

NEW YORK STATE
OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE
40 North Pearl Street
Albany, New York 12243-0001

George E. Pataki
Governor

Brian J. Wing
Commissioner

September 3, 1998

Dear Commissioner:

The purpose of this letter is to provide you with updated information on the Family Violence Option (FVO) of the State's Welfare Reform Act and to supplement the initial training for its implementation. The intent of the FVO is to address the safety needs of victims of domestic violence (DV) and their children by identifying domestic violence and providing waivers of specific public assistance requirements. Since its implementation in April 1998, there has been a need for clarification on some issues surrounding implementation and areas of responsibility. This is to clarify where the DV liaison fits into other program areas of responsibility, since the FVO impacts other program areas, such as Child Support, Drug and Alcohol and Child Protective Services.

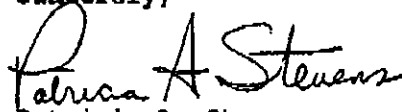
Additionally, Temporary Assistance staff, in conjunction with Children and Family Services staff and Child Support staff, will be monitoring your domestic violence procedures and reviewing cases and forms for compliance with the FVO. A monitoring instrument is currently being developed and we will contact you prior to the review.

The attachments are listed below:

- A summary of Q & A's from the domestic violence teleconference, domestic violence liaison trainings, IM Director's meetings, and local districts;
- List of local districts' Domestic Violence Coordinators;
- List of State contact staff for Domestic Violence and the FVO.

We trust that the attached Q & A's will help answer your questions and concerns. Please share this information with your staff involved in DV screening and assessment, including your contract agencies. Please refer to the State contact list if you have any questions regarding the FVO.

Sincerely,



Patricia A. Stevens
Deputy Commissioner
Division of Temporary Assistance

Attachments
cc: IM Directors
Services Directors

DOMESTIC VIOLENCE

Q and A's

INDEX

	Page(s)
General	1
Screening.....	1-4
Assessment.....	4-5
Communication/Documentation.....	5-6
Waivers.....	6-9
Child Support.....	9-11
Employment.....	11
WMS.....	11-12
Medical Assistance.....	12-13
Protective Services for Adults.....	13-14
Fraud/Liability.....	14-15
DV Shelters.....	15-16
Funding.....	16
Training.....	16
Monitoring.....	17

DOMESTIC VIOLENCE (DV) Q & A'S
FAMILY VIOLENCE OPTION
8/26/98

GENERAL

- Q.1. Does the Family Violence Option (FVO) apply to Safety Net Assistance (SNA) clients as well as Family Assistance (FA) clients?
- A. Yes.

SCREENING

- Q.1. If a couple or family with two adults applies or recertifies for assistance, are separate screening forms provided to each adult? If so, how is this handled?
- A. Screening forms must be made available at the application/recertification interview. The district must provide each adult with the screening form. Districts need to be sensitive at intake, especially if more than one person is present. The DV screening form should be referenced, but not addressed further if parties are not interested. Districts may also want to mention this requirement at a general group orientation or group recertification session.
- Q.2. When a client raises a DV issue with a worker upon initial interview, how will confidentiality be insured in an open office setting?
- A. Safety and privacy are two areas of major concern in relation to this initiative. Department regulation 357.5 requires that "Interviews with clients shall be conducted at a location and in a manner which maximizes privacy". Districts could maximize privacy by using private office space, enclosed space with partitions, booths, etc. It is the district's responsibility to insure confidentiality in the best way possible.
- Q.3. Are intake workers being asked to assess psychological behaviors in regard to how a client acts during the interview?
- A. No. Intake workers must make the screening form available to the client for voluntary completion and to refer the client to a Domestic Violence Liaison (DVL) if client checks "yes" on screening form. If the client checks "no", doesn't wish to complete the screening form or hesitates in discussing her situation, workers need to be sensitive and must not pursue the issue. The worker should explain that a screening form may be completed at any time and should give the client a "palm card" for future reference. It is the DVL's job and not the intake worker's responsibility to assess the client's situation.

Q.4. As an intake worker, does the addition of the screening form increase the time required for an interview? If the client doesn't want to fill out the screening form at the interview and wants to come back, won't the alleged perpetrator wonder why PA is not forthwith? Will the client's intake application get processed if she doesn't fill out the screening form?

A. The screening process should not significantly increase the length of the interview. When an individual indicates the presence of DV by checking "yes" on the screening form and signing it, the SSD must refer that individual to a DVL as soon as practicable and prior to any other assessment such as drug or alcohol abuse or employment. Once this process is initiated, it should be expedited so that other assessments can proceed without delaying the overall application process. The individual's application will get processed regardless of whether or not she fills out the screening form. If they screen negative on the screening form, the PA process still continues. Completion of the screening form is voluntary for the client. If the client chooses to complete the form at a later date, they can call their worker at any time.

Q.5. If a person comes in with an emergency, will they be screened? If the emergency is DV, will they be referred to DVL?

A. SSDs must screen all PA applicants/recipients who are subject to PA program requirements. However, if a person is eligible for a one time only emergency payment, they are not subject to on-going PA requirements and, therefore, will not need a waiver.

Q.6. Are active "Services" clients screened for DV? (i.e., SSI mom with children on PA, "payees" for persons on PA?)

A. SSDs must screen all PA applicants/recipients who are subject to PA program requirements. The district has to determine if this is the case for the above individuals. There are certain situations where a SSI mom or a payee may be required to meet PA requirements such as pursuing child support and, therefore, should be screened in those situations. The DVL position is TANF funded and the DVL only has authority to grant waivers of PA requirements. *

Q.7. If DV is indicated at intake, is the eligibility process suspended until the assessment is completed?

A. No. When an individual indicates the presence of DV by checking "yes" on the screening form, the SSD must refer that individual to a DVL prior to any other assessment. All other assessments are on hold until the DV assessment is completed. However, the PA eligibility process continues.

Q.8. Can a district add information to the screening form (i.e., safe address)?

A. No. A SSD may not add/change information on the screening form. However, the SSD has the option of adding additional forms regarding the client's rights and responsibilities. The information requested on any additional form(s) must be necessary to the DVL. For example:

- It is safe to mail my notice to: _____
- I will report any change in my circumstances as soon as possible.
- I decline this waiver at this time.

Note: A SSD may not ask confidential information such as the batterer's name, address or social security number.

Q.9. Must the client always have a "face-to-face" contact in order to complete the screening form or can a client drop off/mail-in the screening form? What if something comes up and DVL has to cancel the appointment?

A. The client must have a face-to-face contact in order to complete the screening form. If the client screens positive, the worker will refer client to DVL. The worker should ask the client how to best contact them if they anticipate the need to do so pending an appointment. It is up to the district to determine when and how to get a safe address. Some districts may want to get it from the client at intake and some may want to get it at the interview with the DVL.

Q.10. If a client is residing in a battered women's shelter and the shelter staff has determined that the client is battered, should the district automatically refer the client to the DVL and will this process be built into the application process? How does the screening and assessment procedures fit in?

A. The DV screening process is the same regardless of whether or not the woman is in a DV shelter. The screening process is done as part of the public assistance application process. The victim needs to voluntarily check "yes" before she is referred to the DVL. She must not be referred automatically. Residency in a DV shelter may serve as evidence of credibility, but doesn't necessarily indicate the need for a waiver.

Q.11. Does client need to see the DVL if the client is only interested in referral to Services and is not interested in seeking a waiver?

A. No. The client does not need to see the DVL if only interested in services. If they check "yes" on the screening form, they must be referred to the DVL. However, it is voluntary on the part of the client to see the DVL.

ASSESSMENT

Q.1. What kind of information should be included in collateral contacts?

A. Collateral contacts consist of people with whom the client has been in contact about her domestic violence situation. These might include persons at a DV shelter, Services workers, clergy, family member or friend. The victim or DVL may ask the collateral contact to provide a verbal or written statement attesting to DV. The DVL must get a release form from the victim giving the DVL permission to contact the collateral contact directly.

Q.2. If a person other than an ex-partner or partner (i.e., a friend of an ex-partner) is stalking, threatening, or harassing a client, is this still considered domestic violence?

A. SSDs should refer to the legal definition of domestic violence victims as stated in Department regulation 351.2(1).

Q.3. What is the mechanism to notify the client about reassessment appointments?

A. Individual should be advised at their initial assessment with the DVL that there will be limited contact due to the safety issues. A "safe address" should be established. SSDs should also advise the individual that it is their responsibility to notify the SSD when the address is no longer safe. When the DVL sends the initial "Notification of Decision", it should state that the client should contact the DVL prior to the end of the waiver period. Towards the end of the waiver period, the DVL should send a notice telling client to contact DVL for a reassessment. If client does not contact DVL, the DVL must send a notice of termination of waiver to client and also notify the PA worker that the waiver has ended. *

Q.4. Does the DVL liaison contact the client if an initial appointment has been missed?

A. Generally, a client would not be contacted by the DVL for safety reasons. At the time the appointment is scheduled, clients must be told that it is up to them to contact the DVL if they cannot keep or want to change the appointment. If the appointment is missed, the DVL will notify the PA worker and the other assessments will need to continue.

- Q.5. If DV is mentioned at intake and the client goes to the DVL, are all assessments suspended (i.e., employment, child support, D/A)? If so, how are appropriate workers notified?
- A. All other assessments are suspended until the DV assessment is completed. (Note: PA eligibility process still continues). The SSD has local flexibility in determining how appropriate workers are notified since PA intake varies from district to district.
- Q.6. Can DVLs do phone assessments with potential victims if it would be more convenient/safe for the victim?
- A. Yes. Phone assessments may be done on a case by case basis for the safety of the victim.

COMMUNICATION/DOCUMENTATION

- Q.1. Should there be coordination/discussion about victims seeking waivers between DVL and other workers in agency?
- A. It is very important that the DVL discusses options with employment, child support and other appropriate workers on a "need to know" basis without revealing any confidential information with these other workers. A DV liaison may need to discuss the victim's options with other workers because a partial waiver may be an option in some cases.
- Q.2. What will the DVL do with the screening and assessment information?
- A. The DVL will maintain all the information in a confidential file. This information will be used to assess the individual's credibility and need for a waiver(s). This information may be needed to document the DVL's decisions for fair hearings or during subsequent audits by State or federal officials. Based on this information, the person may be referred to Services and/or may be granted a waiver, if needed. The DVL will coordinate and notify the other workers of the outcome of the assessment on a "need to know" basis.
- Q.3. Because of the concern for confidentiality, what documents should be retained in the public assistance case record? For example, if a client checks "yes" and signs the screening form, should the form be kept in the case record? Should any feedback and/or case notes from an assessment be kept in the records? This would appear to be problematic in two parent households if the other partner is the abuser and wants to see the case record.
- A. There must not be any documentation in the PA case file relating to the DV assessment. All DV screening forms checked "yes" or "no" must be maintained in the DVL case record along with any case notes from the assessment. These records must be kept separate from the PA case file. (See next question for further information.)

Q.4. What's acceptable to be in case record for PA, employment, child support? SSDs feel they need a paper trail since some SSDs reassign cases every few months and have no way of maintaining files without a paper trail.

A. SSDs need to develop a system to communicate waiver decisions to other workers in the agency. SSDs may develop a form to maintain waiver information within the case file. The case file should not contain any mention of DV for safety and confidentiality reasons.

Q.5. Are counties using a special form to obtain the sworn statement? Does the state have clear definition of "sworn statement"? Is it the same as a signed statement? How detailed does it have to be? What kind of information should be in the sworn statement?

A. SSD's may already have their own forms to obtain sworn statements. For our purposes, a sworn statement is similar to a signed statement. In the absence of documents or collateral information, a victim simply needs to declare on the statement that she is a DV victim and sign it. A victim should never be asked to give a written description of her circumstances.

Q.6. Who is responsible for notifying the DVL if case closes or if there is a change in circumstances? If the case closes, does DVL need to send a DV notice to victim stating that the waiver is terminated due to the case closing?

A. The PA worker is responsible for notifying DVL if case closes or if the worker becomes aware of any change in circumstances. A DV notice does not need to be sent to the client when the case closes.

WAIVERS

Q.1. Can a waiver be terminated prior to the end of the 4 month period if there is new information or a change in circumstances and there is no need for a waiver?

A. Yes. However, if a waiver is terminated the victim must be informed of the waiver's termination.

- Q.2. Once a waiver has been requested, is the victim under any obligation to accept services to reduce the danger to oneself?
- A. A victim is not under any obligation to accept services in order for the waiver to be granted or extended.
- Q.3. Can a waiver continue after the four month period if there has been no change in circumstances? Is the client required to follow a treatment plan?
- A. A waiver can continue after four months, if the liaison determines that an extension is necessary. The victim is not required to participate in a service or treatment plan. However, unwillingness on the part of the individual to engage in any options, steps or activities that might assist the individual in terms of safety or self-sufficiency may affect the victim's credibility. The DVL must attempt to ascertain the victim's reasons for not engaging in any options before concluding that this means the assertions are not credible.
- Q.4. Can the initial waiver period be more than 4 months? Can there be different waiver periods for different waivers? Is there a maximum time limit on waivers?
- A. Waivers must be for an initial period of not less than four months. The waiver may be for a longer period if the DVL feels it is necessary and is easier to track. There is NO maximum time limit on waivers. At the DV reassessment, the waiver can be for any length of time.
- Q.5. Does the DVL reassess credibility if the client comes back in for an extension of a waiver(s)?
- A. Generally, the DVL does not need to reassess credibility again. However, unwillingness on the part of the individual to engage in any options, steps or activities that might assist the individual in terms of safety or self-sufficiency may affect the victim's credibility. The DVL must attempt to ascertain the victim's reasons for not engaging in any options before concluding that this means the assertions are not credible.
- Q.6. Who trains the drug/alcohol (D/A) providers about waiver requirements (i.e., waiver from attending D/A treatment)?
- A. It is the SSD's responsibility to train the D/A providers regarding the DV waiver process.

- Q.7. Who sends the Notification of Decision to client?
- A. Notices will be provided by the DVL or other SSD designated staff to wherever the client designates as a safe address. Client has the option to pick up notice at local SSD and must notify the SSD if the safe address is no longer safe.
- Q.8. If the client hasn't contacted the DVL for a reassessment and the waiver period is about to end, should a notice be sent at the end of the waiver period? If so, what notice and what should it say?
- A. Yes, a notice should be sent to advise client that the waiver period is ending and that the PA program requirements will now be required. The notice should also indicate that a reassessment is needed, and that the client must contact the DVL prior to the end of the waiver period. The DVL must also notify the appropriate worker to notify them that the waiver is ending. Note: The notice should be sent to the "safe address" unless otherwise notified.
- Q.9. Is there a form for the declination of waivers?
- A. There is no mandated form for declination of waivers. The SSD may want to develop their own form, but it will need to be kept in the DVL case files.
- Q.10. Can a DVL waive PA eligibility requirements such as resources and income limits?
- A. No. The only PA requirements that may be temporarily waived are stated in 18NYCRR 351.2(1) (7). The income and resource requirements are not waivable. However, the issue of the availability of resources and income must be considered. Income and resources which belong to the victim's spouse or are jointly owned are not considered to be available to the victim unless the victim has access to them without putting the victim in danger, or can obtain access through legal means (i.e., cash, bank books, credit cards).
- Q.11. If a minor applies for assistance and indicates that abuse by a parent is the reason that she needs assistance, does the worker refer her to the DVL or Child Protective Services (CPS)?
- A. Workers are mandated reporters and must report any suspected child abuse to CPS. The minor may also be referred to the DVL at the same time since the need for assistance may be independent of the investigation of CPS. Both the DVL and CPS need to establish lines of communication with each other.

Q.12. What are partial waivers and when are they used?

- A. Partial waivers are used when the DVL feels that the victim should only be waived from part of certain PA requirements. Example: Child Support has three major activities: locating the absent parent, establishing paternity, and establishing, modifying and enforcing support. The DVL may decide not to waive the requirements for the victim to provide information to identify and locate the absent parent, but to waive the requirement to appear at a court hearing for the duration of the waiver period.

CHILD SUPPORT

Q.1. The Services Division also refers clients to the Child Support Unit for child support and paternity establishment. Is the DVL available to Services staff and if so, does the DVL have the authority to grant a waiver from CSEU requirements for Services clients (i.e., when a child is placed in foster care)?

- A. The DVL is available to Services staff if the client is subject to PA requirements. The DVL position is TANF funded and the DVL only has authority to grant waivers of PA requirements. Department regulation 422.4(a) lists exceptions to child support requirements for foster care cases.

Q.2. Can a child support waiver be granted if a client has a current child support order for the father of one child, but no order for the father of her other child since he is an alleged batterer?

- A. Yes. A child support waiver can be granted if necessary, in the situation for the child of the batterer. The current support order still continues if there is no danger to the victim and/or her family.

Q.3. In some districts' applicants are currently sent to the Support Collection Unit first. Will this pathway need to be changed internally?

- A. No. If an applicant indicates DV at the child support interview, the child support worker will refer applicant to DVL for screening and possible assessment. If the applicant doesn't mention DV during the child support interview, then the applicant will be screened by the PA worker as part of their normal PA eligibility interview.

- Q.4. What happens if DV is a result of a child support order? Can an existing child support order be stopped if it aggravates the situation?
- A. Yes. Enforcement of the child support order can be stopped if the DVL, in consultation with the client and IV-D worker, determines that collection of the support order, even without the client's involvement, poses risk to the family.
- Q.5. If the client presents a DV issue to a IV-D worker, the IV-D worker is to refer the client straight to the DVL. Shouldn't the PA worker be advised of this and by whom?
- A. The DVL is responsible for notifying the workers involved such as employment and child support. In this scenario, the DVL should also notify the PA worker that the client is being screened and assessed. Due to the varying procedures among districts, SSDs must develop a process on tracking referrals within their own agency while still maintaining confidentiality.
- Q.6. If the batterer is a step-parent who may be required to pay child support, can a child support waiver be granted even though the step-parent is not the biological parent? (Note: DSS can collect child support from step-parent).
- A. Yes.
- Q.7. Should DVL discuss DV situations with the appropriate IV-D workers since the IV-D workers may have alternate means to safely pursue child support?
- A. A DVL should discuss the situation with a IV-D worker to determine if child support can be pursued safely without a waiver. In some situations, a partial waiver may be an option. However, the information to the IV-D worker should be limited to an "as needed" basis since this information is confidential between the client and the DVL.
- Q.8. If client is granted a waiver of all child support requirements and then case closes, can the child support worker go back to collect arrears for the period of the waiver?
- A. No, the child support worker must not try to collect on arrears for the period that a waiver was granted. This may be a safety issue for the client.

Q.9. What if a pregnant applicant screens positive as a DV victim and is granted a waiver of all child support activities, including establishing paternity. Thereafter, a circumstance change occurs which obviates the need for any waivers and child support activities then begin. Paternity is established and an order of support is sought. Are there any requirements that would prevent local districts from pursuing arrearage payments for periods of time previously covered by waivers?

A. Once the DV waiver ends, if no support order previously existed, the petitioner would request that the effective date of the order be the date the PA case last opened (or the child's DOB, whichever is later). If an order already existed, but was not collected on, then once the waiver ends the district could pursue arrears including the period covered by the now-defunct waiver.

Q.10. Why can't child support workers screen for DV?

A. Department regulation 347.5(g) requires that a IV-D worker refer a client who indicates the presence of DV to the DVL for screening and assessment.

Q.11. Where is "Good Cause" information/documentation kept now - in PA case record or CS case record? How will this affect confidentiality now?

A. "Good Cause" information and documentation are retained in the PA case record and are subject to the confidentiality mandates in SSL 136.

EMPLOYMENT

Q.1. What happens when a client is sanctioned for 60 days and then the worker finds out the client couldn't work because of DV? Does the sanction end?

A. No. The sanction is not to be terminated. Prior to the sanction being imposed, the client is given a chance to explain why they couldn't comply. At the point the sanction ends, the worker may refer client to DVL for an assessment of the current situation if client requests one.

NMS

Q.1. Will the Domestic Violence sub-system have cross-district inquiry capabilities and if so, who will have access?

A. The DV sub-system does not have cross-district inquiry capabilities at this time. It is under discussion for future implementation.

Q.2. Can a LDSS use a pre-existing Client Identification Number (CIN) until the case is open?

A. No. Even though the client may be known to the system and has had a CIN assigned, the DV system will generate an error message that full data entry must be completed first. This is because all DV sub-system records are district-specific and information is restricted to the current county of residence.

Q.3. What should go in case notes on WMS?

A. Each DVL should determine what information should be kept in the WMS case notes. Due to the confidential nature of this information, the choice of either paper or electronic case notes is left to the discretion of the DVL. Please be aware that information in the case notes should be kept to a minimum and should be kept confidential.

Q.4. Should the DVL use AppReg/Line # or CIN to create DV records?

A. Both may be used. Please refer to the "Dear WMS Coordinator/Domestic Violence" letter dated June 19, 1998 for further explanation.

Q.5. What if DVL needs to end an initial waiver prior to the end of the 4 month period? What entries are made on the DV sub-system?

A. An initial waiver period may be shortened by navigating to the appropriate waiver screen and pressing Function Key 4. An "X" must be entered in the Reassessment field and the waiver End Date changed as necessary.

Q.6. Will WMS be able to generate reports and if so, what kind of reports?

A. Yes. It is anticipated that statistical reports mandated by legislation will be generated using the DV sub-system. An operational waiver expiration report is also being planned.

MEDICAL ASSISTANCE (MA)

Q.1. Do applicants for MA ONLY cases get screened for DV?

A. No. Individuals who apply for MA ONLY are not required to complete DV screenings. For MA ONLY, individuals who indicate the possibility of a DV situation should be advised about the availability of DV services. As in the past, compliance with Medicaid program requirements such as those under Title IV-D must be evaluated under the Department's good cause provisions when DV is an issue.

Q.2. Are any PA program requirements waived for MA ONLY cases in DV situations?

A. No. The MA worker will refer to the "good cause" exceptions to the IV-D requirements. For active PA cases, medicaid will honor any waivers granted by PA for temporary suspension of program requirements that also apply to Medicaid, i.e., child support, paternity cooperation, and alcohol and substance abuse as a result of a DV assessment. The PA provisions regarding residency, work activities, learnfare, and eligibility of minor parents do not apply to Medicaid. This policy applies across program lines.

Q.3. What happens when a PA client has been granted a DV waiver for child support for four months, but the PA case closes in month two and the client then goes to MA only. Would the DV waiver still remain in effect for the MA ONLY case?

A. No. Once a PA case closes, there is no longer any PA requirements. When the PA case closes, the district must determine whether the client qualifies for a "good cause" exception to the MA child support requirements.

PROTECTIVE SERVICES FOR ADULTS (PSA)

Q.1. If a Domestic Violence Liaison (DVL) assesses a DV victim and feels that the individual has limited capacity, should the DVL make a referral to Protective Services for Adults (PSA)?

A. Yes. While there is not currently a mandated reporting requirement concerning referring adults in need of protection, we recommend that a referral be made to PSA concerning impaired adults in need of protective services who have no one available who is willing and able to assist them responsibly. Part 457.1 (c) of 18NYCRR describes the client characteristics of persons who are eligible to receive PSA. Protective Services for Adults are provided to individuals 18 years of age or older who, because of mental or physical impairments, are unable to meet their essential needs for food, shelter, clothing or medical care, secure entitlements due them or protect themselves from physical, sexual or emotional abuse, active, passive or self-neglect, or financial exploitation; are in need of protection, and have no one available to assist them responsibly. Examples of physical or mental impairments which may result in a decreased capacity for self-care and self-determination include mental illness, mental retardation, chronic or acute physical illness, Alzheimer's disease or other conditions associated with aging, alcohol or substance abuse. Additional information on PSA eligibility is contained in 90 ADM-40, PSA Client Characteristics.

We stress, however, that a referral must NOT be made to a PSA worker in cases where a DV victim decides to stay in her current situation and has no physical or mental impairment. The fact that a victim chooses to remain in a domestic violence situation must not be interpreted as an impairment.

Q.2 Are all local district social services (LDSS) workers required to report a DV victim's situation to the police if the worker believes that a criminal offense has been committed against the victim?

A. No. However, PSA workers are required to report such crimes to the police. Section 457.15 of 18 NYCRR states that whenever a social services official, or his or her designee, authorized or required to determine the need for, or to provide or arrange for the provision of PSA, has reason to believe that a crime (a misdemeanor or a felony) as defined in the Penal Law, has been committed against a person for whom the need for PSA service is being determined or to whom PSA services are being provided or arranged, the social services official or his or her designee must report this question #3 for further clarification.

Q.3. How should a DVL handle a DV victim if the DVL is also a PSA worker.

A. When performing the duties of the DVL concerning screening individuals for compliance with the requirements of welfare reform, the DVL should be guided by the instructions provided to complete the screening process.

If the DVL feels that the DV victim may meet the PSA client characteristics, then a referral should be made to PSA intake. Additional information on PSA intake requirements is contained in 93 ADM-23, PSA Intake.

FRAUD ISSUES

Q.1. If a DVL suspects that a client is intentionally misrepresenting their situation, is the DVL expected to make a referral to the investigative unit? What are the procedures related to that issue?

A. If a DVL suspects fraud, the DVL should refer case to the Fraud Investigative Unit. The same procedures for fraud investigation should be followed for DV the same as any other fraud referral.

LIABILITY

- Q.1. At training, the DV liaisons were instructed that if positively screened individuals failed to attend their DVL interview, there were not to be any follow-up activities. Are there liability issues if a victim is hurt and the SSD was aware of the potential danger and did nothing to prevent it?
- A. No. The screening process is completely voluntary on the part of the victim. If the victim chooses not to see the DVL, then the SSD's obligation has ended. To follow-up with the victim may put them at further risk.
- Q.2. Under what circumstances should the DVL make an immediate referral for a victimized woman and her children to a DV shelter and/or police?
- A. DVLs have been trained to assess risk and the potential level of danger and to assist in emergency safety planning when necessary. However, it is best to give the victim information and let her make the contact.

DV SHELTER SITUATIONS

- Q.1. Many DV victims become known to the SSD after they have entered a DV shelter, either by their own volition or because the shelter referred them. How are the screening and assessment procedures handled? Hasn't the shelter already done an extensive assessment at time of admission?
- A. Eligibility for shelter and eligibility for PA are two separate processes. The SSD must handle their own screening and assessment procedures for the victim since the shelter's assessment does not involve PA program requirements and may involve different criteria. Assessment and waiver decisions must be decided by the DVL based on the victim's circumstances. However, the fact that the victim is already in a shelter may be evidence of their credibility.
- Q.2. What about DV victims who are in a shelter where the SSD pays the shelter costs and the information and pay lines are now kept in PA folder. How are these cases handled now since DV information is to be kept confidential and not be in the case record?
- A. These cases should be treated the same as they are now.

MONITORING

Q.1. Are there plans for the state (OCFS or OTDA) or the federal government to monitor the DVL files and procedures?

A. Yes. Monitoring and review will be a joint effort between OCFS, OTDA and Child Support. OTDA will be taking the lead since it is a TANF funded program. A monitoring instrument is currently being developed by OTDA.

DOMESTIC VIOLENCE
FAMILY VIOLENCE OPTION
STATE CONTACT

Temporary Assistance (PA Related Issues)

Regional Teams: 1-800-343-8859

Team I, 3-0332; Team II, 4-9344;
Team III, 4-9307; Team IV, 4-9300;
Team V, 3-1469; Team VI, 212-383-1658

WMS: (Systems Issues)

Mike Zostant 1-800-343-8859, ext. 4-7239

Children and Family Services (Services/CPS Related Issues):

Regional Office: Buffalo - Linda Brown (716) 847-3145
Rochester - Linda Kurtz (716) 238-8201
Syracuse - Jack Klump (315) 423-1200
Albany - Bill McLaughlin (518) 432-2751
Metropolitan - Fred Levitan (212) 383-1788

Medical Assistance:

Sharon Burgess (518) 473-5536

Bureau of Financial Services:

Regions I - IV, Roland Levie (518) 474-7549
Region V - Marvin Gold (212) 383-1733