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| ADMINISTRATIVE DIRECTIVE |
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TRANSMITTAL: 95 ADM-2

TO: Commissioners of
Social Services

DIVISION: Services and
Community
Development

DATE: January 10, 1995

SUBJECT: Domestic Violence: Non-Residential Services to Victims

SUGGESTED

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| Child Welfare Staff
| Directors of Income Maintenance and Income Maintenance
| Staff
| Domestic Violence Service Providers
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ATTACHMENTS: | None

FILING REFERENCES

Previous Releases | Dept. Regs. | Soc. Serv. | Manual Ref. | Misc. Ref.
ADMs/INFs | Cancelled | | Law & Other | |
| | | Legal Ref. | |
| | 18 NYCRR | Art. 6A-SSL | | 91 LCM-149
| | Part 462 | Chap. 53 of | | 92 LCM-6
| | | the Laws of | | 92 LCM-104
| | | 91, 92 and | |
| | | 93 | |

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I. PURPOSE

The purpose of this directive is to inform you of the provisions of Department regulations found at 18 NYCRR Part 462 regarding non-residential services for victims of domestic violence. These provisions are authorized by Chapter 53 of the Laws of 1991, 1992 and 1993 (the Aid to Localities Budgets). This directive requires social services districts to offer and provide approved non-residential services for victims of domestic violence regardless of the person's eligibility for public assistance.

II. BACKGROUND

Specialized non-residential services for victims of domestic violence have proven to be an effective method of addressing the needs of some victims of domestic violence and their children, particularly victims who are seeking supportive services but do not require or would not consider entering an emergency shelter program. In some cases, such non-residential services may alleviate a need for domestic violence residential services.

Chapter 53 of the Laws of 1991, 1992 and 1993 furthered the goal of enhancing the fiscal viability of non-residential services for victims of domestic violence. These provisions, which became effective January 1, 1992, require social services districts to offer and provide approved non-residential services for victims of domestic violence regardless of a person's eligibility for public assistance. In addition, the laws provide for 50 percent state reimbursement for the provision of non-residential services, to the extent a district has exhausted its Title XX allocation. Social services districts may provide non-residential services directly or purchase such services from a not-for-profit organization.

To implement the provisions of Chapter 53, the Department promulgated regulations, Part 462, establishing standards for non-residential services for victims of domestic violence. These regulations, which became effective June 2, 1993, establish standards for non-residential programs in such areas as core and optional services, staffing, and client eligibility. In addition, the regulations set forth the process for approving domestic violence non-residential services programs.

III. PROGRAM IMPLICATIONS

Social services districts should be aware that a non-residential program for victims of domestic violence is defined in Section 459-a (5) of the Social Services Law (SSL) and 18 NYCRR Section 462.2(a) as any program operated by a not-for-profit organization for the purpose of providing non-residential services for victims of domestic violence, including but not limited to, telephone hotline assistance, information and referral, advocacy, counseling, and community education/outreach activities. In addition, at least 70 percent of the clientele of the program must consist of victims of domestic violence and their children.

Social services districts may directly operate a non-residential program or they may provide such services through a purchase of services contract with a not-for-profit organization that has the ability to directly provide all of the services specified above.

PLEASE NOTE: A not-for profit organization is defined as any organization which is a public agency or which is incorporated as a not-for-profit corporation or religious corporation under the laws of this State or which provides care and/or services in this State and has been granted a federal tax exempt status. Social services districts are considered "not-for-profit organizations".

Regardless of whether a district provides non-residential services directly or purchases these services from a not-for-profit organization, each program must be approved through the Consolidated Services Planning process. The program must comply with Department regulations, Part 462, regarding services, staffing, record keeping, and confidentiality requirements.

A. Service Requirements for Non-Residential Programs

Each non-residential program must directly provide all of the required core services specified below, and may directly provide or subcontract for any of the services that are listed below as optional services.

1. Core Services

Each program must have the ability to directly provide all of the following core services on a daily basis between 9:00 a.m. and 5:00 p.m. With the exception of telephone hotline assistance, these services do not need to be available weekends and holidays.

- (a) Telephone Hotline Assistance: immediate assistance to victims of domestic violence through a telephone hotline service which offers crisis counseling and information and referral services. Employees or volunteers providing such assistance must be trained on the dynamics of domestic violence, the program's services and the availability of residential programs for victims of domestic violence and other community resources.

PLEASE NOTE: At a minimum, when the program is closed during non-business hours, weekends and holidays, a program must have an answering machine that provides a telephone number to call for emergency assistance. For example, the phone number provided could be the number of a domestic violence residential program, the local police, or the statewide hotline for victims of domestic violence.

- (b) Information and Referral: providing information about and referral to community services and programs which meet the individual needs of victims of domestic violence including, but not limited to, referral to residential and non-residential programs for victims of domestic violence and to medical services. In addition, when requested, information and referral services must be provided to perpetrators and alleged perpetrators.
- (c) Advocacy: providing liaison services or intervening with community programs on behalf of victims of domestic violence. These services must include, where appropriate, assistance in accessing legal remedies and protections and law enforcement personnel; obtaining medical care; social services, employment and housing; and obtaining and submitting public assistance applications. Employees and volunteers responsible for advocacy services must be trained on the community services and programs available to meet the needs of victims of domestic violence and of the rights of victims of domestic violence to obtain necessary services and assistance.
- (d) Counseling: individual and/or group counseling to victims of domestic violence, provided by employees and volunteers with appropriate skills and training. Counseling must stress self-sufficiency. In addition, counseling must:

- (i) address the needs identified by the victims;
- (ii) assist the victims to seek services on their own behalves;
- (iii) inform the victims of the options available to ensure their safety and the safety of their minor children;
- (iv) inform the victims of the nature of family violence and its effects on children;
- (v) inform the victims of the legal, financial and housing options available to them; and
- (vi) assist the victims to improve their problem solving skills.

PLEASE NOTE: "Couples counseling" must not replace the counseling described above. Professionals in the field of domestic violence and researchers studying domestic violence indicate that counseling for couples may be dangerous to victims because discussions which occur during couples counseling may lead to future abuse.

- (e) Community Education/Outreach Activities: educating the community on the need for and benefits of domestic violence services, the dynamics of domestic violence, and the prevention of domestic violence by making presentations, distributing written material and using the media. These activities must be relevant to the ethnic composition of the community. In addition, such activities must include informing:

- (i) personnel of schools, police agencies, courts, hospitals and social services districts about the availability of the program's services; and
- (ii) victims of domestic violence, including underserved populations, about existing services.

When there is more than one agency in the community providing community education/outreach activities, a non-residential program must make an effort to coordinate such activities with these other agencies.

PLEASE NOTE: To ensure the safety of persons receiving services and the confidentiality of their identities, community education/outreach activities must not identify the location of services when services are provided at the confidential shelter site of a domestic violence residential program, pursuant to 459-h of the Social Service Law.

2. Optional Services

A non-residential program may directly provide or subcontract for any of the following optional services:

(a) Children's Services:

- (1) assisting victims in arranging child care for their children when such care is necessary to enable the victim to seek services or to participate in activities which would alleviate the victims' need for non-residential services; and
- (2) offering and providing appropriate counseling to the children of victims.

(b) Support Groups: peer support to interested victims by conducting meetings during which groups of victims discuss their experiences with family violence. Support groups must be coordinated by a qualified employee or trained volunteer.

PLEASE NOTE: Support groups which are not required to address any specified issues may not replace the individual and/or group counseling which is a core service that must be made available to victims. Support groups must be conducted by a qualified employee or volunteer.

(c) Transportation: providing transportation for victims or assisting them to obtain available public or private transportation, so they can secure legal, medical, housing, or employment services or apply for public assistance.

(d) Translation services: interpreting oral and/or written information for non-English speaking victims of domestic violence.

PLEASE NOTE: Although such services are non-reimbursable, non-residential program may choose to provide or purchase services which are not specified in 18 NYCRR Section 463.4(b) as optional services.

B. Staffing Requirements

To ensure that services are available to victims as needed and that these services are effectively delivered by qualified staff, the regulations require that each non-residential program comply with the following staffing requirements:

PLEASE NOTE: The term "staff" includes both compensated employees and volunteers of the program.

1. Job Description/Orientation

Prior to assuming responsibilities, each employee and volunteer of the program must be provided with a copy of their job description and receive an orientation. The orientation must include a discussion on the services provided by the program, confidentiality issues, child abuse reporting requirements, program policies and procedures, and job responsibilities.

2. Program Director

Each program must employ a director to administer the program. The director is responsible for designating a sufficient number of qualified staff to provide the core services and any available optional services to all eligible persons who request and need these services. A director may provide core and optional services.

With the exception noted below, the director of each program must have four years of relevant work experience. At least one year of such experience must include supervisory experience.

Relevant Work Experience means paid or volunteer work experience with victims of domestic violence and/or in the direct provision of human services.

EXCEPTION: College credits in a related course of study may be substituted, on a prorated basis, for the non-supervisory work experience. Two years of college in a related course of study may be substituted for up to two years of the non-supervisory work experience. One year of college in a related course of study will be equivalent to one year of work experience.

3. Services Staff Qualifications.

Staff providing any of the core or optional services listed in Section III. B.1. and 2. must have at least one year of paid or volunteer relevant work experience with victims of domestic violence and/or in the direct provision of human services.

PLEASE NOTE: Training, which addresses the topics listed below, provided by the program and/or other agencies, may be substituted for the one year of relevant work experience. Twelve hours of training may be substituted for the one year of relevant work experience. Six hours of training may be substituted for six months of relevant work experience.

Training that is used to meet the relevant work experience must address the following topics:

- dynamics of family violence;
- child abuse reporting requirements
- confidentiality issues;
- legal remedies; and
- community resources and services.

In addition to the above requirements, staff providing children's counseling must also have relevant work experience, education or training in child development.

Staff providing transportation must have a valid New York State driver's license for the types of vehicles which that person will be driving on the job.

4. Reporting of Child Abuse

There must be one employee designated to be responsible for ensuring that all suspected cases of child abuse or maltreatment are reported in accordance with Title 6 of Article 6 of the Social Services Law.

C. Record and Reporting Requirements

In order to document the provision of services for reimbursement purposes (refer to Section III.G.) and to verify that services are provided in accordance with the regulations, each program must maintain individual case records and program records.

1. Individual Case Records

Each program must maintain an individual case record for each family receiving services. The following information must be maintained in the record:

- (a) the name of the victim requesting services;
- (b) the date services were requested;

- (c) the reason the services were requested;
- (d) the name of any minor children and/or other family or household members who are receiving domestic violence non-residential services; and
- (e) the list of core services and optional services, if any, being provided to the victim and to minor children and/or family or household members, and the dates such services were provided.

PLEASE NOTE: Programs are not required to maintain specific information regarding the services provided, such as the content of counseling sessions. The professionals providing these services, however, should maintain appropriate treatment records.

2. Program Records

- (a) Daily Log: a written daily log identifying the number of telephone hotline calls and telephone calls regarding information and referral services. The log should be used only to document hotline assistance and information and referral services to those individuals for whom cases are not opened and not receiving any other core and/or optional services.
- (b) Policy and Procedures: written program policies and procedures relating to the provision of non-residential services.
- (c) Personnel Records: individual personnel records for each employee or volunteer of the program providing non-residential services. The following information must be maintained in each personnel record:
 - (i) the name of the employee or volunteer;
 - (ii) the names and addresses of the educational institutions the staff person attended, dates of graduation, degrees, or certificates conferred, and information regarding any education and/or training received which will be used by the staff person as a substitute for the relevant work experience requirements discussed in Section III.C.;

- (iii) all professional experience and previous employment, including the names and addresses of previous employers and the dates of employment which will be used by the staff person to meet the relevant work experience requirements discussed in Section III. C.; and
- (iv) the New York or other State licensure or registration number, year or original issuance and expiration date of any relevant license or registration held by the staff person.

D. Confidentiality

1. Access to Information Each program must comply with Department regulations, Section 462.9, which permit the following persons and agencies to have access to program information.

- (a) The Department and a social services district contracting with the program for the provision of non-residential services will have full access, on-site at the program's office to all information relating to the operation of the program, including specific information which must be maintained in individual case records. (Refer to Section III. C.1. for the information that must be maintained in each family's individual case record.)
- (b) Any person or entity authorized by a court order.
- (c) Any person receiving services from the program will have access to all information required to be maintained in their individual case record.

EXCEPTION: A perpetrator of domestic violence may have access only to the information in the individual case record which pertains to the services provided to the perpetrator. The perpetrator will not be permitted access to information maintained on the victim or other family and household members.

- (d) An employee or official of a federal, State or local agency will have access to records relating to the financial and program operation for purposes of conducting a fiscal audit. They will not have access to individual case records.
 - (e) A person engaged in bona fide research will have access to information consistent with applicable law and regulations. However, persons engaged in research will not have access to identifying information unless the information is essential to the research purpose and the Department has given prior written approval for access to such identifying information.
2. Disclosure An agency or person given access to any books, records, reports and papers relating to the operation of the program or to the recipients of non-residential services must not disclose or make public this information except under the following circumstances:
- (a) where authorized by a court order;
 - (b) to a person or entity otherwise authorized to have access for purposes directly related to the administration of the non-residential program;
 - (c) where otherwise authorized by statute;
 - (d) where a person receiving services from the program has given written authorization;
 - (e) the final report of the findings of a fiscal audit of the program conducted by a federal, State or local agency may be disclosed to the public;
 - (f) the findings of a bona fide researcher may be disclosed to the public provided such information does not disclose information which would identify any person receiving services from the program or the location of the places where non-residential or residential services are provided.

An employee of the Department or of a social services district given access to information who rediscloses such information in a manner which is not consistent with these regulations is subject to disciplinary action in accordance with applicable collective bargaining agreements and laws and regulations.

E. Reimbursement

Social Services districts should be aware that 50 percent State reimbursement is available for expenditures made for the provision of approved non-residential services to victims of domestic violence, to the extent funds are appropriated and a social services district has exhausted its Title XX allocation. (Refer to Section IV.C. for the process for approving a non-residential services program.)

Approved Non-Residential Services means that the non-residential program is in compliance with Department regulations, Part 462, described in Section III. and has been approved by the Department through the Consolidated Services Planning process.

PLEASE NOTE: Only the core services specified in Section III. A.1., which are provided directly by an employee or volunteer of an approved non-residential program, and the optional services specified in Section III.A.2, are eligible for reimbursement under the 50/50 Title XX overclaim appropriation.

IV. REQUIRED ACTION

A. Service Responsibilities

1. Social services districts must offer and provide, either directly or through a purchase of service agreement, non-residential services which are in compliance with the requirements specified in Section III., to victims of domestic violence whether or not the person is financially eligible for public assistance.

2. Social services districts must ensure that non-residential services are provided in a manner which addresses the ethnic composition of the community being served. Where possible, when a social services district includes a significant non-English speaking population, the district must ensure that the staff providing the services speak the language of the community being served.

3. Social services districts must ensure that non-residential services are provided in a manner which addresses the needs of victims who are disabled, hearing impaired, and/or non-English speaking.

PLEASE NOTE: When a victim of domestic violence also meets the eligibility criteria for protective services for adults, a social services district must ensure that the victim receives services in accordance with Department regulations, Part 457.

4. Social services districts must ensure that non-residential services are provided at locations that are safe for the persons receiving services and maintains the confidentiality of their identities as specified in 18 NYCRR Section 462.3(a)(3).

B. Client Eligibility

1. Social services districts must consider a person who meets the definition of a victim of domestic violence as defined in Department regulations Section 462.2(d) as eligible for non-residential services.

(a) A Victim of Domestic Violence is defined in Department regulations as any person 16 years of age or older, any married person or any parent accompanied by his or her minor child or children in situations in which such person or such person's child is a victim of an act which would constitute a violation of the Penal Law, including, but not limited to acts constituting disorderly conduct, harassment, menacing, reckless endangerment, kidnapping, assault, attempted assault, or attempted murder; and

(1) such act or acts have resulted in actual physical or emotional injury or have created a substantial risk of physical or emotional harm to such person or such person's child; and

(2) such act or acts are or are alleged to have been committed by a family or household member.

(b) Family or Household Member is defined as:

(1) persons related by blood or marriage;

(2) persons legally married to one another;

(3) persons formerly married to one another;

(4) persons who have a child in common regardless of whether such persons are married or have lived together at any time;

- (5) unrelated persons who are continually or at regular intervals living in the same household or who have in the past continually or at regular intervals lived in the same household; or
- (6) unrelated persons who have had intimate or continuous social contact with one another and who have access to one another's household.

2. Social services districts must consider a person eligible for non-residential services when a person provides sufficient information that he or she meets the definition of a victim of domestic violence. A person must be permitted to provide either verbal or documentary information to establish that he/she is a victim. When a person provides sufficient information that he or she meets the definition of a victim of domestic violence, a person must not be required to provide any additional details concerning the domestic violence incident or to submit documentary information to substantiate verbal information.

3. Social services districts must determine eligibility for non-residential services on a group basis and not require individual applications for services as specified in 18 NYCRR Section 462.6(b)(i).

C. Consolidated Services Planning Requirements

1. Social services districts must include the following information concerning non-residential services in their Consolidated Services Plan:

- (a) an estimate of the number of domestic violence victims needing non-residential services and a description of the indicators used to determine that estimate;
- (b) an assurance that each domestic violence victim seeking non-residential services will be provided all needed core services specified in Section III.A.1. in a timely manner;
- (c) a statement indicating whether the social services district will provide non-residential services directly or purchase such services, and if applicable, the name, business address and telephone of each agency providing purchased non-residential services;

(d) a detailed design of each non-residential services program, including:

(1) each of the core services and optional services provided;

(2) the frequency with which each service is provided including the days and hours the service is available;

(3) an explanation of how the locations where the services are provided ensure the safety of the persons receiving services and the confidentiality of their identities;

(4) the number and qualifications of the staff persons responsible for providing the services.

2. Social services districts must provide an assurance that non-residential services will be provided in a manner which addresses the needs of victims with special needs and the ethnic composition of the community being served.

D. Data Collection Requirements

1. Social services districts must provide the Department with the aggregate data listed below for each of their approved non-residential programs. This data must be provided to the Department upon the frequency requested and on the forms that are supplied by the Department.

(a) the number of victims, children of victims and other family or household members which received services from the program;

(b) the types of services the persons received;

(c) the number of telephone hotline calls;

(d) the number of telephone calls requesting only information and referral services;

2. The required data should be sent directly by the residential program to the New York State Department of Social Services, Division of Services and Community Development, 40 North Pearl Street, Floor 11-D, Albany, NY 12243.

PLEASE NOTE: when a social services district purchases non-residential services, the non-residential program must directly provide the Department with the data listed above.

E. Purchase of Service Requirements

When a social services district purchases non-residential services, the contract the district enters into with the program must include the following, pursuant to 18 NYCRR Part 405 and 462.3(d).

1. all of the terms of the contract in one instrument, be dated and be executed by authorized representatives of all parties to the contract prior to the date of implementation;
2. a definite effective and termination date;
3. a description of each service to be provided;
4. an estimate of the number of persons who will receive each service;
5. the frequency with which each service will be provided including the days and hours of service availability;
6. an explanation of how the locations where the services are provided ensure the safety of the persons receiving services and the confidentiality of their identities;
7. the number, qualifications and job descriptions of the staff persons responsible for providing the services;
8. payment amounts and procedures; and
9. procedures to ensure client confidentiality.

V. SYSTEMS IMPLICATIONS

None

VI. EFFECTIVE DATE

This ADM is effective on February 1, 1995.

Frank Puig
Deputy Commissioner
Division of Services and Community
Development