

An Important Message for Domestic Violence Providers

Has the local social services district denied payment for services you provided in your shelter?

The Office of Temporary and Disability Assistance may be able to help.

FAX the case specifics, documentation and information about the actions you have taken to resolve this matter with the responsible social services district to:

*The Domestic Violence/District of Fiscal Responsibility (DFR) Helpline
In the OTDA Temporary Assistance Bureau*

Fax Number (518) 473-0511

Call -- (518) 474-9344

The rules are complicated. For example, did you know that:

1. Provided that they have filed a common application with the local social services district, persons who are not eligible for public assistance may be able to have their stays paid for under Title XX or 50 State /50 local funding for residential programs for victims of domestic violence.

For example:

- Some persons who are sanctioned.
 - Persons who have not completed the public assistance application process because their stay in the shelter is very short.
2. The social services district where the domestic violence victim resided when she or he enters a DV residential facility must pay for the victim's stay in a DV shelter and provide the victim with public assistance or Title XX or 50 State/50 local funding for residential programs for victims of domestic violence, Medicaid, and food stamps if she is otherwise eligible. The domestic violence victim can apply for public assistance in the district where the victim is currently in shelter, which is called the "where found" district. If the victim chooses, the victim can apply in the district from which the victim fled. However, this is usually not a safe thing to do. Under no circumstances should the victim be forced to go back to the district from which the victim fled in order to apply for or pick up a benefits card.
 3. If the other district has not responded or **has refused** to accept the application, the "where found" district is responsible for providing public assistance including payment to the DV residential program, employment-related child care and transportation for persons eligible for public assistance; and for food stamps and Medicaid for eligible persons. The "where found" district must also provide for any emergency benefits such as food stamps, moving expenses, security, and other eligible emergency needs.

For persons not eligible for public assistance for their shelter stay, the "where found" district is not responsible to pay Title XX or 50 State/50 local funding for the shelter stay if the other district refuses to accept the application. However, it is responsible for paying for the food stamps and Medicaid and any emergency benefits if the individual or family is otherwise eligible.

In the situation where there is a dispute as to which district is fiscally responsible and/or the victim has been determined ineligible for public assistance, the Domestic Violence Residential Program provider can

contact the Domestic Violence/District of Fiscal Responsibility (DFR) Helpline and staff from either OTDA or the Office of Children and Family Services, which oversees Title XX and 50 State/50 local funding for DV shelter stays, will attempt to resolve the dispute regarding Title XX and 50 State/50 local funding.

4. A brief break in shelter stay is not necessarily a ground for finding that a person is no longer in danger and not in need of shelter. The criteria for admission depends upon the victim's need for emergency shelter and care due to an act that has resulted in actual physical or emotional injury or creates a substantial risk of physical or emotional harm to the person or the person's child. The criterion for admission focuses upon the immediate need for the victim's safety, not the date of the domestic violence incident. However, a victim's maximum length of stay may not exceed 90 days plus 45 days for each incident of DV.
5. Presence of relatives or friends nearby does not necessarily mean that a victim has a safe place to stay.
6. A non-citizen in need of domestic violence residential services may be eligible for PA as a battered immigrant. Battered immigrants are individuals (1) who have a prima facie notice or approval notice for a Violence Against Women Act (VAWA) Self-Petition (I-360), (2) who are determined credible victims of domestic violence by the district's Domestic Violence Liaison (DVL) and have proof of a pending I-360 Self-Petition, (3) who are determined credible victims of domestic violence by the district's DVL and have proof of a pending or approved I-130 (Petition for Alien Relative), or (4) with proof of an Order from the Executive Office for Immigration Review (EOIR) granting suspension of deportation or cancellation of removal or evidence that application has been filed setting forth a prima facie case.

A battered alien also may be eligible for PA if they can be considered to be Permanently Residing under the Color of Law (PRUCOL). This would include but not be limited to aliens (1) who have been granted deferred action (for example, U Visa applicants), (2) who have been granted a K visa (fiancé, fiancée, spouse, child or a U.S. citizen), or (3) granted a V visa (spouses and children of a Legal Permanent Resident whose Petition for Alien Relative (I-130) was filed with United States Citizenship and Immigration Service (USCIS)).

An individual to whom any one of the above applies has an eligible immigration status for public assistance and thus for payment for shelter stays and cannot be denied public assistance on the basis of immigration status.