

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, California 95814



February 28, 2000

ALL COUNTY INFORMATION NO. I-16-00

TO: ALL COUNTY WELFARE DIRECTORS
ALL WELFARE-TO-WORK COORDINATORS**REASON FOR THIS TRANSMITTAL**

- State Law Change
- Federal Law or Regulation Change
- Court Order
- Clarification Requested by One or More Counties
- Initiated by CDSS

SUBJECT: GUIDELINES FOR SERVING INDIVIDUALS WITH MENTAL HEALTH
AND/OR SUBSTANCE ABUSE PROBLEMS THAT CREATE BARRIERS
TO EMPLOYMENT

The purpose of this letter is to provide counties with guidelines for serving individuals with mental health and/or substance abuse problems that create barriers to employment. These guidelines are designed to assist both county administrators and staff in the implementation of the mental health and substance abuse components of their California Work Opportunity and Responsibility for Kids (CalWORKs) Welfare-to-Work Program.

A key provision of the CalWORKs Program is the inclusion of substance abuse and mental health services as components which meet work participation requirements. The Administration and Legislature recognize the provision and receipt of these services as critical to recipients being successful in obtaining employment and achieving self-sufficiency. As a result, counties are required to include mental health and substance abuse treatment services in their CalWORKs Program. Additional funding is provided to the counties specifically for the provision of these direct services.

The California Department of Social Services (CDSS), and the Departments of Alcohol and Drug Programs (ADP) and Mental Health (DMH) are concerned about the barriers that counties are experiencing in the design and implementation of substance abuse and mental health treatment services to the CalWORKs population. These barriers are evidenced, in part, by low expenditure levels, low referrals for services, as well as a low number of recipients receiving assessments and entering treatment. The inclusion of time limits on the receipt of CalWORKs cash assistance creates an additional sense of urgency to ensure that these services are provided in a timely and effective manner.

All County Welfare Directors
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As a result, the three departments approached the CalWORKs Joint Committee for assistance in the development of guidelines for county welfare departments, service providers, and local officials to use in designing programs that effectively identify and refer participants to needed services as early as possible in program participation. The CalWORKs Joint Committee is a policy workgroup with representatives from the County Alcohol and Drug Program Administrators Association of California (CADPAAC), California Mental Health Directors Association (CMHDA), and County Welfare Directors Association (CWDA). One of the goals of the CalWORKs Joint Committee is to share best practices on program design and implementation of CalWORKs.

The CDSS, DMH, and ADP would like to acknowledge the assistance of the representatives from the CalWORKs Joint Committee as well as other interested parties in the development of these guidelines. We would also like to acknowledge that some counties implemented mental health and substance abuse services much earlier than others. While this information may not represent new ideas to all counties, the guidelines have been compiled to assist those counties that may be experiencing difficulty in providing services to recipients with multiple barriers to employment.

If you have any questions, please contact your Work Support Services Analyst at (916) 654-1424.

Sincerely,

*Original Signed by
Jo Weber on 2/28/00*

JO WEBER, Chief
Work Services and Demonstration Projects Branch

Attachment

GUIDELINES FOR SERVING CALWORKS PARTICIPANTS WITH SUBSTANCE ABUSE AND MENTAL HEALTH ISSUES

INTRODUCTION

The legislation that created the California Work Opportunity and Responsibility to Kids (CalWORKs) Program gave substantial flexibility to counties for design and implementation of their own program specific to their community's unique characteristics and philosophy. This has allowed for a wide variety of approaches and perspectives on how best to serve CalWORKs participants and help them obtain employment. This latitude has led to some very innovative and creative approaches, as well as some confusion on best methods to pursue. This document has been developed to provide counties with resources to develop and implement local policies that encourage and facilitate successful participation in treatment.

- Administrators should utilize these guidelines as a resource in program design and in policy development.
- Staff should use these guidelines to ensure they gain an understanding of the issues from an organizational and participant perspective.

Wherever possible, this document shares information gained from the experiences of counties and provides guidance in the provision of the Substance Abuse (SA) and Mental Health (MH) treatment services. This document is not inclusive of all SA/MH models that counties are using. As we become aware of additional effective strategies, we will issue updated information. This document highlights some models and clarifies policies related to Program Design; Participants; Perceptions Regarding Access to Substance Abuse/Mental Health Services; and Building Relationships Between Participants and Staff.

- The Program Design section discusses improved or enhanced collaboration, CalWORKs treatment services, organizational cultural shifts, and CalWORKs substance abuse and mental health funding.
- The Participants section covers participant fears, concerns regarding effects on benefits, and maintaining privacy and confidentiality.
- The Perceptions Regarding Access to Substance Abuse/Mental Health Services section focuses on availability of services.
- The section under Building Relationships Between Participants and Staff discusses communication, relationship development, cultural competency, and participant empowerment.

This document addresses specifically SA and MH participants and processes within CalWORKs, however, domestic violence is also addressed intermittently throughout, since it is often a co-occurring barrier to employment with SA/MH issues. For more detailed information on domestic violence please reference the CDSS Domestic Abuse Protocols and Training Standards and the Manual of Policies and Procedures (MPP) Section 42-715 for the CalWORKs Domestic Abuse regulations.

To ensure counties have sufficient funding to provide substance abuse and mental health treatment services, the State Administration and the Legislature provided a separate appropriation in addition to the counties' Single Allocation, so that counties could develop and expand programs appropriate for CalWORKs program recipients. The funds allocated are specific to the treatment of SA and MH (medical and non-medical) and must be expended accordingly. Counties have flexibility in transferring funds between the two services to carry out the purpose of the CalWORKs program. In addition, the county's Single Allocation can be used to fund non-medical SA and MH services, if necessary.

DESIGN OF CalWORKs TREATMENT SERVICES AND COUNTY SYSTEMS AROUND THE IDENTIFICATION OF NEED AND DELIVERY OF SERVICES

Prior to the implementation of CalWORKs, the Aid to Families With Dependent Children (AFDC)/Greater Avenues for Independence (GAIN) program provided exemptions from participation in welfare to work activities. These individuals were not required to participate in treatment or in other employment related activities. With the implementation of CalWORKs, there is a distinct shift toward collaboration and a comprehensive approach to the provision of *all* necessary services for a participant to move toward self-sufficiency. This requires a level of interaction and cooperation between different agencies that was previously not imperative for the existing service systems to work within their individual mandates.

Many counties are in the process of looking at organizational structure changes to assist with collaborative efforts and integration of services, while other counties are maintaining their separate structures and focusing on formalizing their collaborative relationships through Memorandums of Understanding (MOUs) and program design features. Collaboration is a key component in the success of establishing a SA/MH CalWORKs program regardless of organizational structure.

PROMISING PRACTICES

Improved or Enhanced Collaboration

Of the many changes necessary to successfully implement the CalWORKs program, none is more important than the degree of cooperation that is required of all the human services agencies involved, including county mental health, alcohol and drug treatment, domestic violence, welfare to work, children and family services, and local community-based service providers. This is also true of agencies that provide fiscal support and oversight for the local programs. As implementation of the CalWORKs program continues, these agencies must work closely together to succeed. But there are obstacles to collaboration that must first be overcome. The administrative barriers that exist appear to fall into four general categories – design of CalWORKs treatment services; improved collaboration; provision of treatment services; cultural shift; and CalWORKs funding that must be considered in the new approach required for providing services to the Temporary Assistance for Needy Families (TANF) population.

The mental health and substance abuse fields continue to face many challenges in the coordination of treatment services for CalWORKs participants. Even though collaboration with partners may have occurred in the past, CalWORKs requires work with new partners, and a shift to an increased level of collaboration and interaction. Some of the issues, which accompany this increase in interaction, are:

- Negotiating length of treatment in light of the CalWORKs time limits and emphasis on getting participants employed;
- Having the flexibility to design treatment packages which address the specific needs of this population, including treatment for personality characteristics that preclude continuing employment;

- Balancing the requirements of the welfare system's policies with the freedom to make appropriate clinical decisions; and
- Embracing an expanded set of outcomes, which focuses on harm reduction (e.g., reducing the problems associated with alcohol and other drug (AOD) use, such as driving under the influence) for the participant rather than strictly abstinence, or modification and containment of attitudes and behaviors which are barriers to employment and self sufficiency.

Some effective practices include:

- Establish a continuous, comprehensive, inclusive and effective planning process with members of the partner agencies, private sector representatives, direct service providers and consumers of the services involved.

The Los Angeles County CalWORKs Planning Process included:

- ✓ The extension of several existing GAIN contracts in order to provide the necessary expansion of services to accommodate the CalWORKs welfare-to-work participants.
- ✓ A total of 12 community forums, which provided opportunities for the community to provide input and ideas about the development of the CalWORKs plan. In addition, two community forums were held in order for the community to review and comment on the CalWORKs Draft Plan. Demographically, these sessions represented the ethnic and cultural mix of the county.

The Merced County CalWORKs Planning Process included:

- ✓ Collaboration with a wide array of public and private agencies to assist CalWORKs recipients toward self-sufficiency. An extensive county resource directory was developed to assist staff in making referrals to appropriate agencies.
- Promote on-going and regular meetings among county staff at all levels concerning effective organizational strategies.
- Assess the training needs of management and staff, and provide necessary training to ensure that they have the skills and knowledge to provide quality identification, referral and intervention services to CalWORKs participants.
- Support staff at all levels (e.g., administration/management, supervisors, and line staff) for regular attendance at inter-agency meetings on TANF, CalWORKs, interdisciplinary team building, quality improvement strategies, and other relevant topics.
- Establish a "team approach" to service delivery that includes participation from management through staff, as well as all stakeholder partners.

- ✓ Establish a comprehensive integrated team comprised of staff with expertise in each area.
- Promote the principles of cultural competency that allows systems, agencies, procedures and staff to work effectively in culturally sensitive situations.

The Los Angeles County CalWORKs Planning Process included:

- ✓ Training in the area of cultural diversity;
- ✓ Sensitivity training: sexism, ageism, homophobia, subcultures, domestic violence, gangs/drugs; and
- ✓ Training staff to be “value clear” aware and sensitive of their own biases – along the lines of class, gender, nationality, etc.
- Promote values clarification discussions among staff of collaborating agencies.

Discussions could address:

- ✓ Differences in beliefs about applicants with mental disorders or substance abuse problems.
- ✓ The “work first” approach and the effectiveness of treatment.
- ✓ Angry, recalcitrant clients and the ability of the CalWORKs program to achieve its goals with them.
- Encourage networking of workers across agency lines, including sharing of directories and schedules.
- Pursue flexibility in spending CalWORKs funds to achieve program goals. Counties should use their MH/SA allocations to develop and expand treatment services for CalWORKs recipients who need these services in order to obtain or maintain employment or participate in other welfare-to-work activities. These funds may be used for nontraditional or innovative services that may not be eligible for other sources of funding, such as Medi-Cal.

CalWORKs Treatment Services

While responding to the changing dynamics of the culture within the social service agencies, all collaborating partners must also adapt to the changing demographics of our state. California is becoming increasingly diverse. Systems and programs must maintain vigilance in promoting services that are culturally competent and tailored to the cultural needs of consumers. Staff must be supported in their efforts to master elements of cultural competence and be prepared to deliver services to this diverse population.

- The structure of the CalWORKs program at the county level can influence outcomes, including the number of participants referred for mental health, substance abuse, and domestic violence services, and the number who actually follow through with and complete treatment services.
- Support creation of a “seamless” service delivery system by:
 - Co-location of staff and services in neighborhood-based county welfare offices to allow CalWORKs staff to consult with them.
 - Ensure that information about the availability of treatment services is readily available and easily understandable.
 - Promote immediate availability of treatment staff to answer participants’ questions.
 - Support quick resolution of problems/needs of participants.
 - Ensure proactive case management to ensure delivery of services.
 - Develop easy customer feedback mechanisms.
- ✓ Many counties, including Stanislaus, Monterey, Butte, and Fresno, co-locate behavioral health staff in welfare offices to improve access to services.
- Reduce the “time, steps and space” between screening, assessment and services. This will increase the number of people who access services. It has been estimated that as many as 50% of people drop out of referral/screening, and assessment/services at each separate step if they must obtain appointments with a series of providers or agencies not located at the same site.
- County welfare departments (CWD) should make mental health and substance abuse treatment services available, when necessary, to enable participants to make the transition from welfare-to-work. Referrals for services can be made whenever there is a concern that a mental health or substance abuse problem will interfere with the individual’s ability to obtain or retain employment or participate in other welfare-to-work activities.
- Tailor services for participants and the mission of CalWORKs - overcoming barriers to employment - for greatly enhanced outcomes.
- Allow flexibility to shorten the time spent participating in job search when the participant and the CWD agree that further job search activities would not be beneficial or when the CWD determines that the recipient will not benefit because he or she may suffer from an emotional or mental disability that will limit or preclude the recipient’s participation in welfare-to-work activities.

- Adopt the services necessary to respond to cultural differences and needs, such as language barriers or a culturally based reluctance to admit the presence of a substance abuse problem. Promote cultural sensitivity and awareness through training and an organizational environment that acknowledges the importance of cultural aspects in providing services.

Availability and timeliness of these services is sometimes an issue within a county. To address this issue, some county welfare offices:

- ✓ Have agreements in place with their treatment providers to provide for the participant's transportation and childcare needs when attending treatment.
- ✓ Provide on-site child care or play areas for participants' children to ensure that the participant need not worry about their children during the interview process and to provide opportunities for self-disclosure in private.

Public transportation is not always available for participants due to hours of operation and the time needed to take their children to childcare. Examples of strategies being utilized by counties include:

- ✓ Contracting directly with the local public transit provider to provide door-to-door delivery service for participants to ensure that they are able to keep various appointments and commitments which are part of their welfare-to-work plan. Santa Barbara County works with the local transit authority to provide curb to curb service. Recipients are transported to their child care location and on to their welfare-to-work activity.
 - ✓ Using mobile vans to provide services to participants in remote areas. In Santa Cruz County, the CalWORKs recipients are trained to become van drivers, providing employment for the driver and transportation for other recipients at the same time.
 - ✓ Enhance staff expertise by providing training to increase awareness of the full array of services available for participants and provide regular updates to increase knowledge on SA/MH issues.
- Implement a community outreach program designed to engage non-responsive participants, as well as to identify participants with substance abuse, mental health, and domestic violence needs early in the welfare-to-work process.

Specific targeted marketing of the availability of substance abuse and mental health services for CalWORKs participants should occur. Some marketing strategies could include:

- ✓ Regular television, radio, and print media
- ✓ Culture/language specific media
- ✓ Targeted billboards
- ✓ Meetings with ethnic/cultural groups, schools, and churches
- ✓ Community newsletters
- ✓ Video and audio feeds in county offices
- ✓ Ethnic/cultural events
- ✓ Marketing materials (e.g., posters, handouts)

- ✓ Ensure that SA and MH treatment providers are consulted or participate in the good cause determination of whether an individual's mental health or substance abuse problem caused or substantially contributed to the failure to comply with program requirements other than participation in a required treatment program. This will assist the CalWORKs case manager in assessing whether a participant's non-compliance is SA or MH related.

- ✓ Consider implementing a home visitation program to gather additional information to assist in the determination of whether the individual has a good reason for not complying with the program requirements. At the same time, workers may also determine that additional services are necessary for these participants, or other members of the assistance unit. (i.e., SA/MH/DV). This may help prevent the participant from being sanctioned.

- In some cases, the welfare-to-work case manager may not be the first person to become aware of an individual's need or desire to enter treatment. The program design should allow referrals to services be made at any time and ensure ongoing contact with the welfare department for development or revision of the welfare-to-work plan. Staff and consumer awareness that there are multiple paths to treatment increases the efficacy of the effort toward self-sufficiency. Access to CalWORKs may come through public health, schools, mental health and substance abuse treatment programs, and the juvenile justice system.

- Promote SA/MH treatment programs providing life skills training concurrently with SA/MH treatment for CalWORKs participants. Strategies should include proven approaches to building competencies and developing skills for dealing with common

stressors in employment and for resolving deficits in interpersonal skills that could impact work performance or a person's ability to obtain employment.

Sonoma County utilizes a strengths-based approach that shifts the emphasis from focusing on the participant's perceived deficits to assessing and maximizing his or her strengths (e.g., a participant's ability to negotiate public systems, crisis management, and household management).

- Develop guidelines that ensure that the case manager, in consultation with the appropriate treatment providers, includes coordinated mental health and substance abuse treatment services in the welfare-to-work plan of dually diagnosed participants.

Organizational Culture Shifts

Many workers on the CalWORKs team will find that they are operating in a frame of reference that is different from AFDC. The shift from determining eligibility for welfare benefits to assisting participants in "getting to work" requires agency staff at all levels to change their approach, expectations and methods of dealing with applicants to the CalWORKs program. Frequently, eligibility workers are being called upon to act as "case managers" for participants, requiring a level of interaction that they may find uncomfortable at first.

County mental health workers, primarily accustomed to serving people with a serious mental illness, now find themselves faced with clients with a wider variety of mental health issues. For CalWORKs clients, psychosis is generally not an issue. This wider variety of mental health issues will require service providers to modify their approach in order to treat different symptoms than the traditional managed mental health care system currently permits.

More specifically, the concern that participants need to be working in the near term may be different for the county mental health and alcohol and drug workers, who in the past have considered work a long-term goal for their clients. Subsequently, the shift will be away from the long-term therapeutic efforts and toward brief treatment efforts, the goal being the correction of those situations that impede the participant from obtaining or keeping employment. Treatment will be short-term and time-limited, bearing similarities to the Employment Assistance Programs in place at many agencies and private companies.

Domestic violence often forms a major barrier to employment and self-sufficiency, and securing the safety of victimized family members must be a priority. Approximately 4,000 women die each year due to domestic violence – 75% of them die after having left the abusing spouse. As this is still, and should remain, the driving force, it is necessary that all levels of the CalWORKs program understand that domestic violence is NOT the victim's fault. Appropriate concern by CalWORKs clients that disclosure of abusive conduct will lead to the removal of the children by Child Protective Services confounds the goal of disclosure in a non-judgmental atmosphere. The recourse left is to ensure the line worker is trained in and understands the reporting obligations

imposed by law and also understands the complex psychological processes an abuse victim has to go through in order to get out of a harmful relationship.

- Develop training and provide continuous staff development for those expected to function as case managers. The case manager becomes the single point of contact for the participant and the service providers to which the individual is referred.

- ✓ Sacramento County's Alcohol and Other Drug Treatment Initiative is a nationally recognized cross-system training effort which has been running for over five years, and has been migrated to two other California counties and Oklahoma's Department of Welfare. The Initiative's goals were to:
 - Take a more active role of identification, intervention, and connection to treatment services in the child welfare, mental health, public health, adult protective services, and primary health care systems;
 - Expand treatment capacity by increasing staff skills to identify substance abuse issues and better determine a clients' level of need;
 - Transform the health and human services agency into the primary provider of treatment services.

- Cross-train all workers in the disciplines of the other professionals on the CalWORKs team. Mental health and substance abuse workers, welfare-to-work staff, and domestic violence advocates all need training in the current theories and practices of the others' field of expertise.

Employ and utilize CalWORKs participants who have been direct consumers of substance abuse and mental health services to promote wellness and "sell" the advantages of the program to others. This is being done successfully in New Jersey, and in some California counties. These "champions" serve as models that are most like the prospective participants themselves.

CalWORKs Substance Abuse and Mental Health Funding

- CWDs should encourage the substance abuse and mental health agencies on the use and flexibility of SA/MH funds. This should include education on the use of these funds to develop innovative strategies to ensure early identification, assessment, and access to services. Services may include, but are not limited, to:
 - Evaluation/assessment and case management;
 - Treatment, including rehabilitative services, employment counseling and provision of community service jobs;
 - Treatment for family members, if the mental health or substance abuse problem interferes with ability to participate in the welfare-to-work program;

- Outreach and marketing of services; and
- Capacity building.

Many counties are implementing new and innovative services through the flexibility allowed with current funding sources. Here are some ways counties are utilizing their funds:

- ✓ Community outreach designed to engage non-responsive participants, as well as to identify participants with substance abuse or mental health needs early in the welfare-to-work process;
 - Alameda County is utilizing multiple funding sources to provide maximum customer service. They have a CalWORKs Outreach Support Team stationed in neighborhood resource centers, designed to provide a variety of mental health and drug and alcohol services.
 - Stanislaus County is using funds to provide various employment-related behavioral health services at multi-service sites in conjunction with their “StanWORKs” staff.
 - ✓ Co-locating substance abuse and mental health staff with CalWORKs staff allowing immediate access to professionals; and
 - ✓ Expanding residential services to include services for mothers and their children.
- In addition to the mental health and substance abuse allocation, counties may also use their CalWORKs Single Allocation to provide mental health and substance abuse services. However, counties opting to use their CalWORKs Single Allocation on mental health and substance abuse services must ensure that the services provided are non-medical in nature (e.g., intensive day treatment, outpatient drug free treatment, and residential treatment). Counties also have the flexibility to transfer mental health and substance abuse funds between the two services to carry out the purpose of the program.
 - Counties may use their CalWORKs Single Allocation or fiscal incentive funds to provide domestic abuse services. To the extent that domestic abuse involves mental health or substance abuse issues, the mental health and substance abuse allocation may be used for treatment. More generally, the funding for domestic violence services is provided at the county level. The complex barrier domestic violence presents to the attainment of CalWORKs policy goals – obtain employment; attain self-sufficiency should be delineated for local boards of supervisors. Once made clear, adequate continuing funding should be provided in order to deal with the problem on an ongoing basis.

PARTICIPANTS

The sweeping changes brought by CalWORKs have greatly affected individuals who participate in this public assistance program. These changes are transforming the system from one that focuses on determining eligibility and payments to one that forms the cornerstone of a comprehensive system that addresses barriers to achieving self-sufficiency. The emphasis is now on developing active partnerships among county agencies, provider partners, and program participants.

CalWORKs shifts the emphasis to a case management approach. Staff are now asked to identify and assess factors which impact a participant's ability to obtain or retain employment, including whether the participant has a SA or MH problem, training or educational needs, or is a victim of domestic violence.

CalWORKs participants have expressed great concern over the possibility of losing custody of their children if they are identified as having a SA/MH problem. Many county staff voice concern that the low number of self-disclosures regarding substance abuse and domestic violence is linked to this issue. Participants are fearful that disclosing a problem will result in the automatic removal of their children from the home.

These changes present new challenges for participants as well as staff. They particularly impact relationships among county staff and require that participants overcome many beliefs about California's welfare program, the staff who administer the program, and their responsibilities as individuals participating in the program. Following is a discussion of some of the issues faced by CalWORKs participants organized into the following categories – Participant Fears, Maintaining Privacy and Confidentiality, Concerns Regarding the Effects on Benefits, Perceptions Regarding Access to Substance Abuse/Mental Health Services, Availability of Services, Building Relationships Between Participants and Staff, Communication, Relationship Development, Cultural Competency, and Participant Empowerment.

In addition to fears regarding the removal of their children, and the new, and sometimes uncomfortable experience of discussing personal issues, some participants fear that their benefits will be affected if they disclose an SA/MH problem.

PROMISING PRACTICES

Participant Fears

Participants with SA/MH problems often feel stigmatized by society because of the nature of their disorder. As a result, they may hesitate to disclose their problem and be unable to request necessary assistance or services. Lack of resolution of these underlying issues can ultimately lead to failure in achieving self-sufficiency.

Alleviating Participant Fears Related to Losing Custody of Their Children

It is critical that CalWORKs staff be made aware of the conditions under which a report would or would not be made for child abuse or neglect, and when a child could be removed from the home. Each county is encouraged to consider training CalWORKs eligibility workers, contractors, case managers, and other staff who work closely with CalWORKs participants on:

- ✓ The laws regarding confidentiality of information disclosed by CalWORKs recipients, the criteria for mandated reporting of child abuse and neglect, the criteria for mandated reporting to law enforcement, and how to determine when a report must be made.
- ✓ How to explain to CalWORKs recipients the privacy and confidentiality protections that apply to them, the rules on mandated reporting and how to respond to participants' concerns about mandated reporting and the possible consequences of a report.
- ✓ Acknowledging the reality that eligibility workers, case managers, and other CalWORKs staff are required to make reports to Child Welfare Services (CWS)/Child Protective Services (CPS) when, as mandated by state law, "...the person has knowledge of or observes a child in his or her professional capacity, or within the scope of his or her employment who he or she knows or reasonably suspects has been the victim of child abuse..."(P.C. 11166[a]). A CalWORKs recipient's self-disclosure that he or she has a mental health or substance abuse problem, in itself, may not be sufficient basis for a CWS/CPS report.

For further information regarding this subject, please refer to the California Department of Social Services (CDSS), Office of Child Abuse Prevention publication, *The California Child Abuse and Neglect Reporting Law--Issues and Answers for Health Practitioners*. A copy of this booklet may be obtained from CDSS, Adult and Family Services Division, Family and Children's Services Branch, Office of Child Abuse Prevention 744 P Street, M.S. 19-82, Sacramento, California 95814.

Concerns Regarding Effects on Benefits

- Staff should be very clear with the participant when discussing conditions under which their benefits could be affected. When a participant's welfare-to-work plan includes assignment to a treatment program, a case manager may determine that the participant is out of compliance with that plan. The case manager must consult with the substance abuse treatment provider to make the determination that the participant has failed or refused to participate in a treatment program without good cause. This determination may result in a sanction.

Participants may also be sanctioned if they fail or refuse to comply with other program requirements without good cause as follows:

- Failing or refusing to sign a welfare-to-work plan;

- Failing or refusing to participate or provide required proof of satisfactory progress in any assigned program activity, including self-initiated programs or accepting employment;
- Terminating employment; and
- Reducing earnings.

Participants need to know and understand the appeal and grievance processes available to them should they disagree with staff actions. Staff should ensure that they clearly communicate the process used in their county to the participant and that the participants are aware of their rights and responsibilities.

- Whenever a participant believes that any program requirement or assignment is in violation of his or her welfare-to-work plan, or is inconsistent with the CalWORKs program, they may request a state hearing or utilize a formal grievance procedure established by their county board of supervisors and specified in the county plan.
- If the participant is not satisfied with the outcome of the grievance procedure, he or she may appeal the decision. Participants shall be subject to sanctions pending the outcome of any formal grievance procedure or any subsequent appeal only if they fail to participate during the period the grievance procedure is being processed.
- Staff should ensure that they discuss the hearing and grievance processes with the participants at the beginning of their participation in program activities.
- A person may be temporarily excused from participation for good cause for not participating when the county has determined there are circumstances that temporarily prevent or significantly impair a person's ability to be regularly employed or to participate in welfare-to-work activities. Conditions that may be considered good cause include, but are not limited to, the following:
 - Lack of necessary supportive services (transportation, ancillary, childcare);
 - The person is a victim of domestic violence, but only if participation is detrimental to, or unfairly penalizes, that person or their family; or
 - Childcare for a child 10 years of age or younger is not reasonably available during the person's hours of training or employment.

Maintaining Privacy and Confidentiality

Under CalWORKs, participants may be asked to divulge sensitive information about themselves in uncomfortable situations. For example, participants are sometimes interviewed in the presence of others, and are asked to share personal information in front of family members or friends. Participants may be asked to discuss this information at a staff person's desk in a large open office, with no way of ensuring

privacy. Where county welfare offices do contain separate offices for conducting participant interviews, doors are sometimes left open, eliminating some of the privacy for participants.

- Counties are encouraged to provide information regarding substance abuse and mental health services in a non-threatening manner and to provide a safe, private physical space for disclosing information, including:
 - Displaying posters, and other materials regarding substance abuse and mental health;
 - Discussing confidentiality during informational sessions, including any legally required disclosures; and
 - Making telephones available for those who have disclosed to safely and privately call resources.
- Each county is strongly encouraged to develop procedures, policies, and written materials to ensure that CalWORKs recipients are accurately informed about privacy and confidentiality.
- Staff should reassure participants that, with the exception of mandated reporting requirements (which should be specified), information will not be exchanged with other agencies without their written consent. Furthermore, when they do give their consent, information exchange will be limited to a “need to know” basis. That is, not all information is shared, only that which is necessary for the other agency to work effectively for, and with, the participant.
- Stringent confidentiality regulations protect the identities of persons participating in alcohol and other drug abuse treatment programs. Counties are encouraged to work with their mental health and substance abuse partners to handle confidentiality within the limits of existing federal and state laws and then request their local county counsel’s approval of their proposal.

Some counties have developed a single release of information form for this purpose. A valid consent or release of information form must specify the following:

- ✓ Name of participant;
- ✓ Name of program/organization providing information;
- ✓ Purpose of exchange of information;
- ✓ Who is to receive information;
- ✓ Information to be released;
- ✓ Acknowledgement that participant understands he or she may revoke consent at anytime, and that the revocation may be oral or written;
- ✓ Date and conditions upon which consent expire;
- ✓ Date the consent form is signed; and
- ✓ The signature of participant.

The environment in which the participant and staff interact can also play a part in the participant's perceptions of the CalWORKs program. Participant perceptions of the county welfare organization and its professionalism can be affected by the appearance of the office, as well as their interactions with staff.

- In response to security-related concerns among some staff and participants, some CWD's have implemented visible security measures such as the location of law enforcement officers within their public offices. While this step may be necessary to address such concerns, it may lead to a degree of discomfort on the part of participants. Notices indicating security measures are taken to ensure *participants'* safety may assist in alleviating these concerns.
- To enhance the comfort of participants, many counties have taken steps to improve the environment within their offices. For example, counties can limit the presence of security officers to the perimeter area of the county welfare office, with accompanying security measures located in the internal areas that are less obtrusive. Doing so helps to ensure the safety of county staff, while mitigating the intimidation factor for participants.
- Security staff should be trained to help recognize persons who may be experiencing SA and/or MH problems and to appropriately interact with such participants.

- Where security officers are present, staff are encouraged to discuss the reasons for their presence (in a non-threatening manner) while emphasizing that this is intended to ensure the safety of the participant and staff.
- Staff are encouraged to seek a private, comfortable setting during interaction with participants. Such an environment, when complimented by positive input from staff, can increase the comfort level of a participant so they will disclose potentially sensitive barriers to employment.

The physical environment where the participant and staff interact can send a powerful message regarding the county's commitment to its CalWORKs program. Maintaining a clean office with an ample supply of seating and open space will serve to facilitate a belief among participants that they will enjoy a professional working relationship with the staff. For example, many offices decorate the public areas with pictures, children's art, and other decorations to establish a more inviting, attractive office setting. Using artwork from the children of participants can lend a more friendly air to the office.

PERCEPTIONS REGARDING ACCESS TO SUBSTANCE ABUSE/MENTAL HEALTH SERVICES

CalWORKs participants may be reluctant to pursue SA/MH treatment because they simply do not understand the range of treatment services available. Many participants may believe that substance abuse or mental health treatment takes place in a residential facility or hospital and that they may be required to leave their home.

PROMISING PRACTICES

Availability of Services

- All CalWORKs program participants and applicants should be informed of the availability of treatment services, and how the referral process to access those services is coordinated. Participants should be assured that utilizing services would not result in negative consequences (e.g., use of SA/MH services will not result in reduction of benefits, law enforcement involvement, etc.).
 - CalWORKs participants should be given materials informing them of the array of the SA/MH services available and that SA/MH treatment programs offer specialized services to meet the specific participant needs (culture-specific, language appropriate, parenting oriented, with child care and transportation services available, etc.).

Some counties have developed brochures and posters that describe the treatment services available in the counties as well as the value of the services to the recipient.

- County staff should notify the participant there are multiple opportunities for CalWORKs participants to self-disclose any substance abuse or mental health issues. Prime opportunities may exist at the time of program application, during the development of the welfare-to-work plan, and during periodic individual program reviews.
- The availability of SA/MH treatment should be reiterated to CalWORKs participants throughout each step of the process.
- All CalWORKs participants should be given information, both verbally and through printed material, on the benefit that SA/MH treatment may have on the whole family. (e.g. the children's behavior or schoolwork could improve).
- CalWORKs participants should be made aware that SA/MH treatment required as part of their welfare-to-work plan does count toward satisfying CalWORKs work requirements.

- To the extent possible, participants should be involved in determining which particular program best suits his or her individual needs.
- Participants should be aware when the county in which they reside has made SA and MH treatment services available as part of job retention services. In this instance, services could be available for up to 12 months after they are no longer receiving cash aid because they obtained employment.
- Once an individual has reached the 18 or 24 month time limit and is assigned to community service activities, he or she may also participate in MH/SA treatment if it is determined necessary for the individual to participate in community service.
- Counties are encouraged to consider the development of long term support groups. These groups are less expensive than dealing with relapse, decompensation, and unemployment.

Developing a history of successfully meeting the needs of participants, and perhaps using successful participants as “mentors” will enhance the credibility of the staff with other participants and can serve as an incentive for participants to seek SA/MH services.

- Participants may be unaware that transportation and childcare services are available to them. Ensure *they understand* that transportation and childcare will be provided to enable them to participate in treatment, as well as other welfare-to-work activities.

BUILDING RELATIONSHIPS BETWEEN PARTICIPANTS AND STAFF

Many participants are reluctant to embrace CalWORKs or the “cultural change” associated with the program because they do not trust that “the system” will serve their needs. Additionally, some participants have experienced frustration due to what is perceived as bureaucratic barriers, long lines or waiting periods, lack of available SA/MH services, lack of service from county staff, and inadequate information dissemination. Where participants have this perspective, it is extremely difficult to build the type of positive working relationship with participants, that is necessary under CalWORKs. Since identification and disclosure of SA/MH issues is dependent upon safe, trusting relationships, establishing a comfortable relationship with a participant is the most important, and possibly most challenging, responsibility staff face. CalWORKs establishes a new relationship between county staff and the participant, and requires each to work together in new ways to achieve the goal of the participant obtaining and retaining employment.

The following may assist in reassuring the participant that a trusting relationship is feasible:

- ✓ Enhance staff expertise by providing training to increase awareness of the full array of services available for participants and provide regular updates to increase knowledge on SA/MH issues.
- ✓ Provide sensitivity training on the provision of SA/MH services to participants and provide ongoing updates regarding aspects of CalWORKs. Many counties, including Alameda, Stanislaus, and Santa Barbara, are providing this training to staff.
- ✓ Maintain a positive, encouraging and approachable attitude from staff.
- ✓ Ensure that participants receive a high level of personal contact with the same staff for consistency and to assist in relationship building.
- ✓ Encourage input and engage in open communication with participants regarding their goals and any barrier that may hinder success.
- ✓ Communicate an expectation of success in achieving goals.
- ✓ Develop a mentoring relationship to foster a sense of self-esteem in participants.

Cultural barriers can inhibit or dissuade participants from disclosing substance abuse, mental health, or domestic violence issues. While issues of trust can be difficult under any circumstances, the presence of additional cultural issues (such as a language barrier, or a cultural-based reluctance to admit the presence of a substance abuse problem) magnifies these problems. County staff must be particularly aware of, and sensitive to, these issues, and develop a positive working relationship with participants with diverse backgrounds.

It is critically important that participants be viewed and treated as partners in this welfare-to-work process – that together staff and participants are working to move them toward employment. Opportunities for successfully addressing any barriers will be minimized if participants feel they are simply being “processed” or moved through the system without true regard for their well being. Success depends on fostering a relationship characterized by mutual respect and the clear sense that staff is committed to serving the participant’s best interest.

PROMISING PRACTICES

Communication

- Participants sometimes receive conflicting information (from other agencies, other participants, etc.) so it may be necessary to be very patient in providing information to a participant, especially if they have a substance abuse or mental health problem.
- Where there is conflicting information from other agencies, staff should make every effort to resolve any confusion that may exist between different agencies and communicate the correct information to the participant.
- It is also important to ensure that you are relaying accurate information and it is communicated clearly in a way that the *participant understands*.
- Staff should remember that their communication technique and the accuracy of the information they give is laying the foundation for their relationship with the participant and influencing whether the participant will choose to trust them.
- Whenever possible, it is preferable to communicate information verbally rather than simply handing the participant a brochure or other written material. If it is necessary to provide the written material, the information should also be explained and reinforced verbally.
- Develop alternative methods of communicating information and marketing the opportunities available to participants, (i.e., videos, Public Service Announcements, posters, community programs, etc).

Relationship Development

- In order to develop a bond of trust with program participants, staff must ensure the participant feels that his or her individual interests are genuinely heard and addressed.

Some things county staff may do to develop the participants' trust include:

- ✓ Keep commitments made to the participant;
 - ✓ Ensure promised services are delivered in a timely manner;
 - ✓ Solicit feedback from the participant to ensure continuous quality improvement of program services and processes.
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- Staff can also communicate to the participant that the CalWORKs program emphasizes an optimistic view of the future based on greater respect for the participant's strengths.
 - During an initial meeting with a participant, staff could discuss the new focus of CalWORKs, supporting the participant's transition to employment, as well as the more comprehensive case management approach which attempts to address any barriers to securing or maintaining employment.
 - ✓ Sacramento County has intake or treatment staff conduct an initial meeting which consists solely of an informal conversation with the participant to determine the general state of their life, what type of problems they are facing, their concerns regarding the changes which will be brought about because of CalWORKs, etc. The purpose of this approach is to discuss the services in a nonthreatening manner. This approach may help the individual understand the services are available to help – not hurt.
 - Support the idea that the CalWORKs worker is the primary contact for the participant and reduce the shuffling that often takes place. Consistency of contact can enhance the possibility of success.
 - Staff should take care to treat the participant with respect, to not appear judgmental, and not make assumptions.

Cultural Competency

- Language issues are extremely important. Many counties have hired bicultural, bilingual staff to work specifically with participants who do not speak English. Written communications and official program documents should also be available to non-English speaking participants.
- Counties are encouraged to provide cultural competency training for all of the staff to enhance their effectiveness.
- It is important that the staff also remain aware of, and is sensitive to, any gender-specific issues that may affect the participant's perceptions.

PROMISING PRACTICES

Participant Empowerment

Empowering participants can be a first step toward helping them take responsibility for themselves and any SA/MH problems, and can be an added reinforcement for their subsequent treatment.

- Staff are encouraged to be aware of the messages that are being conveyed to a participant by attitude, tone of voice, and demeanor, as well as by the words they speak. Is staff playing an authoritarian role or sounding and appearing as if they genuinely care about the participant and his or her family?
- Include and involve the participant in the decision-making process and allow him/her to have choices whenever possible.
- View participants as partners with county staff in a joint effort to move the participants toward successful employment. The staff/participant relationship should be characterized by mutual respect.
- Assume that the participant has skills, has learned lessons from experience, has hopes, has interests, and can do some things masterfully, even though it may be obscured by the stresses of the moment, submerged under the weight of crisis, oppression, or illness.
- Support a participant's strengths. Instead of asking what their problems are, a worker can help them identify what strengths they bring to their family and what they think are the strengths of other family members. Through this process, the worker helps the family discover capabilities and formulate a new way to think about themselves.