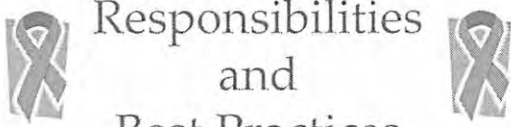


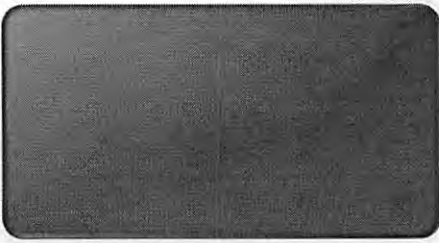
Safety Issues 101:
Responsibilities
and
Best Practices


Protecting Parties



Survivor Story
Teri Jendusa-Nicolai

Used with Permission of WGN-TV. Story from February 2013



 Key Factors to be Aware of in
Domestic Violence Cases


- Protect the victim from retaliation when soliciting or using safety and risk information.
- A victim's attempt to terminate the relationship is a major change that poses increased risk.
- Victims' perceptions of high danger are typically accurate, their perceptions of low danger are often not.

Source: The Blueprint for Safety: Practitioner's Guide to Risk and Danger in Domestic Violence Cases. Prepared by Praxis International. www.praxisinternational.org

Risk is Higher when the Violence is Accompanied by:

- The victim attempting a permanent break
- Estrangements, separations, and reunions
- A victim seeking outside help in the past year
- An abuser's financial difficulty; unstable housing

Source: The Blueprint for Safety: Practitioner's Guide to Risk and Danger in Domestic Violence Cases. Prepared by Prada International. www.pradainternational.org





Power and Control Wheel

Source: Domestic Abuse Intervention Project www.thehotluffmodel.org



Post Separation Power and Control Wheel





Authority Requiring Protection



- **Establishment Proceedings: § 256.87, Subd. 8**
...Subd. 8, Disclosure prohibited.

Notwithstanding statutory or other authorization for the public authority to release private data on the location of a party to the action, information on the location of one party may not be released to the other party by the public authority if:

- (1) the public authority has knowledge that a protective order with respect to the other party has been entered; or
- (2) the public authority has reason to believe that the release of the information may result in physical or emotional harm to the other party.

Authority Requiring Protection



- **Dissolution/custody proceeding § 518.005, Subd. 5**
...Subd. 5, Prohibited disclosure.

In all proceedings under this chapter and chapter 518A in which public assistance is assigned under section 256.741 or the public authority provides services to a party or parties to the proceedings, notwithstanding statutory or other authorization for the public authority to release private data on the location of a party to the action, information on the location of one party may not be released by the public authority to the other party if:

- (1) the public authority has knowledge that a protective order with respect to the other party has been entered; or
- (2) the public authority has reason to believe that the release of the information may result in physical or emotional harm to the other party.



Authority Requiring Protection

- **Paternity Proceedings § 257.70(b)**

... (b) In all actions under this chapter in which public assistance is assigned under section 256.741 or the public authority provides services to a party or parties to the action, notwithstanding statutory or other authorization for the public authority to release private data on the location of a party to the action, information on the location of one party may not be released by the public authority to the other party if:

- (1) the public authority has knowledge that a protective order with respect to the other party has been entered; or
- (2) the public authority has reason to believe that the release of the information may result in physical or emotional harm to the other party.

Requirement to Provide Address Info to Court

 **Rule 13.01 Duty to Provide Notice**

In all actions, it is the responsibility of the parties, or their counsel of record, to provide notice to all other parties and to the court administrator of their current address for delivery of notices, orders, and other documents in the case. Where a party or a party's attorney has provided an e-mail address for the purpose of allowing service or filing, this rule also requires that the party advise the court and all parties of any change in that e-mail address. Failure to provide this notice constitutes waiver of the right to notice until a current address is provided.

NEW ADDRESS

The "Easy" Part

A Protective order with respect to the other party has been entered.

- Client informs agency directly of order. If verbal, request a copy.
- Agency receives a copy of the order from another source such as court administration.
- MNCIS check: Look for Orders for Protection (OFP); Harassment Restraining Orders (HRO); Obtain copy.
- Domestic Assault case with Domestic Abuse No Contact Order (DANCO) – often does not have victim identified in MNCIS. Temporary in nature.

The Hard Part

What constitutes
"Reason to believe that the release of the information may result in physical or emotional harm to the other party?"



Scenarios / Talking Points

- Establishment of paternity case where the relationship was short term and parties barely know each other



Paternity Special Considerations

- In paternity cases, we are required to address the issues of custody and parenting time pursuant to M.S. § 257.66 Subd. 3:

The judgment or order that contain provisions concerning the duty of support, the custody of the child, the name of the child, the social security number of the mother, father, and child, if known at the time of adjudication, parenting time with the child, the furnishing of bond or other security for the payment of the judgment, or any other matter in the best interest of the child,...



Paternity Special Considerations

- M.S. § 518.129 outlines how the court determines whether or to what degree a parent should have custody or parenting time when convicted of identified crimes.



- Shifts burden to person requesting parenting time to prove that custody or parenting time is in the best interests of the child.



- If the victim of the crime was a family or household member, the standard of proof is clear and convincing evidence.



- A guardian ad litem must be appointed in any case where this section applies.



Paternity Special Considerations

• M.S. § 518.1705 PARENTING PLANS.

Subd. 6. Restrictions on preparation of parenting plan.

(a) Dispute resolution processes other than the judicial process may not be required in the preparation of a parenting plan if a parent is alleged to have committed domestic abuse toward a parent or child who is a party to, or subject of, the matter before the court. In these cases, the court shall conduct the appointment of a qualified evaluator and a parenting plan evaluator.

(b) The court may not require a parenting plan that provides for joint legal custody or use of dispute resolution processes, other than the judicial process, if the court finds that section 518.171 applies as the court finds that either parent has engaged in the following toward a parent or child who is a party to, or subject of, the matter before the court:

- (1) acts of domestic abuse, including physical harm, bodily injury, and infliction of fear of physical harm, assault, terrorist threats, or criminal sexual conduct;
- (2) physical, sexual, or a pattern of emotional abuse of a child; or
- (3) willful abandonment that continues for an extended period of time or substantial refusal to perform parenting functions.

Paternity / Custody

• M.S. § 257.026 NOTIFICATION OF RESIDENCE WITH CERTAIN CONVICTED PERSONS.

A person who is granted or exercises custody of a child or parenting time with a child under this chapter or chapter 518 must notify the child's other parent, if any, the county social services agency, and the court that granted custody or parenting time, if the person knowingly marries or lives in the same residence with a person who has been convicted of a crime listed in section 518.179, subdivision 2.

Scenarios / Talking Points

- Participant has a known history of violent crime, violence against others, predatory crimes, sex crimes, crimes against children, termination of rights as to other children.



Scenarios / Talking Points

- Incarcerated obligor released, sending out pleadings for review



Sample Phone Script



Safety Issues

- | | |
|---|---|
| <p>What is a Safety Issue</p> <ul style="list-style-type: none"> • Prior domestic violence • Threats of violence • Current CFP/HR/DANG/O/ Non-Disclosure Order • Safe at Home participant | <p>What is not a Safety Issue</p> <ul style="list-style-type: none"> • Does not want other party involved with child • Does not like other party's new partner • Child is "theirs" alone |
|---|---|



PRISM Considerations



Procedural Considerations

- Redacting documents
 - Financial Statements
 - Income Tax Returns and schedules
 - Employment Verifications
 - POP – consider using POPD screen instead
 - DEPD / NCGW / CPGW
 - Child Care verifications
 - Health Care verifications
 - Faxes
- Flag file
 - Physical File / Electronic File
- Preparing affidavits of service
 - Waiver of Personal Service

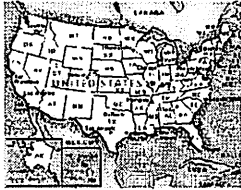


Court Considerations

- Option to appear by phone if matter is in expedited process
- Alert bailiff of situation before hearing
- Seat parties separately in waiting area or have one party seated in the courtroom and the other outside of courtroom
- Do not have settlement negotiations with both parties together
- Take care of yourself – seat yourself near door of conference room; meet party with other staff; meet in hallway, or if the situation warrants – go directly in for hearing
- Manage calendar to have matter heard sooner rather than later – avoid parties percolating in hallway
- Option for party to have bailiff escort after hearing



Interstate Cases





Authority Requiring Protection

- Interstate cases 518C.312
- NONDISCLOSURE OF INFORMATION IN EXCEPTIONAL CIRCUMSTANCES.

Upon a finding, which may be made ex parte, that the health, safety, or liberty of a party or child would be unreasonably put at risk by the disclosure of identifying information, or if an existing order so provides, a tribunal shall order that the address of the child or party or other identifying information not be disclosed in a pleading or other document filed in a proceeding under this chapter.



Authority Requiring Protection

- Pending change to 518C.312:

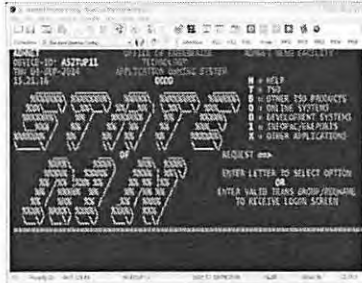
If a party alleges in an affidavit or a pleading under oath that the health, safety, or liberty of a party or child would be jeopardized by disclosure of specific identifying information, that information must be sealed and may not be disclosed to the other party or the public. After a hearing in which a tribunal takes into consideration the health, safety, or liberty of the party or child, the tribunal may order disclosure of information that the tribunal determines to be in the interest of justice.

- EFFECTIVE DATE.

This act becomes effective on the date that the United States deposits the instrument of ratification for the Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance with the Hague Conference on Private International Law.

Presented to the governor April 30, 2014.
Signed by the governor May 1, 2014, 9:35 a.m.

PRISM Considerations



Order Granting Service

- § 16A.47 PROVISION OF LEGAL SERVICES BY THE PUBLIC AUTHORITY
- Subd. 2. Access to address for service of process.
- (a) If there is an affidavit as defined in section 56A.06, a party may obtain an ex parte order under this subdivision. The party may obtain an ex parte order requiring the public authority to serve legal documents on the other party by mail if the party submits a sworn affidavit to the court stating that:
- (1) the party needs to serve legal documents in a support proceeding and does not have access to the address of the other party;
 - (2) the party has made reasonable efforts to locate the other party; and
 - (3) the other party is not represented by counsel.
- (b) The public authority shall serve legal documents provided by the moving party at the last known address of the other party upon receipt of a court order under paragraph (a). The public authority shall provide for appropriate service and shall certify to all parties this date of service by mail. The public authority's proof of service must not include the place or address of service.
- (c) The state court administrator shall prepare and make available forms for use in seeking access to an address under this subdivision.



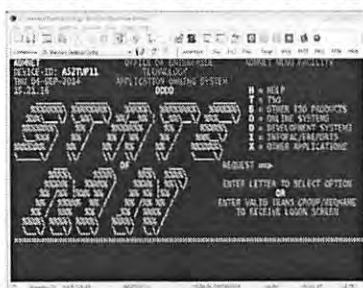
Order Granting Service

- Duties of public authority: What is not required:
- Serve legal documents upon other party at last known address. Non-disclosure per se.
- Proof of service must not include the place or address of service.

Order Granting Service

- Treat as any other case.
- Follow procedures for assessing safety concerns.

PRISM considerations



Good Cause

- * PA.S. 286,741, Subd. 9, Good cause exemption from cooperating with support requirements.

The IV-A or IV-B agency must notify the caregiver that the caregiver may claim a good cause exemption from cooperating with the requirement in subdivision 3. Good cause may be claimed and exemption determined according to subdivisions 10 to 13.

- * *Id.*, 256 F.41, 508d, 10. Good cause exemption.

3. Cooperation with the child support agency under subdivision 3 is not necessary at the individual's death, and both the child support agency and the public assistance agency limit good-cause date under this subdivision for failing to cooperate. An individual may request a good-cause exemption by filing a written claim with the public assistance agency on or before the date of the individual's death. The public assistance agency's decision of a claim for good-cause exemption, the child support agency shall certify all child support enforcement efforts until the claim for good-cause exemption is approved and the validity of the claim is determined. Designated representatives from public assistance agencies and at least one representative from the child support agency shall review and approve or disapprove each claim for a good-cause exemption and determine its validity.

Good Cause

M.S. 256.741, subd. 10(b)

Good cause exists when an individual documents that pursuit of child support enforcement services could reasonably result in:

- (1) physical or emotional harm to the child for whom support is sought;
- (2) physical harm to the parent or caregiver with whom the child is living that would reduce the ability to adequately care for the child; or
- (3) emotional harm to the parent or caregiver with whom the child is living of such nature or degree that it would reduce the person's ability to adequately care for the child.

Physical and emotional harm under this paragraph must be of a serious nature in order to justify a finding of good cause exemption. A finding of good cause exemption based on emotional harm may only be based upon a demonstration of emotional impairment that substantially affects the individual's ability to function.

Good Cause

M.S. 256.741, Subd. 10(c)

Good cause also exists when the designated representatives in this subdivision believe that pursuing child support enforcement would be detrimental to the child for whom support is sought and the individual applicant or respondent documents any of the following:

- (1) the child for whom child support enforcement is sought was conceived as a result of incest or rape;
- (2) legal proceedings for the adoption of the child are pending before a court of competent jurisdiction; or
- (3) the parent or caregiver of the child is currently being assisted by a public or licensed private social service agency to resolve the issue of whether to keep the child or place the child for adoption. The parent or caregiver's right to claim a good cause exemption based solely on this paragraph expires if the assistance lasts more than 90 days.

(d) The public authority shall consider the best interests of the child in determining good cause.

Good Cause

- **M.S. 256.741, Subd. 11** outlines the proof required to support a good cause claim. The child support agency and the public assistance agency **shall** assist an individual in obtaining the evidence upon request of the individual.
- **M.S. 256.741, Subd. 12. Decision.** A good cause exemption must be granted if the individual's claim and the investigation of the supporting evidence satisfy the investigating agencies that the individual has good cause for refusing to cooperate.
- **M.S. 256.741, Subd. 13. Duration.** May not continue for more than one year without redetermination. Child Support agency and designated representatives may redetermine before the one year expiration.

Good Cause

- Notify applicant / recipient in writing of right to claim good cause
- Written Good Cause claim:
Cease all enforcement efforts
- Assist to obtain evidence upon request



PRISM Considerations



Safe at Home



Safe at Home – Basics

- WWW.SOS.STATE.MN.US
- M.S. Chapter 62A Data Protection for Victims of Violence
- M.S. 13.046 Safe at Home Participant Data
- Minnesota Rules Chapter 8290
- Address confidentiality program
- Minnesota is first state in the nation to allow participants to use an alternative address for all purposes, including private business interactions.
- Length of enrollment – Four years. Participants must renew enrollment at end of four years.
- A participant may voluntarily withdraw at any time.

Safe at Home



Safe at Home - Service

- **Rule 8290.005 Service of Process.** This rule states that the agent of the program participant who is authorized to accept service of process must be a resident of the state of Minnesota.
- **Rule 8290.006 Service by mail.** Service by mail is defined as the delivery of a document by first class or certified mail. It is the responsibility of the participant to ensure that the document is properly addressed and that the recipient is properly identified. The participant must also ensure that the document is properly sealed and that the recipient is properly identified. The participant must also ensure that the document is properly sealed and that the recipient is properly identified.
- **Rule 8290.007 Service in person.** Service in person is defined as the delivery of a document to the recipient by hand. It is the responsibility of the participant to ensure that the document is properly addressed and that the recipient is properly identified. The participant must also ensure that the document is properly sealed and that the recipient is properly identified.
- **Rule 8290.008 Service by electronic means.** Service by electronic means is defined as the delivery of a document to the recipient by electronic means. It is the responsibility of the participant to ensure that the document is properly addressed and that the recipient is properly identified. The participant must also ensure that the document is properly sealed and that the recipient is properly identified.

Safe at Home - Service



- **For Mail Service:** Be sure to clearly label envelope as "Service of Process" and mail by first class or certified mail.
- **For Personal Service:** Clearly mark the envelope as "Service of Process". The document must be served by delivering the document to any public counter of the Office of the Minnesota Secretary of State between the hours of 8:00 a.m. and 4:00 p.m. in care of the Office of the Minnesota Secretary of State at the following address:
State Office Building, Room 160
100 Dr. Rev. Martin Luther King Jr. Blvd.
St. Paul, MN 55155



Safe at Home Withdrawal from Program

- Rule 8290.1000 Withdrawal of Program Certification
- Must be submitted in writing along with any Safe at Home cards or a signed statement that the card has been misplaced.
- Include a statement that the participant wants to withdraw from Safe at Home and understands it is their responsibility to notify all persons of a new mailing address.
- List the names of minor children who are being withdrawn from the program.
- The Secretary of State must compare the signature of the program participant on the withdrawal request with the signature on the original application and conclude that the signatures are the same.

Safe at Home Withdrawal from Program

- Verify Safe at Home program status:

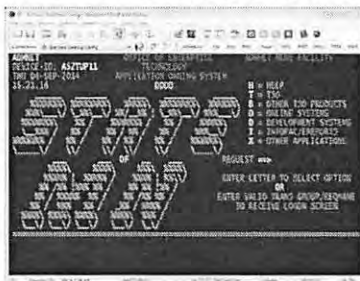
Contact the Secretary of State with full name and lot number of a potential program participant.

Phone: 651-201-1399 / 1-866-723-3035

Email: Safe.athome@state.mn.us



PRISM Considerations



Federal Authority

- 45 CFR 303.11 – CASE CLOSURE CRITERIA.

...(9) There has been a finding by the responsible State agency of good cause or other exceptions to cooperation with the IV-D agency and the State or local IV-A, IV-D, IV-E, Medicaid or food stamp agency has determined that support enforcement may not proceed without risk of harm to the child or caretaker relative...

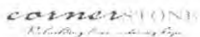


Resources

- Day One Minnesota Domestic Violence Crisis Line:
1-866-223-1111 / www.dayoneservices.org



- Cornerstone: www.cornerstonemn.org



- Minnesota Coalition for Battered Women:
<http://www.mcbw.org/#>



Final Thoughts



- <http://www.cornerstonemn.org/as/fohelp.html>

WHAT IF THE ANSWER TO ENDING DOMESTIC VIOLENCE IS A QUESTION?



Do's and Do Not's with Victims of Domestic Violence

Do	Don't
Be accepting, nonjudgmental, and supportive.	Ask, "Why don't you leave?" "Why don't you make some changes in your life?" "Don't you care about the effect this is having on your children, health, etc.?"
Accept the choice to remain with the abuser.	Treat the immediate problem without providing resources or referrals for longer-term assistance, and then become frustrated with the victim when the same or a similar issue reoccurs.
Be sensitive to the victim's situation.	Ignore the totality of the victim's experiences and how the long-term effects of domestic violence affect morale, self-concept, and self-confidence.

Provide referrals, not advice.	Ask how the victim might be able to stop the abuse or otherwise put the responsibility for ending the violence on the victim (including suggesting couples' counseling).
--------------------------------	--

DON'T tell them what to do. Instead, give information and support.

DON'T react with disbelief, disgust, or anger at what they tell you. But don't react passively either. Let them know that you are concerned and that what the abuser has done to them is wrong and not deserved by them.

DON'T blame them for the violence. If they are blaming themselves, try to reframe: "I don't care if you did have supper late or forgot to water the lawn. That is no reason for your partner to react violently. This is your partner's problem."

DON'T recommend couples' counseling or approach the abuser to ask for "the other side of the story." These actions will further endanger the victim.

DON'T recommend marriage enrichment, mediation, or a communications workshop. None of these will address the goals listed above.

DON'T encourage the victim to forgive the abuser and to reconcile.

DO NOT encourage dependence on you or become emotionally or sexually involved with the victim.

DON'T do nothing.

DO consult with colleagues in the wider community who may have expertise and be able to assist you in your response.

WHAT IF THE ANSWER TO ENDING DOMESTIC VIOLENCE IS A QUESTION?



Most days you probably come into contact with someone who is being impacted by domestic violence. In fact, a 2004 Allstate Foundation National Poll on Domestic Violence found that 3 out of 4 respondents personally knew someone who currently was or had been a victim of domestic violence.

When we suspect that someone is experiencing violence in their relationship, we know that something should be done about it, but most of us don't feel it's our place to intervene.
"It's not my business".

But it is. It's time for all of us to stand up and make domestic violence our business and ***take responsibility for our community.***

In order to end domestic violence, kids can't learn the behavior.
In order for kids to not learn the behavior, adults can't teach it. It needs to be clear to everyone that the behavior is **WRONG** and that it needs to **STOP**.

What can we do?
We can Ask to Help.

Ask to Help suggests that the answer to breaking the cycle of domestic violence is really a question. A question asked with sincerity. "Really, how are you?" "Are you safe?" "Do you need to talk?"
"Can I offer you some resources?"

Ask to Help is a call to action to start breaking the silence that surrounds domestic violence. It is a movement about empowering you to broach the subject of domestic violence in your family, your workplace, your neighborhood, your school, your doctor's office, your church, synagogue or mosque, your community.

From law enforcement, to doctors and nurses, to teachers and social service providers, to co-workers, neighbors and members of your faith community, to family and friends-
We must all Ask to Help.

In turn, we will support you along the way. You aren't expected to have all the answers. The *Ask to Help* website has resources to assist you in becoming more comfortable with the issue. Join the *Ask To Help* movement on Facebook and post questions, comments, success stories-- or contact us directly at Cornerstone.

Bring Ask to Help to your sphere of influence. Hang signs and magnets so that everyone begins to recognize the logo and in turn, recognizes that your space is a safe space to discuss domestic violence.

WHAT IF THE ANSWER TO ENDING DOMESTIC VIOLENCE IS A QUESTION?



How to Talk to Victims about Abuse

Listen to them. Believe them. Let them know you care and that they are not responsible for the abuse. Explain that physical violence and other types of abuse are never acceptable at any time.

What to Say

"I'm sorry this is happening to you."

"No one deserves to be treated like this."

"I'm concerned about you."

"I'm concerned about your safety."

"You are not alone. There are a lot of people in your situation."

"There are people out there who can help and give you information. I can sit with you while you call them."

"Talking about this must be really difficult."

"You are not the only one who can get help. Abusers need help too."

What NOT to Say

"How can you stay in this terrible situation?"

“I can’t believe of all people, you would be a victim of domestic violence. You seem so strong.”

“Your partner is so nice to everyone. I can’t believe he (or she) would do this.”

“Do you think he (or she) hits you because you are mouthy? What did you do to make him (or her) angry?”

“You have to get out of this relationship.”

“Why haven’t you told anyone about this before?”

“I think the two of you should work this out together in counseling.”

Listen without judging. Often the abused believe the abusers’ messages about them. They may feel responsible, ashamed, inadequate, and afraid they will be judged by you.

WHAT IF THE ANSWER TO ENDING DOMESTIC VIOLENCE IS A QUESTION?



Someone I know is being abused.....

How can I help?

"We are all vulnerable to abuse in our relationships, and each individual's experience is unique. One's gender, race, age, affectional preference, professional privilege, economic status, or religious affiliation does not remove the risk for victims, or excuse the use of violence by perpetrators."

**Cornerstone's services are available to women, children, and men who are victimized by domestic abuse."*

Domestic Abuse is a pattern of behavior intended to gain or maintain power over another person, creating an atmosphere of fear and intimidation. You may have a friend, relative, neighbor or coworker who is being abused. You may have witnessed or heard the violence, seen the physical signs of abuse, or simply suspected it. What can you do?

Take a deep breath...

*This is hard...*When someone you know is in an abusive relationship, you may feel helpless, unsure of what you can do or say. Before you do anything, take a deep breath.

*Think about...*your relationship with the person. That will determine how you might approach the person and what to say. Do not assume they will come to you and ask for help. Shame and fear often keep the victim from confiding. Use good judgment and compassion in deciding what approach to take.

*Think about...*where and when it will be safe for them to talk.

*Think about...*what you will say and how you will say it.

*Think about...*how they may react. They may deny the abuse, be angry with you, tell you to mind your own business, or break down and cry.

Take a step...

- ASK questions that let them know you have suspicions; questions that give them permission to talk about the abuse; questions that call for specific answers: “Have you ever been hurt by your partner?” “Are you afraid of your boyfriend/girlfriend?” “Is something happening at home?”
- LISTEN without judgment or shock. Your response will determine whether or not they continue to confide in you. Affirm the feelings, even if you don’t understand them. Be supportive without giving advice.
- BELIEVE them. It has taken a great deal of courage for him/her to break his/her silence.
- RECOGNIZE that they may minimize or deny the extent of the abuse. You may hear “It’s not that bad;” “He/She shoved me;” “I’ve never had a black eye;” “It only happens when...;” “It’s not that big of a deal;” or “I shouldn’t have...” the truth is more severe.
- CHALLENGE the abusive behavior. Say very clearly that, despite what they’ve been told, they are not to blame for the violence: the abuser is responsible. You can care about both individuals, but not condone the violence.
- CONNECT them with community resources. Cornerstone’s *trained advocates* can address this issue with them. We can listen and offer options, as well as connect people to services in their own community. Specialized programs address particular barriers and needs. *Support groups* can help to break down the isolation that they have experienced. *Legal Advocates* can write restraining orders and provide assistance and support in the overwhelming family or criminal court process. *Children’s programming* allows the opportunity for them to talk about their feelings and experiences. *Safe housing* can be the lifeline for him/her in a crisis situation. Your offer to accompany them on her first visit may make all the difference.
- DEVELOP a safety plan. Don’t be afraid to say that you are worried and concerned about their well-being. Protection planning means thinking through ahead of time what can happen when things start to escalate. How can they be safe? Remind them to dial 911. Can you store an extra set of car keys for them? Can they call you ANY time? Can you offer to hide a suitcase of their essentials in case they need to flee quickly? Can you provide some cab money to get to a shelter, or offer your home as an interim safe place? Consider your own safety as you make these decisions. Suggest that they call Cornerstone for a more detailed protection plan.
- BE THERE. BE PATIENT. It takes time to gather the courage to seek help, to leave, to recover. Remember, this is a life-changing decision—and it is difficult. You can help to give them tools to find their own solution, on their own time. They may need reassurance that your conversations are completely confidential. At the same time, you may feel that the situation requires you to

carefully weigh “their privacy” and “their safety.” In all of these considerations one thing is certain: their strength and skills must not be overlooked – he/she courageously and creatively made use of limited options to cope. You can offer new options (and hope.)

Take care of yourself...

When someone you care about is in crisis, so are you. You may feel as though you are on an emotional roller coaster: shocked at the situation, scared for their safety, frustrated with their decisions, or very angry with them. Why isn't he/she doing what you believe in your heart must be done? You may experience a profound sense of hopelessness and grief. All these emotions are very normal. Know that your role is limited, and that is what is so hard. As much as you want to rescue them or to fix the situation, it is not for you to do. They must be allowed to make all their own decisions. It may take months or even years to end an abusive relationship, if at all. You may feel as though it's never ending. It's important to find support for yourself. Talk to a friend or seek professional services. Give yourself permission to detach from the situation when needed. Recognize your own choices. You do not have to be their sole support. Help them find other sources of support; then come back when you're ready. Survivors of domestic violence talk about how important it was to have someone who believed in them, who was there for them. Thank you for being that someone.

Take a step further...

Increase your awareness and understanding; attend seminars and workshops about family violence. Dispel the myths so many of us have accepted.

- Sponsor an educational forum in your local school or place of worship. Your neighborhood may participate in a Crime Watch Program. Are residents able to recognize domestic abuse as a crime? What would residents do if they witnessed family violence? Be certain that your workplace has resources for employees; post brochures and phone numbers for local violence-prevention programs. Call Cornerstone and ask how you can support the agency with your resources, time, and skills. Become a donor. Become a volunteer. Examine your own attitudes. What do you say or do that minimizes another person? Do you perpetuate socially accepted ideas about power and control?
- Ask your local schools to incorporate curriculum which helps children and adolescents build healthy relationship. Support a battered man or woman in their attempt to end the violence in their life. Never blame the victim; abusive behavior is always the sole responsibility of the perpetrator. Ask if you will put them at greater risk if you call the police on their behalf.
- Hold batterers accountable for their abuse. Let them know that the community condemns their behavior. Call the police if you see or hear evidence of family violence. To stop family violence, we cannot tolerate it.



Cooperation with Child Support Enforcement

Purpose: This notice explains your rights and responsibilities for cooperating with the Minnesota Department of Human Services, Child Support Enforcement Division, and your county child support enforcement agency. Cooperation with the child support enforcement agency includes answering questions, filling out forms, and appearing at appointments and/or court hearings.

This notice also explains how you make a “good cause claim” that gives you the right not to cooperate if your claim is granted. If you choose to claim good cause and your county child support enforcement agency is currently collecting your child support payments, the county will immediately stop collecting those payments for the child(ren) you name on the attached form. The county will stop providing all child support services until it makes a decision on your good cause claim. If you are granted a good cause exemption, the child support enforcement agency will close your case.

Instructions: Read this notice so you understand how and why you must cooperate. **Fill out the “Client Statement of Good Cause” whether or not you plan to claim good cause.**

Your Responsibility to Cooperate

Why must you help your county child support enforcement agency?

If you receive Minnesota Family Investment Program (MFIP), Diversionary Work Program (DWP), Child Care Assistance Program (CCAP) or IV-E Foster Care, federal and state laws say you must help your county child support enforcement agency. You must help establish paternity, collect basic support, medical support and child care support. You must also help establish court-ordered dependent health care and dental coverage. You must help your child support agency for all children in your home if you are getting benefits from CCAP.

If you and your child(ren) receive only Medical Assistance (MA) or only MinnesotaCare, federal law says that you must help the county child support enforcement agency. You must help establish paternity, collect medical payments and/or establish court-ordered dependent health care and dental coverage.

What do you have to do?

We will ask you to do one or more of the following:

- Name the other parent of the child(ren) for whom you applied for or who get MFIP, DWP, IV-E Foster Care, MA, or MinnesotaCare. Give all the details you have to help find the parent.
- Name the other parents of all the children in your family if you applied for or get CCAP. Give all the details you have to help us find the parents.
- Help us determine who the legal parent is, if paternity has not been established for a child. You are not required to sign a Recognition of Parentage or waive your right to genetic testing, even if the father asks you to do so.
- Help your child support agency get basic support, medical support, and child care support money owed to you or the child(ren) getting MFIP, DWP, Child Care Assistance, IV-E Foster Care, MA or MinnesotaCare.
- Insist the obligor pay the Minnesota Child Support Payment Center (CSPC), not you directly. The CSPC cannot send medical support to you if you are receiving benefits from MA or MinnesotaCare. The CSPC cannot send child care support to you if you are receiving benefits from CCAP.
- Tell us about any health, dental or accident insurance you now have or you could have through your job.
- Tell us about any health, dental or accident insurance the other parent of your child(ren) has or could have through a job.
- Tell us about any claims or lawsuits you have filed because you are injured.
- Appear in person at the county human services agency, the child support agency, the Minnesota Department of Human Services (DHS) or court to sign papers or to give information when requested.

How does cooperating with your child support agency help you?

- We will try to find your child(ren)'s other parent by gathering information from government agencies, credit reporting agencies, employers, utility companies and other sources.
- We will try to establish legal paternity for your child(ren), which may give your child(ren) Social Security or veterans' benefits through the other parent or inheritance rights.

- We will try to establish an order for support if you do not have one.
- We will enforce your child support order.
- You may be able to get off MFIP if support payments are more than your MFIP grant.

Your Right to Claim Good Cause for Not Cooperating

What does "good cause" mean?

Good cause means that there is a reason, due to potential physical or emotional harm to you or your child, why you do not want to cooperate. If establishing paternity or collecting support could harm you or your children and that can be proven, the law allows you to apply for good cause to not cooperate. The rest of this notice explains how you can claim good cause and what happens if you do. Read this form carefully. If you need help, ask your financial worker, child care worker, MinnesotaCare enrollment representative, lawyer or welfare advocate.

How and when should you claim good cause?

If you want to claim good cause, you must tell your financial worker, child care worker, MinnesotaCare enrollment representative or your child support enforcement agency that you think you have good cause not to cooperate. Then you must fill out and sign the attached Client Statement of Good Cause form. **Check the decision box to indicate you are making a claim of good cause and the reason(s) that best describe(s) why you are making the claim.** You must complete a form for each parent for whom you are making a claim of good cause. You can claim good cause at any time.

If you are a current participant in the Safe At Home (SAH) Program, you are automatically eligible for a good cause exemption.

What may be good cause for not cooperating?

The following are reasons to claim good cause:

- Physical or emotional harm could come to your child(ren) if you help.

- Physical or emotional harm could come to you that is so serious it would reduce your ability to care for your child(ren) adequately if you help.
- Your child was conceived as a result of rape or incest.
- You are working with an agency that is helping you decide if you should place the child(ren) for adoption, and the work has gone on for three months or fewer.
- Court action is going on to adopt the child(ren).

How do you prove good cause?

If you want to claim good cause, you must:

- Give your public assistance agency the proof to decide if you have good cause for not helping. See "What are acceptable types of proof?"
- Give your public assistance agency the proof within 20 days after you claim good cause. You may get more time only if the agency agrees you need more than 20 days to get proof.

Once you have done these things, your child support and public assistance agencies will:

- Decide your claim for good cause based on the proof you gave or
- Ask you for more proof that might support your claim if needed or
- Investigate further to prove your claim if needed.

What are acceptable types of proof?

The following are examples of proof to help your child support agency decide if you have good cause:

- Safe At Home (SAH) identification card
- Medical or law enforcement records that shows the child was conceived as a result of rape or incest

- Court documents or other records that show legal actions for adoption are pending in court
- Court, medical, criminal, child protective services, social services, domestic violence, psychological or law enforcement (police or sheriff) records that show the alleged father or obligor might cause physical or emotional harm to you or your child(ren)
- Medical or emotional health records that show cooperation with the child support enforcement process may cause physical or emotional harm to you or your child(ren), this may include you or your child(ren)'s emotional health history and present status
- Written proof from an agency confirming you are deciding whether to keep your child or place your child for adoption
- Sworn statements from friends, neighbors, clergy, social workers, medical professionals and others that help prove your good cause claim
- A written statement from you giving your reasons for claiming good cause.

If you need help to get copies of some documents, ask your financial worker, child care worker or MinnesotaCare enrollment representative to help you.

Will you receive benefits while awaiting a decision?

If you apply for or now get MFIP, DWP, Child Care Assistance, IV-E Foster Care, MA or MinnesotaCare, you will still get these benefits while the decision on your good cause claim is pending as long as you:

- Qualify
- Give the proof we ask for within 20 days and
- Help us investigate your good cause claim.

What happens if you have a good cause exemption?

If your public assistance agency agrees you have good cause, the child support agency will take no further action to establish paternity or get basic support, medical support or child care support.

Can good cause be time-limited?

Your public assistance agency will redetermine your good cause exception at least once per year.

What if your good cause exemption is denied?

- If you cooperate with your child support agency, you will receive services
- If you refuse to cooperate:
 - If you get MA or MinnesotaCare and do not cooperate, your child(ren) will get MA or MinnesotaCare, but you will not
 - If you get MFIP and do not cooperate, your grant will be reduced by at least 30 percent
 - If you get DWP and do not cooperate, DWP will stop for you and your child(ren)
 - If you get Child Care Assistance and do not cooperate for all the children in your home, Child Care Assistance will stop.
- If you withdraw your MFIP, DWP, Child Care Assistance, IV-E Foster Care, MA or MinnesotaCare application, you will not receive benefits.

What are your rights to appeal a denial?

You have the right to ask for an appeal if:

- Your child support agency does not give you a chance to claim good cause yet your public assistance agency prepares to deny, end, or reduce your MFIP, DWP, Child Care Assistance, IV-E Foster Care, MA, or MinnesotaCare for not helping.
- Your public assistance agency denies your good cause claim.

Definition of terms: The following terms are used in this application

Basic support	Support for expenses relating to the child's care, housing, food, clothing, and transportation. The basic support obligation does not include payment towards arrears.
Child	An individual under 18 years of age, an individual under 20 years who is still attending secondary school, or an individual who, by reason of physical or mental condition, is incapable of self-support.
Child support	Money parents pay to help support their children. It may include a monthly court-ordered amount, medical and dental support, and child care support.
Child support agency/office	A county office that provides child support services or the state office of child support enforcement.
Custodial parent	The parent with physical custody of a minor child.
Establishing parentage	Determining the legal father of a child born to an unmarried woman; also called establishing "paternity."
Obligee	A person to whom payments for maintenance or support are owed.
Obligor	A person obligated to pay maintenance or support. A person who has primary physical custody of a child is presumed not to be an obligor for the purposes of child support. For purposes of ordering medical support, a parent who has primary physical custody of a child may be an obligor subject to a payment agreement.
Public assistance	Benefits from a state or federal program. Public assistance programs include the Diversionary Work Program (DWP); the Minnesota Family Investment Program (MFIP), which is Minnesota's Temporary Assistance to Needy Families (TANF) program; Tribal TANF; Child Care Assistance; Medical Assistance (MA); MinnesotaCare; and IV-E Foster Care services.
Safe At Home	A confidential mail forwarding service administered by the Minnesota Secretary of State Office.
Support	A court-ordered obligation for the benefit of the obligor's child(ren), spouse or former spouse.

Attention. If you want free help translating this information, ask your worker or call the number below for your language.

ملاحظة: إذا أردت مساعدة مجانية في ترجمة هذه المعلومات، فاسأل مساعدك في مكتب الخدمة الاجتماعية أو اتصل على الرقم 1-800-358-0377.

កំណត់សំគាល់ បើអ្នកចង់បានជំនួយបកប្រែព័ត៌មាននេះដោយមិនគិតថ្លៃ សូមសួរអ្នកកាន់សំណុំរឿងរបស់អ្នក ឬ ទូរស័ព្ទទៅលេខ 1-888-468-3787 ។

Pažnja. Ako vam je potrebna besplatna pomoć za prevod ove informacije, pitajte vašeg radnika ili nazovite 1-888-234-3785.

Ceeb toom. Yog koj xav tau kev pab txhais cov xov no rau koj dawb, nug koj tus neeg lis dej num (worker) lossis hu 1-888-486-8377.

ໂປດຊາບ. ຖ້າທາກທ່ານຕ້ອງການການຊ່ວຍເຫຼືອໃນການແປຂໍ້ຄວາມດັ່ງກ່າວນີ້ຟຣີ, ຈົ່ງຖາມນຳພນັກງານຊ່ວຍວຽກຂອງທ່ານຫຼືໂທຫາຕາມເລກໂທ 1-888-487-8251.

Hubaddhu. Yoo akka odeeffannoon kun sii hiikamu gargaarsa tolaa feeta ta'e, hojjataa kee gaafaddhu ykn lakkoofsa kana bilbili 1-888-234-3798.

Внимание: если вам нужна бесплатная помощь в переводе этой информации, обратитесь к своему социальному работнику или позвоните по следующему телефону: 1-888-562-5877.

Ogow. Haddii aad dooneyso in lagaa kaalmeeyo tarjamadda macluumaadkani oo lacag la'aan ah, weydii hawl-wadeenkaaga ama wac lambarkan 1-888-547-8829.

Atención. Si desea recibir asistencia gratuita para traducir esta información, consulte a su trabajador o llame al 1-888-428-3438.

Chú Ý. Nếu quý vị cần dịch thông tin này miễn phí, xin gọi nhân-viên xã-hội của quý vị hoặc gọi số 1-888-554-8759.

LB2-0001 (10-09)

ADA3 (5-09)

This information is available in alternative formats to individuals with disabilities by calling (651) 431-4199 or (800) 657-3954. TTY users can call through Minnesota Relay at (800) 627-3529. For Speech-to-Speech, call (877) 627-3848. For additional assistance with legal rights and protections for equal access to human services programs, contact your agency's ADA coordinator.

Client Statement of Good Cause



Instructions: Fill out a separate form for each noncustodial parent indicating if you are or are not making a claim of good cause. **Be sure to sign the bottom of this form.**

YOUR NAME (Last, First, Middle)	OTHER PARENT'S NAME* (Last, First, Middle)	ASSISTANCE CASE NO.
---------------------------------	--	---------------------

* Name of parent for whom applicant is claiming good cause.

Programs: (Check all that apply)

I am an applicant for or recipient of : ☐ Minnesota Family Investment Program (MFIP) ☐ IV-E Foster Care
☐ Diversionary Work Program (DWP) ☐ Child Care Assistance only
☐ Medical Assistance (MA) or MinnesotaCare only

Good cause claim:

Decision: (Check the appropriate box below to indicate if you are or are not making a claim of good cause.)

- ☐ I do not wish to make a good cause claim. Go to the end of this form and sign it.
- ☐ I am making a claim of good cause for not cooperating with the child support agency in establishing paternity and in collecting child support for my child(ren); I know I must give any proof I can to support my claim.

Reasons for good cause claim: (Check the boxes that apply)

- ☐ If I help you, I think physical or emotional harm will come to my child(ren).
- ☐ If I help you, I think physical harm will come to me and it will reduce my ability to adequately care for my child(ren).
- ☐ If I help you, I think emotional harm will come to me and this harm will be such that it will reduce my ability to adequately care for my child(ren).
- ☐ My child was conceived as a result of rape or incest.
- ☐ Court action is going on to adopt my child(ren).
- ☐ I am working with an agency that is helping me decide whether I should place my child(ren) for adoption.

Names of child(ren):

Indicate the name of the child(ren) for whom you are making a claim of good cause. If good cause is granted, no child support enforcement actions will be taken for the child(ren) listed on this form. If you currently have an open case at the county for other children you have with the parent listed on this form, the case will remain open and enforcement actions will be taken unless you are making a claim of good cause for them. If you want to make a claim of good cause for other children you have with the parent, check the box below. Child support enforcement actions will stop immediately for the other children you have with the parent if you choose to make a claim of good cause.

I am making a claim of good cause for the child(ren) listed below: (Check the box that applies)

- ☐ I do not have other children with the parent.
- ☐ I have other children with the parent listed on this form and wish to include them in my claim of good cause. I understand that child support enforcement actions will stop when I make a claim of good cause for the other children.
- ☐ I do have other children with the parent listed on this form, but I am not making a claim of good cause for the other children.

CHILD'S NAME (Last, First, Middle)	CHILD'S NAME (Last, First, Middle)
CHILD'S NAME (Last, First, Middle)	CHILD'S NAME (Last, First, Middle)

Comments: In the space below, tell us the facts that you think support your claim for good cause. Attach more pages if you need more space. **Be sure to sign this form below.**

ASSISTANCE CASE NO.

Signatures: I have read this notice about my right to claim good cause for refusing to cooperate. I understand that I can discuss any part of this notice I find unclear with my financial worker, child care worker, MinnesotaCare enrollment representative or anyone else I choose, including a lawyer or welfare advocate.

SIGNATURE OF APPLICANT/RECIPIENT 	DATE
--	------

Agency use

Good cause:

☐ Approved ☐ Not approved

Original: Child Support Enforcement

Copy: Income Maintenance/Child Care

Copy: Client

Authority Requiring Protection

§ 256.87, Subd. 8

§ 257.70 (b)

§ 518.005, Subd. 5

Requirement to Provide Address Information to Court

Rule 13.01, Minnesota General Rules of Practice

Custody and Parenting Time Provisions

§ 257.026

§ 257.66, Subd. 3

§ 518.1705

§ 518.179

Interstate Considerations

§ 518C.312

Order Granting Service

§ 518A.47

Good Cause

§ 256.741

Safe at Home

§§ M.S. Chapter 5B

§ M.S. 13.045

Minnesota Rules Chapter 8290

Federal Authority

45 CFR 303.11



DOMESTIC ABUSE INTERVENTION PROJECT

202 East Superior Street
Duluth, Minnesota 55802
218-722-2781
www.duluth-model.org



Safe at Home

MINNESOTA SECRETARY OF STATE

Mark Ritchie

Safe at Home

Minnesota's Address Confidentiality Program

What You Need to Know



**Minnesota Secretary of State
"Safe at Home"
Address Confidentiality Program Card**

By law all entities public and private must use this address for all records related to the program participant named below.

All correspondence must include the name and complete address as shown below.

Full Name

Lot # XXXXXX

PO Box 17370

St. Paul, MN 55117

Expiration Date: XX/XX/XXXX

Signature: _____

Pursuant to M.S. 5B.05, "When a program participant presents the address designated by the secretary of state to any person, that address must be accepted as the address of the program participant."

You may not question the program participant about any circumstances of her or his participation in the program.

If you have questions or need more information regarding Safe at Home contact:

651-201-1399

1-866-723-3035 (toll free)

safe.arhome@state.mn.us

www.sos.state.mn.us

TTY: 1-800-627-3529 or 711



What is Safe at Home?

Safe at Home is an address confidentiality program offered through the Minnesota Secretary of State's Office and is available to people who have an actual residential address in Minnesota. Almost thirty other states have some form of address confidentiality program. Minnesota is the first state in the nation to allow participants to use an alternate address for all purposes, including for private business interactions. Minnesota's Safe at Home began September 1, 2007.

Who is Eligible to Enroll in Safe at Home?

People eligible to enroll in Safe at Home are survivors of domestic violence, stalking, sexual assault, or anyone else who fears for their safety and decides that a confidential address would be an appropriate part of their overall personal safety plan.

Safe at Home does not require proof of victimization. However, upon applying to the program, potential participants must certify that they fear for their safety.

How Does a Person Enroll in Safe at Home?

Eligible people enroll in Safe at Home with the help of Application Assistants located throughout Minnesota. Application Assistants are employees of victim service agencies. Application Assistants are knowledgeable advocates who provide direct services to people who have been victims of domestic violence, stalking, or sexual assault. To find an Application Assistant go to www.sos.state.mn.us or call Safe at Home.

How Does the Program Work?

Upon certification into the program, participants are assigned a new address and mailed an enrollment packet, which includes a Safe at Home identification card for each new household participant. *Minnesota Statutes*, chapter 5B allows a Safe at Home participant to use the newly assigned address for all purposes in the state of Minnesota. All private and public entities must accept the newly assigned address as the participant's actual address of residence and employment.

All Safe at Home participant mail is sent to their newly assigned address, which is a post office box managed by the Office of the Secretary of State. Participant mail is repackaged and mailed to each participant's real residential address.

What Does a Safe at Home Address Look Like?

All Safe at Home participants share the same post office box, but each household is assigned a unique lot number. The lot number is an extremely important part of a participant's mailing address because it helps Safe at Home staff distinguish one household's mail from another.

A Safe at Home address looks like:

Name
LOT # XXXXX
PO BOX 17370
ST PAUL MN 55117-0370

Who Must Accept the Safe at Home Address?

All public and private entities in the state of Minnesota must accept a participant's assigned Safe at Home address (PO Box) as the participant's actual address of residence and employment. This requirement is mandated by *Minnesota Statutes*, chapter 5B.

What is the Length of Enrollment?

Length of enrollment is four years. Participants may renew their enrollment at the end of four years. Also, a participant may voluntarily withdraw from the program at any time.

How Can I Find Out if Someone Really is a Safe at Home Participant?

Safe at Home will confirm or deny program participation to third parties who give Safe at Home the full name and lot number of a potential program participant.

Is the Safe at Home ID Card an Official Form of Identification?

The Safe at Home ID card is not an official form of identification and cannot take the place of a driver's license or a state ID card. Presentation of the Safe at Home card creates a rebuttable presumption that enrollment is valid. When a third party is shown a Safe at Home ID card, the program participant cannot be required to answer any questions about the circumstances of her or his participation in the program.

Does Safe at Home Forward All Mail?

No. Safe at Home only forwards First Class Mail being sent through the United States Postal Service. Safe at Home does not forward packages unless they are clearly labeled that they are being sent from a government entity, or packages that are clearly identifiable pharmaceuticals.

When Will Safe at Home Disclose an Actual Address?

Safe at Home will only release an actual address in response to a valid court order, or to law enforcement who request an address using the agreed upon procedure through the Minnesota Bureau of Criminal Apprehension. Safe at Home reviews requests and verifies the validity before releasing personal contact information.

When Does a Participant Have to Disclose Their Actual Address?

If a Safe at Home participant is under criminal justice system management and the management has residency-related conditions, a participant must disclose their actual address to the supervising agent if requested to do so.

How Do I Contact the Safe at Home Office?

You can contact the Minnesota Safe at Home Office at:

Minnesota Safe at Home
PO Box 17370
St. Paul, MN 55117-0370

Local:	651-201-1399
Toll Free:	1-866-723-3035
Minnesota Relay Service:	1-800-627-3529 or 711
Email:	Safe.athome@state.mn.us

What if Somebody Joins Trying to Avoid Criminal Prosecution?

Upon applying to Safe at Home, a person who is the subject of an ongoing or pending criminal action must disclose that fact to Safe at Home. They must also notify the prosecuting jurisdiction of their new Safe at Home address so the proper authorities know who to contact them. Safe at Home has a form for this purpose.

Can Safe at Home Participants Still Receive County-Based Services?

Yes. To receive county services such as food or medical assistance, a Safe at Home participant cannot be required to disclose their actual address if the services will not be rendered in their home. They only need to disclose their county of residence.

How Do Safe at Home Participants Vote?

Safe at Home participants can register to become ongoing absentee voters through Safe at Home. Participants send their ballot to Safe at Home, and their personal information is removed before the ballot is submitted for counting.

How Does Service of Process Work for Safe at Home Participants?

When a person joins Safe at Home they appoint the Secretary of State as their agent to receive services of process and their agent for receipt of mail. The Secretary of State accepts both personal and mail service of legal documents. When the Secretary of State receives service on behalf of a participant, it is the same as a participant receiving service. For more information about service of process go to www.sos.state.mn.us or call the Safe at Home office.

Does Safe at Home Charge a Fee for Being in the Program?

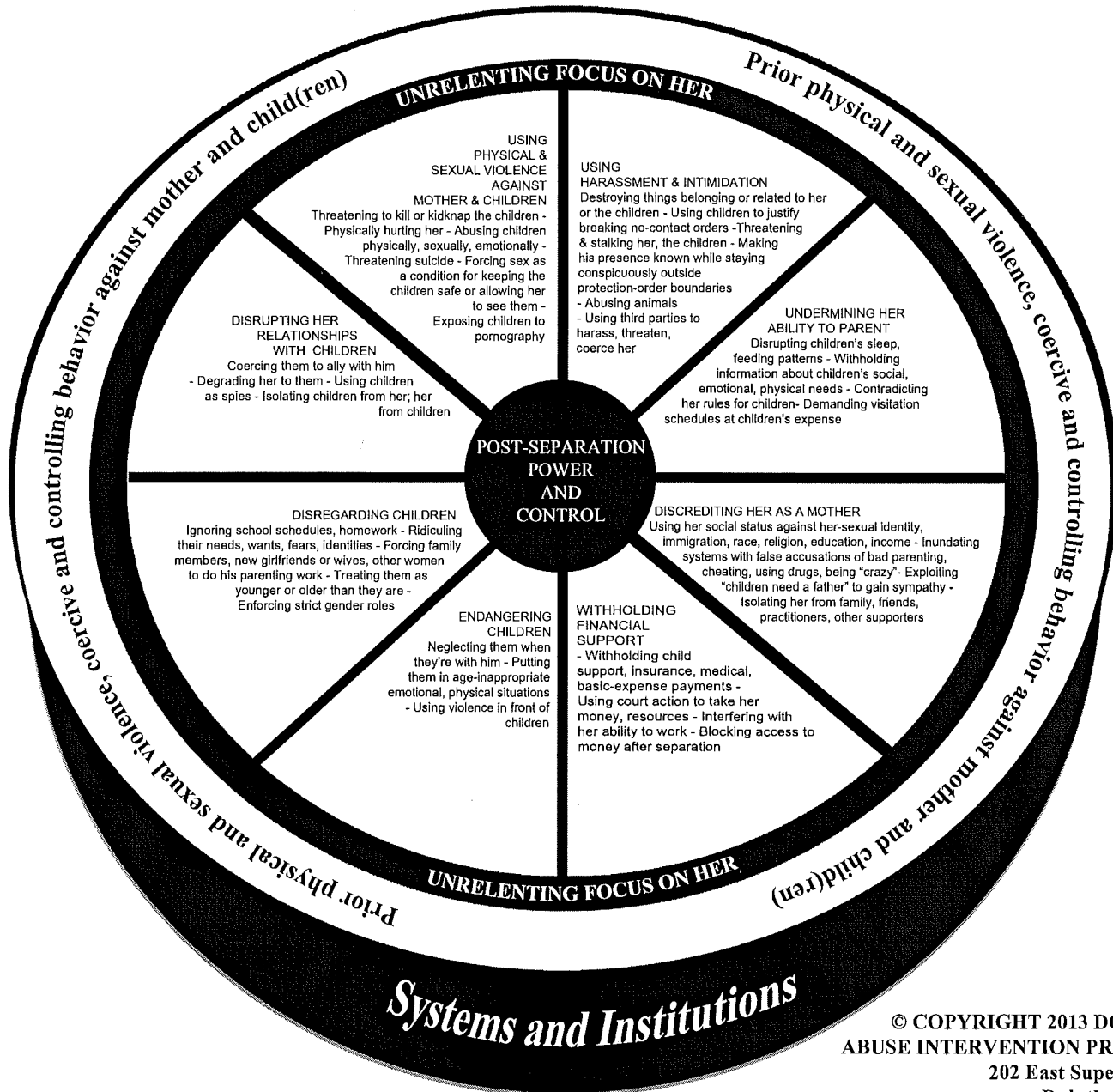
No. The Office of the Minnesota Secretary of State does not charge a fee to participants to be in Safe at Home.

Can Participants Consent to Release of their Safe at Home Information?

Safe at Home information on participants, applicants, and eligible persons is classified as private data. Participants can sign a consent for the release of their information in order for Safe at Home to assist participants with their interactions with others. However, participants cannot sign a consent for the release of their actual address.

**For more information about Safe at Home, please see
Frequently Asked Questions on our website at
www.sos.state.mn.us**

Post Separation Power and Control Wheel



© COPYRIGHT 2013 DOMESTIC
ABUSE INTERVENTION PROGRAMS
202 East Superior Street
Duluth, MN 55802
218-722-2781
www.theduluthmodel.org