

**NEW YORK CITY
DEPARTMENT OF HOMELESS SERVICES**

PROCEDURE NO. 11-003

SUBJECT: Procedure for Responding to Domestic Violence Incidents in Shelter	APPLICABLE TO: Family Services Staff Adult Services Staff All DHS Providers All Shelters within the DHS Shelter System	EFFECTIVE DATE: August 11, 2010
ADMINISTERED BY: Adult Services Family Services	APPROVED BY:  Commissioner	

I. Purpose

This procedure sets forth the actions to be taken by the assigned DHS Program Administrator ("Program Administrator") and shelter staff ("Provider" or "Providers") in the event of a domestic violence ("DV") incident occurring in any shelter for homeless single adults, adult families or families with children.

II. Definition

A victim of DV, for purposes of this policy, means any person over the age of sixteen, any married person or any parent accompanied by his or her minor child 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, menacing, reckless endangerment, kidnapping, assault, attempted assault, or attempted murder; 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.

A family or household member means the following individuals:

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;
6. unrelated persons who have had intimate or continuous social contact with one another and who have access to one another's household.

III. Domestic Violence Incidents in Shelter

If a DV incident occurs in shelter, the Provider will:

1. Contact the New York City Police Department and encourage the client to file a police report in order to obtain an Order of Protection against the abuser. Providers will establish a relationship with the Domestic Violence Officers at their local precinct.
2. Notify the Program Administrator immediately. If the incident occurs after business hours, the Provider will contact the appropriate on-call Administrator.
3. Complete a DHS Incident Report (Appendix A). Domestic violence is a Priority One incident.
4. If the family composition includes children, the Provider will also report the incident to the New York State Central Register of Child Abuse or Maltreatment (SCR).
5. Encourage the client to call the Human Resources Administration's ("HRA") DV Hotline ((800) 621-4673) to obtain placement in an HRA DV shelter. If the client permits, the Provider will facilitate and be present during the call to confirm that the incident is accurately reported.
6. If the client is not accepted into an HRA DV shelter, the Provider will encourage the client to:
 - a. Accept Non-Residential DV services provided by HRA and/or immediate walk-in Non-Residential DV services provided by the New York City Family Justice Center ("FJC").
 - b. Transfer to another DHS shelter. If the client agrees, the client and his/her children (if any) will be transferred.
 - c. Remove the abuser from the family's case composition. If the client agrees, the abuser will be removed from the case composition. An abuser who returns to the client's shelter placement following his/her removal from the case composition will be referred to a Single Adult Intake Center.

The Provider will complete the Domestic Violence Prevention Action Form (Appendix B) to document that these services were offered to the client. Once the client has signed

the Form, the Provider will forward a copy of the Form to the Program Administrator and place the original in the client's case record.

7. If the client accepts Non-Residential DV services provided by HRA, the Provider will complete an HRA DV Referral Form (Appendix C) by the next business day following the DV incident. Once completed, the Referral Form will be submitted to the Program Administrator who will confirm that it is complete and submit it to the HRA DV Program Liaison. An HRA Non-Residential Liaison will contact the Program Administrator as soon as possible following HRA's receipt of the Referral Form to obtain information on the status and whereabouts of the client (as the client may have been transferred to a different shelter following the incident), and to set up an appointment to conduct an assessment of the client's service needs. This appointment will be scheduled to occur as expeditiously as possible (usually within two to three days of HRA's receipt of the Referral Form).
8. If the client accepts immediate walk-in Non-Residential DV services provided by FJC, the Provider will alert the appropriate FJC staff person via email, and will provide the client with directions to the closest FJC office.

The Program Administrator will confirm that the Provider has taken the actions described in Section III (1) through (8), above. Additionally, the Program Administrator will apprise the DHS Office of Health Care Policy and Administration of the DV incident and of efforts made to assist the client.

IV. Clients Who Refuse to Remove the Abuser from the Case Composition

DHS will remove an abuser from the family's case composition without the consent of the victim in the event the abuser is arrested following the DV incident. The Provider will refer an abuser removed from the family's case composition to a Single Adult Intake Center for placement in a shelter for single adults.

V. Domestic Violence Incidents in Conditional Placement

If a DV incident occurs involving a family in conditional placement:

1. The Provider will take the actions described in Sections III and IV, above.
2. The Program Administrator will confirm that the Provider has taken the above steps, and notify the appropriate Family Intake Director or his/her designee ("Intake Director") that the client requires a priority referral to NoVA. In addition, the Program Administrator will furnish the Intake Director with any relevant documentation or information regarding the incident, to be placed in the family's intake case file. The Intake Director will facilitate the appointment with NoVA.

A client who fails to see NoVA after being duly issued at least two appointments slips will be found ineligible for Temporary Housing Assistance due to non-cooperation.

If the abuser has not otherwise been removed from the family's case composition pursuant to Section IV, DHS may additionally remove the abuser from the family's case composition without the consent of the victim in the following circumstance:

1. The victim has been assessed by NoVA; and
2. The victim refuses placement in an HRA DV shelter or in a DHS shelter without the abuser; and
3. The placement of the victim and the abuser together in shelter is likely to substantially interfere with the health, safety, welfare or care of other shelter residents or staff.

The decision to remove an abuser from a family's case composition is to be made on a case-by-case basis by the Intake Director in consultation with DHS Legal. Intake staff will refer an abuser removed from a family's case composition to a Single Adult Intake Center for placement in a shelter for single adults.