughout the waiver process to act as a translator and/or provide support.

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**Privacy
Requirements
(continued)**

A section has been added to the waiver request form for the recipient to identify any individual who he or she wishes to accompany him or her when any meetings are scheduled to discuss domestic violence. Inform the recipient that the individual will be asked to provide identification. The recipient may add or delete an individual's name from this list at any time; however, make certain the recipient does so in a private meeting with the worker to ensure the recipient is not coerced in any way.

Do not mail correspondence regarding domestic violence issues under any circumstances. (This includes mail concerning domestic violence sent to the recipient's post office box or some other address.)

If a Transitional Assistance Worker needs to convey information regarding the domestic violence waiver request or services to the recipient, the worker may send an appointment notice to the recipient without divulging the topic of the appointment.

**Confiden-
tiality**

As recipients are guaranteed confidentiality, it is critical that Transitional Assistance Workers carefully guard the confidentiality of a recipient who claims to be the victim of domestic violence. See Field Operations Memo 97-15.

Verification

Transitional Assistance Workers and others designated to review the domestic violence case should make sure that the applicant or recipient understands the criteria for verification requirements specified in 106 CMR 203.110 (D).

While a clear understanding of the verification requirements will help the recipient, remember that the Department will consider *any credible evidence relevant to the good cause claim*.

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**Verification
(continued)**

A written verification list itemizing particular pieces of evidence may make the victim believe that unless this evidence is obtained, the waiver request will be denied. Therefore, while it is appropriate to explain what needs to be verified and to give examples of the type of information that will be helpful to the Central Office Waiver Request Review Committee, it is inappropriate to *require* specific verifications since, in some cases, it may not be safe for the recipient to attempt to obtain certain documents.

All domestic violence waiver requests must be faxed into the Central Office Waiver Request Review Committee by a Director or designee within 48 hours after the verifications are provided by the recipient. If specific documentation is taking longer to verify than originally anticipated, all information that has been obtained must be faxed within 48 hours and the remainder may be sent in as it arrives. After 30 days, all requests must be sent into the Committee, whether or not any verifications have been supplied. Refer to Field Operations Memo 97-49 for more details.

**Revised
Form**

When submitting a request for a domestic violence waiver, the Transitional Assistance Worker must use the revised *Request for a Waiver of TAFDC Program Requirement(s) Due to Domestic Violence (Rev 10/98)*. This revised form is used for both initial requests for waivers and extensions of waivers. The form was revised to obtain better quality information. The revised form will help determine whether domestic violence is connected to the recipient's inability to perform or comply with TAFDC program requirements.

**Waiver
Extensions**

The revised form asks recipients requesting extensions of domestic violence waivers to identify the services that have been accessed since the waiver was originally granted, including counseling and other support services.

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DSS

Although it is not required as a condition of the domestic violence waiver extension, if a recipient is receiving services from a battered women's program or the Department of Social Services (DSS), this information must be noted and any accompanying verifications sent to the Central Office Waiver Request Review Committee. If DSS is involved with a family requesting a waiver due to domestic violence, a copy of the family's DSS service plan should be a part of the documentation submitted. However, if the service plan cannot be obtained from the recipient or by the Transitional Assistance Worker contacting DSS, remember to fax what information you do have within 48 hours, and if the service plan is obtained later, send it into Central Office as soon as it is obtained.

**Waiver
Decision**

Central Office will provide a written notification to the Transitional Assistance Office Director on the waiver request decision. These results must be conveyed in person to the recipient by the Transitional Assistance Worker. In addition to any written information from Central Office, in each instance, remember to complete the Notice of Approval or Denial of Domestic Violence Waiver from Certain Program Requirements DVW(Rev.1/98).

Remind recipients that:

- the back of this form contains a Request for a Fair Hearing; and
- the individual granted the waiver will be called back into the Transitional Assistance Office to determine whether or not an extension of the waiver will be requested.

If an extension is requested, a new Request for a Waiver of TAFDC Program Requirement(s) and Domestic Violence History Form must be completed. If an extension of the waiver is not requested, obtain the recipient's signature declining the request for an extension on the original Request for a Waiver of TAFDC Program Requirement(s).

Questions

If there are any questions regarding this memo, have your Hotline designee call the Policy Hotline at (617)348-8478.
