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| LOCAL COMMISSIONERS MEMORANDUM |
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Transmittal No: 92 LCM-6

Date: January 8, 1992

Division: Family and Children
Services

TO: Local District Commissioners

SUBJECT: Non-Residential Services For Victims Of Domestic Violence

ATTACHMENTS: Attachment A - Chapter 53 of the Laws of 1991 (Not
available on-line)
Attachment B - Non-Residential Service Providers
(Available on-line)
Attachment C - Article 6-A of the Social Services Law (Not
available on-line)

You were informed previously, via 91 LCM-149, of the 1991/92 State Aid To Localities Budget provisions related to residential and non-residential services for victims of domestic violence, [see Chapter 53 of the Laws of 1991 (Attachment A)]. Also you were advised that the Department would be developing policy guidelines to implement the statutory provisions which become effective January 1, 1992. The Department is in the process of developing regulations which will address eligibility and reimbursement for non-residential services and standards for non-residential services programs. The purpose of this memorandum is to inform you of the procedures for implementing the statutory provisions authorized by Chapter 53 relating to non-residential services for victims of domestic violence prior to the promulgation of the regulations. Specifically, this memorandum will address: (1) Program Requirements; (2) Eligibility/Documentation Requirements; (3) Consolidated Services Plan Amendment Requirements; and (4) Claiming Procedures. Once the regulations are promulgated, the regulatory requirements will supersede the policy guidelines set forth in this memorandum.

PROGRAM REQUIREMENTS

The provisions of Chapter 53 related to non-residential services for victims of domestic violence require social services districts, effective January 1, 1992, to offer and provide necessary and available approved non-residential services, as defined by Chapter 838 of the Laws of 1987 and Department regulations, to victims of domestic violence, whether eligible or ineligible for public assistance. Such non-residential services must be provided by a not-for-profit organization. Social services districts meet the definition of a not-for-profit organization, pursuant to 452.2 (b) 18 NYCRR. Victims of domestic violence must constitute at least seventy percent of the clientele of such programs (see Section 459-a(5) of the Social Services Law). Additionally, Chapter 53 requires non-residential services programs to have the ability to provide, either directly or through purchase-of-service agreements, all of the following core services: (1) information and referral; (2) advocacy; (3) counselling; and (4) community education/outreach. In addition, non-residential programs must provide or arrange for hotline services.

Social services districts may directly provide non-residential services to victims of domestic violence or they may choose to purchase such non-residential services. The Department will not be setting rates for non-residential services. Attachment B identifies agencies which have received a 1990-91 and/or 1991-92 Department grant for the provision of non-residential services to victims of domestic violence. If purchasing non-residential services, you may want to purchase such services from agencies listed on Attachment B which are currently providing specialized services to victims of domestic violence. However, you may choose to purchase such services from other providers in your community which are not on this list.

ELIGIBILITY/DOCUMENTATION REQUIREMENTS

A victim of domestic violence is defined in Section 459-a(1) of the Social Services Law (Attachment C). Eligibility for non-residential services will be based upon group eligibility; any person who meets the statutory definition of a victim of domestic violence will be eligible for such non-residential services. There are no income eligibility requirements and an individual application is not required. The provider of service will be responsible for determining a person's eligibility for non-residential services.

Each provider of non-residential services must maintain a daily log identifying the number of telephone hotline calls received. In addition, each provider must maintain a record of the following information for any victim of domestic violence receiving services:

- o name of person and family members receiving non-residential services;
- o date service began;

- o the reason a person meets the definition of a victim of domestic violence pursuant to Section 459-a(1) of the Social Services Law and is eligible for non-residential services; and
- o the type of non-residential services the person and/or any family member is receiving.

When a social services district provides non-residential services through purchase of service, the contract must require the provider of non-residential services to maintain the above information.

CONSOLIDATED SERVICES PLAN AMENDMENT REQUIREMENTS

With the new provisions of Chapter 53, social services districts will need to submit an amendment to their 1991-1993 Consolidated Services Plan. The plan amendment is due to the Department within 90 days of the date of this memorandum. Since the mandate to provide non-residential services to victims of domestic violence represents a change in eligibility, the amendment, pursuant to 407.10 18NYCRR, must be published for public comment and be presented to the local advisory council for review, prior to submission to the Department.

The amendment must include the following information:

- o Whether you will provide non-residential services directly or by purchase of service;
- o If you are purchasing non-residential services, identify the name and address of the agency(ies) you will be contracting with for the provision of non-residential services;
- o Regardless of whether you are providing non-residential services directly and/or by purchase of service, a detailed description of the design of each non-residential services program which includes a description of:
 - o each of the service components;
 - o how frequently services are provided including the days and hours of service availability;
 - o the location of the services as it relates to client safety and confidentiality; and
 - o the staff responsible for the provision of non-residential services.

You will need to provide a detailed description of the program design of each of the non-residential services programs identified in your plan amendment.

If you are purchasing non-residential services, the purchase of services agreement must require the provider of services to provide you with the information required for your plan amendment.

In addition, your plan amendment must include the following legal assurances: (1) the social services district will provide non-residential services to victims of domestic violence in compliance with the eligibility and program standards set forth in Chapter 53 of the Laws of 1991 and Article 6-A of the Social Services Law; and (2) the social services district will provide the Department with any aggregate data that is required to be maintained on persons served in the program and which will be needed by the Department to meet its reporting requirements to the legislature, pursuant to Section 459-e of the Social Services Law.

CLAIMING PROCEDURES

Chapter 53 provides that 50 percent state reimbursement is available for non-residential services provided for victims of domestic violence only to the extent a social services district has exhausted its Title XX allocation. The procedures for claiming expenditures for non-residential services to victims of domestic violence are as follows:

Non-residential services that are provided through a Purchase of Service contract that are not client specific must be claimed as an administrative cost on the Schedule D-2 (DSS-2347-B) (Rev. 1/92) Allocation For Claiming Services Expenditures. Please note that Title XX administrative costs are not included in the local districts' "Admin CAP." The costs of these purchase of services contracts should be claimed as an Identified Costs on Line 2 of Section 1 under Column 15 - XX Services. They will be further identified in Section III in Subsection A on the new line 8 entitled Victims of Domestic Violence under the Identified costs column for funding purposes.

Non-residential services to victims of domestic violence that are purchased for a specific client may be claimed for reimbursement on the Schedule G (DSS-1372) Title XX Services for Recipients or if provided as an emergency service they may be claimed on the Schedule H (DSS-4283) -Non-Title XX Services for Recipients under Emergency Assistance for Needy Families with Children (EAF).

Non-residential services that are directly provided for cases on WMS can be reported through SSRR (RMS in NYC) as Service Type 23 as without regard to income services. The SSRR (RMS) systems will produce a percentage that will be used in Section III on line A-8 to allocate direct costs. Until the SSRR cover sheet can be revised the local districts will find this percentage in the SSRR Schedule D2 Backup report under the column headed "WR". This percentage will be automatically entered on the Automated Claiming System.

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Any questions concerning implementation of the provisions of Chapter 53 related to non-residential services for victims of domestic violence should be directed to your Regional Office. Any questions on claiming matters should be directed to: Upstate: Roland Levie 1-800-342-3715, extension 4-7549 or Metropolitan: Marvin Gold (212) 804-1108

Joseph Semidei
Deputy Commissioner
Division of Family and
Children Services

Non-Residential Service Providers

AGENCY/CONTACT/ADDRESS	AGENCY/CONTACT/ADDRESS
ACCORD CORPORATION Charles Kalthoff PO Box 573 Belmont, NY 14813 716-268-7605	CHENANGO CO. CATHOLIC CHARITIES DVAC Mary Seeley 19 Prospect Street Norwich, NY 13815 607-334-8244
ALTERNATIVES FOR BATTERED WOMEN Phyllis Korn PO Box 39601 Rochester, NY 14604 716-232-7353	CIRCULO DE LA HISPANIDAD Gil Bernardino 62 West Park Avenue Long Beach, NY 11561 516-889-3831
AMICAE Dawn Chase PO Box 0023 Fredonia, NY 14063 716-672-8423	CITIZENS DV & CRIMINAL JUSTICE PLANNING CORP Cathy Henrichs PO Box 115 Elizabethtown, NY 12932 518-873-9240
CATHOLIC FAMILY & COMMUNITY SERVICES OF HERKIMER Louise Leonard 61 West Street Ilion, NY 13357 315-894-9917	CLINTON CO. MENTAL HEALTH ASSOC. Beverly Reuter 159 Margaret Street Plattsburgh, NY 12901 518-563-6904
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