

Minutes from Domestic Violence Non-Residential Committee Meeting
April 30, 2009

Participants:

Anne Ball
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Survey:

A summary of the survey results was sent to all chair people for each subcommittee.

Definition of counseling:

Language was drafted keeping in mind and balance statewide differences in non-residential programs. Because of trauma issues many victims are dealing with it was felt that "counselor" should have certain skills. At the same time it was noted that small program in poorer counties may not be able to hire higher educated staff with such skills. Adding the higher skills required may result in a need for higher charge to LDSS to pay the increased salary for higher educated staff. Small programs may not be able to pay for a full or part time employee and may need to pay a consultant. Committee acknowledged this is a difficult time for LDSS to come up with additional funds and smaller programs may not be able to hire even on a consultant basis without having upfront money to do so.

One committee member mentioned that the University of Buffalo offers 100 hours of specialized courses resulting in a certificate in trauma counseling. The courses are offered as a post graduate course of study. There was some discussion of whether the language in the regulations should be so specific, re: "trauma counseling" staff qualifications. One suggestion was to use "should" rather than "must" as must would become an unfunded mandate to hire staff with these qualifications. It was decided that the committee would keep the more stringent language at this point and get input from non-residential providers not represented on the subcommittee to determine if the language should be less stringent. Another possibility discussed was to land on what everyone would consider the minimum qualifications and offer recommended practice to encourage a higher level of qualification.

The specific references to training by NYSCADV, OPDV was modified to state that the training must be "based on information consistent with educational materials from OPDV" and trainees should attend workshops sponsored by NYSCADV "or an equivalent local training". Some discussion regarding deleting the word "local" as there may be training available from entities other than NYSCADV that may not be a "local" program (ex. universities). Discussion about whether OCFS counsel's office would allow inclusion of a specific organization's name in the regulation. It was decided that names would remain in the proposed language but the committee would work on alternative language to have available if needed. A committee mentioned that the "Services subcommittee" is also working on language to modify the definition of counseling so this committee may want to share proposed language with the Services subcommittee. It was recommended that the word "self-sufficiency" be replaced with "self-determination".

Definition of Advocacy:

Terminology such as “active intervention, or accompaniment” should be added to the regulation to make sure programs offer direct advocacy rather than advocacy that only takes the form of referrals to other entities.

Requirement to Provide All Core Services Directly:

There was a discussion on the pluses and minuses of changing regulatory language to allow approval of a Non-Residential program to make arrangements for someone else to do some of the core services:

Two major minuses (to broadening the definition of programs that could be approved as a non-residential program to those do not directly provide all the required core services) is that this would dilute the FFVPSA Funds which are already insufficient to support programs and the victim would have to provide the same information to multiple agencies rather than having all services provided under one roof.

A plus in allowing approval for a non-residential that does not directly provide all services is that all of such programs would be pulled into the regulatory authority of OCFS and would have to meet minimum standards for the services they do provide. Additionally, in some communities there may be multiple DV non-residential providers that have developed specialties in a particular area and allowing this model may allow them to provide DV victims with all core services via a small number of programs each providing specific services.

A suggestion was made to allow individual districts to select their DV non-residential providers and determine which providers would provide particular core services. The majority of the committee strongly disagreed with this approach as the decisions may be made to support agencies that do not share the basic philosophical approach to empowering women and may even offer services that could put the victim in danger. One example is law enforcement agencies whose primary concern is conviction of the perpetrator and who may pressure the victim to take action that could put the victim in more danger. Another example is agencies that provide couples counseling or mediation as a means of addressing domestic violence. The Services subcommittee had discussed possibly putting a restriction in regulation that approved DV programs must be non-profit, non-governmental entities. This committee recommends that the language allow for a default to other entities but only when there is no non-profit, non-governmental entity available to provide such services. State staff will ask counsel's office if there is a precedent in other regulations and if so, how that language reads.

Next Meeting is May 27, from 3-5 p.m.

Final wrap-up meeting is scheduled for Wednesday June 3 from 3-5 p.m.