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**NEW YORK STATE**  
**DEPARTMENT OF FAMILY ASSISTANCE**

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**Informational Letter**

**Section 1**

<b>Transmittal:</b>	OTDA 02 INF 27 & OCFS 02 INF 06
<b>To:</b>	Local District Commissioners
<b>Issuing Division/Office:</b>	Office of Temporary and Disability Assistance, Division of Temporary Assistance and Division of Transitional Supports and Policy Office of Children and Family Services
<b>Date:</b>	September 30, 2002
<b>Subject:</b>	Domestic Violence: Frequently Asked Questions on Reimbursement, General and Programmatic Issues
<b>Suggested Distribution:</b>	Temporary Assistance Directors Services Directors Staff Development Directors Domestic Violence Liaisons CAP Coordinators
<b>Contact Person(s):</b>	For Temporary Assistance Questions: Central Team at 518-474-9344 For Domestic Violence Programmatic Questions: 518-474-6512
<b>Attachments:</b>	Attachment 1-Questions and Answers Attachment 2-Temporary Assistance (TA) Sample Budget
<b>Attachment Available On – Line:</b>	<input checked="" type="checkbox"/>

**Filing References**

<b>Previous ADMs/INFs</b>	<b>Releases Cancelled</b>	<b>Dept. Regs.</b>	<b>Soc. Serv. Law &amp; Other Legal Ref.</b>	<b>Manual Ref.</b>	<b>Misc. Ref.</b>
02 ADM-04 98 ADM-03 94 ADM-11 02 INF-11 00 INF-19 99INF-10 94 LCM-153 92 LCM-104		Parts 352.8 Part 408	SSL 62.5 SSL 459-a		September 3, 1998 Dear Commissioner Letter

## **Section 2**

### **I. Purpose**

The Office of Temporary and Disability Assistance (OTDA) and the Office of Children and Family Services (OCFS) are issuing this release to (1) discuss safety issues for victims of domestic violence and their families, (2) clarify the funding sources available for paying for residential programs, and (3) review policies and procedures for providing services to victims of domestic violence. The Office for the Prevention of Domestic Violence (OPDV) also assisted in the preparation of this document.

### **II. Background**

With the adoption of the New York State Domestic Violence Prevention Act, which authorized the funding and approval of residential programs for victims of domestic violence and their families, New York State established a clear priority of providing safe havens for victims of domestic violence and their families in our communities. The goal of the legislation is to provide victims and their families access to safe and secure settings that offer the types of services essential to meet their immediate needs for protection and support.

The domestic violence program and payment regulations (18 NYCRR 452-455 and 408) and policy releases (94 ADM-11, 92 LCM-104 and 94 LCM-153) provided local social services districts with information on the Domestic Violence Prevention Act as it relates to the responsibilities of local districts for the provision of services to victims of domestic violence and their children.

New York's adoption and implementation of the Wellstone-Murray Family Violence Option (FVO) is further evidence of the State's strong commitment to victims of domestic violence and their children. It emphasizes the importance of supporting and protecting these victims while they work towards independence and self-sufficiency. 98 ADM-3 and The Dear Commissioner Letter of September 3, 1998 provide details on FVO.

Victims of domestic violence seek emergency shelter at residential programs for victims of domestic violence out of desperate necessity. In many instances, these victims have been the target of escalating abuse for a number of years and have now made a very difficult decision to leave their abusive spouses, partners, homes, communities and other family members to escape a life of abuse. They are in crisis and need the assistance of persons who will offer them support, information and the time necessary to make critical decisions regarding their own and their children's future safety and well-being.

Research indicates that one of the key factors in a victim's decision to return to the batterer is the lack of emotional, financial and legal support offered after the initial decision to leave the violent partner. A victim will often return to the batterer more than once before finally leaving. In fact, the average number of times a victim will leave the violent partner is six before she leaves for good. Studies also demonstrate that a woman is often at highest risk of serious injury or death

from the batterer when she first acts upon her decision to leave. Therefore, it is essential that a victim receive all of the supports available at this crucial time.

Victims should never be discouraged in any way from seeking safe shelter. We strongly encourage local districts to review their current policies and procedures and make any necessary revisions so that women are not discouraged from entering residential programs for victims of domestic violence and from seeking services. The cost of residential programs must never be used as a reason to deter a victim from seeking shelter and services. The safety and well-being of the victim and her children must take the first priority.

### **III. Program Implications**

This release reflects the combined efforts of the OTDA, OCFS and OPDV to address the continuing concerns and frequently asked questions related to the safety of victims of domestic violence and their children. It also seeks to clarify the funding sources available for paying residential programs for services rendered to victims of domestic violence and serves as a reminder of the requirements and policies surrounding the provision of services to these victims and their families.

It is important to emphasize that the completion and signing of the Statewide Common Application form (LDSS-2921) is the beginning of the reimbursement process. This is true whether the residential program is ultimately reimbursed through Temporary Assistance programs or through Title XX funds. Therefore, we encourage local districts to provide application forms to the residential programs in their districts to facilitate the application process. Another way to facilitate this process is for local districts to, whenever possible, make arrangements with domestic violence residential programs to conduct the face-to-face interview that is necessary for TA eligibility at a neutral and safe location.

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