City of New York
Administration for Children's Services

Policy and Procedure
2016/xx

Casework Contacts for Families Residing in Domestic Violence Shelters

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Gladys Carrión, Esq. Commissioner	11/3/2016	11	2
Related Laws: Freedom of Information Law § 87(2)(f), Soc. Serv. Law §§ 34, 398	**Children's Services Divisions/Provider Agencies:** Child Protection; Family Court Legal Services; Family Permanency Services; Preventive Services; and foster care and preventive services providers	**Contact Office /Unit:** Domestic Violence Policy and Planning Unit (DVPP) 212-341-8956 or 212-341-8964	
Supporting Regulations: 18 NYCRR §§§§ 408.2(e), 441.21, 452.10, 452.2(e)(1), 453.2(b),	**Supporting Case Law:** N/A	**Bulletins & Directives:** 10-OCFS-INF-02 10-OCFS-INF-10	
Key Words: domestic violence, casework, contact, shelter, requirements, casework contacts, release form	**Related Policies:** • Family Casework Contact Requirements and Safety Assessments for Families with Histories of CPS Indicated Cases Receiving Services from Protective, Preventive and Foster Care Providers Memorandum issued on April 7, 2000. • Policy #2010/05 Casework Requirements for 'Housing Subsidy Only' Preventive Services Cases issued on July 1, 2010. • Casework Contact Requirements for General Preventive Services Providers (Revised) Memorandum issued on August 23, 2010. • Guidance #2007/02 Revised Casework Contacts for Families with Children in Foster Care issued on March 30, 2010. • Revised Family Treatment and Rehabilitation (FT/R) Program Casework Contact Guidance Memorandum issued on May 21, 2012. (Currently in revision) • Child Safety Alert #12- Working with Parents Experiencing Domestic Violence: Child Safety Depends on Careful Assessments and Intervention re-issued on June 12, 2006. • NYC Administration for Children's Services' Principles for Addressing Domestic Violence in Children's Services issued on June 12, 2006. • Practice Guidelines for Addressing Domestic Violence in Foster Care Settings issued on September 19, 2007. • Practice Guidelines for Addressing Domestic Violence in Preventive Services Settings issued on September 19, 2007. • Policy 2010/07 Security of Confidential, Case Specific and/or Personally Identifiable Information issued on December 6, 2010.		

SUMMARY:
Concerns about domestic violence in families served by the Administration for Children's Services (ACS) and its foster care and preventive services provider agencies are frequently raised and staff members

are frequently tasked with providing services to address these concerns. As a result, it is critical that staff members understand how best to work with families residing in domestic violence shelters and how to coordinate services with domestic violence shelter program staff in order to support survivors and enhance children's safety. This policy supplements existing ACS policies guiding casework contacts and provides direction for completing casework contact requirements with families who reside in domestic violence shelters. This policy does not modify existing minimum casework contact requirements.
SCOPE: This policy applies to ACS' Divisions of Child Protection, Family Permanency Services, Preventive Services, and Family Court Legal Services, as well as to foster care and preventive services provider agency staff.

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A. Authorization to Release and Consent to Exchange Information
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I. Introduction

A. Staff members at the Administration for Children's Services (ACS) and its foster care and preventive services provider agencies are often asked to provide services to families where domestic violence has been reported. It is critical that staff members understand how best to work with families residing in domestic violence shelters and how to coordinate services with domestic violence shelter program staff (hereinafter "shelter program staff") in order to support survivors and enhance children's safety. This policy supplements existing ACS policies guiding casework contacts[1] and addressing domestic violence in child protective cases,[2] while also providing direction for completing casework contact requirements for families residing in domestic violence shelters. This policy does not modify existing requirements concerning the number of casework contacts that must occur in each child protective case.

B. Domestic violence shelters[3] in New York City are residential programs that are structured as independent living or congregate settings with on-site staff, including program, administrative support, maintenance, and security staff all under one roof, or scattered-site apartments with clients reporting to a nearby program office for services. All domestic violence shelters maintain strict confidentiality to protect the safety of families. Domestic violence shelters may have differing policies with respect to whether, or under what conditions, ACS caseworkers and agency case planners may visit residents at their shelter residences or at other locations away from the shelter.[4] In all cases, the Child Protective Specialist (CPS) or case planner must meet the shelter's requirements for admittance (i.e., provide appropriate identification,) and must work closely with shelter program staff to determine the safety of the family and coordinate services.

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[1] See *Family Casework Contact Requirements and Safety Assessments for Families with Histories of CPS Indicated Cases Receiving Services from Protective, Preventive and Foster Care Providers Memorandum* (dated April 7, 2000); ACS Policy #2010/05 *Casework Requirements for 'Housing Subsidy Only' Preventive Services Cases* (dated July 1,2010); *Casework Contact Requirements for General Preventive Services Providers (Revised) Memorandum* (dated August 23, 2010); Guidance #2007/02 *Revised Casework Contacts for Families with Children in Foster Care* (revised 3/30/10); and ACS Policy #2012/01 *Family Treatment and Rehabilitation (FT/R) Program Casework Contact Guidance (currently in revision)* for additional information on casework contact requirements. See also, "Casework Contacts: Best Practice Guidelines", 10-OCFS-INF-02 (April 14, 2010) and "Guidelines for Casework Contacts with Parents or Relatives by Parent Advocates", 10-OCFS-INF-10 (August 26, 2010).

[2] See Child Safety Alert #12 – *Working with Parents Experiencing Domestic Violence: Child Safety Depends on Careful Assessments and Intervention* (reissued June 12, 2006) and New York City Administration for Children's Services' Principles for Addressing Domestic Violence in Children's Services (dated June 12, 2006).

[3] See 18 NYCRR 452.2(e)(1); 18 NYCRR 453.2(b); 18 NYCRR 408.2(e)

[4] ACS caseworkers and agency case planners, on a case-by-case basis, may be directed to visit residents at another location, away from the shelter, due to an issue of confidentiality. For example, if the resident shares a common area (i.e.: kitchen) with another resident, who does not have an ACS case, the shelter may direct the caseworker or case planner to an alternative location to meet the parent or caretaker because the shelter is mandated to protect the confidentiality of the resident who does not have an open ACS case. Additionally, shelter safety standards are the same as foster care's safety standards for a home, so the caseworker or case planner can rely on shelter staff's representations of the safety of the home environment at face value. See 18 NYCRR 452.10.

C. Casework contact[5] visits may take place at the domestic violence shelter location only under the following circumstances:[6]

1. The Court has ordered such a visit by ACS;[7]

2. ACS is investigating allegations of child abuse or maltreatment and the subject of the report is a resident of the shelter;[8] or

3. The domestic violence shelter's policy allows such on-site visits **and** the resident consents to the on-site visit.[9]

D. The New York Social Services Law[10] and state regulation[11] make clear that access to the resident may take place outside the shelter facility when access is necessary for specific purposes: to determine a resident's length of stay at the residential program, to assess the service or safety needs of the resident, or to assist a resident in finding appropriate housing. However, in instances where access to the shelter site is required to accurately assess the safety needs of a family and the domestic violence shelter prohibits the CPS or case planner from visiting a family's shelter residence, the CPS or case planner may need assistance to complete required tasks. The CPS or case planner must seek assistance as follows:

1. The CPS must seek assistance from his or her supervisor, the Clinical Consultation Program's (CCP) domestic violence consultant, and/or the ACS Domestic Violence Policy and Planning Unit (DVPP) in order to develop a way for the CPS to assess the family's home environment firsthand.

2. The preventive services case planner must seek assistance from his or her supervisor in gaining access to a domestic violence shelter. Additionally, preventive services case planners may also contact the Director of the Clinical Consultation Program.[12]

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[5] See 18 NYCRR 441.21.
[6] See 18 NYCRR 452.10(d).
[7] This includes, but is not limited to, court-ordered supervision cases and instances where the court grants an order to ACS after the resident refuses to consent to an on-site visit.
[8] ACS is permitted to visit the resident (who is a subject of the child protective investigation report) at the domestic violence shelter for purposes of investigating a report of child abuse and maltreatment even when the shelter's policy prohibits such on-site visits.
[9] If a resident does not consent to the on-site visit, the CPS or case planner may seek to obtain a court order in order for the visit to take place on-site.
[10] See New York Social Services Law §§§ 20(3)(d), 34(3)(f), 459-h.
[11] See 18 NYCRR § 452.10(d).
[12] The CCP Director's telephone number is 212-341-8940

3. The foster care services case planner must seek assistance from his or her supervisor. If the foster care case planner needs further assistance, he or she may contact the Assistant Commissioner of Clinical Practice, Policy and Support.[13]

4. Note: If safety concerns are present, the CPS or case planner must also convene a Child Safety Conference (CSC) or Elevated Risk Conference (ERC), as appropriate. If the family has an open Family Court case, the CPS or case planner should also contact the assigned Family Court Legal Services (FCLS) attorney for guidance on whether it would be appropriate to obtain a court order.

E. The above-named resources may assist the CPS or case planner in identifying an alternate safe space for the CPS to interview the family and assess the safety of the child, such as the shelter's administrative offices or the child's school or child-care setting.[14] Such arrangements must be coupled with a conversation about how the CPS or case planner and shelter program staff may work together to determine the safety of the environment within the shelter where the child resides with his or her parent or caretaker, including obtaining specific details about the family's living and sleeping arrangements.

II. Confidentiality and Use of the Authorization to Release and Consent to Exchange Information Form

A. When working with a parent or caretaker residing in a domestic violence shelter, the CPS or case planner must ask the parent or caretaker to sign ACS' *Authorization to Release and Consent to Exchange Information* form (Attachment A).[16] This will allow the CPS or case planner to share confidential information[15] about the family with shelter program staff and for shelter program staff to share confidential information with the CPS or case planner.[17] This release form allows the CPS and case planners to work in coordination with domestic violence shelter program staff.

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[13] The Assistant Commissioner of Clinical Practice, Policy and Support's telephone number is 212-442-4132.

[14] See 18 NYCRR § 452.10.

[16] Domestic violence shelters generally have their own consent forms and require that the parent or caretaker sign it before speaking to ACS. However, the shelter's form does not address ACS' and provider agencies' ability to share information in turn.

[15] Within the context of this policy, "confidential information" refers to information obtained and/or maintained by ACS or any provider agency through the course of its work that cannot be disclosed except in accordance with all relevant federal, state and local laws, rules and regulations. "Confidential information" includes, but is not limited to, the following: the contents of a case record, including preventive, protective, juvenile justice, or foster care records, or any other case record involving ACS or provider agencies; drug and alcohol treatment records; education records; medical and mental health records; a parent's or child's status as a victim of domestic violence or sexual assault or as a crime witness; any information about a parent's or child's sexual activity, gender identity, sexual orientation, physical and mental health, including sexual or reproductive health; and immigration status.

[17] See 18 NYCRR 452.10 regarding disclosure of confidential information. See also, New York Social Services Law §422, 422-a.

B. The CPS or case planner must request that parents sign the release form at the outset of their involvement with staff or the domestic violence shelter. The CPS and/or case planner must inform parents that, regardless of whether the parent consents to ACS communicating with the shelter, ACS and its provider staff will continue to provide all available and necessary services. As communication between the CPS or case planner and shelter program staff is an important part of safety planning for the family, the CPS or case planner must seek assistance from a supervisor or the resources identified above [see Section I. D.] if the parent or caretaker is reluctant to sign a release form. The supervisor or other resources identified above can provide guidance to the CPS or case planner in engaging the parent or caretaker. In the event that a signed authorization is not obtained, there must be clear documentation in CONNECTIONS (CNNX) of the efforts made to secure such authorization.

III. Collaboration with Domestic Violence Shelter Program Staff

A. If the parent or caretaker residing in the shelter consents, the CPS or case planner and shelter program staff must have a Family Team Conference (FTC) with the parent or caretaker at the earliest opportunity to clarify roles and responsibilities and to coordinate safety and service planning. Because domestic violence programs differ in the availability of on-site resources, a domestic violence shelter's responsibility for providing specific services to the family must not be assumed, but rather must be discussed and determined on a case-by-case basis.

B. Safety Planning with Domestic Violence Shelter Program Staff[18]

1. Safety planning with shelter program staff during a child protective case is an important part of confirming that the child protective needs of the family are being met. To that end, the CPS or case planner must:

   a. Create a plan for communicating with the case manager at the shelter that will enable shelter program staff to promptly share all necessary information or concerns regarding the family residing at the domestic violence shelter with the CPS or case planner, including, but not limited to, the following:

      i. Scheduling regular contact between the CPS or case planner and shelter program staff that is no less than every two weeks in frequency (e.g., the CPS or case planner must call or email shelter staff every other Friday morning) about all case planning activities, so that appropriate service referrals for the child and parent or caretaker are completed in a timely manner. The CPS or case planner must document the communication

[18] Section III. B. is applicable when the parent or caretaker residing in the domestic violence shelter consents to the sharing of information between ACS or the provider agency with the shelter.

schedule in CNNX, with the exception of Advocates Preventive Only (ADVPO) cases where CNNX is not used for documentation. For ADVPO cases, the case planner must document the communication schedule and any other communication in the paper record;

ii. Discussing the specific circumstances that require immediate notification (e.g., scheduling of a FTC or CSC; a family abruptly leaves the shelter; safety concerns arise and a family needs to be transferred to another shelter location; or a family is being returned to PATH); and

iii. Providing contact information for the CPS or case planner and his or her supervisory chain of command and requesting the same information of shelter program staff.

b. Request that the shelter program staff contact the CPS or case planner (or supervisor) if the client leaves the shelter prematurely or relocates to another setting. Likewise, the CPS or case planner must provide timely updates to the shelter case manager on plans for closure or transfer of case responsibility to another unit or agency. If no consent is given by the family authorizing shelter program staff to disclose information, the CPS or case planner must use resources identified in section I. D. and/or section IV. B;

c. Remind shelter program staff that even though an individual staff member may not be a mandated reporter, the shelter program and certain employees on staff at the program, including but not limited to the social workers, counselors, daycare center workers, medical and mental health professionals are mandated to report. Thus, if a shelter staff person believes that the parent's or caretaker's unplanned departure from the shelter will place the child at risk of abuse or maltreatment, he or she must contact and make a report to the Statewide Central Register of Child Abuse and Maltreatment (SCR);[19]

d. Reassess the safety of the child if the family's relocation results in the abusive partner having access to the family, and there are no effective safety plans in place;

e. Work with the parent or caretaker and shelter program staff to verify that there is an appropriate safety plan in place to protect the parent or caretaker and child;

f. If the parent or caretaker consents, invite shelter program staff to every FTC —

[19] See 18 NYCRR 452.9(e); see New York Soc. Serv. Law §413.

including Family Team Meetings, ERCs, and CSCs — that involves the parent or caretaker residing in the shelter; and

g. Maintain and protect confidentiality of information shared by shelter program staff. Shelter program staff will not provide any information in writing to the CPS or case planner, but may share needed information verbally to the CPS or case planner. The CPS or case planner must document and flag such information as confidential information.

2. Moreover, the CPS may use the ACS CCP's domestic violence consultant to review the domestic violence survivor's or caretaker's safety plan and any current safety factors present in the home. The CPS may also confer with the mental health consultant, medical consultant, credentialed alcohol and substance abuse counselors (CASACs), or investigative consultant as needed.

IV. Utilization of the Domestic Violence Policy and Planning Unit (DVPP) by the Division of Child Protection (DCP)

A. The DVPP is available to inform ACS staff of the services available to families involved in the child protective system who are affected by domestic violence and the best practices for providing these services swiftly and effectively. In addition to the James Satterwhite Academy, the Workforce Institute, and CCP, DVPP offers direct training for DCP staff on how to effectively intervene and address domestic violence in child protective cases.[20] DVPP will offer training to DCP staff at its discretion on an "as needed" basis or when a need for training is identified by DVPP or DCP.

B. DVPP can only assist the CPS with locating families in domestic violence shelters **<u>if there is an open case in a child protective unit</u>** or **<u>family service unit</u>**.

1. CPS' procedure in requesting DVPP's assistance to locate families who may reside in domestic violence shelters is as follows:

a. When the CPS does not know the whereabouts of the family, the CPS must first contact other resources, such as ACS' on-site staff at the New York City Department of Homeless Services (DHS) Preventive Assistance and Temporary Housing (PATH)[21] facility, to determine whether the family attempted to enter a DHS shelter and was referred for placement either in a DHS shelter or in a domestic violence shelter. If the family is in the DHS shelter system,[12] the CPS must contact ACS on-site staff at PATH in order to locate the family.

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[20] See DV Training Toolkit, dated November 25, 2010.

[21] CPS can contact PATH at DCP.PATH@acs.nyc.gov .

[12] Once a family has been referred by the DHS to a domestic violence shelter, the family is no longer under the jurisdiction of DHS. Domestic violence shelters are under the auspices of the Human Resources Administration (HRA).

b. The CPS must have specific information that a family is most likely residing in a domestic violence shelter before contacting DVPP via email,[13][23] at acs.sm.dvshelterinfo@acs.nyc.gov, for assistance in locating the family.

c. The CPS must complete the *DVPP's HRA Shelter Location Request Form* (Attachment B) in its entirety and e-mail[24] it to acs.sm.dvshelterinfo@acs.nyc.gov.

d. DVPP must forward requests for information in a password-protected document to the HRA Office of Domestic Violence and Emergency Intervention Services. If HRA locates the parent or caretaker in its database, HRA will send DVPP the name and telephone number of the domestic violence shelter director, and DVPP will forward the information to the CPS.[25]

2. Note: Any and all documentation with the parent or caretaker's name and case information sent by email must be password-protected.[26]

V. Contact Guidelines When Safe Horizon Staff are the Source of the SCR Report

In order to speak to the Safe Horizon advocate or hotline staff member who made a report to the SCR, the CPS must provide the full name of the source as it appears on the intake report and the Call/Intake Stage Identification Number located at the top of the intake report. The Safe Horizon advocate or hotline staff member will then be able to inform the CPS what led to the report being made to the State, as they are mandated reporters.[27]

VI. Guidelines for Documenting Sensitive or Confidential Information

A. The CPS or case planner must document in CNNX all efforts to verify the child's safety and well-being and to address the needs of the family, including, but not limited to:

1. Telephone contact with shelter program staff, service providers, the parent or caretaker, and child;

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[23] All emails must comply with ACS Policy 2010/07 *Security of Confidential, Case Specific and/or Personally Identifiable Information* (dated December 6, 2010).

[24] All emails must comply with ACS Policy 2010/07 *Security of Confidential, Case Specific and/or Personally Identifiable Information* (dated December 6, 2010).

[25] DVPP can expect a response from HRA within two (2) business days. DVPP must follow up if HRA does not respond after two (2) business days.

[26] See ACS Policy 2010/07 *Security of Confidential, Case Specific and/or Personally Identifiable Information* (dated December 6, 2010) for information on how to password protect documents.

[27] If the Safe Horizon advocate will not disclose the location of a client and the CPS believes the client has entered a domestic violence shelter, the CPS shall follow the procedure above in Section IV. B. for determining the location of a family residing in a domestic violence shelter.

2. Face-to-face contact with shelter program staff, the parent or caretaker, and child;

3. Information about the child's school attendance, transcripts, academic evaluations, and medical records; and

4. Visits made to the shelter for any reason pertaining to the case.

B. The CPS and the case planner must refer to the shelter's **business mailing address** [often designated as a Post Office (P.O.) box number or a P.O. station] in all case records — **not** to the street address of the shelter. The actual street address of the shelter **must never be documented** in CNNX, the Family Assessment and Service Plan (FASP), **or given to anyone** other than ACS or provider agency staff, **directly or indirectly** — **particularly not to the abusive partner**, unless authorized by a court[28] or otherwise expressly permitted by statute or regulation.[29] Likewise the CPS and case planner may not share information identifying where or from whom a survivor is receiving services. The same level of confidential documentation is required even when a survivor of domestic violence is residing in a homeless shelter, substance abuse program, or other location. In all these situations, it is imperative that the abusive partner does not learn of the survivor's location, directly or indirectly, from ACS or provider agency staff.

C. **All other sensitive or identifying information pertaining to domestic violence or other services provided to the family** must be clearly and boldly identified in the case record by the caseworker as **"Confidential Information Due To Domestic Violence; Do Not Share."**

D. In e-mail correspondence, the CPS and case planner must never write the client's full first and last name in the subject line. Instead, the CPS and case planner must use a combination of the first name, last initial, and ACS case number, if necessary.[30]

E. In e-mail correspondence, the CPS and case planner must not include the client's name in the subject line if the client's name is uncommon and could easily identify the individual. Instead, the CPS and case planner must only use the client's first and last initials, along with the case number, in the subject line.[31]

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[28] The CPS or case planner should check with the FCLS attorney as to the applicability of any particular court order.
[29] See 18 NYCRR § 452.10.; see Freedom of Information Law § 87(2)(f).
[30] See ACS Policy 2010/07 *Security of Confidential, Case Specific and/or Personally Identifiable Information* (dated December 6, 2010).
[31] See ACS Policy 2010/07 *Security of Confidential, Case Specific and/or Personally Identifiable Information* (dated December 6, 2010).

Attachment A

AUTHORIZATION TO RELEASE AND CONSENT TO EXCHANGE CONFIDENTIAL INFORMATION

This form is designed to be used by agencies that collaborate with one another to plan, coordinate, and deliver services to the individuals and families impacted by domestic violence.

Please read this consent form carefully and, if you have a lawyer, consult with him/her before signing.

You are being asked to sign this form because your family resides in a domestic violence shelter and has an open child welfare case. To decide the most appropriate services for your family during your active child welfare case, child welfare staff and the domestic violence shelter program staff would like to discuss how the systems can work together to coordinate services.

PART 1: WHY THE INFORMATION IS BEING SHARED

The sharing of this information is intended to help different agencies who are serving your family to communicate and coordinate the most appropriate course of action. The goal is to make sure that the services and tasks will meet your family's needs and are not conflicting with referrals that have already been made. The information will be shared to coordinate services for you and your family.

PART 2: WHO CAN RECEIVE THE INFORMATION

I, _____, agree that information will be shared and discussed among the New York City Administration for Children's Services (ACS), the foster care agency and/or preventive service agencies listed here, the domestic violence shelter program listed here, and any other persons listed here (all individuals, parties, programs and/or agencies, except ACS, must be specified here):

PART 3: WHOM THE INFORMATION CONCERNS

On behalf of myself, _____, and:

_____	_____
(Name of Child)	(Date of Birth)
_____	_____
(Name of Child)	(Date of Birth)
_____	_____
(Name of Child)	(Date of Birth)
_____	_____
(Name of Child)	(Date of Birth)
_____	_____
(Name of Child)	(Date of Birth)

PART 4: WHAT INFORMATION CAN BE SHARED

ACS & FOSTER CARE/PREVENTIVE AGENCY INFORMATION

During the child welfare case, ACS and the foster care/preventive agencies may communicate and share information about my ACS & foster care and/or preventive agency case with the domestic violence shelter program, agencies, and persons specified in Part 2 above (if any).

DOMESTIC VIOLENCE SHELTER INFORMATION

The domestic violence shelter program and agencies specified in Part 2 above (if any) who are involved in the child welfare case may communicate and share information about my domestic violence shelter program case with ACS, the foster care/preventive agencies.

PART 5: ACKNOWLEDGMENT

I have read and understand this authorization and consent will remain effective until I revoke it by notifying the agencies or individuals **orally or in writing**. This will stop the exchange of information authorized by this document. I understand that I have the right to know what information is being exchanged, why, when, and with whom it was shared. At my request, the named agency or individuals will show me this information. A copy of this signed authorization and consent is valid to exchange information. If I do not sign this form, information will not be exchanged and I will have to contact each agency individually. **I understand that signing this form is not required in order to receive <u>any</u> services provided by the New York City Administration for Children's Services.**

Print Name: _____ Signature: _____ Date: _____

Print Name: _____ Signature: _____ Date: _____

Attachment B

DVPP'S HRA SHELTER LOCATION REQUEST FORM

This document must be password-protected before it is e-mailed to DVPP.

CPS: _____ E-mail Address: _____
Desk Number: _____
Cellular Number: _____

CPSSII: _____ E-mail Address: _____
Desk Number: _____
Cellular Number: _____

Field Office Address:

Unit #:

Parent/Caretaker

Name: _____
Date of Birth: _____
Alias(es): _____
Social Security #: _____

Child(ren)

Names:	Dates of Birth:	Social Security #:
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Briefly explain how the CPS knows or believes that the family is residing in a domestic violence shelter:

Please provide the date that the client visited HRA, if known:

Please provide the date that the client was admitted into the domestic violence shelter, if known: