02 INF 36 Domestic Violence Q & As
Family Violence Option (FVO)

Index

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General

1. ***Who in the agency must know about the FVO Screening, Assessment and Waiver process?***

   Anyone who will be referring victims to the DV Liaison. This includes, but is not limited to, TA workers, child support workers, Credentialed Alcohol and Substance Abuse Counselors (CASACs), employment workers and services workers.

2. ***What is the retention policy for the DV screening forms and related case records?***

   Screening forms completed by applicants/recipients of temporary assistance (TA) indicating the presence of DV and subsequent records assessing the credibility of the individual's assertion of DV, records of services referrals, assessments for waivers of TA program requirements and related records must be retained for six (6) years after completion of DV liaisons services to an individual.

   Completion of liaison services to an individual occurs when the individual no longer receives TA, when the liaison has completed all contact with the individual because the service referral is complete and no further waiver assessments are needed, or when the liaison determines that the DV claim asserted in the screening form is not credible, whichever occurs first.

   Screening forms indicating no presence of DV must be retained for **one (1) year after the form is completed**.

   (This is a new clarification per 02 INF-6.)

Screening

3. ***Are "Food Stamp (FS) only" and "Medical Assistance (MA) only" applicants required to be screened for domestic violence (DV)?***

   No. However, applicants and recipients for *"FS only"* and *"MA only"* may get a DV screening form as part of the application process. If an individual applies for only FS and/or MA and indicates the presence of DV, that individual should be referred for a good cause exception through the appropriate channels (i.e. child

support). The individual would not need to see the DV liaison for a waiver since waivers only apply for temporary assistance (TA) requirements. (Please note that even though this population is not required to be screened for DV, some districts have opted to refer individuals who indicate the presence of DV to the DV liaison for a referral for DV services.)

4. ***What should the TA worker be explaining to the client about the Family Violence Option (FVO) during the screening process?***

   The TA worker should explain the purpose of the FVO. The worker should explain the definition of a DV victim, the purpose of the DV screening form and palm card, the purpose of seeing the DV liaison, TA requirements, the waiver process and the referral for services. It should also be explained that completing the DV screening form is voluntary and answers are confidential with the exception of child abuse and neglect. A desk reference for DV screening is being developed.

5. ***Should districts continue to provide all applicants and recipients with a copy of the Universal Notification Handout – "HANDOUT TO ALL APPLICANTS FOR WELFARE" at the time of application and recertification?***

   Yes. Districts must continue to provide all applicants and recipients with a copy of the Universal Notification Handout at the time of application and recertification. When the Client Information Books are next revised, this information will be included in the revised booklets.

TA Eligibility

6. ***Can waivers be granted for eligibility requirements to determine eligibility for DV victims (i.e. jointly owned property, joint bank account, etc.)?***

   No. Generally, DVLs should not grant waivers for eligibility requirements necessary to establish eligibility. However, TA policy provides that income and resources for persons fleeing domestic violence are considered unavailable to the applicant if the income and resources belong to the batterer or if accessing them compromises the victim's safety.

   The concept of actual availability of income and resources is important in DV situations. The circumstances under which victims leave their homes often means that they may not have income and/or resources with them such as cash, bank books, credit cards, etc. Also, they usually do not have ready access to this income and/or resources while they are in a DV residential program. However, if the victim still resides with the legally responsible batterer, the victim would have to provide information on the batterer's income, resources, etc. in order for the district to make an eligibility determination. Staff should be aware of their

district policy on this matter. Refer to 94 ADM-11 and 02 ADM-2 *"Meeting the Emergency Needs of Temporary Assistance Applicants/Recipients"*.

7. ***Can the real property lien requirement be waived under the FVO?***

   Social Services Law and regulations allow districts to establish local policies that require the signing of liens on real property as a condition of eligibility for both recurring and for emergency temporary assistance. This means when the victim owns real property, or if property is jointly owned by the victim and the batterer, districts can require that the victim sign a lien on the property. When the property is sold, the lien must be paid off with the proceeds of the sale.

   Effective July 1999, it was determined that liens may be waived under the FVO. This means that if the DV liaison determines that signing the lien on real property that is owned jointly with the batterer will put the victim at further risk or make it more difficult for the victim to escape from DV, the requirement to sign the lien should be waived. When the waiver information is data entered into the DV data subsystem, it will be classified as *"other"*. Refer to 99 INF-10.

8. ***Can a district pursue recovery from a legally responsible batterer for the cost of the TA per diem paid on behalf of the victim to a residential program for DV victims?***

   Such action is strongly discouraged. Seeking reimbursement is likely to jeopardize the safety of the victim, as the batterer may retaliate and cause harm to the victim. In some cases, seeking reimbursement would require disclosure of the fact that the victim has sought residential services and a breach of confidentiality would result. Refer to 99 INF-10.

9. ***In some situations, a client may be required to pursue "Third Party Health Insurance" (TPHI), if available. If a client states that it may be unsafe for them to pursue TPHI due to domestic violence, can a DV liaison grant a waiver for the pursuit of TPHI?***

   Since the pursuit of TPHI is an eligibility requirement, the TA worker, or whoever is designated in DSS, could make a *"good cause"* determination to not pursue TPHI under these circumstances. The TA worker or designee should consult with the TPHI Unit prior to the determination. Generally, the TA worker or designee makes the determination on any eligibility requirement, however, on a case-by-case basis, a waiver for pursuit of TPHI may be granted by the DVL if the client's safety is involved.

Waivers

10. ***Can a waiver be granted for victims who are under stress after leaving the batterer? It may or may not be a safety issue.***

    Waivers are granted in cases where compliance with program requirements would make it more difficult for the individual or the individual's children to escape from DV or subject them to further risk of DV. Generally, if DVLs assess victims who are under stress but not in danger of further abuse, a waiver should not be granted. However, victims should be referred to an approved DV provider for assistance. As in all DV cases, DVLs should use their discretion and best judgment in these circumstances.

11. ***Who would be an acceptable collateral contact for assessing credibility?***

    In situations where verification documents are not available, collateral contacts can be used to verify and establish credibility. Collateral contacts are individuals with whom the client has been in contact about her DV situation. These include DV shelter staff, community based staff, clergy, services workers, etc.

    Please note that co-workers, family and/or friends may not be the best choice for collateral contacts, since it may put them at risk.

    The DVL must get a written release form from the client giving the DVL permission to contact the collateral contacts directly.

12. ***Can an initial waiver be granted for less than four months?***

    No. The initial waiver must be granted for a minimum of four months. However, if a waiver period needs to be shortened due to a change in circumstances, the dates can be adjusted. **However, a waiver should never be terminated without discussing with the victim first.** For example, if an employment waiver is granted for four months and then the victim decides she wants to work before the end of the waiver period, the waiver period can be adjusted.

    An initial waiver period may be shortened by navigating to the appropriate waiver screen and pressing Function Key 4. An "X" must be entered in the Reassessment Field and the Waiver End Date changed as necessary.

13. ***How would a DVL shorten the length of a waiver on the system once it is granted?***

    A waiver period may be shortened by navigating to the appropriate waiver screen and pressing Function Key 4. An "X" must be entered in the

Reassessment Field and the Waiver End Date changed as necessary. Please note that a waiver should never be terminated without discussing with the client first.

14. ***What happens when victims check "yes" on the screening form, but do not want to see the DVL?***

    A victim may check "yes" on the DV screening form and then decide that she doesn't want to see the DV liaison. In this case, we recommend that the worker note on the screening form that the client declined an interview with the DV liaison and forward the form to the DV liaison using local procedures.

15. ***What happens when a victim has an interview with the DVL, and after an explanation of the FVO, decides she doesn't need a waiver? Should the DVL continue with the credibility assessment?***

    If a victim decides that she doesn't need a waiver, the DV liaison should state that in the DV liaison file. If she doesn't need or want a waiver, there is no need to continue with the credibility assessment.

16. ***In the case where mom (SSI recipient) is not in receipt of TA but her children are, can mom get a waiver for child support?***

    In certain situations an SSI mom or a payee may be required to meet TA requirements, such as pursuing child support. If there is a safety issue, a child support waiver may be granted in these situations.

17. ***In the case where mom (SSI recipient) is not in receipt of TA but her children are, can mom get a waiver from employment requirements?***

    In this situation, mom would not be subject to the employment requirements since she is in receipt of SSI and therefore would not need a waiver.

18. ***Would a DVL grant a waiver from the "minor living arrangement" requirement for an unmarried minor parent (under age 18) if there was an issue of domestic violence in the home?***

    In order to receive assistance, unmarried minor parents must reside with their parent, guardian or adult relative unless there is no living parent or guardian whose whereabouts are known, or there is no parent or guardian who will allow the minor to live in their home, or the minor and/or minor's child would be at risk of physical or emotional harm or sexual abuse in the home of the adult.

    The TA worker usually makes the determination about the minor's living arrangement, but may also involve other parties such as CPS, APS and/or DVL. The TA worker should not require the minor to live at home if there is domestic violence. If the worker determines that the minor's current living arrangement is

not appropriate, he or she can require the minor to go to a licensed or certified setting if there is one in the county. If there is no place for the minor to live and it is not safe for the minor to live at home, workers should grant an exception to this requirement and a waiver would not be necessary. However, on a case-by-case basis, a waiver may be granted if the worker does not grant an exemption.

Employment Waivers

19. What is a partial employment waiver?

A partial employment waiver is a waiver granted from certain activities within the employment program requirement. The client is often expected to comply with multiple activities within the employment program requirement. In some situations, the DVL and the client may decide that it is safe for the client to comply with only some of the activities. For example, a client may be able to attend job readiness classes, but would be at risk if assigned to a work site or job search.

20. Will an applicant/recipient be required to apply for Unemployment Insurance Benefits (UIB) if domestic violence (DV) is an issue?

Applying for UIB is an eligibility requirement for temporary assistance if it appears that UIB is a potential resource. As part of the eligibility/continuing eligibility process, an applicant/recipient may be required to apply for UIB. An applicant/recipient who voluntarily quit a job with good cause for DV reasons is still required to file for UIB if the applicant/recipient is ready, able and willing to work. If an applicant/recipient quit a job due to DV and is consequently granted an employment waiver by the DV liaison, that person would not be required to apply for UIB as a condition of eligibility. UIB would be considered unavailable as a resource until the agency determined that the domestic violence situation was such that the applicant/recipient was "ready, willing and able to work". The DV liaison would not grant a separate waiver. However, the DVL should work with the temporary assistance worker to ensure that any safety concerns are taken into consideration in determining whether or not UIB is available or not.

Please note that generally, individuals cannot collect unemployment insurance if they voluntarily quit their job without good cause. Benefits are designed for individuals who have lost their job through no fault of their own. However, there is a law "Amendment to Labor Law Section 593, Chapter 268 of 1999" that stipulates that reasons related to DV for leaving a job may now be deemed "good cause" when determining if an applicant is eligible for benefits. Applications are reviewed by DOL on a case-by-case basis to determine whether the claimant had a compelling reason to quit a job voluntarily. Orders of protection, medical

records, police reports or supporting documentation from the employer would be considered when reviewing an application for UIB.

21. ***If an employment waiver is granted due to domestic violence (DV), will the client be required to participate in Job Search?***

    Job Search is an employment requirement. If an employment waiver is granted due to DV, the client should not be required to participate in Job Search for the time covered by the waiver. It is not necessary for the DVL to grant a separate waiver for Job Search.

22. ***In some situations, a client could be sanctioned for voluntarily quitting a job. If a victim quit a job because they were harassed on the job by an abuser, would a DVL waive the "voluntary quit" requirement? If not, wouldn't the client be sanctioned?***

    The DVL should not grant a waiver for voluntary quit situations. The county should follow the procedures that are already in place for these situations.

    (i.e. If a client quit a job for a good reason, such as harassment on a job, the client could be granted a *"good cause"* exemption by the worker and a sanction would not be imposed. Therefore, there would not be a need for a waiver for *"voluntary quit"* situations.)

23. ***If a client is granted a DV Employment Waiver due to safety reasons but is determined safe to go to college, can a local district provide child care in order for the client to attend college?***

    Since the client has been given a DV Employment Waiver, attending college is not considered a required work activity and they do not fall under the child care guarantee. However, if the district has opted to include the eligibility category noted below in their child care plan, then the district could potentially use either NYS Child Care Block Grant or Title XX funding to pay for such child care. (This assumes that the district has approved this activity for this client.) Otherwise, there is no provision for child care to enable the client with employment waivers related to DV, to attend college.*

    "Homeless or receiving services for victims of domestic violence and needs child care in order to participate in an approved activity, or in screening for or an assessment of the need for services for victims of domestic violence". This category is found in Appendix H-2 of the Annual Plan Update.

    **A new eligibility category (based on a change in law effective June 17, 2002) allows for child care for TA recipients attending college, but only if they are also working at least*

17-1/2 hours a week. However, this category would not apply in this case, since she has an Employment Waiver.

24. If a client is granted a DV Employment Waiver (employment codes 45 and 46) and then is assessed by a CASAC who recommends Drug/Alcohol (D/A) treatment (employment codes 63 and 64), which employment code should be used on WMS?

The DV Employment Waiver (WMS employability codes 45 and 46) would take priority over the D/A treatment (employability codes 63 and 64) due to safety reasons. When a DV employment waiver is granted, WMS generates an employability code of 45 and 46. A WMS edit prevents employability code 45 from being changed while this DV waiver is active. Another WMS edit that requires an employability code of 63 or 64 for drug/alcohol cases is being modified to also accept 45 and 46 as valid.

In those rare cases when the employability code should be changed, the DVL must go into the DV subsystem and shorten the End Date of the Employment Waiver to a value less than or equal to today's date. The employability code may then be changed to the appropriate value. Districts are advised that this should be done only on a case-by-case basis when the client and the DVL have decided to end the waiver because it is safe to do so.

Sanctions

25. What is the policy when clients are sanctioned for non-compliance and then reveal that the reason they couldn't comply was because of their DV situation?

When clients are given a *"durational"* sanction (for example, a 180 day sanction for non-compliance with mandated drug and alcohol treatment) and later reveal they couldn't comply due to DV, they must still serve out the term of the sanction. If the DV situation still exists at the end of the 180 days, the client may see the DV liaison for an assessment. Please note that DV liaisons cannot remove or lift a time specific sanction. However, the local commissioner or designee may end a durational sanction only if the sanction was, in their judgment, improperly imposed.

When clients are given a *"Non-Durational"* or *"Until Compliance"* sanction (for example, won't cooperate with child support) and later reveal they couldn't cooperate due to DV, clients may see the DV liaison for an assessment. If a waiver is granted, then the sanction will end.

Drug/Alcohol Waivers

26. ***How are Credentialed Alcohol and Substance Abuse Counselors (CASACs) and/or Drug/Alcohol (D/A) treatment providers trained about the FVO?***

    It is the district's responsibility to train these providers on the FVO. We strongly urge that the districts provide cross training on DV and D/A. The Office for the Prevention of Domestic Violence (OPDV) and OASAS offer a two-day training on D/A abuse and DV. For further information, contact OPDV at (518) 486-6262 or (518) 457-5968.

27. ***What is the DV liaison's responsibility during an assessment interview if a client reveals drug and alcohol abuse issues? Should the DV liaison refer her back to the TA worker or complete Part B of the D/A screening form?***

    The DV liaison should explain that there is D/A assessment and treatment available if she wishes to participate. The DVL should also explain the consequences if she doesn't go to the assessment and/or treatment, such as a possible sanction for non-compliance.

    Due to confidentiality issues, the DV liaison should not complete Part B of the Drug and Alcohol Screening Form unless the client gives her permission and consent. The DV liaison should explain that it may be in her best interest for self-sufficiency to avail herself of this assessment and/or treatment. However, it needs to be voluntary on the client's part to participate in the D/A assessment.

Child Support Waivers

28. ***In some situations an applicant who applies for TA is sent to the child support unit first. If DV is mentioned, who discusses good cause exemption and/or child support waivers with the client? Who determines "good cause" in IV-D cases?***

    If DV is mentioned during a child support interview, the individual should be referred to the DV liaison. The DV liaison should explain the difference between good cause and a DV waiver. The DV liaison and the client will determine the need for a waiver. If a DV waiver is not granted or needed, then the victim can discuss good cause with the TA worker. Generally, a higher level supervisor determines good cause.

29. ***Can a spousal support (alimony) waiver be granted even if there is no child support order?***

    Yes. Spousal support waivers can be granted, if necessary. In most cases, the child support unit handles spousal support orders as well as child support

orders. However, if there is no child support order, spousal support will be pursued following local procedures. A spousal support waiver may be granted in cases where pursuing spousal support would put the victim in danger.

30. What is a partial child support waiver?

A partial child support waiver has been redefined and will only be granted when it is determined that:

- it is not safe for a victim to appear in court with the abuser;
- the victim's address must be suppressed by Child Support Enforcement (CSE) on any documents, notices, petitions, etc.; and /or
- it is necessary for CSE to establish paternity by arranging for genetic testing to be done separately.

The definition of a partial waiver is much more restrictive than it has been in the past. Under no circumstances must a DV liaison grant waivers within certain Child Support Enforcement activities such as pursuing a tax offset but not a drivers license suspension. In addition, if an individual is waived from pursuing child support against one absent parent but not another, it is considered a full waiver and not a partial one.

Note: The DV liaison is still required to do a service plan with the client when a partial waiver is granted.

Reassessment

31. If a waiver has been granted and is about to end, should a reminder letter be sent to clients to remind them that the waiver is ending and that they need to come in for a reassessment?

It will be up to the discretion of the DV liaison and the client on whether or not it is safe to send a reminder letter. A reassessment appointment and if and how the client wants to be reminded should be discussed at the initial interview. The client should understand that the waiver will automatically end if she doesn't come back for a reassessment interview. The reassessment appointment should be at least 30 days prior to the end date of the waiver. If the client requests a reminder, then a generic reminder letter may be issued to the client at a safe address. The letter should remind her that she has an appointment without mentioning DV.

32. What is required as part of the reassessment interview?

During the reassessment interview, the DV liaison should:

a. Assess the need to add, extend, modify or end a waiver. If a waiver is no longer needed, the waiver will simply *"age out"* and no further action will be needed.

b. Assess the need for an emergency safety plan.

c. Determine if the service plan is still appropriate and update as needed. Keep in mind that the client is not mandated to participate in services. The referral for services is based on the DV liaison's recommendation and participation in these services is voluntary on the client's part.

Note: Credibility does not have to be re-established using the Model Assessment Tool. Credibility was previously established at the initial assessment.

Notices of Waiver Decisions

33. When should the "Notice of Decision on a Waiver" be issued?

This notice should be issued when a client initially requests a full or partial waiver. The notice should state whether the waiver request was approved or denied by the DV liaison. If a waiver is granted, the notice should state the type of waiver, timeframes and a date for the reassessment appointment.

If the waiver is denied, the notice should state the type of waiver that was requested and the reason for the denial. A denial notice should only be issued when a client requests a specific waiver and is denied. A declination is not considered a denial.

The client should specify how they want to be notified of the waiver decision (i.e. mailed to safe address, pick up at DSS). For safety reasons, a client must always be aware of how and when a notice will be issued, since this notice contains specific references to DV.

This notice should not be issued in the following situations:

a. when a client declines a waiver
b. when a client doesn't show up for the initial interview
c. when a waiver ends, the waiver will *"age out"* **Note:** This is a change in previous policy.

34. When should the "Notice of Decision on a Continuation of Waivers" be issued?

This notice should only be issued after a client has a reassessment interview and is requesting a continuation of an existing waiver, a new waiver or a modification of an existing waiver (i.e. full to partial). If a waiver is granted for any of the above stated reasons, the notice should state the type of waiver, timeframes and a date for the next reassessment appointment.

If a waiver needs to be modified during a waiver period, it should only be done at the request of the client and a notice would not be required. However, the DV liaison should state the reason for the modification in the DVL file.

If a waiver is denied, the notice should state the type of waiver that was requested and the reason for the denial. A declination is not a denial.

The client should specify how they want to be notified of the waiver decision. For safety reasons, a client must always be aware of how and when a notice will be issued, since this notice contains specific references to DV.

This notice should <u>not</u> be issued for the following situations:

a. When a client declines a waiver.
b. When a client doesn't show up for a reassessment appointment. (A denial notice should not be issued due to *"failure to show"* for a reassessment interview.)
c. When a waiver ends. The existing waiver will *"age out"*.
d. When a waiver is modified during a current waiver period (per client request).

35. If a client doesn't show for a reassessment appointment, should the DV liaison send a denial notice?

No. The DV liaison should <u>not</u> send a denial notice for *"failure to show"*. The waiver will *"age out"* and no further action will need to be taken except to notify the appropriate worker. Once the worker is notified that the waiver is ending, then the worker should contact the client to come in to discuss the program requirement that was waived. If DV is still an issue, the client should be referred back to the DV liaison. If DV is not an issue, then the client will be required to meet the requirement.

Confidentiality

36. ***What is the DV liaison's responsibility when a DV victim discloses information that would normally require action on the part of a TA worker? In some cases, it may be potential fraud. (For example, the victim states that she has not reported all her income from her babysitting job because her boyfriend has threatened her.)***

    If the victim reveals information that may affect her TA, FS and/or MA case, the DV liaison must not take any action on this information without the consent of the victim. However, the DV liaison should inform the victim that not reporting the information may have a negative impact on the victim's assistance case, and this may impede the victim's long range plans for self-sufficiency. For example, undisclosed income may result in welfare fraud charges and an overpayment that will be recouped. In addition, welfare fraud is a felony/misdemeanor, depending on the dollar amount involved which could include jail time.

    If the victim reports this income, there are several work related benefits that will help the victim not only retain employment, but also increase the household's access to other benefits and programs. The DV liaison must avoid the perception that they are condoning or encouraging the victim to withhold information on the victim's assistance case. However, safety and confidentiality remain the primary concern.

    If the DV liaison happens also to be a TA worker or supervisor, the liaison should ask if the victim wants to report that income, however, disclosure to the DV liaison should not be considered a report to the agency.

    Note: This is a change in previous policy.

Sharing of Information

37. ***If the DV liaison makes a Child Protective Services (CPS) report, is the DV liaison required to share the DV liaison file with the CPS worker?***

    If the DV liaison makes a CPS report, the liaison should cooperate with CPS by providing information, including case documentation that pertains to the suspected child abuse/maltreatment. However, there is no basis for sharing other documentation that the liaison has if it is not specifically related to the reported child abuse/maltreatment.

38. If a client tells the CPS worker that she has discussed her situation with the DV liaison and CPS requests to see the DV liaison's file, is the liaison required to share the file?

No. A crucial concern of the DV advocates is that districts maintain the information obtained by the liaison as strictly confidential so as to encourage victims to acknowledge DV with a reduced threat of danger to their (and their children's) safety. Subdivision 357.3(i) of Department Regulations was developed to safeguard the information provided to a liaison.

Please note that in these regulations paragraph (1) allows for the release of information when the client provides written, voluntary, informed consent to release information to a particular entity or entities. Paragraph (2) of 357.3(i) permits information collected by the DV liaison to be shared with other employees in the social services district, without written consent, when *"employees' specific job responsibilities cannot be accomplished without access to client identifiable information"*. The intent of paragraph (2) was to share limited information. Such information would most often be information about waivers with TA and child support staff who need such information in relation to their responsibilities concerning decision making on the victims' application or ongoing case.

Paragraph (2) would apply to CPS staff having access to information obtained by the DV liaison only in rare circumstances. These circumstances would be when CPS has specific knowledge that the DV liaison has information that is clearly pertinent in relation to CPS' investigation. However, CPS may not attempt to circumvent the statutory and regulatory confidentiality provisions applicable to information obtained by the DV liaison by asking the victim what she said to the liaison or if she discussed what happened with her children with the DV liaison.

In some districts the DV liaison is a services caseworker. While in the role of the liaison, that person is bound by the confidentiality provisions contained in NYCRR 357.3(i), not other provisions that might dictate that person's ability to share when performing a preventative or other type of Services child welfare role.

39. What documentation can be shared with other DSS staff such as Child Support, Employment, etc.?

Paragraph (2) of 357.3(i) permits information collected by the DV liaison to be shared with other employees in the social services district, without written consent, when *"employees' specific job responsibilities cannot be accomplished without access to client identifiable information"*. The intent of paragraph (2) was to share limited information. Such information would most often be information about waivers and would be shared with TA and Child Support staff who need such

information in relation to their responsibilities concerning decision making on the victims' application or ongoing case.

40. Does the DV liaison need to be subpoenaed in order to testify in court on behalf of CPS?

The DV liaison would not need to be subpoenaed if the client provided voluntary and/or informed consent, the liaison made the CPS report, or in the unusual circumstance that CPS has clear knowledge that the liaison has pertinent CPS information. This knowledge must not have derived from the liaison proactively informing CPS or CPS asking the client about her conversations with the liaison. Otherwise, the liaison would need to be subpoenaed, but should not be unless it was absolutely necessary for him or her to testify. The district should consider alternatives to the liaison testifying prior to having such person testify against the victim's wishes. Information sharing should be kept to a minimum unless authorized by the victim.

Cross-District Responsibility

41. Which county is responsible for DV screening and assessment when clients are outside their county of residence?

The county of temporary residence is responsible for the screening and assessment initially, since it could be a safety risk for the victim to contact the county of residence. If the victim is an active TA recipient in County A and is temporarily in County B, waiver decisions must be discussed between the DV liaisons in Counties A and B based on the client's current circumstances and future plans. County A determines the final waiver decision, since the client is their responsibility and waiver decisions impact their county. Whichever county maintains the active case determines the waiver decision and also maintains the DV information, including the WMS data. However, County A should make the decision based on the recommendation of County B.

42. If a client is granted a DV waiver in County A and then moves to County B, will the waiver continue in County B and, if so, does County B need documentation from County A?

When a client moves to County B, County B is responsible for screening and assessment for DV. This assessment determines if DV is still a current issue. If it is, the DV liaison in County B will need a signed "release of information" form from the client to obtain documentation from the prior county. The DV liaisons in both counties should be in contact to decide on the need for a waiver, but only with the consent of the client. If credibility has already been established, there

is no need to go through the process again. However, the need for a waiver must be evaluated based on the client's circumstances in County B.

The existing waiver will continue until the client is the responsibility of County B. At that point, the client and the DV liaison will decide if a waiver is still necessary. If a waiver is still needed, County B will consider it a new waiver in their county with new beginning and end dates for the waiver. (WMS can't support it as a continuation.) If a waiver is not needed, the existing waiver will *"age out"* in County A.

43. Can DV liaisons track waivers from other counties using WMS?

No. The DV liaison can only review information and input data in their own county. Due to confidentiality concerns, the DV Data Collection Subsystem was not designed to do cross-district functions.