

408.8 Contract requirements.

(a) Each social services district which does not directly operate a residential program for victims of domestic violence with a length of stay policy of 30 days or more must negotiate and enter into a contract with at least one residential program for victims of domestic violence located within the district or within a contiguous district. In addition to any contract with a residential program with a length of stay policy of less than 30 days (safe home networks), the social services district must also negotiate and enter into a contract with a residential program with a length of stay policy of 30 days or more (domestic violence shelters, domestic violence programs, and/or domestic violence sponsoring agencies), to the extent there is such a residential program for victims of domestic violence located within the social services district or within a contiguous social services district. Contract negotiations must be carried out in good faith. Any contract entered into by a social services district and a residential program may not abrogate the obligation of the social services district to offer and provide temporary shelter, emergency services and care to victims of domestic violence pursuant to Section 408.3 of this Part.

(b) Each contract between a social services district and a residential program must:

(1) set forth a length of time the contract remains in effect and terms for renewal as agreed upon by the social services district and residential program;

Deleted: remain in effect for no more than 12 months

(2) include all the terms of the contract in one instrument, be dated and executed by an authorized representative of each party to the contract prior to the date of implementation;

(3) have a definite effective and termination date; and

(4) specify the following:¹

(i) the approved rate established by the department;

(ii) whether, at the time of the initial determination of eligibility, victims of domestic violence will be authorized to stay for either 90 days or a period of less than 90 days; if the length of stay is initially authorized for a period of less than 90 days, the intervals at which eligibility will be redetermined must be specified in the contract, pursuant to Section 408.6(b) of this Part;

(iii) the frequency of the assessments of need for temporary

¹ References to the 90 days maximum stay should be revised in accordance with the recommendations of the subcommittee looking at 408.6.

shelter, emergency services and care and the responsibility of the social services district and the residential program to conduct such assessments, pursuant to section 408.6(c) of this Part; and

- (iv) the time frames within which a residential program must notify a social services district of an extension of a resident's stay beyond the 90 day maximum length of stay and the responsibility of the district and the residential program to assist such resident in securing alternative housing, pursuant to section 408.6(d) of this Part.
- (c) The terms of such contract will only apply to those residents who were residing in the social services district at the time of their domestic violence incidents.
- (d) The terms of such contract cannot require disclosure of identifying information regarding safe home or other residential program providers, including the information specified in section 454.11(b) of this Title, or on-site access by social services districts or their agents to a safe home. However, nothing herein precludes a local child protective service from having access to a safe home or other residential program for victims of domestic violence pursuant to section 452.10 of this Title to investigate a report of suspected child abuse or maltreatment involving a safe home provider or a resident of a safe home named as a subject of the report.
- (e) When a not-for-profit organization, as defined in section 452.2(b) of this Title, operates more than one residential program for victims of domestic violence, a social services district may enter into one contract with such not-for-profit organization rather than entering into a separate contract with each of the residential programs. However, such contract must specify a separate per diem rate established in accordance with the requirements of subdivision (a) of section 408.7 of this Part for each such residential program.