

## **Minutes for Domestic Violence Non-Residential Subcommittee Meeting**

**May 6, 2009**

### **Attending:**

Anne Ball  
Dotti Barraco-Hetnar  
Karen Colquhoun  
Pamela Johnston  
Kathy Magee  
Linda Ray  
Lucia Riviuccio  
Joanne Rosen  
Jessica Vasquez

Discussion started with a review of an email sent by Tracey Thorne (summary attached), covering Reimbursements (462.10), Reporting (462.7), LDSS Requirements (462.3) and Definition of DV (462.2).

### **Reimbursement:**

There was agreement on the changes to the Reimbursement section (see attached).

### **Reporting:**

In terms of the reporting section there was a discussion on the varying amounts and types of reporting required by LDSS, OCFS and other funding or data collection agencies. Some subcommittee members felt current reporting wasn't sufficient, others felt that current reporting requirements are already onerous especially given the new federal reporting requirements from the Federal Family Violence and Prevention Services Act (FFVPSA) Program. It was agreed that the FFVPSA requirements would be shared with the full subcommittee. Jessica also reported that OPDV has a committee that was organized specifically to look at the various reporting requirements of federal and State agencies as well as data produced by such agencies. The minutes of the data collection committee meetings are posted on OPDV's website. The consensus of the group participating in the meeting was that DV providers would be unable to handle additional reporting requirements without additional financial support.

### **Approval of Non-residential Services Providers:**

One subcommittee member had contacted Hamilton and Wyoming LDSS as they are two of only a handful of counties that provide non-residential services directly as opposed to contracting with a DV provider. In at least one additional county the LDSS provides one or more core services and contracts with a DV provider for the remaining core services. Concerns were raised about conflicts of interest, lack of training and commitment to core empowerment principles when the non-residential program is operated by an entity that is other than a DV provider.

In some counties there may be no DV provider and the options for operating the non-residential program is therefore limited to non-DV providers. Concerns relative to conflict of interest were also raised relative to non-residential programs operated for example, by law enforcement agencies where the primary goal is to convict the perpetrator. In some cases this goal may result in pressuring the victim to support prosecution which may be contrary to the safety plan developed by the victim.

It was generally agreed that regulations should promote provision of non-residential services by DV providers while allowing other entities to be approved in counties where there is no DV provider or the DV provider is unable to provide all of the core services. It was noted that current regulations do not allow for approval of programs that do not provide ALL core services directly. The group asked whether there is precedent in any regulations for restricting the type of service provider. State support staff agreed to look into this. NYSCADV will work on justification for such a restriction and the subcommittee reviewing this section will re-work the regulation language to accommodate a restriction.

### **Definition of DV Victim**

There was a lot of discussion around the use of the term “family violence” “intimate partner violence and a minimum age prescribed in regulation. The dilemma is the impact of changing language which results in the definition either being too restrictive or too expansive. For example, current regulation language defines DV victims as being at least 16 years of age. This prohibits services to unaccompanied teens under 16 years of age who may be victims of dating/intimate partner violence.

Jessica will pull Family Court Act language that allows for teens and tweens to receive services without a parent and subcommittee will discuss whether similar language could be used in the DV regulations.

### **Child Abuse Reporting:**

A suggestion was made to include language in the regulations that would address the issue of the SCR accepting a report of child maltreatment/neglect when the child is a witness to DV. State support staff acknowledged that this issue was being addressed through OCFS via the issuance of a DV protocol for hotline staff and agreed to ask whether the protocol could be shared with the subcommittee.

Language had been suggested to amend the section on child abuse reporting requirements to require the report be made by the DV provider employee who has reasonable cause to suspect that a child is being abused or maltreated. Current regulations require each non-residential program to designate an employee to be responsible for ensuring that all suspected cases of child abuse or maltreatment be reported.

NYSCADV is strongly opposed to such a change in language.

### **Additional Sections:**

Regulation sections still needing discussion include the following

- Core Services:
  - Community Education and Outreach
  - Hotline
  - Information and Referral
- Optional Services
- Staffing Requirements
- Confidentiality

### **Next meeting:**

Wednesday May 27. May 22 is the due date for final revisions from all mini-committees. A wrap-up meeting will be held on Wednesday June 3 from 3-5.

## **Summary from email:**

### Reimbursements: 462.10

Tracey and Jessica spoke about section 462.10 and agreed that there are only some language changes that need to be made on page 13 of the regulations. Suggested change remove "therefore" on 462.10 (a)(1) and "therefrom" from 462.10(a)(2).

### Reporting:462.7

Based on the work that Karen Colquhoun started by gathering the reporting forms – Lucia and Tracey had a phone conversation and agreed that the information requested in the reporting section of the regulations is adequate. The mechanism for reporting should be more robust in order to ensure that all of the programs are reporting on the activities related to core services. The outstanding question is whether the LDSS or OCFS or both should be responsible for collecting this information. I expect the group will want to discuss this further. One question I have, should the mechanism be included in the regulations or an ADM?

### LDSS Requirements 462.3

Jessica, Karen, Tracey discussed this. I still have to contact Hamilton County for information about their services. Jessica mentioned that the following phrase may be changed elsewhere and needs to be changed here: 462.3 (a)(1) – "whether or not such victims are financially eligible for public assistance and care". We discussed a waiver process for ensuring that a 501(c)(3) provides the services directly – in some cases it may be feasible for a LDSS or multiple counties to serve clients in one program.

### Definition of DV 462.2

The sub-sub committee included Lucia, Karen, Tracy and Ami Patel. We all weighed in via email.

We were trying to be inclusive of dating violence, perhaps lower the age of "eligible victim" to include individual teens who are seeking support services without their parent or delete age altogether. I didn't want to exclude family violence and only focus on intimate partner violence. We did have the conversation about elder abuse etc as a bigger group. Karen suggests replacing "victim of domestic violence" with victim of intimate partner abuse.