

December 29, 2023

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

EXECUTIVE SUMMARY

ALL COUNTY LETTER NO. 23-109

The purpose of this All County Letter is to provide County Welfare Departments updated guidance and policy reminders to support survivors of domestic abuse, sexual assault, sexual harassment, or stalking for the California Work Opportunity and Responsibility to Kids (CalWORKs) program.



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December 29, 2023

ALL COUNTY LETTER NO. 23-109

TO: ALL COUNTY WELFARE DIRECTORS
ALL CALWORKS DOMESTIC ABUSE COORDINATORS
ALL CALWORKS PROGRAM SPECIALISTS
ALL WELFARE-TO-WORK COORDINATORS
ALL COUNTY LINKAGES COORDINATORS
ALL COUNTY REFUGEE COORDINATORS
ALL COUNTY CALFRESH SPECIALISTS
ALL TCVAP COUNTY COORDINATORS
ALL CONSORTIA REPRESENTATIVES

SUBJECT: **UPDATED GUIDANCE AND POLICY REMINDERS TO SUPPORT
SURVIVORS OF DOMESTIC ABUSE FOR THE CALIFORNIA
WORK OPPORTUNITY AND RESPONSIBILITY TO KIDS
(CALWORKS) PROGRAM**

REFERENCE: [ALL COUNTY LETTER \(ACL\) 21-121, ACL 21-134, ACL 17-30
ACL 06-60, AND ACL 09-49; ALL COUNTY INFORMATION
NOTICE \(ACIN\) I-07-15, ACIN I-14-20, ACIN I-70-99, ACIN I-60-
09, AND ACIN I-36-23; ASSEMBLY BILL \(AB\) 2277 \(CHAPTER
693 STATUTES OF 2022\), AND AB 2057 \(CHAPTER 859,
STATUTES OF 2016\); CODE OF FEDERAL REGULATIONS
\(CFR\) TITLE 45 §400.53; 45 CFR § 400.211, AND 45 CFR §
401.2; AND CONSOLIDATED APPROPRIATIONS ACT, 2022;
GOVERNMENT CODE SECTION 6205-6211; NEW STATE TANF
CERTIFICATION REQUIREMENT ENACTED IN THE
CONSOLIDATED APPROPRIATIONS ACT, 2022 \(TANF-ACF-PI-
2022-02\); UNITED STATES CODE \(U.S.C\) TITLE 42 U.S.C.
SECTION 602\(a\), U.S.C TITLE 18 SECTION 1595; WELFARE
AND INSTITUTIONS CODE \(WIC\) SECTION 11450\(f\)\(3\)\(e\), WIC
SECTION 10850 WIC SECTION 18945, WIC SECTION 11495,
WIC SECTION 11495.12, WIC SECTION 11495.25, WIC
SECTION 11320.3\(f\)\(2\), WIC SECTION 18926.5, AND WIC
SECTION 18904.25](#)

The purpose of this All County Letter (ACL) is to provide County Welfare Departments (CWDs) updated guidance and policy reminders to support survivors of domestic abuse through the California Work Opportunity and Responsibility to Kids (CalWORKs) program. It includes changes to existing policy due to [Assembly Bill \(AB\) 2277](#) and the [Consolidated Appropriations Act, 2022](#). The guidance in this ACL supersedes guidance issued in ACL 14-59 and All County Information Notice (ACIN) I-02-06. After issuance of this guidance, the California Department of Social Services (CDSS) will make ACL 14-59 and ACIN I-02-06 obsolete.

Under the [Consolidated Appropriations Act, 2022, Title 42 U.S.C. Section 602\(a\)](#) was amended to add a new required certification for state Temporary Assistance for Needy Families (TANF) agencies related to providing information to survivors of sexual harassment, survivors of domestic violence, sexual assault, or stalking ([TANF-ACF-PI-2022-02](#)). In response, the CDSS is updating domestic abuse terminology and domestic abuse-related training requirements. CDSS has established and is enforcing standards and procedures to ensure that potential and current applicants, recipients, and participants of CalWORKs are notified of resources, accommodations, and other assistance available to survivors of domestic violence, sexual assault, sexual harassment, or stalking.

DEFINITIONS

SURVIVOR is used throughout this letter to identify survivors of domestic abuse and is inclusive of **current and past** victims of abuse. Survivors include potential and current CalWORKs applicants, recipients, and participants who have experienced domestic abuse and may or may not live with an abuser. Survivors of domestic abuse, sexual assault, sexual harassment, or stalking, as well as their abusers, can be of any gender identity or sexual orientation.

DOMESTIC ABUSE is when assaultive or coercive behavior, including threats or attempts at abuse, occurs within a domestic relationship. Domestic abuse is an overarching term that includes, but is not limited to, physical abuse, sexual abuse, psychological abuse, economic control, domestic violence, stalking, isolation, threats, or other types of coercive behaviors. Additionally, neglect or deprivation of medical care is domestic abuse when the person being neglected is a dependent, e.g., a child, adult with a disability, or an older adult. Refer to [MPP Section 42-701.2\(d\)\(3\)](#) and [WIC Section 11495.12](#).

DOMESTIC RELATIONSHIPS are relationships that can include but are not limited to adults or minors who live together or have lived together (including family and non-family members), adults or minors who have dated, adults or minors who have engaged in a sexual relationship, those who share a child in common, adults or minors who are related by blood or adoption, and adults or minors related by marriage pursuant to [MPP Section 42-701\(d\)\(4\)](#).

SEXUAL ABUSE is when an individual knowingly causes another person to engage in a sexual act and may include non-physical contact of a sexual nature such as, but not limited to, voyeurism; intentional exposure of an individual to exhibitionism; unwanted exposure to pornography; verbal or behavioral sexual harassment; threats of sexual violence; or taking nude photographs of a sexual nature of another person without their consent or knowledge, or of a person who is unable to consent or refuse.

SEXUAL ASSAULT (also known as sexual battery) is when someone's intimate parts are touched or attempted to be touched, or when someone is forced to touch another person's intimate parts, without consent and/or against that person's will. Situations that lack consent or are against someone's will, can include, but are not limited to, the perpetrator ignoring verbal and/or nonverbal indicators of resistance from the victim, the victim is unable to consent or refuse, and situations resulting from threats, fraud or coercion. The inability to consent or refuse includes when the perpetrator knows or reasonably should know that the other person is asleep, unconscious, or otherwise unaware that the sexual act is occurring; or when the victim is incapable of consenting to the sexual act due to impairment by any drug, intoxicant, or other similar substance, and that condition is known or reasonably should be known by the perpetrator; or the victim has a mental disorder, developmental or physical disability, and that condition is known or reasonably should be known by the perpetrator.

SEXUAL HARASSMENT refers to both unwelcome sexual advances, or other visual, verbal, emotional actions, or physical conduct of a sexual nature and actions that create an intimidating, hostile, or offensive environment based on a person's sex. The offensive conduct can occur in any setting, including the workplace or educational settings, and need not be motivated by sexual desire but may be based upon a person's actual or perceived sex or gender-identity, actual or perceived sexual orientation, and/or pregnancy, childbirth, or related medical conditions and may be for the purpose of controlling or intimidating the victim. This definition includes many forms of offensive behavior and includes gender-based harassment of a person of the same sex as the harasser, and actions that subject people to a hostile environment.

STALKING is a pattern of persistent, unwanted, and intrusive behaviors carried out by one or more person(s) towards another individual, causing the targeted person to feel fear, distress, or concern for their safety and well-being. These behaviors can take various forms, such as repeated and unwanted communication (including phone calls, texts, emails, or social media messages), following the individual, showing up at their home or workplace uninvited, spreading false information about them, monitoring their activities without consent, and engaging in other actions that invade their privacy and personal space. Stalking often results in the victim experiencing emotional and psychological distress, and in some cases, it can escalate to physical harm or violence.

CALWORKS POLICY

The CalWORKs policy for survivors of domestic abuse is intended to support applicants and recipients who are survivors of domestic abuse, sexual assault, sexual harassment, and stalking. Supporting survivors through CalWORKs policy can help to ensure safety, family stability, and remove barriers unique to those experiencing the effects of past or present domestic abuse.

The following are policy reminders and changes discussed throughout this letter that the CWD **must prioritize**:

- Implementing [AB 2277](#);
- Informing all families about waivers and offering survivors resources within the county;
- Allowing applicants and recipients ample opportunities to confidentially disclose and self-identify as a survivor of domestic abuse – making program flexibilities low-barrier, low-burden, and accessible to survivors;
- Identifying domestic abuse survivors and referring survivors to staff specially trained in serving survivors of domestic abuse;
- **Accepting sworn statements by survivors of domestic abuse to establish verification of past or present abuse** ([MPP Section 42-715.12](#));
- Offering domestic abuse resources within the county;
- Making every effort to ensure equity and inclusivity in service delivery;
- Ensuring supportive services are provided to address unique circumstances affecting survivors;
- Addressing barriers caused by the COVID-19 stay-at-home orders or natural disasters, such as limited opportunities to identify and report abuse;
- Ensuring staff have training to better support survivors;
- Completing a periodic assessments of county policies and procedures; and
- Updating policies, relevant services, and resources during public health emergencies.

ASSEMBLY BILL (AB) 2277

Before AB 2277, the CWD had the option to waive some program requirements for a recipient who was identified as a past or present survivor of abuse if the CWD determined that good cause existed. With the passage of [AB 2277](#), existing domestic abuse policy is modified to **require** the CWD to waive a program requirement for a recipient who has been identified as a past or present victim of abuse when the CWD determines that good cause exists pursuant to [WIC Section 11320.3\(f\)\(2\)](#). Since domestic abuse waivers are tied to good cause determinations, the CWD must re-evaluate good cause at least every three months. Refer to the Waiver of Program Requirements section below for more information. [MPP Section 42-715.51](#) will be updated as soon as administratively possible to reflect the waiver policy requirement consistent with [AB 2277](#).

INFORMING CALWORKS APPLICANTS OR RECIPIENTS

Domestic abuse resource material must be provided, at minimum during the application process, when the individual enters the county's Welfare-to-Work (WTW) program, and at annual redetermination consistent with [MPP Section 42.715.13](#). All families must be told verbally about the resources available and there must be written resources available for them. Domestic abuse information must be given in a private location to ensure safety and confidentiality. The CWD must maintain accessible written policies and procedures. It is **strongly encouraged** that the CWD post such policies and procedures on their website.

Survivors of domestic abuse and all other applicants or recipients must be informed of domestic abuse policy related to:

- Domestic abuse resources available in the county.
- The CWD's confidentiality policies. How the survivor's information is kept confidential and when the CWD is legally required to disclose information.
- The availability of program waivers and how to request a waiver. This includes good cause determinations and the frequency of good cause redeterminations.
- Safety planning, including the process of identifying risks, mapping out resources, and assessing options to increase survivor safety developed by specialized workers in partnership with the survivor.
- How the CWD will tailor their WTW plan to meet their needs.
- All other relevant information or requirements necessary for survivors of domestic abuse to make informed decisions.
- Information on CalWORKs eligibility for non-citizen abuse survivors, exceptions to alien sponsor deeming requirements, and information on applying for legal status for noncitizen abuse victims. Refer to the CalWORKs Eligibility for Non-citizens section below.

IDENTIFYING SURVIVORS OF DOMESTIC ABUSE

It is important for all staff to recognize that domestic abuse, sexual assault, sexual harassment, and stalking can happen to anyone regardless of gender, race, ethnicity, sexual orientation, income, or other factors. CWD staff who interact with survivors of domestic abuse are required to recognize, to the best of their ability, the red flags, patterns, cycles, key perpetrator tactics, trauma indicators, adaptations, reactions, pro-actions, and responses to abuse. Staff should interact with survivors using a trauma-informed lens and to the best of their ability, ensure that the program and waiver process is low-barrier and low burden for survivors.

Staff using the On-line CalWORKs Appraisal Tool (OCAT) should have knowledge of how to communicate with survivors of domestic abuse to provide guidance, support, and appropriate referrals. **CWDs should be aware of triggers which cause memories and reactions to trauma (e.g., slamming doors, sudden noises, or retelling of experiences of abuse), and make every effort not to reinforce trauma.**

CWD staff must not require identifying details of abuse or the abuser(s). During any domestic abuse screening procedure, all applicants and participants must be informed that answering such questions that indicate abuse is optional, and answers indicating abuse will not have a negative effect on their ability to participate in the WTW program consistent with [MPP Section 42.715.14](#).

Applicants and recipients must be provided with opportunities to confidentially disclose and self-identify as a survivor of domestic abuse pursuant to [MPP Section 42-715.12](#). **Sworn statements by survivors of domestic abuse shall be sufficient to establish verification of past or present abuse** per [WIC Section 11495.25](#). Forms with check boxes that indicate domestic abuse and signed under penalty of perjury are sufficient. There is no limit on the number of times an individual may identify as a survivor of domestic abuse or state their abuse is impairing their ability to comply with programmatic requirements.

False reporting of domestic abuse is uncommon. In the unlikely scenario that a false domestic abuse report is discovered, the CWD's staff person must not be penalized for granting a domestic abuse waiver or referring resources to anyone that reported abuse falsely.

WAIVER OF PROGRAM REQUIREMENTS

Upon the determination that an individual meets the criteria for a waiver, the county must then waive the appropriate program requirement. The CWD must determine which program requirement(s) to waive consistent with written policies and in discussion with the survivor. Waived requirements must be based on the needs of the survivor and adjusted as necessary to provide support.

Program eligibility requirements that the CWD may choose to waive for survivors include, but are not limited to: time limit on aid, paternity establishment, child support cooperation, and proof of age-appropriate immunizations for all children in the assistance unit (AU) under the age of six per [MPP Section 40-105 \(2\)](#). WTW requirements that may be waived include: orientation, appraisal, job club, or other WTW participation requirements, work requirements, or education requirements per [MPP Section 42-715.5](#).

Program eligibility requirements that **may not** be waived are set forth in [MPP Section 42-715](#) and include: deprivation, assets, income, and homeless assistance (except as described below). If the survivor and the CWD are unable to reach an agreement, the matter must be referred by the CWD for an independent assessment by an impartial third party consistent with [MPP Section 42-711.556](#) and [MPP Section 42-715.22](#).

GOOD CAUSE AND DOMESTIC ABUSE WAIVERS

Good cause exists when the CWD determines there is a condition or other circumstance that temporarily prevents or significantly impairs the recipient's ability to

be regularly employed or to participate in WTW activities. Good cause for waiving WTW requirements exists when participation would put the survivor's safety and well-being at risk. When good cause exists programmatic requirements that are detrimental to or unfairly penalize the survivor or their family must be waived, per [WIC Section 11320.3\(f\)\(2\)](#) and [WIC Section 11495](#).

Adults who are ineligible for CalWORKs benefits are not eligible for a good cause waiver. For example, adults who receive Supplemental Security Income (SSI), non-needy caregiver relatives, and ineligible non-citizens cannot be granted good cause waivers because they are not required to comply with CalWORKs WTW requirements. An exception exists for timed out adults who may be granted a time limit extender. Eligible non-citizens are eligible for good cause waivers. (Refer to the CalWORKs Eligibility for Non-citizens section below).

Pursuant to [MPP Section 42-713](#), conditions that qualify survivors of domestic abuse for a domestic abuse waiver include, but are not limited to the following examples:

- They self-identify or disclose that they are a victim or survivor of abuse, such as domestic violence, sexual assault, sexual harassment, or stalking and the abuse prevents or significantly impairs the recipient's ability to be regularly employed or to participate in WTW activities.
- They are concerned about their safety and/or the safety of their children.
- They are fleeing their abuser and are in temporary housing or experiencing homelessness.
- They are getting divorced or ending a relationship with an abuser.
- They have entered a shelter.
- They are a party to a restraining order or divorce action against the abuser.
- They and/or their child(ren) are undergoing counseling to cope with the effects of abuse.
- Any other circumstance which prevents the survivor from fully participating in WTW activities.

DEVELOPING CRITERIA FOR WAIVING WTW REQUIREMENTS

The CWD is required to develop written criteria for waiving program requirements for survivors of domestic abuse, pursuant to [MPP Section 42-715.52](#). The CWD is encouraged to include flexible, family-friendly and trauma informed waiver criteria.

The CWD may not condition a waiver upon participation in a specific activity. For example, the CWD may not require a survivor of domestic abuse to attend counseling sessions or any other activity. The CWD must develop waiver criteria that does not put survivors of domestic abuse at further risk of abuse or unfairly penalize them in any way, nor may the CWD have policies or procedures that discriminate or exclude anyone based on federally protected classes.

WAIVER RE-EVALUATION

The CWD must have written policies on the criteria for re-evaluating good cause waivers and granting good cause waivers retroactively. CWDs must review good cause waiver determinations as the survivor's needs change, and every three months, in accordance with [MPP Section 42-713.11](#) and [WIC Section 11320.3\(f\)](#). Waivers must continue to be granted to survivors when the effects of domestic abuse are still impacting the family. The effects of domestic abuse are overwhelming and can be long lasting.

During this re-evaluation, it is recommended that CWDs ask survivors of domestic abuse whether their WTW plan continues to fit their needs or if they want their plan amended to better fit their current situation.

WAIVER RETROACTIVITY

The CWD must establish criteria consistent with [WIC Section 11495.15](#) to grant good cause waivers retroactively. Retroactive waivers help to ensure that the survivor of domestic abuse is not unfairly penalized by CalWORKs policy and procedures ([MPP Section 42-713.221\(a\)\(1\)](#)). Waivers may be granted retroactively for more than three months when the failure to grant a waiver was due to an error by the CWD. In that circumstance, the waiver may be retroactive to the date that the domestic abuse participant established that they were a survivor of domestic abuse, including via a sworn statement, and the error should be noted in the case file. The county's criteria for granting retroactive waivers must be provided in the county domestic abuse policies and procedures.

FORMS

All domestic abuse and sexual abuse resources, forms, and notices must be simplified and ensure language access. For those with limited English proficiency (LEP), refer to the LEP section below for more information on language access requirements. CDSS encourages the CWD to submit locally created domestic abuse forms and other materials for review by email to CALWORKsDVSupport@dss.ca.gov

WTW PARTICIPATION

WTW case workers are responsible for working with survivors of domestic abuse to provide an individual case assessment and to develop a participant centered WTW plan when full participation has not been waived. WTW participation should support and meet the survivor's needs using the full array of WTW services and activities to support them in meeting their goals. The CWD should grant good cause and amend plans quickly if the current plan is no longer suitable or the survivor's situation changes.

Survivors of domestic abuse who are granted good cause or are granted a domestic abuse waiver of WTW participation requirements may volunteer to participate in WTW

activities if participation does not place them at further risk and activities meet their needs. Voluntary participation may help survivors of domestic abuse utilize WTW services that can benefit their health and well-being and that of their family.

FAMILY STABILIZATION

CalWORKs Family Stabilization (FS) is a component of CalWORKs WTW that can assist survivors of domestic abuse. FS provides intensive case management and services to participants who are experiencing an identified situation or crisis, which may include homelessness or imminent risk of homelessness and lack of safety due to domestic abuse. Among other supports, FS is designed to ensure a basic level of stability within a family prior to, or concurrently with, participation in WTW activities, and many counties specifically include domestic abuse services for survivors and their families within their CWD FS plans. To view CWD FS plans, visit the [CalWORKs County Plan Webpage](#).

TIME CLOCK

The CWD may waive program requirements related to time limits on receipt of assistance in accordance with their written criteria. Survivors of domestic abuse can remain on aid longer than the allowable state and federal maximum number of months when granted a time limit exception or an exemption. CDSS recommends the CWD waive the time on aid limit whenever needed to prioritize the needs of a survivor in achieving safety and stability. More information about this topic is available in [ACIN I-14-20](#).

EXCEPTION

An exception (clock-extender) is for former recipients who have reached the maximum months allowed on aid. Pursuant to [MPP Section 42-302.12](#), survivors of domestic abuse may have their time limit waived if they have received the maximum countable months of aid (i.e., timed out), are granted good cause, and are otherwise eligible for aid but for the time limit. Survivors of domestic abuse who are eligible for an exception can be added back to the AU. A survivor of domestic abuse who timed out can be added to back on to an AU with others that are not timed out or who also qualify for an exception.

EXEMPTION

Survivors of domestic abuse who have not reached the maximum months allowed on aid and are issued a domestic abuse waiver may qualify for a WTW participation exemption in addition to time limit exemption (clock-stopper). This means the months their WTW requirement(s) are waived, time on aid will not count toward their maximum CalWORKs time limit. A domestic abuse waiver will continue to count time on aid toward the maximum TANF time limit.

STAFF TRAINING

The CWD is responsible for training case workers and other agency personnel on the nature and dynamics of domestic abuse, sexual assault, sexual harassment, and stalking. Training must provide staff the knowledge needed to recognize signs of abuse, and an understanding of the impact of abuse on families. Staff who work directly with domestic abuse survivors must be trained in how to provide an individual case assessment with survivors.

Training must acknowledge and try to diminish the implicit bias of staff engaging with survivors of domestic abuse, victims, and perpetrators of abuse. Training must include ways staff are to incorporate inclusivity, cultural humility, and cultural relevancy through a trauma-informed equity lens. Verbal and nonverbal communication should be practiced and used as an element of providing trauma informed care.

An evaluation and assessment of the effectiveness of the domestic abuse training and services in the community may be helpful in determining if the county's goals are being met, consistent with [MPP Section 42-715.65](#). CDSS recommends conducting this evaluation on a regular basis.

Though regulations state the minimum requirements for staff training, the CWD is encouraged to provide training delivered by experts that serve survivors of domestic abuse from their local community, such as advocates or community-based organizations (CBOs). These experts and trusted messengers can often deliver training, or assist in the development of training modules, so staff are aware of the breadth of resources available within the local community and current best practice when serving survivors and their families. CWD staff must be equipped with all materials needed to provide resources available within the county and by the CWD.

It is required that the CWD provides training for new staff and periodically retrain existing staff on domestic violence, sexual assault, sexual harassment, and stalking protocols. Annual refresher training is a best practice to remind workers of local community resources and county policy. The [Domestic Abuse Training for CalWORKs Staff guide](#), along with other helpful resources, including the [CalWORKs Welfare-To-Work Domestic Abuse Resources Guide](#), are posted on the [CalWORKs website](#). CDSS is updating and adding to these resources on an ongoing basis. Additionally, [MPP Section 42-715.6](#) lists the minimum requirements for personnel training. MPP Section 42-715.6 will be revised based on the training requirements identified in [TANF-ACF-PI-2022-02](#).

Pursuant to [TANF-ACF-PI-2022-02](#), the minimum training requirements for sexual assault, sexual harassment, and stalking are listed below:

- The nature and dynamics of sexual assault, sexual harassment, and stalking.

- State standards and procedures relating to the prevention of, and assistance for, individuals who are victims or survivors of sexual assault, sexual harassment, or stalking.
- Methods of ensuring the confidentiality of personal information and documentation related to applicant and recipients and their children who disclosed their experiences of sexual assault, sexual harassment, or stalking.

CWD staff must be trained in the following:

- Confidentiality laws and limitations,
- Waivers,
- Safety planning,
- Tailoring WTW plans to the survivor's needs,
- [Safe at Home registry](#), and
- CalWORKs eligibility for noncitizens and how to serve non-citizen applicants and recipients who are survivors of abuse.

LIMITED-ENGLISH PROFICIENCY (LEP)

The CWD is required to determine the applicant's/recipient's primary language and can rely upon a bilingual employee or interpreter to make this determination if necessary. The CWD is required to provide the applicant/recipient with translated materials when CDSS has made such materials available in the applicant/recipient's primary language. In addition, the CWD must have oral interpretation services available free of charge for all participants and applicants including survivors of domestic abuse whose primary language is not English.

Pursuant to [MPP Section 42-435](#), if anyone requesting or receiving a domestic abuse waiver or domestic abuse service requests an interpreter, the county must provide an understandable explanation of documentation requirements in the applicant's/recipient's primary language. Counties must honor the person's request for an interpreter, even if the county caseworker thinks the person may know English. Providing LEP services ensures survivors of domestic abuse feel comfortable and safe and fully understand the information being provided. More information on county language access responsibilities can be found in [ACIN I-70-99](#).

CONFIDENTIALITY

Safety is a paramount concern for survivors of domestic abuse. When the abuser is currently in the survivor's public benefits case, including CalWORKs, CalFresh, or Medi-Cal, workers must ensure that any information about the survivor's identification as a current or past domestic abuse survivor, their request for services, waiver, or other domestic abuse related information is not shared with the abuser.

To promote safety, information with respect to survivors of domestic abuse and their dependents **must not be released to any outside party, governmental agency, or to an employee of the CWD who is not directly involved in their case** unless the information is required to be disclosed by law or the survivor provides written authorization, pursuant to [MPP Section 42-715.3](#).

Individuals considered “directly involved” with a survivor’s case can include staff assigned to work on the survivor’s case, such as:

- The survivor’s case worker/social worker,
- Domestic abuse specialist assigned to the case,
- Case worker’s supervisor,
- Survivor’s probation officer,
- Relevant contractors that the survivor of domestic abuse has been referred to, and
- Other staff needed to assist and serve survivors of domestic abuse.

At all times, all efforts must be made to protect the survivor’s confidentiality, with information sharing restricted to a need-to-know basis pursuant to the list above.

People who are not considered “directly involved” in the case can include:

- Any third party, unless authorized by the survivor;
- Anyone not assigned to the survivor’s case;
- Family, friends, spouses, coworkers of the survivor;
- CWD staff and contractor staff not assigned to the case;
- CWD staff that are not trained in procedures and protocols specific to domestic abuse, sexual assault, sexual harassment, and stalking;
- Contractor staff that are not trained in procedures and protocols specific to domestic abuse, sexual assault, sexual harassment, and stalking;
- Anyone who may seek to harm or share the survivor’s information with someone who seeks to harm the survivor;
- Anyone or any agency who seeks to share survivor’s information with unauthorized persons; and
- Any other person the survivor has not given the CWD written permission to share the survivor’s information with.

Additionally, CWDs must not transfer a survivor’s information to another CWD without written consent for the survivor. The [WTW 37](#) is a statewide form that indicates that the survivor of domestic abuse consents to their information being shared with the new county in the event of an Inter-County Transfer. For more information on determining who it is appropriate to share a survivor’s information with, see [ACIN I-60-09, Division 19](#), and [WIC Section 10850](#).

CORRESPONDENCE WITH SURVIVORS OF DOMESTIC ABUSE

Survivors of domestic abuse decide how they will receive communications and correspondence from the CWD. The CWD may not change the method of contact or send electronic correspondence such as text, calls, or emails without the survivor's authorization. There must be documentation of alternative noticing requirements and the method chosen, such as telephone calls, safe and non-safe times of day to receive electronic correspondence, alternate mailing addresses, or hand delivery, pursuant to [MPP Section 42-715.4](#).

The CWD is required to accept [Safe at Home](#) cards as a valid form of identification and use the mailing address listed on them when contacting the domestic abuse participant. For guidance on telephonic or electronic signatures, and in-person photo identification requirements, refer to [ACL 21-134](#).

SAFE AT HOME REGISTRY

[Safe at Home](#) is a confidential address registry provided through the California Secretary of State's office ([Government Code Sections 6205 through 6210](#)). Safe at Home offers survivors of domestic abuse, stalking, sexual assault, human trafficking, elder and dependent abuse, as well as reproductive health care workers, a substitute mailing address to receive first class, certified, and registered mail. This address is required to be accepted by California state agencies, county, and city government agencies in lieu of a residential or other mailing address, thus keeping the survivor's residence confidential and out of the hands of someone who may want to harm them.

The Safe at Home address does not necessarily correlate with the county where the individual resides, and it **must not** be used to deny eligibility, determine residency or as a basis for referring the individual for fraud investigation.

SAFE AT HOME ENROLLING AGENCIES

The CWD can [register as a Safe at Home enrolling agency](#). An enrolling agency is a California government agency or local non-profit agency that provides specialized services for survivors of domestic violence, sexual assault, stalking, human trafficking, etc. Enrolling agencies are designated by the Safe at Home Program to assist the applicant in determining if Safe at Home is a good fit within their safety plan and will assist with the completion of the application. CDSS strongly supports and encourages the CWD to participate as an enrolling agency.

Enrolling agencies may be found by county from the [Safe at Home registry](#). Please visit the [Safe at Home website](#) or call 1-877-322-5227 for more information.

HOUSING AND HOMELESSNESS

Survivors of domestic abuse do not need to participate in WTW services to obtain CALWORKs Homeless Assistance (HA) or CALWORKs Housing Support Program (HSP). Families in which the adult is excluded from the AU or exempt from WTW are also eligible for these services.

CALWORKS HOMELESS ASSISTANCE (HA)

Survivors of domestic abuse who are experiencing or at risk of experiencing homelessness may be eligible for CalWORKs HA, including temporary and permanent HA. For apparently eligible CalWORKs applicants and CalWORKs recipients, temporary HA can pay up to 16 cumulative days of temporary shelter within a 12-month period. Survivors of domestic abuse may also be eligible for additional HA payments under two exceptions to the maximum HA allotments, as described below.

For CalWORKs recipients, permanent HA can pay for:

- Last month's rent;
- Security deposits; and
- Up to two months of rent arrearages not to exceed 80 percent of their total monthly household income within a 12-month period.

HA EXCEPTION DUE TO DOMESTIC ABUSE

When homelessness is the direct result of domestic abuse, CalWORKs recipients may receive an additional 16 cumulative days of temporary HA and an additional payment of permanent HA in addition to the regular once every 12-month allotments of permanent and temporary HA. This exception is limited to once every 12 months.

EXPANDED HA FOR SURVIVORS OF DOMESTIC ABUSE

CalWORKs applicants fleeing domestic abuse who are apparently eligible for aid may be eligible for up to two periods of 16 cumulative days of temporary HA, equaling 32 cumulative days of temporary shelter assistance payments that may be used within an applicant's lifetime if they are still experiencing homelessness as a result of domestic abuse, even if they become CalWORKs recipients after receiving their first issuance of Expanded HA. The 32 days of Expanded HA are available once in a lifetime and are separate from the 16 days (totaling 48 days) available to CalWORKs recipients under the HA exception due to domestic abuse. More information is available in [ACL 21-121](#).

ADDITIONAL EXCEPTIONS TO THE 12-MONTH RULE FOR HA

There are additional exceptions to the maximum HA allotments that CalWORKs survivors of domestic abuse may be eligible for, including when they are experiencing

homelessness as a direct result of physical or mental illness, uninhabitability of the home, and a state- or federally declared disaster. These exceptions are detailed in [WIC Section 11450\(f\)\(4\)\(E\)](#) and [ACL 21-121](#).

CALWORKS HOUSING SUPPORT PROGRAM (HSP)

HSP was established to foster housing stability for CalWORKs families experiencing, or at risk of, homelessness. CalWORKs survivors of domestic abuse who are experiencing or at risk of experiencing homelessness may be eligible for HSP. The program offers financial assistance and housing-related wraparound supportive services, including but not limited to, rental assistance, housing navigation, case management, security deposits, utility payments, moving costs, interim shelter assistance, legal services, and credit repair.

For more information on available housing and homelessness services, please visit the [Housing and Homelessness Programs Website](#) or email housing@dss.ca.gov.

CALFRESH

Survivors of domestic abuse may also be eligible for CalFresh benefits. The amount of benefits a household receives is dependent on household size, countable income, and monthly expenses, as determined under CalFresh eligibility rules. As a reminder, households who do not have access to required verification must be assisted by the CWD in securing verification.

Under [WIC Section 18914.5](#), survivors of domestic abuse, who are residents of a battered women's shelter or on a waiting list and are included as a member of a CalFresh household that also includes the abuser, **may receive expedited services and an additional one month allotment of benefits as a separate household, if otherwise eligible.** To determine the appropriate additional allotment and ongoing benefit amount, a new application must be processed, and benefits must be calculated solely based on the household size, income, resources, and expenses for which survivor or domestic abuse is responsible. Survivors of domestic abuse must be certified without regard to the income, resources, and expenses of their former household. [WIC Section 18904.25](#) requires that information regarding CalFresh eligibility and processing timelines be available at domestic violence shelters.

If you have any questions or need additional guidance regarding CalFresh, please contact the CalFresh Policy and Employment Bureau at CalFreshPolicy@dss.ca.gov.

CALWORKS ELIGIBILITY FOR NON-CITIZENS

Non-citizen survivors of human trafficking, domestic violence, and other serious crimes are defined in [WIC Section 18945](#) and [MPP Section 42-431](#) and are eligible for benefits and services to the same extent as individuals who are admitted to the United States as refugees consistent with [MPP Section 69-201](#). The CWD must determine the

individual's status, whether they are in the process of applying for a T Visa, have been certified by the Office of Trafficking in Persons (OTIP) as a Victim of Human Trafficking in Persons or Continued Presence as a survivor of human trafficking; or have applied for or been granted a U Visa as a survivor of domestic violence or other serious crimes.

These forms of immigration relief can lead to a visa, federal work authorization, and in many cases, a green card and/or citizenship. To help non-citizen survivors explore these remedies, the CWD can provide information about legal services or victim service providers that may be available to help. Once the CWD has determined the individual's status, eligible non-citizen survivors who meet all other eligibility criteria for cash assistance must be aided under the CalWORKs ([MPP Section 42-431.3](#)) or under the TCVAP Cash Assistance per [WIC Section 18945](#) if not eligible for CalWORKs.

Non-citizen survivors who are eligible for CalWORKs under any law, including those eligible for state-funded CalWORKs under [WIC Section 18945](#), are eligible for the domestic abuse waivers in accordance with [MPP Sections 69-201.4](#).

More information is available in [MPP Chapter 70-100](#), [ACL 06-60](#), [ACL 09-49](#), [ACIN I-07-15](#), and [ACIN I-36-23](#) on how to determine eligibility for state-funded CalWORKs benefits. For information on CalFresh eligibility and benefits for noncitizen applicants who are survivors of trafficking, domestic violence, or other serious crimes, see [MPP Section 63-403](#).

TRAFFICKING AND CRIME VICTIMS ASSISTANCE PROGRAM (TCVAP)

Non-citizen survivors of human trafficking, domestic violence, and other serious crimes who do not meet eligibility requirements for CalWORKs may be eligible for and must be assessed for state-funded benefits and services through the Trafficking and Crime Victims Assistance Program (TCVAP) ([WIC Section 18945](#), [ACL 06-60](#), and [ACL 09-49](#)). [TCVAP](#) is a separate cash assistance program that provides eligible non-citizen survivors of human trafficking (who have not been certified by OTIP), domestic violence, and other serious crimes with cash assistance, food assistance, and employment and social services. Refugee Cash Assistance (RCA) rules will be applied to TCVAP eligibility determinations except as specified at [MPP Section 70-105](#).

Non-citizen survivors must first be screened for CalWORKs and if deemed ineligible should be screened for TCVAP or, if certified by OTIP as a Victim of Human Trafficking in Persons, screened for RCA/ Entrant Cash Assistance (ECA). Non-citizen survivors eligible for CalWORKs under any law, including those eligible for state-funded CalWORKs under [WIC Section 18945](#), are eligible for the domestic abuse waivers. All guidance provided for CalWORKs in this letter applies to TCVAP cases with the exception of time stoppers which are not allowed for TCVAP.

The CWD must help individuals understand eligibility and documentation requirements

for TCVAP. For information on eligibility and proof of eligibility, review [MPP Section 42-431 through MPP Section 42-435](#) and [MPP Sections 70-102 through 70-704](#), and [U.S.C Title 18 Section 1595](#).

For information or to request training regarding the immigration options for survivors of trafficking, domestic violence, and certain other crimes, please email [United States Citizenship Immigration Services](#) at: T_U_VAWATraining@uscis.dhs.gov. For questions on TCVAP eligibility or to identify the county TCVAP County Coordinator, please email: TCVAP@dss.ca.gov.

REFUGEE CASH ASSISTANCE (RCA) AND ENTRANT CASH ASSISTANCE (ECA)

Certain non-citizen survivors of human trafficking who have been certified by OTIP may be eligible for RCA or ECA. RCA is a federally-funded cash assistance program that provides cash assistance and services to certain noncitizens, including refugees, asylees, and certain humanitarian parolees ([45 CFR § 400.53](#) and [MPP Section 69-204.2](#)). ECA is a federally funded program that mirrors RCA but is specifically for Cuban and Haitian Entrants ([45 CFR § 401.2](#), and [MPP Section 69-201](#)).

Non-citizen survivors of human trafficking who are certified by OTIP must first be screened for CalWORKs and if deemed ineligible should be screened for RCA/ECA. Noncitizen survivors eligible for CalWORKs under any law, including those eligible for state-funded CalWORKs under [WIC Section 18945](#), are eligible for the domestic abuse waivers. In accordance with [MPP Sections 69-201.4](#), RCA and ECA follow CalWORKs rules and will be applied to RCA and ECA eligibility determinations. All guidance provided for CalWORKs in this letter applies to RCA and ECA cases with the exception of time stoppers. The duration for RCA and ECA is 12 months from the date of eligibility ([45 CFR §400.211](#)).

For questions on RCA contact your local [County Refugee Coordinator](#)

COVID-19 RESOURCES AND BEYOND

While the State of Emergency for the COVID-19 pandemic has ended, the pandemic aftermath will continue to guide the work of supporting communities across the state. The pandemic, natural disasters, and other emergencies experienced in California likely cause underreporting of domestic abuse due to less contact with mandated reporters, while simultaneously increasing victims' time spent with an abuser. Changes made during these unprecedented events tend to lessen in-person interactions and the need to consider the effects when serving all families applying for or participating in CalWORKs continue to exist. For state and county specific resources, see the [WTW Domestic Abuse Resources Guide](#).

The Office of Family Assistance hosted webinar provides insights and recommendations for leveraging TANF to provide support to survivors of domestic abuse during COVID-19 and beyond. View the webinar at [Intimate Partner Violence in the time of COVID-19: TANF's Vital Role in Prevention.](#)

CONTACT INFORMATION

If you have any questions or need additional guidance regarding the information in this letter, please contact CALWORKsDVSupport@dss.ca.gov or call the CalWORKs Engagement Bureau main line at 916-654-2137.

Sincerely,

Original Document Signed By

ALEXIS FERNÁNDEZ GARCIA
Deputy Director
Family Engagement and Empowerment Division