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| LOCAL COMMISSIONERS MEMORANDUM |
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Transmittal No: 91 LCM-149

Date: August 22, 1991

Division: Family and Children
Services

TO: Local District Commissioners

SUBJECT: Domestic Violence, Provisions of Chapter 53 of the Laws of
1991

ATTACHMENTS: Attachment I: 1991/92 State Budget Provisions relating
to Domestic Violence (Not available on-line)

The purpose of this memorandum is to inform you of the provisions of the 1991/92 State Budget, Chapter 53 of the Laws of 1991, related to domestic violence. These provisions, which become effective January 1, 1992, will affect local district responsibility to offer and provide shelter and services to victims of domestic violence and to reimburse providers for such shelter and services.

Chapter 53 requires social services districts to offer and provide necessary and available emergency shelter and services to victims of domestic violence who are ineligible for public assistance. In addition it requires social services districts to offer and provide necessary and available non-residential services to victims of domestic violence, whether eligible or ineligible for public assistance. Prior to the enactment of Chapter 53, social services districts were required to offer and provide necessary and available emergency shelter and services only to victims of domestic violence who were eligible for public assistance. There was no requirement for social services districts to provide non-residential services to victims of domestic violence.

Chapter 53 provides that 50 percent state reimbursement be made 1) on expenditures made by social services districts to provide emergency shelter and services to victims of domestic violence who are ineligible for public assistance, and 2) on approved non-residential services to victims of domestic violence whether eligible or ineligible for public assistance. Such state reimbursement will be provided subject to appropriation and only to the extent that a social services district has exhausted its Title XX allocation. The expenditures subject to State reimbursement must be reduced by the sum of all fees received or to be received from victims who are able to pay all or part of the cost of such services.

Chapter 53 also requires the Department to establish rates for residential programs for victims of domestic violence, subject to approval by the Division of Budget. These rates will become effective January 1, 1992. This is a change from the current requirement that districts establish per diem rates for residential programs. Further, Chapter 53 requires the Department to develop a fee schedule for domestic violence shelter and services provided to victims who are able to pay all or part of the cost of such services. The fee schedule is also subject to approval by the Division of Budget. Finally, Chapter 53 requires the Department to approve non-residential domestic violence services.

Department regulations, 18 NYCRR Section 408.5 and Section 408.7, will be amended to reflect the requirements of Chapter 53 relating to shelter and services to persons ineligible for public assistance and establishing per diem rates for residential programs. Other technical amendments may also be necessary to reflect the requirements of Chapter 53. In addition, policy guidelines relating to per diem rates, fees, claiming, and standards for non-residential services will be forthcoming.

Any questions concerning these provisions of Chapter 53 of the Laws of 1991 should be directed to your Regional Office.

Joseph Semidei
Deputy Commissioner
Division of Family and
Children Services