

# Rights of Domestic Violence Survivors

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## What is domestic violence or abuse?

- Threats
- Sexual abuse
- Physical abuse (hitting, etc.)
- Mental abuse (includes always putting you down or shaming you)
- Controlling money or bank accounts
- Stalking
- Other behavior to control or force you
- Not letting you see friends or relatives
- Not letting you see a doctor
- Denying or blaming you or others for the abuse
- Checking up on you, who you see, who you talk to

The abuse can be in the past or current, if you are still affected by it.

## Who can be an abuser?

The abuser may be a spouse or your former spouse or partner, a relative, a fiancé, someone you dated, lived with or had sex with.

## Proof of domestic violence

Police reports, statements from staff at domestic-violence shelters, medical providers, staff of non-profits, witnesses – all can be used. Even if you do not have anything else, the county must accept your sworn statement, unless they tell you in writing why they think your statement is not believable.

## Abused Immigrants

Immigrants who are victims of a violent crime, abuse, the sex trade, or were trafficked into the country may be able to get CalWORKs and possibly a work permit.

## Abuse by your immigration sponsor

If you have been abused by your sponsor, you may be able to avoid having the sponsor's income count against you for CalWORKs eligibility.

## “Safe” county contacts

- **Mail:** You can use “Safe at Home” for your mail. You get a substitute address to use in place of your real home address. The agency forwards the mail to where you really are. Ask your county worker about this.
- **Calls and Meetings:** The county must give you a safe way to talk and meet with your worker. Tell your worker if you cannot get phone calls or come into the office.

## **Welfare-to-Work (WTW)**

- You have the right to develop your Welfare-to-Work (WTW) plan with someone trained about domestic violence issues. The plan needs to be one where you and your children will be safe while doing your activities.
- You may be able to get a waiver of the hours-of-participation, time-on-aid and other WTW rules. You are still required to do what is safe and appropriate for you to do, unless you are exempted from WTW altogether. You can get counseling as part of your WTW plan.

## **Domestic Violence Waivers**

- A domestic-violence (DV) waiver means you can be excused from a CalWORKs program rule if your family would be placed at risk, unfairly penalized, or more likely to stay or go back to your abuser.
- The state will not give you a DV waiver only because you lack income or assets.
- The DV waiver can be for a past period of time, for example, getting CalWORKs cash aid for a time period in the past. The DV waiver can be for something you got a notice about much earlier, for example, about getting aid for a child covered by the maximum family grant (MFG) rule.
- To ask for a domestic violence waiver, you can use the domestic abuse waiver request form.

## **What else should I know about my Domestic Violence rights?**

- Make sure your worker knows if your children or other family members experienced or are still experiencing domestic violence. This includes abuse by people who dated them or are their relatives.
- You can get counseling and referrals from outside of CalWORKs. Domestic violence hotlines and shelter workers have extensive training and experience with DV issues. They may be able to give you information to help you get a waiver or a different Welfare-to-Work assignment.
- Your county cannot have a “blanket policy” on DV services, Welfare-to-Work plans, or waivers. For example, your county cannot give DV waivers only to people in shelters.
- Make sure you ask for a time-limit waiver, if you ever cannot do your full work program hours, or if the grant cut that will happen when you reach your time limit would put you at risk, unfairly penalize you, or make it more likely you will stay with or return to your abuser.

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IF YOU NEED LEGAL HELP, CONTACT LEGAL SERVICES OF NORTHERN CALIFORNIA