Providing Effective Assistance to Survivors of Domestic Violence

June 23, 2016

Welcome to the Outreach and Enrollment Distance Learning Series

All lines are muted. Please use chat to ask a question to the chairperson.
2016 O&E Distance Learning Series: Upcoming Events

• Visit the CHAMPS Distance Learning Page for more information
  • Assisting Clients with Complex Medical Needs – *July 14, 2016*
  • Engagement and Issue Advocacy for O&E Staff – *August 18, 2016*
  • Habits of Highly Effective Assisters – *September 22, 2016*
Community Health Association of Mountain/Plains States (CHAMPS)

www.champsonline.org
Colorado Community Health Network (CCHN)

www.cchn.org
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Providing Effective Assistance to Survivors of Domestic Violence

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CCADV
Who We Are and What We Do

- Public Policy
- Technical Assistance
- Training
- Awareness and Prevention
- Conference
Objectives

- **RECOGNIZE:**
  - What domestic violence is
  - What domestic violence is not
- **RESPOND**
  - Healthy responses
- **REFER**
  - Who, what, when of referrals
Prevalence of Domestic Violence

• One in four women (25%) has experienced domestic violence in her lifetime. --CDC, 2000

• 85% of domestic violence victims are women, and 15% are men. --Bureau of Justice Statistics, 2003

• 24% to 54% of all women who visit emergency rooms have been abused during their lifetime --CDC, 2003

• Victims of DV utilize the healthcare system as much as 2.5 times as often as non-abused patients --Dolezal, McCollum & Callahan, 2009
Domestic violence means an act or threatened act of violence upon a person with whom the actor is or has been involved in an intimate relationship. Domestic violence also includes any other crime against a person or against property or any municipal ordinance violation against a person or against property, when used as a method of coercion, control, punishment, intimidation, or revenge directed against a person with whom the actor is or has been involved in an intimate relationship. (C.R.S. § 18-6-800.3)
Definition:
Pattern of behavior used to gain power and maintain control over an intimate partner
DV: It’s about Power and Control
DV: It’s about Power and Control

• Pattern of behavior
  • Behaviors along a social spectrum
Recognize

- Video: ‘It’s Not Like I Hit Her’
- Does this meet the criminal definition of DV?
- Is it coercive control?
Recognize: Reproductive Coercion

- Coercive behavior that interferes with a person’s ability to control her/his reproductive life.
- Partners may verbally or physically threaten women if they use birth control or seek abortions.
- They may throw away or damage birth control and remove condoms during sex.

- [https://www.youtube.com/watch?v=yzRjqedHOiE](https://www.youtube.com/watch?v=yzRjqedHOiE)
Recognize

What domestic violence is NOT:

• Mental illness
• A result of substance abuse
• An anger management problem or a loss of control
• EVER the fault of the victim
Recognize: Screening for IPV

- Do not screen when client’s partner or children are present
- Discuss limits to confidentiality
- Introduce the topic of intimate partner violence with a framing statement to put the issue in context and to normalize the inquiry.
  - “I do not know if this is a problem for you, but because so many clients I see are dealing with abusive relationships, I’ve started asking about it routinely.”
Recognize: Screening for IPV

• Follow framing statements with behaviorally specific, direct screening questions.
  • “Are you currently or have you ever been in a relationship where you were physically hurt, threatened or made to feel afraid?”

• More specific questions can be appropriate when you believe that abuse is a possibility, but general questions have not been productive.
  • You mentioned that your partner uses alcohol. How does she/he act when she/he becomes intoxicated? Does his/her behavior ever frighten you? Does she/he ever become violent?
Respond

• What If Your client Denies Domestic Violence?
  • Accept the response. Not all clients are domestic violence victims. If a client seems uneasy about the inquiry, reassure them that these were routine questions asked of everyone due to the prevalence of the problem.
  • If you are still concerned that abuse is occurring, briefly let clients know that you are a resource if that problem should ever be an issue for the client. Let them know where they get information about domestic violence and move on to another topic. Routine inquiry often will open doors that domestic violence victims will use later.

Center for Relationship Abuse Awareness
Respond

• I’m concerned for your safety.
• There are resources available for you.
• I am so sorry this has happened. You don’t deserve that, and it’s not your fault.
• What would help you to feel safe right now?
• I believe you and think you are really strong.
Respond

• DON’T give advice; DO talk about options
  • Survivor must be allowed to make the decisions (e.g. do not just encourage client to leave relationship)
  • If you disagree, remain supportive

• Discuss any limits to confidentiality
**Respond & Refer**

- Ask if it is safe for her to go home that day
- If it is not safe for her to go home give her the number of the domestic violence hotline or local advocacy organization and let her use a private phone
- Let her know that there are people who care and can help her
- Provide referral information for victim services
- Do not tell the perpetrator about the intervention
Survivors linked with advocates during post-crisis period report higher quality of life, more social supports, and less re-victimization

http://ccadv.org/find-help/programs-by-county/
Refer

• Be prepared to address DV
• Form partnerships with local DV programs
• Develop safety planning protocol
• Incorporate awareness of abusers’ on-going stalking, harassment and assaults into policy and practice
• Know & link to other community resources vital for safety (law enforcement, civil legal, protection orders)
Other Resources

• CCADV: Amy Pohl- apohl@ccadv.org
  Kisa Corcoran- kcorcoran@ccadv.org

• Domestic Violence and the Role of the Healthcare Provider. The Value of Educating on Assessment and Intervention Strategies

• CCADV Issue Brief on Mandatory Reporting for Medical Professionals

• Clearinghouse at Center for Relationship Abuse Awareness
  (http://stoprelationshipabuse.org/professional-resources/health-care-providers/)
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ACA ENROLLMENT FOR SURVIVORS OF DOMESTIC VIOLENCE

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ACA and DV

**Insurance Discrimination:** As of January 2014:
Insurance companies are prohibited from denying coverage to victims of domestic violence as a preexisting condition.

**Screening and Counseling:** As of August 2012:
Health plans must cover screening and counseling for lifetime exposure to domestic and interpersonal violence as a core women’s preventive health benefit.
SEP for DV

- Survivors of DV can enroll in coverage through healthcare.gov AT ANY TIME
- Must use the Call Center to start the application
- Use the phrase “survivor of DV” to initiate the SEP
- No documentation of DV needed
- After SEP is granted, 60 days to pick a plan and enroll
Enrollment For Victims Of DV

- Special enrollment rule for victims of DV
  - Allows victims of DV to apply for Marketplace coverage on their own—and be found eligible for financial help based on their own income (not tied to spouse’s income)
Enrollment For Victims Of DV

- To qualify for the special enrollment rule, a DV survivor must:
  - Be legally married
  - Live apart from their spouse
  - Plan to file taxes separately from their spouse

- Both men and women who fit the criteria above are eligible

- No documentation of DV is required

- Native Americans may use this rule at any time they apply for Marketplace coverage
Eligible consumers should mark “unmarried” on their Marketplace application—even if married.

The IRS and HHS both put out this guidance; they say it’s ok to do this on the Marketplace application.

No documentation needed to prove domestic violence; Have to “attest” on taxes.
CO: Enrollment For Survivors Of DV

- In CO: called the “exceptional circumstances” exception for Connect for Health
- Eligible survivors should mark “Head of Household” or “Married Filing Separately” on their application AND must check “exceptional circumstances”
- No documentation needed to prove domestic violence; Have to “attest” on taxes
Form 8962

Premium Tax Credit (PTC)

Attach to Form 1040, 1040A, or 1040NR.

Information about Form 8962 and its separate instructions is at www.irs.gov/form8962.

Name shown on your return

Your social security number

Part 1: Annual and Monthly Contribution Amount

1 Family Size: Enter the number of exemptions from Form 1040 or Form 1040A, line 6d, or Form 1040NR, line 7d

2a Modified AGI: Enter your modified AGI (see instructions)

2a

b Enter total of your dependents’ modified AGI (see instructions)

3 Household Income: Add the amounts on lines 2a and 2b

4 Federal Poverty Line: Enter the federal poverty amount as determined by the family size on line 1 and the federal poverty table for your state of residence during the tax year (see instructions). Check the appropriate box for the federal poverty table used.

a Alaska

b Hawaii

c Other 48 states and DC

5 Household Income as a Percentage of Federal Poverty Line: Divide line 3 by line 4. Enter the result rounded to a whole percentage. (For example, for 1,542 enter the result as 154, for 1,549 enter as 155.) (See instructions for special rules.)

6 Is the result entered on line 5 less than or equal to 400%? (See instructions if the result is less than 100%.)

Yes. Continue to line 7.

No. You are not eligible to receive PTC. If you received advance payment of PTC, see the instructions for how to report your Excess Advance PTC Repayment amount.

7 Applicable Figure: Using your line 5 percentage, locate your “applicable figure” on the table in the instructions

8a Annual Contribution for Health Care:

Multiply line 3 by line 7

b Monthly Contribution for Health Care: Divide line 8a by 12. Round to whole dollar amount

Part 2: Premium Tax Credit Claim and Reconciliation of Advance Payment of Premium Tax Credit

9 Did you share a policy with another taxpayer or get married during the year and want to use the alternative calculation? (see instructions)

Yes. Skip to Part 2, Shared Policy Allocation, or Part 5, Alternative Calculation for Year of Marriage.

No. Continue to line 10.

10 Do all Forms 1095-A for your tax household include coverage for January through December with no changes in monthly amounts shown on lines 21–32, columns A and B?

Yes. Continue to line 11. Compute your annual PTC. Skip lines 12–23

No. Continue to lines 12–23. Compute your monthly PTC and continue to line 24.

Annual Calculation

A. Premium Amount (Form(s) 1095-A, line 33a)

B. Annual Premium Amount of SLCSP (Form(s) 1095-A, line

C. Annual Contribution Amount (Line 8a)

D. Annual Maximum Premium Assistance (Subtract C from B)

E. Annual Premium Tax Credit Allowed (Smaller of A or D)

F. Annual Advance Payment of PTC (Form(s) 1095-A, line

Relief (see instructions)
**Domestic abuse.** Domestic abuse includes physical, psychological, sexual, or emotional abuse, including efforts to control, isolate, humiliate, and intimidate, or to undermine the victim's ability to reason independently. All the facts and circumstances are considered in determining whether an individual is abused, including the effects of alcohol or drug abuse by the victim’s spouse. Depending on the facts and circumstances, abuse of the victim’s child or other family member living in the household may constitute abuse of the victim.

**Spousal abandonment.** A taxpayer is a victim of spousal abandonment for a tax year if, taking into account all facts and circumstances, the taxpayer is unable to locate his or her spouse after reasonable diligence.

To certify that you are eligible for an exception to the requirement to file a joint return under Situation 2, check the “Relief” box in the top right-hand corner of Form 8962. Do not attach documentation of the abuse or abandonment to your tax return. Keep any documentation you may have with your tax return records. For examples of what documentation to keep, see Pub. 974.
Coverage For Other Survivors of DV

- For other married survivors, coverage is available through healthcare.gov/Connect for Health but financial subsidies will be based on family income.
- To complete the application, consumers will need to include income (but not SSNs) of all family members.
- If no financial help is needed, consumers will not need to input information on spouse.
Special Circumstance: Employer Coverage

• If one family member's employer offers family coverage that is deemed affordable, none of the family members are eligible for financial subsidies in the Marketplace.

• If an abuser is offered family coverage through employer but refuses to purchase coverage for their spouse or children, the spouse and children will not be eligible for subsidies in the Marketplace.
Hardship Exemption

• There is a tax penalty for not having health insurance

• Women who experience DV who are uninsured are eligible for “hardship exemption” from that tax penalty

• The hardship exemption application can be found on healthcare.gov

• No documentation is needed to prove DV
CO: Applying for Hardship Exemption

• Federal hardship exemption application can be found on healthcare.gov
• Submit federal paperwork and get the exemption code
CO: Catastrophic Coverage

- DV survivors are eligible to purchase a “catastrophic coverage” plan
- Submit federal hardship exemption paperwork and get the exemption code
- Enter the exemption code on the Connect for Health application to become eligible to purchase a catastrophic plan
How to Enroll: Alternate Address

- It is ok to use a shelter, PO box or friend’s address as the home address or mailing address on an application
  - Insurance cards will be mailed to this address
  - Note: if you want to receive mail from your insurer at a PO box address, be sure to list it as both your “mailing address” and “home address” on your application
- Be sure to use an address where it is possible to safely and regularly pick up mail
- If using an alternate address than your home or residential address, it should be in the same region where care is needed.
  - “Home address” is used to determine which health plans are available
Enrollment For Victims Of DV

Consumer is a domestic violence (DV) survivor and legally married.

Open Enrollment has ended.

Consumer must contact the marketplace Call Center and say he/she is a “survivor of DV” to request an SEP. No documentation is required.

Consumer has 60 days from when the SEP is granted to enroll in marketplace coverage.

Consumer should indicate he/she is not married on the application for coverage to receive a proper APTC eligibility determination if living apart from his/her spouse.

Consumer can file taxes as “married filing separately” and attest to qualifying for “Relief” by checking the box on IRS Form 8962.
“Warm” Referral To Community Agencies

If there are no onsite services:

“If you are comfortable with this idea I would like to call my colleague at the local program (fill in person's name) Jessica, she is really an expert in what to do next and she can talk with you about supports for you and your children from her program…”

“There are national confidential hotline numbers and the people who work there really care and have helped thousands of women. They are there 24/7 and can help you find local referrals too and connect you by phone…”
Online Resource on Health and IPV

www.healthcaresaboutipv.org

Offers policy memos, patient and provider educational tools and resources.

Contact Kate Vander Tuig:
kvandertuig@futureswithoutviolence.org
Thank you!
**Questions?**

Type any questions into the chat box at the bottom of the screen.