



BOSTON AREA RAPE CRISIS CENTER

dedicated to healing.  
advocating for change.

# **The Economic Impact of Sexual Trauma: Implication for Social Policy and Social Change**

**BARCC Case Management Materials  
September 20, 2013**

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Client Name: \_\_\_\_\_  
 ID Number: \_\_\_\_\_  
 Case manager: \_\_\_\_\_  
 Time Spent on Intake: \_\_\_\_\_

Primary Phone: \_\_\_\_\_  
 Secondary Phone: \_\_\_\_\_  
 Is it safe to say BARCC on voicemail?  
 Yes  No   
 Current Address: \_\_\_\_\_  
 \_\_\_\_\_  
 Mailing Address: (if different from above)  
 \_\_\_\_\_  
 \_\_\_\_\_  
 First Contact:  
 Date: \_\_\_\_\_  
 In-person  by phone  Other   
 Please specify: \_\_\_\_\_

**BASIC INFO**

Age: \_\_\_\_\_

How did client hear about BARCC?  
 \_\_\_\_\_

At what hospital did they seek medical attention  
 (If applicable)?  
 \_\_\_\_\_

Survivor/Offender  
 Relationship \_\_\_\_\_

Where did SA incident occur and when(if not known at intake) \_\_\_\_\_

Family / Household Size: \_\_\_\_\_

Head of Household (If different from client)  
 \_\_\_\_\_

**Presence of Disability**

Yes  No  Unknown

**Nature of Disability**

Mobility  Visual  Hearing  Unknown  Developmental   
 Mental Health  Other  Please specify: \_\_\_\_\_

Is the disability preventing you from engaging in meaningful daily work/ activities? Yes   
 No  Unknown  NA . *If Yes, discuss disability benefits (SSI, SSDI, EAEDC) as an option if appropriate for client's situation.*

Preferred Language: \_\_\_\_\_

If client does not speak English, would they be interested in accessing ESL resources? Yes   
 No  Unknown

**Immigration Status:**

US Citizen  Asylum seeker  Asylee  Refugee  Temporary Protected Status  
 (TPS)  Legal Permanent Resident  Undocumented  Other  Unknown

**Gender:**

Female  Male  Transgender  MTF  FTM  Unknown

**Sexual Orientation:**

Heterosexual  Lesbian  Gay  Bisexual  Questioning/undecided   
 Not yet Identifying  Undisclosed/Unknown

**Race**

Black  Hispanic/Latino  American Indian/Alaskan Native  Multiracial   
White  Asian  Native Hawaiian/Pacific Islander  Unknown  Other  Please  
specify: \_\_\_\_\_

**SAFETY PLANNING**

Do you have safety concerns related to SA in your current housing situation? Yes  No   
Unknown . If Yes, what kind of safety concerns \_\_\_\_\_  
How can I help you to address those safety concerns? \_\_\_\_\_

*Explain how we can help and let client decide if they are interested in any of those options. If client is planning to relocate or go to DV shelter, encourage them to discuss with a shelter advocate possible financial concerns that may arise and possible options (Use the Economic Planning Guide). If appropriate, and the client has established a safe place to stay (usually at follow up), offer to meet with them in person to discuss economic issues further, if they are interested.*

Are you interested in learning more about the Address Confidentiality Program? Yes  No   
Unknown  NA . Explain that this is a mail forwarding program for sexual assault, DV and stalking survivors who are no longer in contact with their abuser and need to take extra precaution for their abuser to not know/ track where they are living.

**FINANCIAL STATUS**

Are you currently employed? Yes  No  Unknown . If No, are you collecting unemployment benefits? Yes  No  NA  Other  please specify \_\_\_\_\_

Are you looking for employment? Yes  No  NA  Unknown . If No, are you interested in getting support around looking for employment? Yes  No  NA  Unknown   
Other , please specify \_\_\_\_\_

Are you receiving any public/ disability benefits? Yes  No  Unknown . If Yes, what benefits are you getting?

Food Stamps  TAFDC/ Cash Assistance  Fuel Assistance  Women Infant and Children (WIC)  EAEDC  SSI  SSDI  Child Support   
Safe link wireless phone  Mass health Insurance  Unknown  None   
Other  Please specify: \_\_\_\_\_

Would you like to learn more about some of the public and / or disability benefits you might be eligible for? Yes  No  Unknown  NA  Other  Please specify \_\_\_\_\_

*If yes, explain the different public and / or disability benefits as appropriate for client situation, suggest if they would like to do an eligibility check for some benefits before they apply. Offer to accompany client if they are interested, depending on the need and your availability. Also talk to client about possible access to hope line phone as appropriate.*

**Benefits:**

Food Stamps  TAFDC/ Cash Assistance  Fuel Assistance  Women Infant and Children (WIC)   
EAEDC  SSI  SSDI  Mass health Insurance  Child Support  Safe link wireless phone   
Unknown  Other  Please specify: \_\_\_\_\_

*If the client is interested in applying for TAFDC, there might be certain exemptions and waivers available to them depending on certain circumstances. E.g. Family CAP rule, work requirement, time exemptions, pursuing child support etc. Offer to either schedule an appointment with a DV specialist to go over the necessary waivers and exemptions with them. If necessary and they are interested, offer to continue working with them and the DV specialist to ensure they attain all the protections that apply to them.*

**HOUSING STATUS**

**Current Housing Situation:**

DV Shelter  Safe Home  EA family Shelter  Homeless Shelter  Doubled-up/  
family/friends  Street  TLP  Federal Public housing  State Public Housing   
Public Housing Not Specified  Privately owned subsidized housing  Section 8, MRVP,  
AHVP voucher Housing  Market rent housing  Home Owner   
Project Based Housing  Unknown  Other  Please specify \_\_\_\_\_

**HOUSING AND FINANCIAL NEEDS**

**Current Housing need :( Please check all that apply)** Emergency Transfer  Housing search  
assistance  DV shelter  None  Relocation Assistance  Unknown   
Other  Please specify \_\_\_\_\_

*If client is interested in exploring and / or accessing affordable housing and/ or DV shelters, ask if they are currently using substances. Here is one way you can talk to a survivor in this situation.*

*“If a person is using substances, sometimes this can limit their ability to access certain safe affordable housing options. Seeking support around substance use might help someone to improve their opportunities to access safe affordable housing or even to maintain their current housing situation. If you are interested, I might be able to help you find some resources that could help support you around your substance use/ abuse needs”.*

Are you currently using substances? Yes  No  Unknown  NA

Are you seeking support around the substance use? Yes  No  Unknown  NA

Does the use of substances seem concerning to you/ others? Yes  No  Unknown  NA

Are you interested in seeking support around your substance use? Yes  No  Unknown  NA

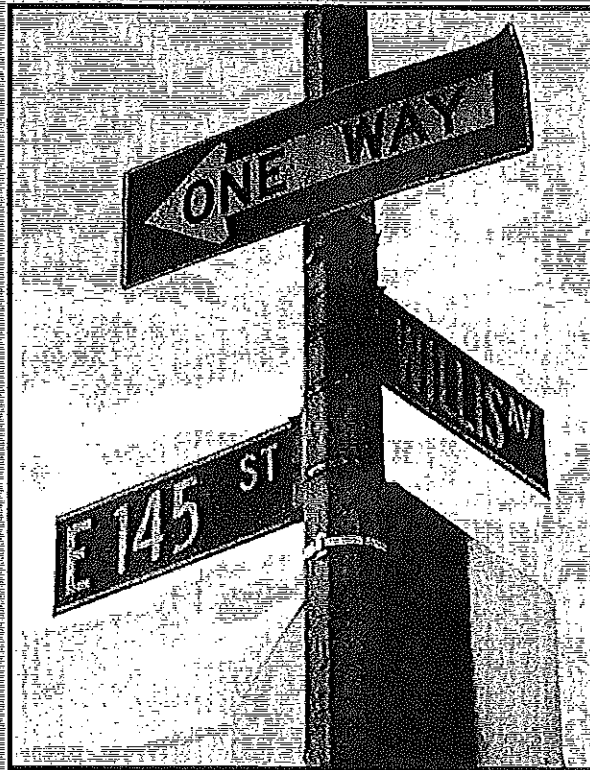
**Current Financial need :( Please check all that apply)**

Back rent payment  Utility expenses  counseling expenses  Medical expenses   
Relocation Expenses  Storage costs  Budgeting Assistance  Health Insurance   
Job search/ career training assistance  Victim Compensation  None   
Unknown  Other  Please specify \_\_\_\_\_

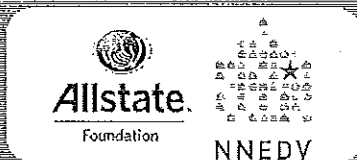
**Intake Notes:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# Financial Empowerment

## Moving Ahead Through Financial Management



### Short-Term Planning Guide



This guide was developed to assist survivors in planning for the immediate future during or immediately following a crisis. For a more comprehensive look at money management and financial planning, contact your local domestic violence program, state domestic violence coalition or download the complete "Moving Ahead Through Financial Management" Curriculum at [www.clicktoempower.com](http://www.clicktoempower.com) or [www.nnedv.org](http://www.nnedv.org). Once you are physically safe, it's important to assess your current financial status.

Many survivors who have fled their home report being surprised to discover their partner immediately drained joint bank accounts. This tactic is a deliberate attempt to regain control over you and your children and can be a very powerful method. Consider securing at least half of the money in joint accounts in another account under your name only, as soon as possible. Doing so is a way of protecting yourself and ensuring that you have the means to take care of yourself and your children. You may be asked to account for how the money was spent at a later date by the court, so it's a good idea to track how you spend the money.

Be aware that gathering these documents may put your safety at risk. Talk to an advocate to create a safety plan. As you start collecting the above documents, consider storing them in a sealed envelope and in a safe place.

**Step One-Take Stock:** It's important to know what you currently have access to, so that you can plan and protect it. Use the following grid to explore your access to finances and accounts.

	Account In Your Name Only	Account In Both Names	Account In Partner's Name	Amount
Cash On Hand				
Checking Account				
Savings Account				
Other Account(s)				

**Step Two-Looking Ahead:** Determine your immediate living expenses. If you are staying in shelter or with friends and family, this amount should be minimal. However, you still may have expenses that need to be addressed such as medications, transportation expenses, etc. It's important to start planning now so that you optimize the resources.

	Amount	Due Date
<b>Current Cash/Account Total</b>		
<b>Expected Income</b>		
Paychecks from Employers		
TANF (State/Federal Assistance)		
Disability/Unemployment		
Child Support		
Other		
<b>Income Sub-Total</b>		
<b>Expected Expenses</b>		
Rent/Mortgage		
Transportation (Car Payment, Auto Insurance, Taxi, Bus, Train)		
Credit Cards/Installment Payments		
Food		
Medical (Co-Pay, Prescriptions)		
Childcare		
Other		
<b>Expenses Sub-Total</b>		
<b>Income Minus Expenses Total</b>		

**Step Three-Document Checklist:** The following list of documents may help you stay safe and rebuild your financial life. In some cases, you may also need to obtain these documents for your children as well. Don't be discouraged if you are unable to obtain all of these documents.

	Have	Need
<b>Legal Documents</b>		
Birth Certificate(s)		
Marriage Certificate		
Divorce and Custody Decree(s)		
Passport/Immigration Paperwork		
Social Security Card(s)		
Will/Trust Documents		
Records of Pending Legal Actions		
Protection/Retraining Orders		
Driver's License/ID Card		
<b>Financial Documents</b>		
Bank Statements		
Credit Card Statements		
Pay Stubs		
Tax Records		
Public Benefits Documents		
Money Order Receipts		
<b>Health Documents</b>		
Insurance Cards		
Medical Records and Prescriptions		
List of Doctors		
<b>Property Documents</b>		
Lease/Mortgage Documents		
Titles (Car, Home, etc.)		
Vehicle Registration		
Insurance Policies		
Pictures of Property/Furnishings/Collectables		

## Case Management Assessment Questions

Below are some questions that can help guide an intake and/or subsequent conversations with a client regarding their case management related needs. When speaking with the client, remind them that they don't have to answer any questions that they don't want to, and explain that the reason you are asking for this information is to get a better sense of their situation to help you find the most appropriate resources and referrals to meet their needs. **\*Please keep in mind, this list is not exhaustive and should be used as a basic guide only.**

### For those who might need help with Victim Compensation:

- **Medical Expenses:**
  1. Did you seek medical attention after the sexual assault?
  2. Did you have an evidence collection kit done?
  3. Do you have any medical bills or anticipate incurring any medical expenses related to medical care received after the assault including ambulance bills?
  4. In what state did the incident occur?
- **Counseling Expenses:**
  1. Do you have difficulties or need help to pay for counseling expenses related to SA?
  2. Have you in the past paid out of pocket for counseling services related to sexual assault?
  3. If client is a non-abusive parent, do you need help/are you having difficulties paying for counseling expenses related to SA?
- **Lost Wages:**
  1. Were you working or had you accepted a job offer at the time of the assault?
  2. Did you lose any income as a result of the assault and are you looking to get reimbursed for lost wages?
  3. Did you have an evidence collection kit done after the assault?
  4. Are you seeking counseling services/ might you be interested in seeking counseling for support around the SA trauma?
- **Property and Security Expenses:**
  1. Did the assault occur in your home?
  2. Do you need home clean up services for the crime scene?
  3. Was any of your property, including clothing or beddings taken to be used as evidence through the investigation process after the assault? Did any of your property including clothing and beddings get destroyed and do you need help to replace it?
  4. Do you need to replace/repair your home's security measures to help you feel safe and secure? Did you file a police report? You can offer to refer them to legal advocacy to explore their options about filing a police report if this is something they might be interested in).



**Note:** All crimes that occurred on or after 11/5/10, a client may claim victim compensation for any of the above expenses if they did the evidence collection kit and therefore had a medical service provide form filled at the time of the hospital visit. See other criteria for Victim Compensation related expenses for crimes that occurred prior to 11/5/10 in the Victim Compensation factsheets on the shared drive.

Clients who might need housing assistance:

- **Safety Concerns/Emergency Assistance:**

1. Are you feeling unsafe in your current housing as result of the SA?
2. Did the sexual assault occur in your home?
3. Does the perpetrator know where you live?
4. Do you need to improve the security measures on your current housing situation to help you feel safe? Please specify what specific security measures need to be fixed.
5. Does your landlord know about the incident? Would he or she be willing to improve the security measures or allow someone else to fix the security measures in your home?
6. Have you reported this incident to the police?
7. Do you need to relocate for safety reasons related to SA? How urgent is this relocation? (If relocating, see questions on housing relocation assistance) Would you prefer to relocate or remain in your current housing with added safety measures?
8. What can I do to help you feel safe?
9. Would you consider temporarily staying in a Domestic Violence shelter (if all other emergency safe options have been explored)?

**Note:** If a client (a single individual) needs emergency housing but their homelessness needs are not related to SA, we can only refer them to homeless shelter program unless they are able to pay for a housing unit on their own. In this case a case manager may refer the client to a day shelter program e.g. On the Rise (see other day shelter program in the database) depending on the time of the day where they can get further support around addressing their homelessness needs. A case manager may also refer a client to an appropriate overnight homeless shelter program after explaining to the client the specific program requirements.

**Housing Relocation Assistance:**

1. Are you working with anyone else on your housing needs? If so, are they aware of the incident or would you be okay with us talking to them about your current safety and housing needs?  
We will need a ROI from client whenever someone is living in subsidized housing to speak to whoever they are working with to collaborate and coordinate housing assistance services whenever possible. A client needs to understand what our role would be in this case. E.g. Our role might be to facilitate

clarification around if their housing portfolio can help address the safety concerns, provide a support letter if it's needed to facilitate the relocation process, help financially with relocation assistance and what that means etc. It is also your role at this point to discuss any privacy concerns that client might have around involving a third party in this process, possible options and limitations to providing assistance in this situation.

2. What type of housing do you currently live in? E.g. Section 8, project based, private or market rent housing? If it is Section 8, be sure to ask if it is a project-based voucher or if they are able to choose their housing and move with their voucher.
  3. Does your property manager know about your current housing and safety situation/ needs? If so, what are they doing to help address these needs? If not, would it be okay if we spoke to them about these needs? (ROI from client is needed at this point).
  4. Are you on the lease in current housing?
  5. Is anyone else on the lease? (in DV cases where VAWA protections might apply)
  6. Where would you like to live when you move?
  7. Do you have a plan of how you will be able to sustain your housing situation? If so, what is your plan?
  8. How else might we be of some help to you around your current housing needs?
- **Subsidized housing:**
    1. Are you familiar with subsidized housing (low income housing)? Would you be interested in learning more about it? E.g. Federal public housing, state public housing, Section 8 housing, MRVP, AHVP etc.
    2. Have you applied for low income housing in the past? If so, what type of housing? Do you know your status on the waitlist? (For some housing types e.g. the centralized section 8 waitlist, a client may not be able to know their status on the waitlist. The HA will contact them when they get on top of the waitlist).
    3. Where did you apply for this type of housing (e.g. BHA, MBHP, DHCD etc.)?
    4. Do you have a case worker/ HA that we can talk to about low income housing application history (ROI)?
    5. How long ago did you apply for low-income housing? Has your situation changed since you applied? E.g. DV/ SA incident, income, family size, address, income? Does the HA know about these changes? If not, explain to the client what might likely happen E.g. their name might be removed from the list, having a DV incident might help them apply for emergency housing if it applies to this HA or other HA's etc. Encourage them to contact the agency/ HA where they applied and to get an update on the status of their application and how they can report any of these changes. You can also offer to accompany them if that would be helpful to the client. Also explain to them priority options in certain housing

programs if they end up becoming homeless (see hard copy of Mc Kinney Vento provision on this in the bottom drawer at the case management desk).

6. Have you applied and are on a Universal Standard state aided public housing waitlist? (Make sure client has made duplicate copies and has submitted them to all HA's that have an open waitlist for state aided public housing.
7. Have you applied/ would you be interested in finding out if you could apply for Emergency housing? Was this for state or federal aided- housing? For state, a client needs to complete the standard application first and check off whatever emergency applies to them, and then proceed to complete the emergency application with the required documents. They also need to find out first which HA has an open waitlist for emergency housing before they apply.(See hard copies of Somerville HA Federal and state- aided emergency housing under the housing search section in the case management desk)
8. Have you applied to the Centralized section 8 waitlist? Inform the client that this would automatically put her/him on the waitlist for about 82 HA that participate in the program. The client or you need to find out if this list is open and where it's open. Again inform the client that going on this list would not give them any priority consideration due to their DV/ SA status/ circumstances.
9. Have you applied/ would you be interested in finding out if you could apply for federal aided housing? Client needs to find out which HA's have this type of housing and if they have an open waitlist.

- **Housing-Related Financial Needs:**

A client needs to understand that in order for you to possibly offer them this kind of assistance, they need to have a backup plan on how they will support themselves in future around this/ these need(s) since this is usually a one-time assistance. If the client's financial problems are not related to SA, you can offer to connect them to possible external resources that might be able to help with their situation and explain what your role/ involvement would be at this point. This is likely going to be the same procedure for clients whose financial needs are related to SA if BARCC does not have relocation assistance funds.

1. Are you having financial difficulties due to SA that are impacting your capacity/ ability to find new housing? Would you need assistance with security deposit, storage, moving costs, etc.?
2. Are you in jeopardy of losing your current housing due to financial problems related to SA?
3. Do you have any utility bills or back rent that you might need help with?
4. Have you explored some resources that might help you pay for your utility bills or back rent?
5. Do you need any assistance in securing furniture for your home?

Other initial case management related needs to explore with a client:

- **Public Benefits**
  1. Do you know whether you qualify for certain public benefits i.e. most commonly Food Stamps (SNAP), TAFDC, SSI, SSDI, Mass health, safe link wireless phone, and child care vouchers?
  2. Are you interested in finding out if you might qualify for some of these benefits? If so, which ones?
  3. Would you be interested in applying for the benefits you might qualify for? If so, offer to connect them with a local agency e.g. DTA where they can go to apply. Also offer to accompany them if they are interested and if you have the availability.
  
- **Food, Clothing, Transportation, Phones (Keep in mind the FJC resources at this point)**
  1. Would you be interested in some other food resources (such as food pantries, soup kitchens, reduced price groceries, etc.)?
  2. Do you need help getting clothing for either you or your children?
  3. Do you have difficulties making it to your intake appointment or traveling to a location one time to get resources and assistance?
  4. Do you have difficulties maintaining your phone bill and might need help to continue seeking support services related to SA?
  
- **Education/Job Search Assistance**
  1. Are you currently a student or applying for an educational program? Would you be interested in exploring some education grant/ scholarship resources?
  2. Are you currently looking for a job? Would you be interested in exploring some job assistance resources?
  3. Do you need clothing for an interview?

Format for Financial Assistance Resources	
Organization:	
Type of Financial Assistance:	
Contact Person:	
Phone:	
Fax:	
Email:	
Address:	
Application/Referral Process:	
Eligibility:	
Comments:	
Date of Update:	

# Housing Search Resources

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<b>Padmapper</b>	<a href="http://www.padmapper.org">www.padmapper.org</a>
<b>MBHP</b>	<a href="http://www.massresources.org/massachusetts_emergency_assistance_d.html">www.massresources.org/massachusetts_emergency_assistance_d.html</a>
<b>MASSCAP</b>	<a href="http://www.masscap.org/contact.html">www.masscap.org/contact.html</a>
<b>CHAPA</b>	<a href="http://www.chapa.org/pdf/CHAPAHousingSearchGuide.pdf">www.chapa.org/pdf/CHAPAHousingSearchGuide.pdf</a>
<b>MassResources</b>	<a href="http://www.massresources.org/massachusetts_emergency_assistance_d.html">www.massresources.org/massachusetts_emergency_assistance_d.html</a>
<b>SocialServe</b>	<a href="http://www.socialserve.org">www.socialserve.org</a>
<b>MassAccess</b>	<a href="http://www.hud.gov/apps/section8/step2.cfm?state=MA%2CMassachusetts">www.hud.gov/apps/section8/step2.cfm?state=MA%2CMassachusetts</a>
<b>Apartment Guide</b>	<a href="http://www.apartmentguide.com/">http://www.apartmentguide.com/</a>
<b>MassHousing</b>	<a href="http://www.masshousing.com/portal/">www.masshousing.com/portal/</a>
<b>MAHA</b>	<a href="http://www.massaffordablehomes.org/default.aspx">http://www.massaffordablehomes.org/default.aspx</a>
<b>Senior Housing Net</b>	<a href="http://www.seniorhousingnet.com/?source=web">http://www.seniorhousingnet.com/?source=web</a>
<b>Rent Bits</b>	<a href="http://rentbits.com/rb/s/find-rentals">http://rentbits.com/rb/s/find-rentals</a>

## **FOOD STAMPS BENEFITS MAXIMIZATION THROUGH MEDICAL DEDUCTIONS**

**The Food Stamps/SNAP benefits program is encouraging eligible individuals to use their medical deductions to help them maximize their food stamps benefits!**

If you are able to verify that you spend over a sum between \$35 and \$125 per month on medical fees, you may be eligible for a Medical Deduction. This means that DTA will automatically allow a standard \$90 deduction, which could increase your food stamps by up to an additional \$30 a month. If you spend over \$125/month on un-reimbursed medical expenses, DTA will deduct the actual amount of these expenses in calculating your net income (after the first \$35). There is no cap of what you can claim as an expense if you have proof of your un-reimbursed health-care expenses.

If you have one large one-time medical expense for a day-surgery or any other large expense, divide this amount by the number of months left in the certification period to calculate a monthly fee. This amount can be included in your monthly medical fees.

### **Who can claim medical expenses?**

Anyone in your household who is age 60 or older OR disabled and pays medical expenses greater than \$35 per month.

### **What types of proof are needed?**

Receipts or bills to show a household member has incurred an allowable medical expense.

### **Which medical expenses can be claimed?**

Certain medical costs are allowed as a deduction from income when calculating food stamp benefits. Medical expenses can include:

- Health insurance costs (premiums, deductibles)
- Medical costs not reimbursed by insurance (emergency room, outpatient care, etc)
- Prescription drugs (co-pays and postal fees)
- Over-the-counter medicines prescribed or recommended by a health care provider (receipts for antacids, vitamins, insulin, etc)
- Prescribed or recommended health related supplies (adult diapers, glasses, contacts, hearing aid batteries, etc)
- Health equipment (wheelchair, mobility aids, etc)
- Car mileage and public transportation costs (claim and document mileage for transportation to a medical appointment or to a pharmacy)
- Home health care costs (costs for home health care or housekeeping due to age or illness)
- Alternative medical treatments (prescribed treatments: chiropractic, acupuncture, massage)
- Service animal expenses (veterinary bills, food supplies, etc)

**For more questions on this, please contact your DTA case worker or the BARCC Case management program at the telephone number included below.**

## **Victim Compensation and Applying for Lost Wages: What is Victim Compensation?**

Financial assistance for victims of a crime in the commonwealth of Massachusetts

### **What are the eligibility requirements in applying for Lost Wages under Victim Compensation?**

- ❖ The victim was employed or had received a bona fide employment offer and due to the assault is unable to maintain working.
- ❖ The victim was a minor who will be disabled from working beyond the age of 18

### **How is compensation determined if employed at the time of the assault?**

- ❖ If under salary at the time of the crime the compensation is determined by the victim's salary
- ❖ If performing seasonal, non salaried, or intermittent work at the time of the crime the compensation is determined by earnings history and value of victim's contractual work obligations

#### **Requirements:**

- Verification from employer (or, if self-employed, from his own records) that victim was employed at the time of the crime,
- The dates absent from work,
- Net weekly earnings at the time of the crime, and any sick and vacation benefits used in his absence

### **How is compensation determined if a survivor is unemployed but had received a bona fide offer of employment?**

- ❖ For an offer of salaried employment, the compensation is determined by victims net salary
- ❖ For an offer of seasonal, non-salaried or intermittent work, the compensation is determined by earnings history and the value of contractual work obligations and offers

#### **Requirements:**

- Verification from his prospective employer of when the offer of employment was made, when the employment was to begin,
- Net weekly starting salary, and sick and vacation benefits to which he would have been entitled



## How is compensation determined if unemployed at the time of the assault?

- ❖ If a minor and not employed, the victim is eligible for compensation for lost wages after the age of 18.

### Requirements:

- ☑ The treating physical or mental health provider must provide a letter describing the disability as a direct result of the assault, disenabling the victim to work after the age of 18 and when, if ever, they will be able to work

## How is Compensation determined if a client starts collecting Unemployment Benefits?

- ❖ Regarding a survivor's unemployment, VC may only consider his lost wages up until he began receiving unemployment. Since VC is a fund of last resort, they have to consider a client's unemployment benefits.

## How about if a client is having Difficulties getting his pay status from his previous employment due to confidentiality and Privacy reasons for VC to consider their lost wages benefits?

- ❖ VC may look at his earnings history (W2 or taxes) from the previous year if there are confidentiality/privacy issues.

### Note:

- ❖ *Unreported income may not form the basis of compensation, only on reported income*
- ❖ *Compensation is determined by net income after taxes and shall be reduced by any other public or private resources received (for example: workers compensation benefits, social security benefits, disability benefits, sick and vacation benefits)*
- ❖ *Failure to provide proof of lost wages or of medical disability could result in a denial of compensation*
- ❖ *If the victim was not disabled due to the assault prior to age 18, does not remain disabled due to the assault beyond the age 18, had not received an offer of a bona fide employment prior to the assault, compensation shall **not** be awarded for lost wages*
- ❖ *For undocumented immigrants, compensation shall be awarded for lost wages:*
  - *If they report their income and if their income is taxed.*
  - *Victim compensation does not notify INS about anything related to this. E.g. If their income is reported and taxable and they were using someone else's social security number or a fake social security number to work.*
  - *The only issue would come up if a client's claim was denied and if the client wants to appeal the decision.*

## **New Housing Rights for Victims of Domestic Violence, Rape, Sexual Assault and Stalking**

Victims of domestic violence, rape, sexual assault and stalking have increased rights and protections under a new housing law designed to help them be safer in their apartments or get out of a lease if that is needed to escape a perpetrator. This document answers frequently asked questions about the new law.<sup>1</sup>

### **You have the following rights:**

- To break your lease.
- To have your apartment locks changed.
- To not experience retaliation by your landlord, or a potential landlord in the future, for having had to break your lease or have your locks change.
- To not be evicted because you got a restraining order or called the police.
- To not be forced by a landlord to waive these rights when signing a new lease.

### **RIGHT TO BREAK YOUR LEASE WITHOUT FINANCIAL PENALTY** *When you have to get out of your lease early because of the violence*

#### **1. Can I break my lease<sup>2</sup> under this law?**

The law allows you to break your lease when you have to flee because of domestic violence, rape, sexual assault or stalking that is directed against you or a member of your household if:

A member of the household is a victim *and either*

- a. The most recent incident occurred within the past 3 months; *or*
- b. A member of the household is in fear of imminent serious physical harm.

#### **2. What if I live in public or subsidized housing?**

The law covers *all* housing in Massachusetts, private or subsidized.

#### **3. What if the perpetrator is also on the lease?**

You have the right to break the lease and move but any other person who remains in the apartment still has responsibility under the lease.

#### **4. Is this true even if I am not the head of household?**

Yes, you can break the lease and leave even if you are not the head of household. In fact, under Massachusetts law you are not responsible for rent or penalties unless you signed the lease.

#### **5. Can I still break my lease if the violence happened more than 3 months ago?**

Yes, if you or a household member is in fear of imminent, serious, physical harm. For example, you may be in fear if the perpetrator has recently been released from jail or has discovered your location.

<sup>1</sup>An Act Relative to Housing Rights For Victims Of Domestic Violence, Rape, Sexual Assault And Stalking, Chapter 402 of the Acts of 2012 ("402") amends G.L. c. 186 to add seven new sections (G.L. c. 186, § 23-29) and will take effect on April 3, 2013.

<sup>2</sup>For purposes of this document, the term "lease" also means occupancy agreement, rental agreement or tenancy-at-will.

**6. Do I have to provide the landlord with proof of the violence?**

A landlord has the right to request proof, and if it is requested, you will have to provide documentation.

**7. What kind of documentation can be used as proof?**

You will have to provide *one* of the following documents to your landlord:

- Copy of a valid protection or harassment prevention order under G.L. c. 209A or G.L. c. 258E<sup>3</sup>;
- A record from a federal, state or local court or law enforcement (e.g., police) of an incident and the name of the perpetrator if known;
- A written verification from a qualified third party including domestic violence and sexual assault counselors, licensed social workers and mental health professionals, and various law enforcement professionals. Adult victims will be asked to provide a sworn statement that the facts in the verification are true.

**8. Is the documentation I give the landlord confidential?**

Yes. The landlord is required to keep this documentation confidential.<sup>4</sup>

**9. What steps do I have to take to break my lease?**

- You must give the landlord written notice that you are going to break the lease due to safety concerns.
- You will have 3 months from when you give written notice of your intent to break the lease to leave the premises. After 3 months, your request will be void.

**10. If I have already left my apartment, can I still break my lease?**

Yes, as long as you give notice to the landlord within 3 months of the last incident and you left within those 3 months.

**11. How long am I responsible for rent when I break my lease?**

In most cases you would owe rent until you actually leave your apartment. However, if you leave your apartment before you give written notice to your landlord you would owe rent until you give the landlord notice.

**12. What if I paid a last month rent in advance?**

You are entitled to a refund of any prepaid rent applicable after this period.

**13. What about my security deposit?**

The new law does not change the landlord's responsibility for the security deposit under Massachusetts law. The landlord must refund the security deposit or give you a full and specific statement of the basis for retaining any security deposit within 30 days after you and all occupants vacate the apartment.

<sup>3</sup>Under G.L. 209A, victims of violence who are family members, reside in the same household or have a substantial dating relationship with the perpetrator can obtain an order prohibiting further contact and/or abuse. Under G.L. 258E, victims of criminal harassment, stalking and sexual assault, regardless of their relationship to the perpetrator, can obtain a harassment prevention order prohibiting further contact and/or harassment. (Please note: "harassment" applies to specific behavior enumerated in the statute which includes sexual assault.)

<sup>4</sup>The exception to this is if you provide a written release or if required by a court order, government regulation or governmental audit requirements.

**14. What if there are other adults remaining in the apartment after I leave?**

The law does not affect the rights of others remaining in the unit. While you are relieved from responsibility except as provided in the law, the other adults would still be responsible for rent under the lease or for use and occupancy while they remain there. The landlord would not be required to return the security deposit until all the tenants have vacated.

**15. Do I have to remove all my belongings from the apartment?**

Yes, any belongings you leave in the apartment after you leave are considered abandoned and the landlord can dispose of them, unless you indicate in writing who is responsible for the belongings and what is to be done with them.

**16. If I break my lease under this law will I then have bad credit?**

No, this law gives you the right to legally break your lease if you comply with its requirements. A landlord is prohibited from refusing to rent to you because you terminated a lease due to violence.

**RIGHT TO HAVE YOUR LOCKS CHANGED**  
*When you need to have your locks changed for your safety.*

**17. When can I request a lock change for my individual unit?**

You can request a lock change if you or a member of your household reasonably believes they are under imminent threat of domestic violence, rape, sexual assault or stalking at the premises.

**18. How do I prove that such a threat exists?**

A landlord can, but does not have to, request proof that such a threat exists. If requested, you will have to provide *one* of the following documents to your landlord:

- Copy of a valid protection or harassment prevention order under G.L. c. 209A or G.L. c. 258E;
- A record from a federal, state or local court or law enforcement (e.g., police) of an incident and the name of the perpetrator if known;
- A written verification from a qualified third party including domestic violence and sexual assault counselors, licensed social workers and mental health professionals, and various law enforcement professionals. Adult victims will be asked to provide a sworn statement that the facts in the verification are true.

**19. What if the person who poses the safety threat is on my lease?**

The landlord may change the locks and refuse to provide that person with a key if *one* of the following is provided:

- Copy of a valid protection or harassment prevention order under G.L. c. 209A or G.L. c. 258E;  
or
- A record from a federal, state or local court or law enforcement (e.g., police) of an incident of violence.

The law also prohibits you from giving that person a copy of the new key.

**20. Does the landlord have to respond to a lock change request if the appropriate documentation is provided?**

Yes, the landlord must change the locks within 2 business days or give you permission to do so. Permission is not required if the landlord does not respond within 2 business days of your request. The landlord may charge you a reasonable customary fee for the expense.

You may be eligible to have the expense covered through the Massachusetts Victims of Violent Crime Compensation Program.<sup>5</sup>

**21. How long does a landlord have to give me a key once the locks are changed?**

The landlord must give you a key within the same 48 hour period in which the locks must be changed.

**22. What if I get the locks changed on my own?**

If you change the locks, they must be installed in a workmanlike (i.e., professional) manner with locks of similar or better quality than the original or the landlord can replace the locks and charge you for the costs.

You must give a copy of the key to the landlord within 48 hours after you change the locks.

**23. What if a landlord tries to stop me from changing the locks or doesn't give me a key after changing the locks?**

You have the right to file an action in the Housing Court, Superior Court, District Court or Boston Municipal Court to force the landlord to change the locks. If you win, you would have the right to damages and to reasonable attorney's fees.

**PROTECTION AGAINST HOUSING DISCRIMINATION FOR ASSERTING  
YOUR RIGHTS TO BREAK YOUR LEASE OR HAVE YOUR LOCKS CHANGED**

**24. If I utilized my rights under the law to terminate a lease or change my locks in a previous rental unit, can a landlord refuse to rent, or a housing subsidy provider deny assistance, to me?**  
No. Doing so would be a violation of the law.

**PROTECTION AGAINST EVICTION FOR  
OBTAINING A PROTECTION OR HARASSMENT PREVENTION ORDER  
OR  
CALLING THE POLICE**

**25. Am I protected from retaliation for exercising my rights under the law or my rights to protection?**

Yes. You are protected from retaliation for:

- exercising your lock change rights,
- taking action under G.L. c. 209A or G.L. c. 258E,

<sup>5</sup>Victim Compensation website <http://www.mass.gov/ago/public-safety/resources-for-victims/victims-of-violent-crime/victim-compensation.html>

- reporting an incident of domestic violence, rape, sexual assault or stalking to law enforcement (e.g., police), and
- reporting a violation of a protection or harassment prevention order.

Unless the landlord can prove by clear and convincing evidence that they would have brought the eviction at the same time and in the same way even if you had not exercised your rights under the law, the law considers it retaliation. This is true even if the landlord had a prior relationship with the perpetrator or originally leased to the perpetrator.

**PROTECTION AGAINST BEING FORCED TO WAIVE YOUR RIGHTS**

**26. Can a landlord ask me to waive some or all the rights afforded through this law in a lease?**  
 No. Doing so would be a violation of the law.

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OTHER RIGHTS FOR APPLICANTS AND RESIDENTS OF FEDERALLY ASSISTED HOUSING PROGRAMS: The Massachusetts law protects all applicants and tenants but it should be noted that applicants and tenants of federally assisted housing programs have expanded rights under the Violence Against Women Act (VAWA).<sup>6</sup>

**Resources**

**24-Hour Assistance:**

- |  |  |
|--|--|
| SafeLink/Massachusetts Domestic Violence Hotline | 1-877-785-2020 (TTY 1-877-521-2601)        |
| National Domestic Violence Hotline               | 1-800-799-SAFE (7233) (TTY 1-800-787-3224) |
| National Sexual Assault Hotline (RAINN)          | 1-800-656-HOPE (4673)                      |
| National Dating Abuse Hotline                    | 1-866-331-9474 (TTY 1-866-331-8453)        |

Find your local sexual and/or domestic violence program here: [http://www.janedoe.org/find\\_help/search](http://www.janedoe.org/find_help/search)

Find local legal services here: <http://www.masslegalservices.org/FindLegalAid>

Massachusetts Victim Compensation & Assistance Division (617) 727-2200 ext. 2160

Prepared by Boston Area Rape Crisis Center, Greater Boston Legal Services, Jane Doe Inc. and Victim Rights Law Center.  
 April 3, 2013

<sup>6</sup><http://www.masslegalhelp.org/domestic-violence/housing/vawa-section8-vouchers>

### **Benefit of a case manager accompaniment:**

BARCC Case Managers may offer accompaniment to survivors of SA whose CM needs are directly related to SA. Case Managers can provide accompaniment to DTA, One Stop Career Centers, and hospitals/medical accompaniment for non-medical reasons, Housing Authorities, social service agencies, Housing Court and other settings as appropriate:

- Mediate between provider and client to clarify why certain information is needed.
- Support client as appropriate when client / provider interaction/ communication is not empowering to the client.
- Ensure that client gets the best outcome from the visit e: all possible, appropriate resource options discussed, all questions relevant to the client's CM needs asked and answered
- Help client to stay organized and provide support. This may include reminders after accompaniment about deadlines or around submitting relevant information (E.g. documents to support eligibility/ approval for a resource).
- Follow up on follow ups for clients with unique needs e.g. people with disabilities.
- Provide emotional and other support after a provider/ client meeting (check-ins about meeting experience, validation, and empowerment).

**\*Important:** A case manager can show up at the place of the accompaniment at the agreed upon time with the client **only if;**

The client calls and confirms with the case manager a day before the appointment that they will be at the place of accompaniment at the agreed upon date and time. If a case worker does not hear from the client a day before the accompaniment date and/ or calls the client to follow up on the appointment and does not hear back from the client in a timely manner within 2-3 hours of the planned meeting time, the case manager can either reschedule the accompaniment at another realistic date and time for both parties (if client reaches out to case manager and is still interested), or encourage the client to proceed with the appointment without the case worker's accompaniment/ presence.

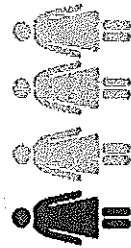
**\*Note:** Staff and interns should not be traveling with clients to accompaniments. If it's unavoidable e.g. client would benefit from leaving with case worker from the office to get to actual appointment place, client and caseworker need to use the same means of transport to get back to their destinations after the accompaniment etc, only travel with the client in public transport (bus or train, not a cab/ taxi). Case managers need to carefully assess the situation before they offer/ decide to travel with a client to and from an appointment even with the above mentioned means of public transport.

Lina, 21, lost her job because she didn't have child care for her toddler.

She was denied access to emergency shelter because of income limits, so she and her 2-year old son began sleeping at a train station.

A man who had seen them there and talked to her offered her a room. Later that night, the man raped her.

1 in 4 homeless girls and 1 in 10 homeless boys report experiencing sexual violence at least once since being on the street.



Homeless and marginally housed LGBT youth report even higher levels of sexual violence.

## Sexual Violence

**Sexual violence and homelessness are connected to one another.**

**Safe, stable, affordable housing is essential to reducing the risk of sexual violence and critical to survivors' healing.**

## Homelessness

6 in 10 homeless girls and 2 in 10 homeless boys report sexual abuse before leaving home.

Aaron was living with his sister and was sexually assaulted by his sister's boyfriend in their apartment.

He stayed with friends and other family periodically but they feared they might lose their housing due to his illegal tenancy.

This led to Aaron becoming homeless.