

DATE UPDATED: February 17, 2023

FROM: Workforce Solutions Managers

TO: Ramsey County DWP/MFIP-ES Staff

SUBJECT: Family Violence Waiver Guidance

PURPOSE:

Provides guidance and procedures on family violence waivers (FVW) while families are on DWP and MFIP. Employment Services agencies are required to share information regarding domestic violence services and assist participants in obtaining a FVW if needed.

BACKGROUND:

Starting May 2014, Workforce Solutions contracted with St. Paul Ramsey Domestic Abuse Intervention Project to provide system-wide trainings, ongoing support, and resources for MFIP providers and MFIP participants who are experiencing domestic violence. SPIP provides annual trainings to counselors who want to become Domestic Violence Specialists to support counselors and participants in creating an Employment plan (EP) with safety provisions. Each employment services provider should have at least two in-house DV specialists.

The primary role of the DV Specialist is to help the counselor and participant develop an EP with safety provisions and connect them to other resources for ongoing support and advocacy for victims of family violence. The EP may address safety, legal, or emotional issues, and other barriers. The EP should also include activities such as employment and/or education, which may lead to economic stability. Ongoing DV Specialists meetings are facilitated by the SPIP Advocate to review topics including but not limited to best practices, guest speakers on various DV topics, case consultations and community resources

If an agency DV Specialist is not available, the counselor must use a back-up option which can include a DV Specialist from Workforce Solutions, an advocate from SPIP, or a Domestic Violence Advocate already working with the participant.

The months when the participant is on the FVW do not count for the MFIP 60-month time limit when a FVW is in effect. Typically, FVW are usually less than 12 months, however, depending on circumstances, participants may stay be eligible for longer period depending on individual circumstances. See [18.3 \(The 60-Month Time Limit Policy\)](#). Participants experiencing family violence are also eligible for post-60-month extensions. See [18 \(Time Limits and Extensions\)](#).

A. [MFIP Manual Section: 8.3 Family Violence Overview](#)**1. Family Violence is and act or a combination of acts such as:**

- Physical harm.
- Bodily injury or assault.
- The infliction of fear of imminent physical harm, bodily injury, or assault.
- Terroristic threats.
- Criminal sexual conduct committed against or committed by a family or household member.
- Interference with an emergency call.

2. For family violence purposes, family or household members are:

- Spouses and former spouses
- Parents and children.
- People related by blood.
- People who are residing together or who have resided together in the past.
- People who have a child in common whether or not they have been married or have lived together at any time.
- A man and a woman if the woman is pregnant and the man is alleged to be the father, whether or not they have been married or have lived together at any time.
- People involved in a current or past significant romantic or sexual relationship.

3. Participants with a family violence waiver:

- Should be in the Family Stabilization Services track for MFIP.
- Should not be in the Diversionary Work Program. See [20.27 \(Family Violence Waiver & DWP\)](#).
- Child Support also grants good cause to participants unable to help with child support enforcement because of family violence. See [19.51 \(Child Support Sanctions\)](#).

B. [MFIP Manual Section: 8.15 Verifying Family Violence](#)**1. Participant must provide one of the following for documents when requesting for an FVW:**

- Police, government agency or court records.
- Statements from staff at a family violence shelter, a sexual violence advocate or a family violence specialist with knowledge of the circumstances. This could include the same family violence advocate who is helping with the employment plan.
- Statement from a professional to whom the participant has turned for assistance about the violence.
- A sworn statement from the participant along with a sworn statement from any other person with knowledge of the violence or credible evidence that supports the participant's statement.

C. [MFIP Manual Section: 8.27 Non-Compliance & Family Violence Waiver](#)

- The FVW is granted only after violence is identified and the participant meets with the DV specialist and counselor to sign an EP that includes a safety plan.
- If the participant is not complying with the EP and the participant is not requesting that the EP be revised so that they can comply, or do not create an EP with safety activities with a DV Specialist and counselor then she/he is not eligible for the FVW.
- The participant must comply with the safety plan to receive the waiver. The FVW should be removed as soon as proper notice can be given. MFIP months start counting after the waiver has been removed.
- Losing the FVW does not change their FSS status. Because the ES provider/county is aware of the domestic violence issues, the participant remains FSS eligible. Therefore, FSS sanction policies must be followed; this includes completing the requirements of the [Family Stabilization Services Pre-Sanction Checklist \(DHS-6075\)](#) before the participant can be sanctioned. Also, ending a waiver due to the absence of a participant request for

a waiver and verification of family violence does not constitute a statement of safety. Only the participant can determine when he or she feels safe.

PROCEDURES:**A. The following steps should be provided and taken when a participant is requesting for FVW:**

1. ES provider share the following information to the participant during overview, orientation, and when reviewing EP.
 - [Family Violence Referral \(DHS-3323\)](#) – if applicable
 - [Domestic Violence Waiver Information Brochure \(DHS-3477\)](#)
 - Information on exemption from the 60-month time limit based on family violence
 - Information about battered women’s community shelter programs and other services
2. Participant shared with employment counselor that she/he is a victim of family violence and requests a family violence waiver. Using [MFIP Manual Section 8.15: Verifying Family Violence](#) , counselor advises the participant about documentation required to substantiate a claim of family violence.
3. Counselor or DV Specialist can help participant to secure verification, allow 10 days for verification submission. Do not require a participant to engage in employment services activities or impose a sanction during this time.
4. Or, Counselor asks participant if he/she is currently working with a DV Advocate.
 - a. If the answer is yes, Counselor encourages participant to have the DV Advocate attend EP appointment and schedules the meeting to incorporate the DV Advocate into the EP safety plan development. Get a signed [General Consent/Authorization for Release of Information \(DHS - 3549\)](#) from the participant in order to communicate about case details with the DV Advocate if the specialist is not an employee of either of the following: The county or employment services agency.
 - b. If the answer is No, Counselor notifies a DV Specialist immediately to assist with EP, otherwise, schedule an appointment as soon as possible to develop a safety employment plan with the participant. The EP for a participant with an approved FVW must be developed, or revised, with the counselor, the participant and a DV Specialist/Advocate. Note: The domestic violence specialist and the participant’s employment counselor cannot be the same person.
5. DV Specialist/Counselor ask about participants ’s current living situation, the children’s well-being, any emotional support the client has among family and friends, if the participant is open to getting or wants more information on Orders of Protection or any legal action.
6. DV Specialist and/or counselor ensure referrals and resources are provided for the participant as necessary. Encourage participant to contact their employment counselor immediately if they are having trouble complying with activities in their employment plan.
7. Counselor sends a status update to the Financial Worker once the EP has been approved. Financial workers must enter an approved FVW in MAXIS.

8. Counselor provides at minimum monthly check-in with the participant of employment plan activities, safety plan implementation, and to ensure participant is aware of and utilizing available resources.
9. Counselor, DV Specialist and participant review the employment plan at least every 6 months (or more frequently as circumstances require) to update the activities in employment plan and coordinate safety plan.
10. The employment plan should be rewritten annually. If a participant's domestic violence has been documented previously and participant indicates domestic violence is still relevant at the time, a new documentation is not needed for the continuance of a waiver.
11. The decision to continue or end a family violence waiver should always be on a case-by-case basis
 - The participant's and the children's safety should be the deciding factor.
 - The DV specialist should always be part of the decision-making process about whether to continue or end a family violence waiver.
12. Only end the FVW if the DV specialist agrees and if BOTH these criteria are met
 - The participant reports there is no longer a safety issue.
 - The participant continues to be out of compliance.
13. Notify the eligibility worker about whether to continue or close the family violence waiver by sending a status update to the financial worker.

[B: Non-Compliance and Family Violence Waiver: Refer to MFIP Manual for more details:](#)

14. Follow FSS Pre-checklist process
15. Consider whether a home visit, as required in sanctions for Family Stabilization Services, would be safe.
16. If a participant is in Safe At Home, a home visit will not be possible. See [8.36 \(Resources for Addressing Family Violence\)](#).
17. Because home visits are required if Family Stabilization Services participants do not follow through on in-office visits, a sanction cannot proceed in situations in which home visits are not possible.
18. If 2 attempted home visit is unsuccessful, send information that would have been covered in face-to face meeting to participant.
19. Send Notice of Intent to Sanction Letter. Allow 10 working days for participant to comply.
20. Send status update to Financial Worker to sanction if there is no response from the participant.
21. Case note each of the steps in Workforce One

B. Additional Resources

1. [DWP/MFIP Employment Plan](#)
2. [DWP/MFIP Safety Employment Plan](#)
3. [Family Violence Referral Form](#)
4. [Domestic Violence Information Brochure](#)
5. [DHS Manual – Family Violence Waiver](#)
6. [Family Violence Waiver Q & A - DHS](#)
7. [Family Stabilization Pre-Sanction Checklist](#)

CONTACT: Your Agency Planner

Family Waiver Roles

DV Advocate	DV Specialist	Counselor	Participant
<p>Provide support and training to MFIP providers and MFIP families as needed</p> <p>Advocates are focused on one thing: helping battered women</p> <p>Specifically trained to navigate through systems such as law enforcement criminal/civil legal system, child protection, county agencies.</p> <p>Assess the appropriateness of the safety plan if a DV Specialist is not available.</p>	<p>Trained in Domestic Violence</p> <p>Knowledge of MFIP</p> <p>Assess and assist the counselor and client to develop an employment plan which includes safety activities</p> <p>Provided ongoing resources and support to EC</p> <p>Connect the counselor and/or participant to resources</p>	<p>Trained in Basic DV Awareness</p> <p>Knowledge of MFIP</p> <p>Refer participant to resources/support</p> <p>Create plan with participant, along with DV Specialist or DV Advocate</p> <p>Communicate with FAS to request for family violence waiver</p> <p>Monthly check-in with participant on EP Activities and safety plan & assess plan</p>	<p>Assist EC and DV to create plan that leads to engagement and employment</p> <p>Follow through with EP/safety plan</p> <p>Discuss any changes in circumstances</p>

Helpful tips for Counselor and DV specialist when working with the participant

What do I say?

- At first you may not have to say much
- Listening to the participant
- Asking open questions about what they have shared
- Validating their experience
- Be sincere and honest while listening and asking questions

What if I say something wrong?

- Being thoughtful in the questions and the support you give will help to avoid this
- Most participants won't mind you asking if you are sincere and open about in the way you ask
- Let the individual know that you appreciate them sharing the situation/information with you
- Acknowledge that you may not fully understand what they have gone/are going through BUT you are there to help.

What To Say?

DO's

1. Openly listen
2. Validate their experience
3. Thank them
4. Express concern
5. Empower and Encourage
6. Be honest about their opinions

DON'TS

1. Negatively Judge
2. Question if it happened
3. "You're wasting my time."
4. Disregard their concerns
5. Discourage
6. Tell them they only have one opinion

Ramsey County DV Questions and Answers

1. When and how do you refer participants to DV Advocacy agencies? What agencies?

All participants receiving the waiver should be informed by the counselor or DVS of the community resources. Make referrals based on the participant's situation and needs. Local resources include Bridges to Safety, St Paul Intervention Project, shelters, VINE (for legal support and further referrals). Seek culturally appropriate programs as options for referral.

2. What is required from the participant to create a family violence waiver?

A participant request for a family violence waiver and one of the forms of verification outlined in either the DHS ES Manual 7.36 or the list on top of this guidance. The participant then must meet with an employment service agency domestic violence specialist (DVS), or a community agency family violence advocate, and an employment counselor to create an employment plan with safety provisions in it. Please remember that once safety is addressed participants need and should be encouraged to continue to participate with ES approved activities that lead to engagement and employment. Counselor Send status update to FAS to start the waiver.

3. How often are employment plans and family violence waivers to be reviewed?

FSS EP should be reviewed at minimum every 6 months or as often as the participant activities change

4. Who has input on creation or renewal of waivers?

The employment counselor, participant, and DVS (or family violence advocate, if participant has a community DV advocate) are always present at the creation, renewal, or removal of the waiver. An important part of the discussion at the creation and three-month review/possible revision of the employment plan, is the inclusion and increase of ES approved activities (education, counseling, job search, volunteer experience, etc.) that lead to engagement and employment. Having a family violence waiver and an employment plan with these activities demonstrate support, shared resources and laying out of the steps toward a desired positive outcome for the participant. Collaboration, creativity, support, and agreement on the part of the participant, DVS or family violence advocate, and counselor assist the participant to move forward in addressing safety issues and staying involved with ES driven goals and activities.

5. Under what circumstances do you extend/renew the waiver?

Employment plans expires annually. Once the plan is expired, waivers can be renewed for up to 3 months or longer when safety is still the participant's concern (he or she requests the family violence waiver) and the participant confirms on-going presence of family violence. The length of time on a waiver varies based on the needs of the participant. Generally, waivers are in place less than 12 months. It is rare to have waivers in place longer.

6. Under what circumstance do you end a waiver?

If there is no request for a waiver from the participant or a request but no current verification, refer to a previous document to verify the FWV if it remains relevant to the participant's situation.

When the discontinuance of a waiver is considered, the DV specialist or DV advocate needs to be included in this discussion and decision.

If participant has documented issues other than family violence, the counselor should address these issues according to current FSS ES manual policies. If the participant fails to meet the expected FSS requirements (including the content of the safety/employment plan) the Employment Counselor can initiate the FSS pre-sanction action and then the sanction process.

7. What if the participant indicates he or she is no longer in imminent danger but is still fearful?

A DV specialist can assist to determine if the participant needs a safety plan and if a FVW is appropriate. The participant does NOT need to be in imminent danger in order to be eligible for a FVW. A conversation between the DV Specialist, Employment Counselor and participant about current concerns, goals for having the waiver. If the participant no longer has a safety concern and discloses more about mental health concerns than about safety concerns, then a discussion differentiating the issues may be appropriate. The participant may also talk about fear when they are no longer in danger, which also may signal that their need may be more about emotional health than safety.

Waivers may not be the appropriate tool if participant is suffering from the PTSD or other emotional health issues as a result of the event/violence. Explore the use of a different FSS category and pertinent employment plan activity. Encourage the participant to assess their current level of safety – remember that the participant is the best one to determine their sense of safety; the DV Specialist and/or Employment Counselor are not in a position to do so but are in a position to decide if the criteria for a waiver are present to start or continue a waiver

8. For Additional Questions and Answers – Refer to [Family Violence Waiver Q & A - DHS](#)