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Administrative Directive Memorandum

Section 1

Table with 2 columns: Field (Transmittal, To, Issuing Division/Office, Date, Subject, Suggested Distribution, Contact Person(s), Attachments) and Value.

Filing References

Table with 6 columns: Previous ADMs/INFs, Releases Cancelled, Dept. Regs., Soc. Serv. Law & Other Legal Ref., Manual Ref., Misc. Ref.

OTDA-19-ADM-11
19-OCFS-ADM-15
(Rev. 10/2019)

94-LCM-153 93-ADM-24 92-LCM-104					LDSS- 4148A, 4148B & 4148C
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## Section 2

### I. Purpose

The purpose of this Administrative Directive (ADM) is to provide social services districts (districts) and residential programs for victims of domestic violence (DV) with resources to help them inform DV victims in need of DV shelter services of their right to apply for public assistance, otherwise known as Temporary Assistance (TA), and to help them make an informed decision about whether to apply for such assistance.

This ADM also introduces two new resources: *Desk Guide for Informing Victims of Domestic Violence (DV) About Temporary Assistance (TA)* (attachment 1) and *Information About Temporary Assistance for Victims of Domestic Violence* (attachment 2). These new resources will assist districts and DV residential programs with meeting the requirements found in 19-OCFS-ADM-03 and [19-ADM-05](#).

### II. Background

Part J of Chapter 56 of the Laws of 2019, amended sections 131-u and 459-f of the SSL to eliminate the requirement that victims of DV apply for TA to pay for the costs of emergency shelter and services at a residential program for victims of DV, and repealed requirements that providers charge certain victims a share of the costs for services.

As such, the New York State Office of Children and Family Services (OCFS) and the New York State Office of Temporary and Disability Assistance (OTDA) released 19-OCFS-ADM-03 and 19-ADM-05, informing DV residential shelter providers and districts that effective June 14, 2019, DV residential shelter providers can no longer require a resident to apply for TA, and are prohibited from charging them any fees for their stay in the residential program.

### III. Program Implications

When a DV victim seeks emergency shelter at a residential program for victims of domestic violence, the program must provide them with information regarding benefits they may be eligible for when applying for TA, as well as their right to refuse to apply for TA. Victims seeking emergency DV shelter cannot be required to apply for TA and cannot be held responsible for fees associated with their residential DV shelter stay if they choose not to apply for TA.

DV victims may seek clarity on how the receipt of benefits such as TA may impact their immigration status. If an individual has a question specific to public charge, including but not limited to how the receipt of benefits might affect the individual's immigration application or status, workers should inform the individual that they are unable to answer such a question and notify them that they should contact their immigration attorney and/or refer the individual to the Office for New Americans Hotline at: 1-800-566-7636.

There is no change to the policy that requires districts to offer and provide necessary and available emergency shelter and services at a DV residential program to DV victims regardless

of whether a person is eligible for TA. These changes apply to victims of DV who receive residential services as of June 14, 2019.

#### IV. Required Action

##### A. Residential Programs for Victims of Domestic Violence

Regulations 18 NYCRR 452.9(a)(7)(xii) require that within the first business day of entry into the residential program, the residential program must provide victims of DV with information explaining their right to apply for TA, as well as information to make an informed decision whether to apply for such assistance. This information must include but is not limited to: understanding what personally identifying information is required, how that information will be used, what benefits, and services are available through TA, and the personal privacy requirements and program waivers required under TA.

In order to provide victims of DV with the information relative to this requirement, OCFS prepared the *Desk Guide for Informing Victims of Domestic Violence (DV) About Temporary Assistance (TA)* (attachment 1) for staff of residential domestic service providers to use as a guide when describing the process and potential benefits of applying for TA with the DV victim.

Additionally, the brochure *Information About Temporary Assistance for Victims of Domestic Violence* (attachment 2) is being made available to residential DV providers to provide to DV victims as they consider whether to apply for TA. This brochure is required to be provided to all DV victims upon their entry into the program, but no later than the first business day following program admission. Staff should review the brochure with victims to promote their understanding of the requirements of and benefits of applying for TA, as well as the victims' right to decline to apply for TA and the potential impact of that decision.

##### B. Districts

Districts cannot require that DV victims apply for TA in order to receive DV services. Additionally, regulations now require that districts provide victims of DV with information explaining their right to apply for TA as well as information to make an informed decision whether to apply for such assistance. This information must include but is not limited to: understanding what personally identifying information is required, how that information will be used, what benefits and services are available through TA, and the personal privacy requirements and program waivers required under TA.

Districts may meet these requirements by providing the brochure *Information About Temporary Assistance for Victims of Domestic Violence* (attachment 2) to DV victims seeking DV shelter services to promote their understanding of the requirements of and benefits of applying for TA, as well as their right to decline to apply for TA and the potential impact of that decision.

There is no change to the requirement that all applicants and recipients of TA must be provided the client information books; [LDSS-4148A](#), Book 1: *What You Should Know About Your Rights and Responsibilities*, [LDSS-4148B](#), Book 2: *What You Should Know About Social Services Programs*, and [LDSS-4148C](#), Book 3: *What You Should Know if You Have an Emergency*.

C. Forms

The *Desk Guide for Informing Victims of Domestic Violence (DV) About Temporary Assistance (TA)* (attachment 1) and the brochure *Information About Temporary Assistance for Victims of Domestic* (attachment 2) are available on the OCFS intranet website at: <http://ocfs.state.nyenet/> in English. OCFS will translate these documents into the following languages: Bengali, Chinese, Haitian Creole, Korean, Russian, and Spanish. Once completed, the desk guide and brochure will be posted on the OCFS intranet and website.

V. **Effective Date**

Effective immediately

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