

DATE ISSUED: March 21, 2014

FROM: Kate Probert Fagundes
DWP/MFIP Employment Services Division Mgr

TO: Ramsey County MFIP-ES and DWP Staff

SUBJECT: DHS Family Violence Waiver Clarification E-Mail

PURPOSE: This memo provides a copy of a March 17, 2014 E-mail From Minnesota Department of Human Services

Hennepin County recently asked for clarification on the Family Violence Waiver; when is it appropriate to remove it and when to sanction. After discussions with the DHS MFIP policy team, we sent a response to them. We wanted Ramsey County to have the same information. Please share with your ES providers and let us know if there are any questions. Case specific questions can be submitted through Policy Quest.

We have two issues when talking about the Family Violence Waiver: the first one is eligibility for the FVW –

The message about the FVW is found in state statute;

256J.545 FAMILY VIOLENCE WAIVER CRITERIA. –

256J.526 Subd. 3 (a) A participant who requests **and qualifies for a family violence waiver** shall develop or revise the employment plan as specified in this subdivision with a job counselor or county, and a person trained in domestic violence.

256J.42 60-MONTH TIME LIMIT; EXEMPTIONS

Subd. 4. Exempt cash assistance.

Any cash assistance received by an assistance unit in a month **when a caregiver complied with a safety plan, an alternative employment plan, or an employment plan** under section 256J.521, subdivision 3, does not count toward the 60-month limitation on assistance.

This section of statute is pretty clear that the client must be complying with the safety plan in order to receive the waiver. Therefore, DHS believes that the client ***does lose*** the FVW if they are not complying with their plan. It should be removed as soon as proper notice can be given. Their MFIP months start counting after the waiver has been removed.

The second issue is determining FSS eligibility and the appropriate sanction process to take:

Losing the FVW does not change their FSS status. Because the ES provider/county is aware of the domestic violence issues, the client remains FSS eligible. Therefore FSS sanction policies must be followed, this includes completing the requirements of the pre-sanction checklist before the participant can be sanctioned.

Below are the steps that you should take when dealing with a FVW non-compliance.

If the participant already has an approved FVW but does not follow/comply with the Safety Plan and activities included in the EP, the sequence of steps should be as follows:

1. Send letter to notify client that they are not in compliance with the existing EP, invite them to come in to review EP and safety activities and notify them that the FVW will be lifted if they do not come in.
2. If client comes in and they develop a new EP with FVW activities that they can follow . **They are still eligible for the FVW.**
3. If client does not come into develop a new EP, then ES will inform FW to remove the FVW coding from stat/emps and stat/time panels. **They are no longer eligible for the FVW.** The MFIP months will start up again.
4. Although the EMPS coding is no longer FVW, there is information known to the ESP that the client may be FSS eligible.
5. Before ES starts the sanction process they will need to follow the FSS pre-sanction checklist.
6. Review the most recent employment plan and/or all case file materials to determine if client qualifies for good cause.
7. Invite client to a face-to-face meeting by sending a letter to client that FVW has been removed and MFIP clock will start to accrue, invite them to come in to revised EP and safety activities.
8. Schedule a home visit.
9. If home visit is unsuccessful, send information that would have been covered in face-to face meeting to participant.
10. Send NOITS
11. Send status update to sanction

One thing to keep in mind is that although they are not coded as FSS in MAXIS, the FSS pre-sanction checklist still needs to be completed prior to any sanction. During this time, their MAXIS coding will be UP and they will count against your WPR if they do not have enough participation hours in WF1.

The FVW **is granted** only after violence is identified and the participant meets with the family violence advocate and employment counselor to sign a EP that includes a safety plan. If they are not complying with the safety activities listed in the signed EP, if they are not requesting that the EP be revised so that they can comply, or if they do not create a EP with safety activities with an advocate and employment counselor then they are not eligible for the FVW.

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Transitions to Economic Stability

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Required Action: Managers shall discuss this memo with their teams or Supervisors.

Effective Date: March 21, 2014