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Bulletin No. 16-28

P-2344A

P-2344 Modifications or Deferments

A Domestic Violence Modification or Deferment

The following procedures have been updated removing the need for any verification beyond a participants written statement on a 310WA (see exceptions below in #8), the ability to use documentation obtained if a participant received a waiver from OCS in pursuing child support or was granted GA/EA due to Domestic Violence and the elimination of the need for a Notary Public to witness the participants statement.

1. Domestic Violence Notification

If a parent discloses that domestic violence has affected or is presently affecting his or her family, the case manager gives the parent the 201DV (Domestic Violence – You don't have to face it alone) and follows the script at P-2201 K, beginning at #6. P-2201 K provides general information about how to proceed when conversing about Domestic Violence as well.

2. Confidentiality

If the parent is accompanied by friends, relatives or companions do not initiate or persist in discussion about domestic violence unless the parent clearly begins and continues the discussion, since the companion may be the abuser or may report back to the abuser.

Inform the parent that any discussion of domestic violence may take place in a private space in the district office where the conversation cannot be overheard. If the parent wishes to continue in a private space, stop the discussion immediately and follow the district office procedures to move the interview to a private space.

3. Parent Discloses: Child Support Waiver

If a parent tells you about being a victim of domestic violence and wants a waiver from the requirement to cooperate in the pursuit of child support, ask them if they would like to fill out the 137W at this time (see P- 2260.B). Make sure that the 137 they handed in with their application has the waiver box checked, or they will need to complete a new 137 as well. Case Manager will email the District Management Team letting them know the status of the paperwork and asking that the code on the ABSP panel be updated. All waiver related paperwork will be kept in a separate classification file in the office (check with Regional Manager to determine where files are kept and how files are maintained).

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4. Parent Discloses: Work Requirement Modification or Deferment

If the parent tells you he or she might have difficulty fulfilling the work requirement because of the effects of domestic violence (see policy for details), explain how the modification or deferment works.

5. Explanation of Modifications or Deferments

Explain that:

- the modification or deferment is from the work requirements only, not from Reach Up activities;
- the parent is not required to participate in job search or work while the deferment request is pending;
- the parent's Family Development Plan (FDP) must address the effects of domestic violence through Reach Up activities;
- the modification or deferment lasts for up to six months and may be extended for six-month intervals, with no limit on the number of extensions.

6. Parent Completes the Request for a Modification or Deferment

Give the parent the 310WA (Request for a Deferment from Work Requirements Because of the Effects of Domestic Violence) to complete. Ask the parent if he or she needs help in completing the form. If so, help the parent complete the form, but make sure the request is in the parent's own words.

Tell the parent if he or she wants the statement to include information that is already in other documentation, such as a police report, he or she may attach that documentation and refer to it instead of rewriting the same information in the statement.

7. Case Manager Reviews Parent's Statement

When the parent has completed his/her statement, read it over and see if it is complete and consistent with what else you may know about the family from your own experience with them. The object of your review is to help the parent make a clear, complete, and consistent request that can be used as the basis for a modification or deferment by the Reach Up Supervisor. Be tactful and helpful. Avoid creating the impression that you doubt his/her statement.

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Talk to the parent about anything you think might raise questions about the situation in the mind of the person who will review the request. If something in the statement seems inconsistent with something else in the statement or with something else you know, discuss it with the parent to see if there is something s/he could add to the statement to clear up the inconsistency or some documentation that might clear it up. If there seems to be something missing in the statement, discuss that with the parent, too, to see whether that can be resolved.

8. Case Manager determines what documentation is available if needed

Explain that supporting documentation is not necessary if the parent's statement on the 310WA is sufficiently detailed, consistent and credible. The decision to grant the modification or deferment would be based on the parent's written statement.

- a. In cases in which the abuser is the mother/father of the child, look in ACCESS while the parent is completing the 310WA to determine if a child support waiver had ever been requested. There may be supporting documentation or relevant information on the 137W regardless of the outcome of the waiver request. The 137W and supporting documentation would NOT be found in OnBase.

To find a child support waiver, look up the STAT/D/ABSP.xx in ACCESS for each noncustodial parent. The COOP field will have a code 2 (requested waiver, pending) or 3 (waiver granted) if there is a waiver. It will have a 5 (waiver denied, cooperating) or 6 (waiver denied, not cooperating) if the parent applied unsuccessfully for a waiver.

- b. Check with the Regional Manager of the district for documentation supporting the waiver request, or indications that such documentation was submitted and is on file at the office.
- c. Check CATN to see if participant was granted catastrophic GA/EA due to domestic violence. Reference will likely be made to a "Sister Agency". If participant was granted GA/EA due to domestic violence obtain documentation that was used to determine eligibility.
- d. Ask the parent what documentation there is to support this request. For examples of documentation, show the parent the acceptable items of documentation in policy (2363.1) or the lists on the 201WC (Authorization to Release Information – Waiver of Confidentiality).

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- e. When you have determined there is documentation, ask if the parent is willing to submit it with the request. If the parent's unwillingness is because of something other than the safety of a family member, discuss it with the parent. Explore the possibility of the parent's obtaining other documentation, such as a statement from a staff worker he or she has been working with at a domestic violence program.

However, do not insist or pressure the parent in any way to include documentation if he or she is unwilling to, regardless of the reason.

If the parent wants to submit documentation, decide with the parent on a date by which he or she should get the documentation to you, so the request will not be pending indefinitely, and note the date in the case notes. If you do not have the documentation by the date, follow up with the parent to determine what is holding it up.

- f. Offer to help the parent to obtain the supporting documentation to be included with the request. If the parent wants help, provide it. Make sure that your helping will not jeopardize the family's safety. Use the 201WC for the parent's permission to waive confidentiality so you can obtain the documentation for the parent. Explain that this waiver allows the parent to waive confidentiality for a specific purpose, for a specific period of time, for a specific person or people, or a specific document, or in any other way the parent wishes to limit the waiver.

9. Case Manager processes request for modification or deferment

Complete the 310DV. Be sure to include:

- whether there has been a request for a child support waiver and, if so, what the status of the request is;
- whether you think there are any unresolved inconsistencies or missing elements in his/her statement and, if so, the gist and outcome of your discussion of them with the parent;
- whether you have direct personal knowledge of facts that would support the request or call it into question and, if so, what that knowledge is;
- whether there is existing documentation that has not been submitted with the request and, if so, the reasons for not submitting it;

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- whether, in the case an affidavit submitted without any documentation, you think it meets the requirements of policy as the basis for granting a deferment or modification without documentation.
- whether there is existing documentation that has not been submitted with the request and, if so, the reasons for not submitting it;

Fill out the top of the 620DV (Notice of Decision – Deferment or Modification from Work Requirements) with the name and social security number of both the head of household and the parent as well as your own name.

Discuss with the parent whether it would be safe to mail the 620DV to him or her if the modification or deferment is granted. If so, make a note in the file. Tell the parent that if the modification or deferment is denied, you will schedule an appointment for him or her to come in to discuss it, to see if there might be other ways to address the dilemma or revise the request so it would be granted.

Tell the parent the decision on the request for a modification or deferment will take about two weeks from the time you submit the completed 310WA. During that time the parent is not required to participate in job search or work but must participate in the Reach Up activities in the FDP.

Within two days, give the entire package to the Reach Up Supervisor. The package must include:

- the 310WA,
- any available documentation or reference to any documentation on file at state office (if it was determined to be needed),
- the 310DV, and
- the 620DV with the top portion completed.

Enter the appropriate participation code (01) on the WORK/SUM or STAT/MEMB panel in ACCESS to indicate that the parent is awaiting a deferment or modification decision.

10. Reach Up Supervisor Processes Deferment or Modification

Review the 310WA, the 620DV, and the case manager's comments on the 310DV. Be sure the case manager has addressed the relevant points listed in P-2344 (A)(9). Approve or deny the deferment request on the 310DV and return to the case manager.

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11. Case Manager Informs Parent of Decision

When you receive the 620 DV, if the modification or deferment was denied, contact the parent and schedule a generic appointment for the parent to come in. Do not mention domestic violence in the appointment notice. If the modification or deferment was granted, either mail the parent the 620 DV, if the parent had consented to that earlier, or contact the parent and schedule an appointment to come in, if the parent did not want you to mail the 620 DV.

Do not mail the 620 DV to the parent unless the parent gave you specific instructions to do so. At the appointment, give the parent the 620 DV and discuss the decision. If the request was denied, explore possible revisions of the request or alternative ways of addressing the situation and explain the parent's appeal rights.

12. Case Manager and Parent Create or Revise FDP

If the modification or deferment is granted, revise the FDP with the parent if necessary, reflecting Reach Up activities that address the effects of domestic violence and help the parent to move towards self-sufficiency in other ways.

File the 620 DV in the parent's classification file. Change the participant's code to 54 in ACCESS and enter the review date. Remember the end date must always be at the end of the month.