

DOMESTIC VIOLENCE

Policy & Procedures

Requirements for domestic violence screening, assessment, and referral for services, public assistance program waivers.

(1) Definitions.

- (i) For purposes of this subdivision, victim of domestic violence means an individual who has been subjected to:
 - (a) physical acts that resulted in, or could result in, physical injury to the individual;
 - (b) sexual abuse;
 - (c) sexual activity involving a dependent child;
 - (d) being forced as the caretaker relative of a dependent child to engage in nonconsensual sexual acts or activities;
 - (e) threats of, or attempts at, physical or sexual abuse;
 - (f) mental abuse; or
 - (g) neglect or the deprivation of medical care; and
 - (h) such act or acts have or are alleged to have been committed by a family or household member.
- (ii) For the purposes of subparagraph (i) of this subdivision, family or household members mean the following persons:
 - (a) persons related by blood or marriage;
 - (b) persons legally married to one another;
 - (c) persons formerly married to one another regardless of whether they still reside in the same household;

- (d) persons who have a child in common regardless of whether such persons are married or have lived together at any time;
- (e) 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;
- (f) unrelated persons who have had intimate or continuous social contact with one another and who have access to one another's household; or
- (g) any other persons referenced in section 459-a(2) of the Social Services Law.

(2) Domestic violence liaison.

- (i) Responsibilities. Domestic violence liaisons are responsible for the following tasks:
 - (a) assessing the credibility of the applicant/recipient's assertion of domestic violence based upon information and corroborating evidence;
 - (b) assessing the safety of the victim and the victim's dependents and their need for services and support;
 - (c) informing a victim of domestic violence referred to the liaison about domestic violence and the options for protection, services and other supports;
 - (d) informing a victim of domestic violence referred to the liaison about the rights and responsibilities with respect to obtaining waivers of public assistance program requirements;
 - (e) gathering facts regarding the extent to which domestic violence is a barrier to the victim of such violence meeting public assistance program requirements including employment requirements and the need for obtaining waivers of such requirements;
 - (f) determining the need for waivers where compliance with public assistance program requirements would place the victim and/or the victim's children at greater risk of harm or make it more difficult to escape from the abuse, and making recommendations for granting waivers or granting waivers of public assistance program requirements;

- (g) periodically reassessing the individual's domestic violence circumstances and modifying, terminating or extending the public assistance program waiver(s) at least every six months;
 - (h) maintaining a list of, at a minimum, available domestic violence services and maintaining a relationship with the providers of the services including, but not limited to domestic violence service providers, key court personnel and the local domestic violence coalition, where applicable;
 - (i) coordinating activities with other case managers and examiners within the social services district;
 - (j) facilitating emergency safety planning for victims of domestic violence in a crisis situation, as necessary; and
 - (k) developing an appropriate services plan (when a waiver is granted) designed to lead to work.
- (ii) Qualifications. Social services districts must give a strong preference to relevant advocacy or counseling experience in determining whether someone should be designated a domestic violence liaison. Domestic violence liaisons must meet the following minimum job qualifications:
- (a) be a caseworker, or
 - (1) possess a bachelor's degree, or
 - (2) have one year of domestic violence advocacy or domestic violence counseling experience with an approved domestic violence program, or
 - (3) have two years of relevant advocacy or domestic violence counseling experience; and
 - (b) complete a course of training for domestic violence liaisons sponsored by the Office of Temporary and Disability Assistance (Office); and
 - (c) possess good communication, listening and assessment skills and the ability to work positively in a team setting.
- (iii) If a social services district chooses to contract for the domestic violence liaison position(s), it must comply with the following requirements:

- (a) the agency employing the liaison(s) must be an approved residential program for victims of domestic violence pursuant to Part 452, 453, 454, or 455 of this Title and/or a non-residential program for victims of domestic violence pursuant to Part 462 of this Title;
 - (b) if it is not feasible for the assessment function to be carried out at the offices of the social services district, the district must make provision for ensuring that individuals can go to the alternative location, that their safety will be ensured and that their confidentiality will be maintained. The district must make this information available to the Office when requested;
 - (c) the liaison must maintain regular contact with appropriate social services district staff, including providing the district with data pertaining to public assistance program waivers; and
 - (d) the agency employing the liaison and the district must provide each other with necessary training so that the agency and district can optimally fulfill their obligations under this subdivision.
- (3) Universal notification. Social services districts must notify all public assistance applicants and recipients of the procedures for protecting themselves from domestic violence and the availability of domestic violence services. Such notification will be done by using the universal notification handout, developed by the Office in consultation with the Office for the Prevention of Domestic Violence and statewide domestic violence advocacy groups.
- (4) Screening and referral to liaisons.
- (i) Social services districts must inquire of all public assistance applicants and recipients regarding the existence of any domestic violence committed against the applicant or recipient. Such inquiry will be done by using the universal screening form developed by the Office in consultation with the Office for the Prevention of Domestic Violence and statewide domestic violence advocacy groups.
 - (ii) Social services districts must advise clients that responding to questions concerning the existence of domestic violence is voluntary and that any response will remain confidential; provided, however, that information regarding suspected maltreatment or abuse of children will be reported to the Statewide Central Register of Child Abuse and Maltreatment.

- (iii) Social services districts must make the screening form available for voluntary client completion, in writing, at the application and recertification interview. However, the district must accommodate clients who wish to provide this screening information verbally when completion is not possible due to literacy problems. The district must also accommodate clients who wish to provide this screening information at another time when completion is not initially possible due to risk of danger to themselves, for example due to the presence of the batterer at the time of the initial screening. The district must provide the screening form to any individual who at any time is identified as a victim of domestic violence, or otherwise requests such screening.
- (iv) When an individual indicates the presence of domestic violence by providing an affirmative response on the screening form, the district must refer that individual to a domestic violence liaison as soon as practicable and prior to any other assessment.

(5) Assessment of credibility.

- (i) The domestic violence liaison must, as soon as practicable, assess the credibility of a positively screened individual's assertion of domestic violence based upon all relevant information including, but not limited to: an order of protection; court, medical, criminal, child protective services, social services, psychological, or law enforcement records; presence in a domestic violence shelter; a signed statement by a domestic violence counselor or other counselor or other corroborating evidence.
- (ii) Such assessment must be based upon the relevant information and corroborating evidence, but must in the absence of other sufficient evidence include, at a minimum, a sworn statement by the individual alleging the abuse.

(6) Services referral and waiver assessment.

If the domestic violence liaison determines that the allegation of domestic violence is credible, the domestic violence liaison must, as soon as practicable:

- (i) inform the individual of services related to domestic violence, which are available to the individual on a voluntary basis;

- (ii) conduct an assessment to determine if and to what extent domestic violence is a barrier to compliance with public assistance program requirements or to employment;
- (iii) assess the need for temporary waivers of such program requirements;
- (iv) recommend or grant any necessary waivers in coordination with social services district staff who are charged with the implementation of such waivers and/or the administration of public assistance program requirements;
- (v) inform social services district staff responsible for the administration of public assistance requirements of the final determination or recommendation with respect to waivers; and
- (vi) develop an appropriate services plan (when a waiver is granted) designed to lead to work.

(7) Waivers.

- (i) Waivers are a temporary suspension of public assistance program requirements including, but not limited to, residency rules, child support and paternity cooperation requirements, alcohol and substance abuse screening and referral requirements, employment and training requirements, and Learnfare. Any such waivers must be consistent with federal law.
- (ii) The granting of a waiver does not affect the amount of the grant or the budgeting of income for the applicant or recipient.
- (iii) Waivers will be granted in cases where compliance with public assistance program requirements would make it more difficult for the individual or the individual's children to escape from domestic violence or subject them to further risk of domestic violence. Such waivers must be for an initial period of not less than four months. All such waivers will be subject to on-going review of the individual's circumstances by the domestic violence liaison and may be extended, modified or terminated based on such review at any time, including the time covered by the initial four month waiver period. The need for waivers shall be redetermined at least every six months.

- (iv) In considering the extension of waivers, the domestic violence liaison must consider the totality of the individual's case circumstances. However, unwillingness on the part of the individual to engage in any options, steps or activities that might assist the individual in terms of safety or self-sufficiency may affect the individual's credibility.
 - (v) Waivers will be granted appropriately based on need.
 - (vi) Waivers may be granted permitting the receipt of Family Assistance benefits by individuals who have already received benefits for sixty months and who would not be required to participate in work or training activities, pursuant to the regulations of the Office of Temporary and Disability Assistance, because of an independently verified physical or mental impairment resulting from domestic violence that is anticipated to last for three months or longer, or if the individual is unable to work because of the need to care for a dependent child who is disabled as a result of domestic violence.
 - (vii) An individual may decline a waiver or terminate an existing waiver at any time without penalty.
- (8) Alien eligibility and deeming.
- (i) Under Immigration and Naturalization Services (INS) rules, certain battered aliens not otherwise considered qualified aliens for public assistance eligibility purposes can petition INS and be granted qualified alien status thereby entitling them to receive benefits. Aliens so qualified will be issued a "Notice of Prima Facie Case" by INS.
 - (ii) Social services districts must exempt such battered aliens from alien deeming requirements in accordance with section 352.33(c) of this Title.