



Office of Temporary and Disability Assistance

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Administrative Directive Memorandum

Section 1

Transmittal:	26-ADM-01
To:	Social Services District Commissioners
Issuing Division/Office:	Employment and Income Support Programs
Date:	February 5, 2026
Subject:	Domestic Violence Policy Changes
Suggested Distribution:	Directors of Public Assistance Domestic Violence Liaisons Staff Development Coordinators Domestic Violence Services Programs
Contact Person(s):	Public Assistance Bureau at (518) 474-9344 or tabureau@otda.ny.gov
Attachments:	Attachment 1 - Model Assessment Tool Attachment 2 - LDSS-5051: Self Attestation Attachment 3 - LDSS-4872: Domestic Violence Assessment Checklist Attachment 4 - LDSS-4873: Domestic Violence Reassessment Checklist

Filing References

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
98-ADM-03 99-ADM-08 01 ADM-03 01 INF-19 Attachment 02 INF-06 02 INF-36 Attachment 03-ADM-05 06-INF-11 06-INF-14 06 INF-34 22-ADM-10	None	18 CRR-NY 351.2(l) Parts, 369	SSL 20(3)(d),34(3)(f), 131(1), 132, 349-a(5); Part I of Chapter 55 of the Laws of 2025	TASB CH. 9 TASB CH 24 TASB CH. 26	20 TA/DC042 21 TA/DC005 22 TA DC023 WMS SRM(1) CH. 14 WCL020226

Section 2

I. Summary

This Administrative Directive Memorandum (ADM) informs social services districts (districts) about a change in Public Assistance (PA) domestic violence (DV) policy, eliminating the need for Domestic Violence Liaisons (DVLs) to assess the credibility of domestic violence (DV) disclosure. This applies to individuals applying for or receiving PA. DVLs are now required to accept an individual's self-attestation as sufficient, with or without any other relevant information the individual provides when conducting a DV assessment for waivers to PA requirements.

This release provides districts with new and updated guidance on the responsibilities and procedures when working with individuals who disclose DV. The Office of Temporary and Disability Assistance (OTDA), in consultation with the Office of Prevention of Domestic Violence (OPDV), has updated the attached DV Model Assessment Tool and related assessment forms to remove credibility language and to reflect updated DV terminologies and current best practices when working with DV victims/survivors. This release also includes reminders of current procedures to support consistency across districts.

II. Purpose

The State Fiscal Year (SFY) 2025-26 NYS Budget amended § 1, subdivision 4 of § 349-A(5) of the Social Services Law § 349-A(5)(10); Part I of Chapter 55 of the Laws of 2025. This amendment eliminates the requirement that DVLs determine the credibility of an individual's assertion of DV when determining if victims of DV are eligible for temporary waivers to public assistance program requirements. This change in the law supports victims of DV and guides district DVLs to use a trauma-informed and survivor-centered approach. The DVL's responsibility will be to assess if program waivers are needed, and if needed, to grant those waivers.

Effective February 3rd, 2026, anyone identifying as a victim of DV when applying for PA is considered credible based on self-attestation and any relevant information voluntarily provided by the individual disclosing abuse. Rather than assessing whether an individual is credible, DVLs will assess if and how DV affects a person's ability to meet PA program requirements. The DVL will grant any appropriate waivers for PA program requirements based on the DV assessment and or any relevant information.

Amendments are being made to 18 NYCRR § 351.2(l) to align with the amended State statute SSL § 349-a(5).

III. Background

The Federal Violence Option (FVO) was introduced via [98-ADM-03, Domestic Violence: Family Violence Option under the Welfare Reform Act of 1997](#). The FVO requires states to create procedures to screen all individuals applying for, or receiving PA, for DV. Under this rule, everyone applying for or receiving PA must also be informed about DV services and receive information on waivers of PA program requirements and good cause claim options that may be available for themselves and their minor children. The DVL can

provide waivers from program requirements that may inadvertently put the individual or their children at risk of further abuse or make it more difficult to escape from the abuse.

Under previous state law and guidance, the DVL would assess if the DV disclosure was credible before determining how it impacted program eligibility. This approach no longer aligns with best practices or trauma-informed methods for supporting DV victims. All DV credibility assessment requirements in preceding guidance documents are superseded by this ADM. Anyone who self-identifies as a DV victim must be referred to a DVL. The survivor's decision to meet with the DVL is voluntary.

IV. Program Implications

DVLs will no longer evaluate whether an individual's DV allegation is credible. The initial assessment will now be to determine the individual's need for program waivers based on the individual's self-attestation of abuse.

The past policy accepted self-attestation only upon the absence of any corroborating evidence from the individual alleging the abuse. With the new amendment, the DVL must now treat a DV survivor's self-attestation as the primary method for determining the existence of DV is a barrier to the individual's compliance with PA program requirements.

V. Required Action

Districts must assess their current processes to ensure they adhere to the guidelines in this ADM. When an individual indicates the presence of DV on the screening form (LDSS 4583) and/or asks to speak with a DVL, districts must refer that individual to a DVL as soon as practicable and prior to any other program eligibility assessment. Any disclosures will be voluntary and confidential, with the exception of alleged child abuse or neglect.

The DVL must review any safety concerns and conduct an assessment to determine to what extent DV is a barrier to the individual's compliance with PA requirements or that could put themselves or their children at risk for further abuse or make it more difficult to escape from the abuse. This determination will be based on the individual's Self-Attestation (Attachment 2), or for those who chose not to provide an attestation, any other relevant information the individual provides. Some examples of supporting information may include, but are not limited to:

- an order of protection;
- court, medical, criminal, child protective services, social services, psychological, or law enforcement records;
- presence in a DV shelter;
- a signed statement by a DV counselor or another counselor; or
- other corroborating evidence.

During the assessment, the DVL must review and provide a brief overview of PA compliance requirements, such as child support, employment, or other program requirements as applicable to the individual.

The Model Assessment Tool (Attachment 1), which was developed to guide liaisons in making determinations as to credibility and waivers, has been revised to remove the credibility assessment.

Use of the Model Assessment tool is highly recommended to ensure DVLs conduct DV assessments with consistency. It helps the DVLs in understanding the nature of abuse, the relationship dynamic, and other factors which could affect the individual's engagement with PA program requirements and supports what waiver determinations are appropriate.

It is strongly recommended that DVLs use the *LDSS-4872: Domestic Violence Assessment Checklist (Attachment 3)* in the first interview. Then, during the reassessment, they should use the *LDSS-4873: Domestic Violence Reassessment Checklist (Attachment 4)*. Checklists are used as part of the individual's DV case file to help ensure that the DVL obtains forms and documentation for the FVO file. Districts may use approved local equivalents to these checklists. All DV documents should be stored confidentially in the DV case file.

Initial DV waivers are granted for a period of at least four (4) months. However, if a waiver period needs to be shortened due to a change in circumstances, the dates can be adjusted. All such waivers will be subject to ongoing review of the individual's circumstances by the DVL. Waivers may be extended, modified or terminated based on such review, at any time, including the time covered by the initial four (4) months. A waiver must never be adjusted or terminated without discussing it with the DV survivor first.

DVLs must conduct a reassessment interview for a waiver extension prior to the expiration of the initial waiver period. DVLs must make it clear to the individual, during their initial interview, that their DV waiver will expire if they do not return for a reassessment interview. The reassessment interview should be scheduled 30 days before the expiration date of the individual's waiver. This time frame should be discussed with the individual during the initial assessment. Based on the reassessment, the DVL will; update the file with current information regarding the individual's situation:

- update the service plan;
- review any immediate safety concerns;
- determine the need to continue a waiver;
- provide notice to all necessary program areas; and
- enter information into the Welfare Management System (WMS) DV Subsystem.

Once an assessment determination has been made:

- If a waiver denial is issued, or an extension of such waiver has been denied or such waiver has been terminated or modified, the victim must be notified of their right to a Fair Hearing and the ability to seek a waiver assessment in future.
- the DVL must notify the appropriate unit(s) of the waiver decision using the [LDSS-2859: Information Transmittal](#) or follow locally established procedures for this notification process, while maintaining strict confidentiality;

- the DVL must enter individual waiver information into the DV Subsystem. This will automatically generate a DV indicator in WMS.

WMS Domestic Violence Subsystem

As noted in [GIS 22 TA/DC023](#), DVLs must enter DV waiver information into the WMS DV Subsystem as it is critical for tracking purposes. The WMS DV Subsystem and the related training module, “Using the WMS Domestic Violence Subsystem,” are being updated to remove all language of credibility and credibility assessment indicators. The focus will be on the DV assessment for waivers. Entry into the DV Subsystem is an essential tool to help identify and assess the prevalence of DV, and its use is required. Further guidance regarding updates to the WMS DV Subsystem can be found in the WMS Coordinator Letter, [WCL020226 - WMS Domestic Violence Subsystem Code Modification](#).

Forms

The following DV assessment tool and LDSS forms have been updated to comply with the statutory changes to remove credibility language. Additional revisions have been made to the language of the Model Assessment Tool, to reflect DV best-practices, using a DV informed approach that is survivor-centered, trauma informed and culturally responsive.

- Attachment 1: *Model Assessment Tool*
- Attachment 2: LDSS-5051: *Self Attestation*
- Attachment 3: LDSS-4872: *Domestic Violence Assessment Checklist*
- Attachment 4: LDSS-4873: *Domestic Violence Reassessment Checklist*

Forms Access and Ordering Information

OTDA has posted the revised On-Demand LDSS documents on the intranet website at: http://otda.state.ny.net/ldss_eforms/ and districts can download them for local reproduction.

<https://otda.ny.gov/policy/directives/2016/ADM/16-ADM-03.pdf>

If submitting a request for approval of a local equivalent form electronically, please include an electronic Word version of the proposed form with your memo. The request should be sent to the email address for review and approval: otda.sm.Local.Equivalent.Requests@otda.ny.gov

When this ADM is released, each district must destroy all previous versions of the Model Assessment Tool and LDSS forms listed above. These must be immediately replaced with the revised 02/26 versions.

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Division/Office: Employment and Income Support Programs/NYS Office of Temporary and Disability Assistance