

A new subdivision (c) is added to Section 462.2 of Title 18. The subsequent subdivisions (c) and (d) are re-lettered to (d) and (e) respectively, and the re-lettered subdivision (d) and (e) are amended to read as follows:

(c) Office means the New York State Office of Children and Family Services.

[(c)](d) Residential program for victims of domestic violence means any residential program as defined in Part 452.2 of this Title, approved by the [department] Office and operated by a not-for-profit organization for the purposes of providing temporary shelter, emergency services [and care] to victims of domestic violence. Residential programs for victims of domestic violence include: domestic violence shelter, domestic violence mixed occupancy shelter, domestic violence sponsoring agency, and safe home network.

[(d)](e) Victim of domestic violence means any person [16 years of age or older] over the age of sixteen, any married person or any parent accompanied by [his or] his/her minor child(ren) [or children] in situations in which such person or such person's child is a victim of an act which would constitute a violation of the Penal Law, including, but not limited to acts constituting disorderly conduct, harassment, aggravated harassment, sexual misconduct, forcible touching, sexual abuse, stalking, criminal mischief, menacing, reckless endangerment, kidnapping, assault, attempted assault, [or] attempted murder, criminal obstruction of breathing or blood circulation, strangulation, identity theft, grand larceny or coercion; or through acts including and not limited to, intimidation, coercive control, emotional and psychological abuse and behavior, expressive and psychological aggression, financial abuse, harassment, tormenting behavior, disturbing or alarming to such person or such person's child; and

- (1) such act or acts have resulted in actual physical or emotional injury or have created a substantial risk of physical or emotional harm to such person or such person's child; and
- (2) such act or acts are or are alleged to have been committed by a family or household member. Family or household members means the following individuals:
 - (i) persons related by blood or marriage;
 - (ii) persons legally married to one another;
 - (iii) persons formerly married to one another regardless of whether they still reside in the same household;
 - (iv) persons who have a child in common regardless of whether such persons are married or have lived together at any time;
 - (v) 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; or
 - (vi) unrelated persons who have had intimate or continuous social contact with one another and who have access to one another's

household.

Subdivision (e) of Section 462.2 of Title 18 is repealed.

[(e)] [For the purposes of subdivision (d) of this section, "family or household members" means the following persons:

- (1) persons related by blood or marriage;
- (2) persons legally married to one another;
- (3) persons formerly married to one another regardless of whether they still reside in the same household;
- (4) persons who have a child in common regardless of whether such persons are married or have lived together at any time;
- (5) 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; or
- (6) unrelated persons who have had intimate or continuous social contact with one another and who have access to one another's household.]

Subdivision (a) paragraph (2) Section 462.3 of Title 18, is amended as follows:

- (2) (i) Non-residential services for victims of domestic violence must be provided in a manner which addresses the needs of victims of domestic violence who have special needs including, but not limited to, victims who are physically handicapped, hearing impaired and non-English speaking. [Victims of domestic violence who meet the eligibility criteria for protective services for adults as set forth in Part 457 of this Title must receive services in accordance with that Part.]

Subdivision (c) of Section 462.3 of Title 18 is amended to create new subparagraphs (1), (2), (3), and (4), as follows:

- (c) Data collection requirements. Each social services district must provide the [department] Office, on such forms or in such manner as the [department] Office may require from time to time, with aggregate non-personally identifying data regarding:
 - (1) the number of victims, children of victims and other family or household members which received services from each non-residential program for victims of domestic violence operated directly by the social services district or by a not-for-profit organization pursuant to a purchase of services contract with the district;

- (2) the types of services such persons received;
- (3) the number of telephone hotline calls and other telephone calls requesting information and/or referral services received by each program;
- (4) and any other data required by the [department] Office.

Subdivision (a) of section 462.4 of Title 18 is amended to read as follows:

- (a) Core services. Each non-residential program for victims of domestic violence operated directly by a social services district or by a not-for-profit organization pursuant to a purchase of services contract with a social services district must offer and provide all of the following core services directly. Acceptance of any service on behalf of the victim of domestic violence is voluntary. Core services must be offered on a daily basis, excluding weekends and holidays, during regular business hours:

Paragraph (1) of subdivision (a) of section 462.4 of Title 18 is amended to create new subparagraphs (i), (ii) and (iii) as follows:

- (1) Telephone hotline assistance which means providing immediate crisis intervention counseling and information and referral services to victims of domestic violence through a telephone hotline.
 - (i) Such assistance must be provided directly by the non-residential program during regular business hours.
 - (ii) When the program is closed, the non-residential program, at a minimum, must have an answering machine that provides victims of domestic violence with a telephone number to call for emergency assistance.
 - (iii) The employees and volunteers responsible for providing telephone hotline assistance must have received training on the dynamics of domestic violence, the program's services, and the availability of residential programs for victims of domestic violence and of other community resources.

Subparagraph (ii) of paragraph (2) subdivision (a) of Section 462.4 of Title 18 is amended as follows:

- (ii) providing [perpetrators and] alleged perpetrators of domestic violence, upon request, with information and referral to existing community services and programs which may meet the individual needs of such [perpetrators] persons; and

Paragraph (3) of subdivision (a) of section 462.4 of Title 18 has formatting changes and subparagraphs (i) and (ii) are amended as follows:

- (3) Advocacy which means providing liaison services or active intervention with

community services and programs on behalf of victims of domestic violence.

- (i) Such services must include, [as appropriate] and are not limited to, assistance in accessing legal services, remedies and protections [and law enforcement personnel]; obtaining medical care, social services, employment and housing; and [obtaining and] submitting public assistance applications, where appropriate.
- (ii) The employees and volunteers responsible for advocacy services must [have received training on] be knowledgeable about the community services and programs that are available to meet the needs of victims of domestic violence, and of the rights of victims of domestic violence to obtain necessary services and assistance.

Subparagraphs (i), (ii), (iii), subparagraph (a) of paragraph (4) of subdivision (a) of section 462.4 of Title 18 are amended as follows:

- (4) Counseling [which means providing individual and/or group counseling to victims of domestic violence.] refers to crisis intervention, emotional support, guidance and counseling provided by advocates, case managers, counselors or mental health professionals. Such counseling may occur in person or by telephone.
 - (a) Counseling must address the needs of the victim of domestic violence. Such needs include and are not limited to: [The counseling provided must stress self-sufficiency and must:]
 - [(i)] [address the needs identified by the victims;
 - [(ii)] assist the victims to seek services on their own behalves;]
 - [(iii)](i) [inform the victims of the] options available to [ensure] enhance their safety and the safety of their minor children, as applicable;
 - [(iv)](ii) information to enhance the [victims] victim's understanding of the nature of [family] domestic violence and its effects on children, as appropriate;
 - [(v)](iii) informing [the] victims of the legal, financial and housing options available to them[; and].
 - [(iv)] [assist the victims to improve their problem-solving skills.]
 - (b) Mediation or [C]ounseling for couples must not replace the individual and/or group counseling which must be made available to victims of domestic violence pursuant to this subdivision. Nothing in this provision requires that mediation or counseling for couples be provided, and would not be considered a core service.
 - (c) The employees and volunteers responsible for providing counseling must have the appropriate skills and training.

Paragraph (5) of subdivision (a) of section 462.4 of Title 18 is amended to create new subparagraphs (i), (ii), (iii), and (iv) as follows:

- (5) Community education/outreach activities which means providing educational activities to the community regarding the need for and benefits of domestic violence services, the dynamics of domestic violence, and the prevention of domestic violence by making presentations, distributing written materials and using the media.
 - (i) When there is more than one agency in the community providing non-residential and/or residential services to victims of domestic violence, a non-residential program must make an effort to coordinate its community education/outreach activities with these other agencies to avoid potential duplication of activities.
 - (ii) A segment of the community education/outreach activities must be focused on informing the personnel of schools, police agencies, courts, hospitals and social services districts about the availability of the program's services.
 - (iii) A segment of the community education/outreach activities also must be focused on informing victims of domestic violence, including underserved populations, about existing services for such victims. The community education/outreach activities must be relevant to the ethnic composition of the community.
 - (iv) To ensure the safety of persons receiving services for victims of domestic violence and the confidentiality of their identities, the community education/outreach activities must not identify the location where residential [and non-residential] services for victims of domestic violence are provided.

A new paragraph (6) is added to subdivision (a) of section 462.4 of Title 18, as follows:

- (6) Language access services, which means providing interpretation and translation services for limited and/or non-English speaking victims of domestic violence.

Paragraph (1) of subdivision (b) of section 462.4 of Title 18 is amended as follows:

- (1) Children's services, which means the program, in collaboration with the parent receiving services:

Paragraph (2) of subdivision (b) of section 462.4 of Title 18 is amended and creates new subparagraphs (i) and (ii) as follows:

- (2) Support groups which means [providing peer support to interested victims of domestic violence by conducting meetings during which groups of victims discuss their experiences with family domestic violence] a group of people

who have similar experiences and concerns related to domestic violence, and who meet to provide emotional help, advice and encouragement for one another.

- (i) Support groups must be coordinated by a qualified employee or trained volunteer.
- (ii) Support groups may not replace the individual and/or group counseling which must be made available to victims of domestic violence pursuant to subdivision (a) of this section.

Paragraph (4) of subdivision (b) of section 462.4 of Title 18 is repealed.

Subdivision (a) of section 462.5 of Title 18 adds a new paragraph (3), (4) and (5), as follows:

- (3) A written training plan must be developed for those staff positions involved in the direct provision of core services.
 - (i) This plan must include a description of the content of the orientation as described in this subdivision and address how staff will receive on-going training.
 - (ii) Effective April 20, 2020, the plan must include training in adverse childhood experiences, also known as ACEs [for each employee].
 - (iii) The plan may include and need not be limited to training in the following topics:
 - (a) Dynamics of domestic violence, including an understanding of the ongoing patterned use of intimidation, coercion, and violence to establish and maintain dominance over an intimate partner; and an understanding of coercive control tactics which can include physical, psychological, sexual economic and/or emotional abuse;
 - (b) Child abuse reporting requirements, including identification and prevention of child abuse and maltreatment, how to make a report to the state central register, reporting protocols, and what information can be provided during investigations;
 - (c) Statutes and regulations pertaining to non-residential programs for victims of domestic violence;
 - (d) Confidentiality issues which include the protection of personally identifying information of victims of domestic violence; protection of the physical addresses of residential programs for victims of domestic violence; protection of the identity of victims of domestic violence;

- (e) Legal remedies including providing an understanding of the legal rights and options available to victims of domestic violence. Legal remedies do not mean providing legal advice and/or representation by someone other than an attorney;
 - (f) Community resources and services, including community and/or government resources that can help victims of domestic violence meet their basic needs. Basic needs include and are not limited to: food, health, and housing. Services may include and are not limited to: transportation, employment, housing, health care, mental health care, alcohol/substance abuse, and social services;
 - (g) Organizational policy which includes: reviewing the organization's policies/personnel manual, time and attendance, job descriptions, safety and security, confidentiality, data systems, grievance protocols, etc.;
 - (h) Substance use, including and not limited to, understanding the needs of individuals struggling with substance use; how and when to seek emergency medical services for overdoses; and information regarding options available for residents who request information and/or referral for substance abuse treatment;
 - (i) Mental health, including and not limited to, an understanding of the impact [fo] of trauma to the health of domestic violence victims and their children; understanding the needs of individuals with developmental disabilities and/or mental health conditions; how to assist residents who request professional mental health services with access to those services;
 - (j) Diversity and inclusion, which includes: understanding how culture, ethnicity, religion, sexuality and/or gender identity/expression can influence/impact domestic violence victims; how to provide services to victims in a respectful manner as to increase the quality of services and provide better outcomes.
- (4) All compensated employees or volunteers providing direct provision of core services must have an individualized development plan that identifies trainings completed and future training topics the individual may need to increase their knowledge and/or skills needed to carry out their duties. The agency may exempt any person from participating in a particular topic upon demonstration of substantially equivalent knowledge or experience to that topic.
- (5) The program must maintain verification of completion of training requirements and provide such verification to the upon request.

Subparagraph (ii)(a)(1) of paragraph (2) of subdivision (b) of section 462.5 of Title 18 is amended to read as follows:

- (1) dynamics of [family] domestic violence;

A new subparagraph (b) of paragraph (2) of subdivision (b) of section 462.5 of Title 18, and the subsequent paragraph (b) is renumbered to (c).

Subdivision (a) of section 462.6 of Title 18 is amended as follows:

- (a) General requirements. A person who is a victim of domestic violence, as defined in section 462.2[(d)](e) of this Part, is eligible for non-residential services for victims of domestic violence whether or not the person is financially eligible for public assistance and care.

Subparagraph (ii) of subdivision (b) of section 462.6 of Title 18 is renumbered to paragraph (2) and is amended as follows:

- [(ii)](2) A person will be deemed eligible for non-residential services for victims of domestic violence when such person provides information that he or she is a victim of domestic violence as defined in section 462.2[(d)](e) of this Part. The person may provide oral and/or documentary information to establish such eligibility. Once information is provided which establishes that the person is a victim of domestic violence, the person may not be required to provide any additional information for the purpose of determining eligibility.

A new subdivision (c) Section 462.6 of Title 18 is added as follows:

- (c) Non-residential programs for victims of domestic violence must provide appropriate services for all victims of domestic violence as defined in section 462.2(e), regardless of race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, marital status, familial status, disability, predisposing genetic characteristics, alien or non-qualified alien, or limited English proficiency.

Subparagraph (ii) of paragraph (2) of subdivision (b) of section 462.7 of Title 18 is renumbered to (iii), a new subparagraph (ii) is added, and subparagraph (ii)(a), paragraph (2) is amended as follows:

- (ii) There must be written personnel policies which include a nondiscrimination clause and which describe the terms and conditions of employment including hours of work, salary, vacation and sick leave, benefits, overtime policy, and any requirements regarding attendance at educational and training programs.

- [(ii)](iii) Individual personnel records must be maintained for each [staff] person responsible for providing non-residential services for victims of domestic violence. Such records must include the following information:

- (a) the name of the [staff] person, age, social security number, current home address and a person to contact in the event of an emergency;

A new paragraph (c) with subparagraphs (1), (2) and (3) is added to section 462.7 as follows:

(c) Record Retention

- (1) Operational records must be maintained for a minimum period of six years.
- (2) Individual case records must be retained by the program for a minimum of six years after the individual stops seeking non-residential services. If the individual returns for non-residential services as a result of a new domestic violence incident, the record retention period starts over.
- (3) Once a program determines the record(s) must be destroyed, it must do so in a manner that maintains the confidentiality of the records.

Subdivision (a) of section 462.8 of Title 18 is amended, and paragraphs (1) and (2) are added as follows:

- (a) [Each] Employees of non-residential program for victims of domestic violence operated directly by a social services district or by a not-for-profit organization pursuant to a purchase of services contract with a social services district must report [by telephone] any incidents of suspected child abuse or maltreatment to the Statewide Central Register of Child Abuse and Maltreatment (SCR), or cause such a report to be made, when[ever a staff person] an employee has reasonable cause to suspect that a child coming before [the staff person] them has been abused or maltreated, or when a child's parent [makes statements from personal knowledge, facts, conditions, or circumstances to a staff person, which if correct, would render the child abused or maltreated as defined in section 412 of the Social Services Law.] or other person legally responsible for a child comes before them in their professional or official capacity and provides information that gives the employee a reasonable basis to suspect that a child is being abused or maltreated. This must be done in the following manner:
 - (1) Non-residential programs for victims of domestic violence must make an immediate report to the SCR by telephone, followed by a written report within 48 hours, in the form and manner prescribed by the Office, to the child protective service of the social services district in the county in which the child resided at the time of the suspected incident.
 - (2) After making the initial report, the reporting employee must immediately notify the director of the program or a designee that the report was made.

Section 462.8(b) of Title 18 is repealed.

Paragraph (1) of subdivision (a) of section 462.9 of Title 18 is amended as follows:

- (1) the [department] Office and any social services district contracting with the

program for the provision of non-residential services for victims of domestic violence will have [full] access, on-site at the program's Office, to the following information:

- (i) all books, records, reports and papers relating to the operation of the program; [and]
- (ii) the specific information regarding the persons receiving services from the program which must be maintained in individual case records in accordance with section 462.7(a) of this Part; and
- (iii) access to personally identifying information is only permitted upon the informed, written, reasonably time-limited consent from the person receiving services;

Paragraph (5) of subdivision (a) of section 462.9 of Title 18 is amended as follows:

- (5) a program may permit a person engaged in a bona fide research purpose [will have] access to information consistent with applicable law and regulations; provided, however, that in no case will such person have access to personally identifying information regarding persons receiving services [from the program unless such information is essential to the research purpose and the department has given prior approval for access to such identifying information.] unless such persons have provided informed, written, time-limited consent to their personally identifying information.

Subparagraphs (iv), (v) and (vi) of paragraph (1) of section 462.9(b) of Title 18 are amended as follows:

- (iv) an agency or person may disclose information pertaining to a person receiving services from such a program pursuant to a informed, written, reasonably time-limited consent [authorization] from the person to whom the information pertains;
- (v) a federal, State or local agency which has conducted a fiscal audit of such a program may disclose a final report regarding the findings of the audit to the public; provided, however, that in no case may information which would identify any person receiving services from the program or the location of the places where [non-residential or] residential services for victims of domestic violence are provided be disclosed; or
- (vi) a person engaged in a bona fide research purpose may disclose the findings of such research to the public; provided, however, that in no case may [information which would identify any person receiving services from the program] personally identifying information of any victim of domestic violence or the location of the places where [non-residential

or] residential services for victims of domestic violence are provided be disclosed.

Paragraph (2) of subdivision (b) of section 462.9 of Title 18 is amended as follows:

- (2) An employee of the [department] New York State Office of Children and Family Services or of a local social services district given access to information pursuant to this section who re-discloses such information in a manner which is not consistent with the provision of this Part [is] may be subject to disciplinary action in accordance with applicable collective bargaining agreements and laws and regulations.

Subdivision (a) of section 462.10 of Title 18 is amended as follows:

- (a) Expenditures made by a social services district for those non-residential services for victims of domestic violence which are included in the social services district's multi-year consolidated services plan (which has been approved by the [department] Office pursuant to section 34-a of the Social Services Law) [will be subject to 50 percent reimbursement from the State] will be reimbursed at the applicable percentage as delineated in the enacted budget as follows:

Subdivision (b) of section 462.10 of Title 18 is amended as follows:

- (b) Reimbursement by the [department] Office to a social services district for non-residential services for victims of domestic violence must be claimed on such forms and in such a manner as the [department] Office may require.