

FAMILY VIOLENCE PROGRAMS AND DRUG TESTING

Liability issues may arise when conducting drug testing of clients. **We strongly recommend consulting an attorney** regarding applicable state and federal laws relating to drug testing, as well as state laws relating to medical licensing, the administering of medical tests, and interpreting and providing medical test results. In addition, Health and Human Services Commission (HHSC) funded family violence centers must consider the rules set forth by HHSC's Family Violence Program in the drafting of any policy.

HHSC RULE

Eligibility

Screening for drug use at intake as a condition of entry to shelter conflicts with HHSC **Rule §379.605**, which states that eligibility for services is based solely on the individual's status as a victim of family violence.

Termination

Your center's reasons for termination must comply with **Rule §379.612**; your written termination policy must outline the unsafe or threatening behaviors that could result in termination, explain the appeal process and grievance procedure, and provide written notices as outlined in **RULE §379.612(b)**.

Denial of Service

RULE §379.606 also states that a center can deny services to an otherwise eligible victim of family violence if it has written policies that outline specific behaviors that would make a victim ineligible. These policies must: address only behaviors that threaten the safety and security of shelter staff and residents, apply equally to all people, and comply with all applicable laws and regulations.

Best Practices

Along with HHSC Family Violence Program rules, family violence programs must also keep in mind that survivors of family violence should feel safe to discuss past or active drug use that they may need help with. When drug abuse is disclosed, programs should provide appropriate referrals, resources, and support to the resident.

Best Practices

Ideally, employees should be educated on the co-occurrence of family violence victimization and substance abuse to assist in a more effective response to the complex needs of some survivors.

Counseling support should be made available when confronting a resident about suspected drug use. An individual in recovery could experience reemergence of past issues when confronted and tested.

When safe to do so, terminated clients should be given resources and referrals to address safety and sheltering needs. Terminated clients should feel that they can return to shelter in the future when experiencing violence.

Additional Considerations

Some survivors may exhibit appearances and behaviors associated with drug and alcohol use as a result of their victimization. Some survivors experience Post Traumatic Stress Disorder (PTSD), anxiety, depression, insomnia, or may have diagnosed or undiagnosed mental health issues.

Behaviors are sometimes misinterpreted from culture to culture. What is normal for one population may not be the norm for another when experiencing fear, loss, trauma, grief, frustration, or depression. An act of discrimination could occur if an individual is singled out for nonthreatening behaviors relating to a disability or cultural differences, or if the policy is not applied equally to all residents.

Consideration should be given to show how far back the drug use may have occurred (prior to shelter), of if the resident has taken steps towards recovery and is committed to continuing with treatment. A survivor may have a previous drug history that has no bearing on their current status, but the past use may still be detectable on a drug test. The safety needs of the resident may greatly outweigh concerns over drug use when the resident has not engaged in threatening behavior nor brought illegal substances into the shelter.

Some survivors abuse substances in order to cope with the violence relationship; others may have been coerced into drug use and subsequent addiction by their abuser. Receiving family violence services and getting safe can often be the first step towards recovery.

For more information on the intersection of family violence and substance abuse, read *Model Protocol for Working with Battered Women Impacted by Substance Abuse* by the Washington State Coalition Against Domestic Violence.