

**DEPARTMENT OF SOCIAL SERVICES**

744 P Street, Sacramento, CA 95814

October 28, 1997

ALL COUNTY LETTER 97 - 71

**REASON FOR THIS TRANSMITTAL**

TO: ALL COUNTY WELFARE DIRECTORS

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

**SUBJECT: IMPLEMENTATION OF DOMESTIC VIOLENCE PROVISION - CALIFORNIA WORK OPPORTUNITY AND RESPONSIBILITY FOR KIDS (CalWORKs) PROGRAM**

**REFERENCE: ASSEMBLY BILL (AB) 1542, CHAPTER 270, STATUTES OF 1997**

The purpose of this letter is to provide counties with the necessary instructions for implementing the new domestic violence provisions of AB 1542, Chapter 270, Statutes of 1997. These implementation instructions have an effective date of January 1, 1998. AB 1542 authorizes the California Department of Social Services (CDSS) to implement the statute initially through the All County Letter (ACL) process in order to meet the January 1, 1998, implementation date.

**OVERVIEW (WIC Sections 11495 through 11495.40)**

AB 1542 requires that counties screen applicants and recipients of public assistance for domestic violence in order to provide referrals for supportive services and counseling. This provision exists to ensure that victims of abuse are not placed at further risk nor unfairly penalized by the CalWORKs requirements and procedures and to enable a victim to escape his/her abuser and obtain unsubsidized employment while moving towards self-sufficiency. In addition, the new law requires the CDSS to convene a task force to develop protocols for the counties to handle domestic violence cases. In developing these protocols, the task force will be responsible for defining abuse and developing procedures to waive program requirements for present and past victims of domestic violence. The outcome of the task force will be regulations to be issued by January 1, 1999. Until these regulations are developed, counties may utilize standards, procedures and protocols currently available in their counties and shall identify them in their county plan.

Under AB 1542, "abuse" is defined to mean battering or subjecting a victim to extreme cruelty by (1) physical acts that resulted in or threatened to result in physical injury, (2) sexual

abuse, (3) sexual activity involving a child in the home, (4) being forced to participate in nonconsensual sexual acts or activities, (5) threats of, or attempts at, physical or sexual abuse, (6) mental abuse, (7) neglect or deprivation of medical care, or (8) stalking.

The law specifies that evidence of domestic abuse may include, but is not limited to: police, government agency, or court records or files; documentation from a domestic violence program, or a legal, clerical, medical or other professional from whom the applicant or recipient has sought assistance in dealing with abuse; or other evidence, such as a statement from any other individual with knowledge of the circumstances that provides the basis for the claim, or physical evidence of abuse, or any other evidence that supports the statement. A sworn statement by the victim is sufficient to establish abuse unless the county documents, in writing, an independent reasonable basis to find the recipient not credible.

### **IMPLEMENTATION INSTRUCTIONS (WIC Section 11495)**

Effective January 1, 1998, counties may utilize standards, procedures, and protocols currently available in their counties for screening and handling cases of domestic violence. Counties shall refer these individuals to appropriate services. Program eligibility requirements regarding deprivation, income and assets shall not be waived. Pending the outcome of proposed federal legislation, both time limits and work participation requirements shall not be waived. Counties will receive additional information regarding the waiving of these two program requirements in a future ACL. Counties have flexibility in waiving other program requirements.

Additional information related to domestic abuse and child support requirements are provided in ACL 97-65, CalWORKs Implementation of Certain Eligibility Provisions. Information regarding domestic abuse and the Welfare to Work requirements are provided in ACL 97-72, CalWORKs Implementation of the Welfare to Work Provisions.

### **CONTACT**

Any questions regarding this letter may be directed to Joelyn Walters at (916) 654-1803 or ATSS 8-454-1803.

Sincerely,

**BRUCE WAGSTAFF**  
Deputy Director  
Welfare to Work Division