Transmittal No: 92 LCM-6

Date: January 8, 1992

Division: Family and Children Services

TO: Local District Commissioners

SUBJECT: Non-Residential Services For Victims Of Domestic Violence

ATTACHMENTS: Attachment A - Chapter 53 of the Laws of 1991 (Not available on-line)
Attachment B - Non-Residential Service Providers (Available on-line)
Attachment C - Article 6-A of the Social Services Law (Not available on-line)

You were informed previously, via 91 LCM-149, of the 1991/92 State Aid To Localities Budget provisions related to residential and non-residential services for victims of domestic violence, [see Chapter 53 of the Laws of 1991 (Attachment A)]. Also you were advised that the Department would be developing policy guidelines to implement the statutory provisions which become effective January 1, 1992. The Department is in the process of developing regulations which will address eligibility and reimbursement for non-residential services and standards for non-residential services programs. The purpose of this memorandum is to inform you of the procedures for implementing the statutory provisions authorized by Chapter 53 relating to non-residential services for victims of domestic violence prior to the promulgation of the regulations. Specifically, this memorandum will address: (1) Program Requirements; (2) Eligibility/Documentation Requirements; (3) Consolidated Services Plan Amendment Requirements; and (4) Claiming Procedures. Once the regulations are promulgated, the regulatory requirements will supersede the policy guidelines set forth in this memorandum.
PROGRAM REQUIREMENTS

The provisions of Chapter 53 related to non-residential services for victims of domestic violence require social services districts, effective January 1, 1992, to offer and provide necessary and available approved non-residential services, as defined by Chapter 838 of the Laws of 1987 and Department regulations, to victims of domestic violence, whether eligible or ineligible for public assistance. Such non-residential services must be provided by a not-for-profit organization. Social services districts meet the definition of a not-for-profit organization, pursuant to 452.2 (b) 18 NYCRR. Victims of domestic violence must constitute at least seventy percent of the clientele of such programs (see Section 459-a(5) of the Social Services Law). Additionally, Chapter 53 requires non-residential services programs to have the ability to provide, either directly or through purchase-of-service agreements, all of the following core services: (1) information and referral; (2) advocacy; (3) counselling; and (4) community education/outreach. In addition, non-residential programs must provide or arrange for hotline services.

Social services districts may directly provide non-residential services to victims of domestic violence or they may choose to purchase such non-residential services. The Department will not be setting rates for non-residential services. Attachment B identifies agencies which have received a 1990-91 and/or 1991-92 Department grant for the provision of non-residential services to victims of domestic violence. If purchasing non-residential services, you may want to purchase such services from agencies listed on Attachment B which are currently providing specialized services to victims of domestic violence. However, you may choose to purchase such services from other providers in your community which are not on this list.

ELIGIBILITY/DOCUMENTATION REQUIREMENTS

A victim of domestic violence is defined in Section 459-a(1) of the Social Services Law (Attachment C). Eligibility for non-residential services will be based upon group eligibility; any person who meets the statutory definition of a victim of domestic violence will be eligible for such non-residential services. There are no income eligibility requirements and an individual application is not required. The provider of service will be responsible for determining a person's eligibility for non-residential services.

Each provider of non-residential services must maintain a daily log identifying the number of telephone hotline calls received. In addition, each provider must maintain a record of the following information for any victim of domestic violence receiving services:

- name of person and family members receiving non-residential services;
- date service began;
the reason a person meets the definition of a victim of domestic violence pursuant to Section 459-a(1) of the Social Services Law and is eligible for non-residential services; and

the type of non-residential services the person and/or any family member is receiving.

When a social services district provides non-residential services through purchase of service, the contract must require the provider of non-residential services to maintain the above information.

CONSOLIDATED SERVICES PLAN AMENDMENT REQUIREMENTS

With the new provisions of Chapter 53, social services districts will need to submit an amendment to their 1991-1993 Consolidated Services Plan. The plan amendment is due to the Department within 90 days of the date of this memorandum. Since the mandate to provide non-residential services to victims of domestic violence represents a change in eligibility, the amendment, pursuant to 407.10 18NYCRR, must be published for public comment and be presented to the local advisory council for review, prior to submission to the Department.

The amendment must include the following information:

- Whether you will provide non-residential services directly or by purchase of service;

- If you are purchasing non-residential services, identify the name and address of the agency(ies) you will be contracting with for the provision of non-residential services;

- Regardless of whether you are providing non-residential services directly and/or by purchase of service, a detailed description of the design of each non-residential services program which includes a description of:
  - each of the service components;
  - how frequently services are provided including the days and hours of service availability;
  - the location of the services as it relates to client safety and confidentiality; and
  - the staff responsible for the provision of non-residential services.

You will need to provide a detailed description of the program design of each of the non-residential services programs identified in your plan amendment.

If you are purchasing non-residential services, the purchase of services agreement must require the provider of services to provide you with the information required for your plan amendment.
In addition, your plan amendment must include the following legal assurances: (1) the social services district will provide non-residential services to victims of domestic violence in compliance with the eligibility and program standards set forth in Chapter 53 of the Laws of 1991 and Article 6-A of the Social Services Law; and (2) the social services district will provide the Department with any aggregate data that is required to be maintained on persons served in the program and which will be needed by the Department to meet its reporting requirements to the legislature, pursuant to Section 459-e of the Social Services Law.

CLAIMING PROCEDURES

Chapter 53 provides that 50 percent state reimbursement is available for non-residential services provided for victims of domestic violence only to the extent a social services district has exhausted its Title XX allocation. The procedures for claiming expenditures for non-residential services to victims of domestic violence are as follows:

Non-residential services that are provided through a Purchase of Service contract that are not client specific must be claimed as an administrative cost on the Schedule D-2 (DSS-2347-B) (Rev. 1/92) Allocation For Claiming Services Expenditures. Please note that Title XX administrative costs are not included in the local districts' "Admin CAP." The costs of these purchase of services contracts should be claimed as an Identified Costs on Line 2 of Section 1 under Column 15 - XX Services. They will be further identified in Section III in Subsection A on the new line 8 entitled Victims of Domestic Violence under the Identified costs column for funding purposes.

Non-residential services to victims of domestic violence that are purchased for a specific client may be claimed for reimbursement on the Schedule G (DSS-1372) Title XX Services for Recipients or if provided as an emergency service they may be claimed on the Schedule H (DSS-4283) -Non-Title XX Services for Recipients under Emergency Assistance for Needy Families with Children (EAF).

Non-residential services that are directly provided for cases on WMS can be reported through SSRR (RMS in NYC) as Service Type 23 as without regard to income services. The SSRR (RMS) systems will produce a percentage that will be used in Section III on line A-8 to allocate direct costs. Until the SSRR cover sheet can be revised the local districts will find this percentage in the SSRR Schedule D2 Backup report under the column headed "WR". This percentage will be automatically entered on the Automated Claiming System.
Any questions concerning implementation of the provisions of Chapter 53 related to non-residential services for victims of domestic violence should be directed to your Regional Office. Any questions on claiming matters should be directed to: **Upstate**: Roland Levie 1-800-342-3715, extension 4-7549 or **Metropolitan**: Marvin Gold (212) 804-1108

____________________________
Joseph Semidei
Deputy Commissioner
Division of Family and Children Services
### Non-Residential Service Providers

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<thead>
<tr>
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<td>ACCORD CORPORATION</td>
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<td>Charles Kalthoff</td>
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<td>PO Box 573</td>
<td>Mary Seeley</td>
</tr>
<tr>
<td>Belmont, NY 14813</td>
<td>19 Prospect Street</td>
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<td>PO Box 0023</td>
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<tr>
<td>Fredonia, NY 14063</td>
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<td>Kevin O'Brien</td>
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<td>12 E. Washington Street</td>
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<td>87 North Street</td>
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<td>Saratoga, NY 12866</td>
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</table>
DUNBAR ASSOCIATION
Ches Powell
1453 South State Street
Syracuse, NY  13205
315-476-4269

FAMILY OF WOODSTOCK
Michael Berg
UPO Box 3516
Kingston, NY  12401
914-331-7080

EDENWALD-GUN HILL
Jessie Collins
1150 East 229th Street
Bronx, NY  10466
212-652-2232

FRIENDSHIP HOUSE
Ralph Hernandez
90 Dona Stareet
Lackwanna, NY  14218
716-822-1633

EDWIN GOULD SERVICES
Sister Mary Nerney
104 E. 107 Street
New York, NY  10029
212-876-0367

GOOD SHEPHERD SERVICES
Sister Paulette Lomenaco
PO Box 429-Van Brunt Sta.
Brooklyn, NY  11215
718-499-2151

EQUINOX, INC.
Judy Watson
214 Lark Street
Albany, NY  12210
518-434-6135

GRACE SMITH HOUSE, INC.
Mary Lou Heisenbuttel
PO Box 5205
Poughkeepsie, NY  12602
914-471-3033

FAMILY AND CHILDREN NIAGARA
Gerald Kozak
826 Chilton Avenue
Niagara Falls, NY  14301
716-285-6984

GREENE COUNTY ACTION AGENCY, INC.
Eric Burgess
2 Franklin Street
Catskill, NY  12414
518-943-3385

FAMILY AND COMMUNITY SERVICES
Tom Mayer
41 West Main Street
Cobleskill, NY  12043
518-234-3581

GUSTAV HARTMAN
Steve Rosenberg
PO Box 629
Far Rockaway, NY  11691
718-327-7660

FAMILY COUNSELING SERVICES-
FINGER LAKES
Diane Colvin
671 S. Exchange Street
Geneva, NY  14456
315-789-2613

HAMPTON COUNCIL
George Busler
PO Box 944
Westhampton Beach, NY  11978
<table>
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<th>Organization</th>
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<tr>
<td>HAVEN HOUSE CHILD AND FAMILY</td>
<td>PO Box 451, Ellicott Station, Buffalo, NY 14205</td>
<td>Katie Joyce</td>
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<td>PO Box 285G, East Meadow, NY 11554</td>
<td>Helen Scholfield</td>
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<td>HOSTOS CENTER</td>
<td>475 Grand Concourse, Bronx, NY 10457</td>
<td>Prof. Martha Rivera</td>
<td>212-518-6855</td>
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<td>Patricia Eng</td>
<td>39 Bowery, Box 375</td>
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<td>NEW YORK ASIAN WOMEN'S CENTER</td>
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<td>INTERNATIONAL INSTITUTE OF BUFFALO</td>
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<td>Nancy Kiltsch</td>
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<td>JEFFERSON COUNTY WOMENS SHELTER, INC.</td>
<td>120 Arcade Street, TV Bldg. LL, Watertown, NY 13601</td>
<td>Susan Amrose</td>
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<td>Karl Reutling</td>
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<td>Islip Terrace, NY 11752</td>
<td>Joanne Sanders</td>
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<td>Eileen Maddock</td>
<td>914-562-5365</td>
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<td>Newburgh, NY 12550</td>
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<td>METRO ASSIST CORP.</td>
<td>Bay Street and Vanderbilt Avenue, Staten Island, NY 10304</td>
<td>Lucy Friedman</td>
<td>718-447-5454</td>
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<tr>
<td>ORLEANS COUNTY PROBATION</td>
<td>34 East Park Street, Albion, NY 14411</td>
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<tr>
<td>MH ASSOCIATES OF WESTCHESTER</td>
<td>29 Sterline Avenue, White Plains, NY 10606</td>
<td>Michael Friedman</td>
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<td>OSWEGO CO. OPPORTUNITIES, INC.</td>
<td>223 Oneida Street, Fulton, NY 13069</td>
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</table>
PROGRAMS AND DOMICILES, INC.                          ST. LAWERENCE VALLEY RENEWAL
Carl Coyle                                              HOUSE
218 Liberty Street                                      Carol Drew
Oneida, NY 13421                                        PO Box 468
315-363-0048                                            Canton, NY 13617
315-379-9845

PUTNAM/NORTH
JoAnne Depaolo                                          THE FAMILY COUNSEL CTR. FULTON
2 Mahopac Plaza                                         Sharon Brace
Mahopac, NY 10541                                       113 Bleecker Street
914-628-9284                                            Gloversville, NY 12078
518-725-4310

REGIONAL COUNCIL ON AGING                               THE RETREAT, INC.
John Skvorak                                             Diana Weintraub
79 N. Clinton Ave.                                      PO Box 988
Rochester, NY 14604                                     Wainscott, NY 11975
716-381-9653                                            516-329-2200

RIDGECWOOD BUSHWICK SENIOR                              TOMPKINS COUNTY TASK FORCE
Christiana Fisher                                        JoAnne Farbman
315 Wyckoff Avenue, 6th Fl.                             PO Box 164
Brooklyn, NY 11237                                      Ithaca, NY 14851
718-381-9653                                            607-277-3203

ROCKLAND FAMILY SHELTER                                 TRI LAKES SHELTER
Carolyn Fish                                             Patricia Gailus
300 North Main Street 301                               PO Box 589
Spring Valley, NY 10977                                 Saranac Lake, NY 12983
914-425-0112                                            518-891-3173

Susanne Epstein                                         UNITY HOUSE
PO Box 413-Times Square S                                Chris Burke
New York, NY 10108                                       401 Monroe Street
212-582-2091                                            Troy, NY 12180
518-274-2607

SOS SHELTER                                             VERA HOUSE, INC.
Rebecca Allerton                                        Sally Berry
PO Box 393                                               PO Box 365
Endicott, NY 13760                                      Syracuse, NY 13209
607-748-7453                                             315-468-3260

SPANISH ACTION LEAGUE                                   VICTIMS INFORMATION BUREAU
Marta Rodriguez                                          Pamela Johnston
310 Seymour Street                                      515 Route 111
Syracuse, NY 13204                                      Hauppauge, NY 11788
516-360-3730
VIETNAMESE ACO  
Joseph Nein  
213 W. 30th Street  
New York, NY  10001  
212-947-2757

YWCA OF LOCKPORT  
Mary Carol Marotta  
32 Cottage Street  
Lockport, NY  14096  
716-433-6714

VIP  
Grace Perez  
PO Box 136, Triboro Sta.  
New York, NY  10035  
212-410-9080

YWCA SCHENECTARY  
Kathleen Hagbom  
44 Washington Avenue  
Schenectady, NY  12305  
518-374-3394

WOMEN'S RESOURCE CRISIS CENTER  
Judy Markel  
333 Division Street  
Amsterdam, NY  12010  
518-842-6145

YWCA OF TONAWANDAS  
Merrie Manganello  
49 Tremont Street  
North Tonawanda, NY  14120  
716-692-5580

YONKERS WOMEN'S TASK FORCE  
Charlotte Watson  
PO Box 1245 Main Station  
Yonkers, NY  10702  
914-969-5800

YWCA HALL HOUSE  
Rita Brown  
1000 Cornelia Street  
Utica, NY  13502  
315-732-2159

YWCA OF CORTLAND  
14 Clayton Avenue  
Cortland, NY  13045  
607-753-3639

YWCA OF DUTCHESS COUNTY  
Carla Stillwell  
18 Bancroft Rd Poughkeepsie, NY  12601  
914-485-5550

YWCA OF GENESEE COUNTY  
Janet Baldwin  
301 North Street  
Batavia, NY  14020  
716-488-2237