

GUIDING PRINCIPLES FOR COMMUNITY
DOMESTIC VIOLENCE POLICY

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Special Note: This web-document provides links to further information on various topics from a variety of programs and organizations. Please note that inclusion of these links does not indicate OPDV endorsement of the opinions and statistics contained therein.

Introduction (Panel)

Why Create a Domestic Violence Policy?

Why do organizations such as government agencies, not-for-profit service providers, businesses and other groups need a formal policy on domestic violence? Domestic violence victims and perpetrators can be found in an organization's client population, staff and stakeholders, whether or not they are formally identified. For some organizations, identifying domestic violence victims and perpetrators, and working with them, is part of their daily mission. For others, domestic violence may be a hidden problem, and the individuals, whether they are clients or staff, less visible. Whichever is the case, if organizations lack awareness of how to identify domestic violence, and do not create guidelines and policies for how to respond to it appropriately, they can unwittingly endanger and isolate both clients and staff, as well as inadvertently enable abusive behavior?

How This Document Can Help

The guidelines and practices outlined in this document are intended to help organizations strengthen their responses to domestic violence and to develop formal, customized domestic violence policies and protocols.

Policies and protocols should:

- Formally commit the organization to doing what it can to appropriately identify and address domestic violence.
- Engage all stakeholders in the development process, e.g. unions, line staff, management, courts, law enforcement, victim services, attorneys and prosecutors, etc.
- Include both policy and procedural content so that all domestic violence information needed by employees, clients and other stakeholders is easily accessible, consistent and understood.
- Contain clear expectations regarding dissemination and implementation.
- Establish plans and goals for staff training and skills development.

- Provide measures for identifying, responding to, and documenting domestic violence incidents that occur in or affect the workplace.
- Identify and offer appropriate interventions, referrals and follow up.
- Establish mechanisms for policy/program evaluation.
- Establish plans and goals for supervision and internal accountability.
- Promote an understanding of the diversity of victims, which require individualized responses.
- Increase awareness among employees, clients and other stakeholders.
- Promote linkages between organizations and entire service systems.

The principles and practices outlined in this document can be used by a wide variety of organizations:

- County and municipal government departments, district attorneys, courts, probation and parole departments, law enforcement and human service agencies.
- Schools, including elementary, middle, junior high and high schools, and public and private colleges and universities.
- Hospitals and health care providers.
- Community-based not-for-profit organizations such as women's centers, child care centers, faith-based programs, neighborhood groups, homeless housing networks, legal services organizations, parenting programs, etc.
- Private businesses in the community.
- Domestic violence programs, coalitions and advocacy organizations.

This document is not intended to provide detailed, specific implementation instructions. The goal of a successful implementation strategy should reflect the priorities of victim safety and perpetrator accountability outlined here, but the ways to reach this goal may require different paths, depending on differing regional needs and resources in the respective communities.

Scope of the Problem (Panel)

Domestic violence occurs in epidemic proportions and impacts millions of Americans and thousands of New York State residents every year. The [national](#) and [state-wide prevalence](#) is staggering.

Cost of the Problem

The Centers for Disease Control and Prevention (CDC) [reports:](#)

The costs of intimate partner rape, physical assault, and stalking exceeds \$5.8 billion each year, nearly \$4.1 billion of which is for direct medical and mental health care services. The total costs of Intimate Partner Violence (IPV) also include nearly \$0.9 billion in lost productivity from paid work and household chores for victims of nonfatal IPV and \$0.9 billion in lifetime earnings lost by victims of IPV homicide. The largest proportion of the costs is derived from physical assault victimization because that type of IPV is the most prevalent. The largest component of IPV-related costs is health care, which accounts for more than two-thirds of the total costs.

The CDC goes on to say “Due to exclusions of several cost components about which data were unavailable or insufficient (e.g. certain medical services, social services, criminal justice services), the costs presented in this report likely underestimate the problem of IPV in the US.”

Victims of domestic violence may access domestic violence or homeless shelters in an effort to escape their abusive partner. Providing shelter is costly. In their [2011 Annual Report](#), the NYS Office of Children and Family Services reports that the total expenses for NYS residential and non-residential domestic violence services (New York City non-residential services not included) was more than \$84,900,000. According to the 2010 Consolidated Plan of the NYC Department of City Planning, 31% of homeless families in New York City identify domestic violence as a service need. In a 2005 review of [NYC spending on domestic violence](#), more than \$180 million was spent on emergency services for victims of domestic violence, including shelter, counseling and services for children. For more information, please visit the [Stop Violence Against Women](#) website.

Domestic Violence Services in New York State

The New York State Domestic Violence Prevention Act became law in 1987 in order to address the needs for specialized support for victims of domestic violence and their children. This law mandates all local social services districts to provide emergency

shelter and supportive services to victims of domestic violence and provides funding for these programs statewide. Most counties fulfill this mandate by directly contracting with local, not-for-profit domestic violence agencies to provide these services. In turn, these domestic violence agencies must be licensed and/or approved to provide services to victims and their families.

The New York State Office of Children and Family Services (OCFS) sets standards for the operation of domestic violence programs and oversees the licensing of residential domestic violence services (i.e. shelters and safe dwellings) and the approval of non-residential services. Policies should assure that referrals are made only to providers that are [licensed and approved](#) by OCFS. These providers are available in every county in New York.

While New York State has a procedure to license and approve residential and non-residential domestic violence programs, New York City uses a different procedure for identifying appropriate domestic violence programs. For more information about approved NYC programs, please visit the [New York City Mayor's Office to Combat Domestic Violence](#).

To learn more about what domestic violence service programs can provide, please visit [New York State Office for the Prevention of Domestic Violence](#). To learn more about what domestic violence program services were provided in New York State in 2011, please visit the [New York State Office of Children and Family Services](#) website.

History of Domestic Violence Model Policy Development

In 1994, the New York State Legislature, in Chapter 396 of the Laws of 1994, amended [Executive Law §575\(7\)](#) to require the Office for the Prevention of Domestic Violence (OPDV) to convene a task force to develop a model domestic violence policy for counties to use to ensure "that best practices, policies, protocols, and procedures are used to address the issue of domestic violence, and to secure the safety of the victim," consistent with law and applicable regulations.

The task force included representatives from domestic violence programs, law enforcement, district attorneys' offices, the courts, probation, schools, employee assistance programs, substance abuse and mental health services, child welfare, social services, and health care providers from across the state. They surveyed county governments about their existing policies and procedures, and drafted a model policy which was followed by a discussion of the policy with groups of professionals in six communities. After public comment by field reviewers, the 1997 Model Policy for Counties was submitted to the Governor and Legislature, and disseminated statewide.

In 2011, OPDV received a Byrne Justice Assistance Grant American Recovery & Reinvestment Act (JAG ARRA) Grant to update the original publication. Guiding Principles for Community Domestic Violence Policy updates the Model Policy for Counties with the goals of:

- Focusing on communities, not just counties.
- Assisting in evaluating current policies and practices.
- Providing guidelines for policy and protocol development.
- Providing online accessibility and links to additional information.
- Updating legal information.
- Informing communities of promising practices.
- Providing links to sample policies and protocols.

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Definitions (Panel)

The definitions in these Guidelines apply to all victims and perpetrators, regardless of their respective sexual orientation, age and gender.

For purposes of these guidelines, the following definitions are used:

Domestic Violence (DV): A pattern of coercive tactics which can include physical, psychological, sexual, economic, and/or emotional abuse, perpetrated by one person against an intimate partner, with the goal of establishing and maintaining power and control over the victim. Domestic violence can happen to anyone of any gender, age, race, class, education level, or religion, and it also occurs in same-sex relationships. (Teen dating abuse is more specifically addressed in the Education section).

These Guidelines specifically address the issue of domestic violence committed by one current or former intimate partner against another. While other types of intra-family or caregiver violence share some similar dynamics, such as child or elder abuse, these Guidelines are not intended to address and respond to the issues attendant to these particular situations.

Important Note: To determine access to certain legal rights and remedies, the term “victim of domestic violence” may also be specifically defined by statute in various civil, criminal or social services laws. These legal definitions may be more broad or more narrow than above, such as including victims of intra-family violence or the types of conduct that constitutes domestic violence. Pursuant to these legal obligations, the assistance and services provided by certain organizations should be guided by these legal definitions, as applicable.

Intimate Partner Violence (IPV): Shares the same definition as domestic violence (see above). “DV” and “IPV” are used interchangeably throughout this document.

Intimate Partner: A person with whom the victim shares, or shared, a close relationship. This relationship does not require sexual intimacy. Includes persons currently or formerly married, in civil unions, or domestically partnered with one another; persons who share a child in common (i.e., through birth or adoption); couples who live together or have lived together or persons who are dating or who have dated in the past.

Perpetrator/Abuser/Offender: A person who engages in a pattern of coercive tactics which can include physical, psychological, sexual, economic, and emotional abuse against a current or former intimate partner, with the goal of establishing and

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maintaining power and control. The terms “perpetrator”, “abuser” and “offender” are used interchangeably throughout this document.

Victim: The person against whom an abuser directs their coercive and/or violent acts.

Note: Some victims of domestic violence prefer the word “survivor” or “target of abuse.” In working with individuals, their preference should be respected. The term “victim” is used in these Guidelines to highlight the fact that the individual is the intended target of their current or former partner’s unwarranted, injurious, and, often, criminal behavior. Sadly, not all those who are victimized survive. Accordingly, these Guidelines chose to use the most comprehensive and general term to define this experience.

Organization: Any person, government agency, not-for-profit, or business in a position to provide assistance to a victim of domestic violence or to intervene with perpetrators.

Domestic Violence Service Provider: Staff member of an organization that primarily or exclusively provides comprehensive residential or non-residential services to victims of domestic violence. While there are numerous providers of services to victims of domestic violence throughout the state, only certain organizations are specifically [licensed and approved](#) by the New York State Office for Children and Family Services.

While New York State has a procedure to license and approve residential and non-residential domestic violence programs, New York City and other communities rely on other community based services to respond to the diverse needs of victims and perpetrators of abuse. For more information about NYC programs, please visit the [New York City Mayor's Office to Combat Domestic Violence](#) website. In other communities, check with your licensed or approved domestic violence service provider.

Coordinated Community Response (CCR): A Coordinated Community Response is when different members of the community focus on coordinating their efforts to provide greater protection to domestic violence victims and to hold perpetrators accountable. Staff from various systems, organizations and community leaders form partnerships with the common goal of creating a climate of intolerance for domestic violence.

General Guiding Principles (Panel)

Domestic violence policies must reflect an understanding of the dangerousness of intimate partner abuse and the risks faced by victims. Such policies must make a clear commitment to reducing – and not doing anything that unintentionally increases – those risks, while doing what can be done to hold the perpetrators accountable. The policies must also ensure that organizations do not inadvertently enable perpetrators or minimize abusive behavior. Guiding principles, specific to various systems, are outlined later in this document. The following reflect general guiding principles that are relevant to all systems and are important for everyone to understand:

- Perpetrators make an intentional choice to use threats, coercive control, violence and other abusive tactics against their victims.
- Victims of domestic violence encounter many obstacles in obtaining safety, ending a relationship with or escaping an abusive partner. Most of these obstacles are outside the victim's control, and instead, lie in the perpetrator's behavior and in the response – or lack of response – of other individuals, agencies and systems.
- Any choice a victim makes carries the risk of retaliation by the perpetrator, including retaliation against the victim's children, family, friends, co-workers or others. A perpetrator may choose to retaliate with threats or violence if a victim calls the police, obtains an order of protection, reports the abuse to an employer or service provider, or decides to end the relationship. It is important to understand that a victim has to carefully weigh the risks and benefits of every intervention, including separation.
- Any interventions made on behalf of victims may put them at risk for retaliation by their perpetrators.
- Strategies and “solutions” that may seem obvious to an outsider – particularly ending a relationship immediately – often are not viable or realistic for the victim, who is in the best position to understand the safety-related implications of such choices.
- Measurement of the perpetrator's violent acts alone does not provide the whole picture of what is going on or the risk to the victim and the family.

Responses and interventions by all organizations should therefore:

- Reflect an understanding of the risks posed by the perpetrator to the victim.
- Include an evaluation of the risks and benefits of different options for victims.
- Identify ways to reduce the risks.
- Support the victim's choices and safety strategies.
- Establish a policy of zero tolerance for the perpetrator's abusive behavior.

To prevent exacerbation of perpetrator-generated harm and risk by the organizations with which victims interact, responses must:

- Acknowledge that victims' concerns and goals may be different from or even conflict with, the organization's own concerns and goals.
- Affirm the victim's right to self-determination, while respectfully educating them about options and resources.
- Refrain from explicit or implicit blaming of the victim for any abuse suffered or for choices they made or continue to make.
- Reinforce the principle that the perpetrator, not the victim, is responsible for the abuse.
- Set realistic and reasonable expectations for both victims and the organizations with which victims are interacting.

Perpetrators (Panel)

People who are intentionally abusive use emotional, psychological, economic, legal, sexual and physical tactics to control their intimate partners. They act from a set of attitudes and beliefs about intimate relationships that include the belief that they have a right to enforce their will on their partners. This belief, often rooted in [sexism](#), [racism](#) and other forms of [oppression](#), is constantly reinforced by individuals and systems that support and tolerate the choice to use abusive behavior.

The recognition that people who are abusive dominate their partners through tactics that are reinforced and condoned by society and the understanding that abusive behavior is

the sole responsibility of the individual perpetrator, are the bases of the Guiding Principles.

Just as victimization crosses all demographic lines, so does perpetration. There is no one profile of a domestic violence abuser—the individual may be financially stable, deeply spiritual, well-educated, gay or straight, or hold a prominent and respected position within the community. The thread linking abusers together is their choice to use coercive control and violence against their intimate partners.

A perpetrator's choice to use abuse – and capacity to stop it – is completely independent of:

- The victim's behavior, personality, identity or flaws.
- The perpetrator's personal deficits, health, diminished intellect, addiction, mental illness, poverty.
- Other people's behavior.
- External stressors, such as job pressures and financial concerns.
- Substance Use Disorder*

*NYS is moving away from using the terms substance abuse and substance addiction, and moving towards the term "Substance Use Disorder." "Substance Use Disorder" will be utilized for this document.

While they should never be seen as causal, there are a variety of factors that can contribute to or exacerbate abusive behavior, including a sense of entitlement, behavior that is learned through cultural messages, substance use disorder and financial stress. While understanding these factors can be helpful in developing safety and accountability plans, in cases of domestic violence, none of these are excuses.

Perpetrators of domestic violence do not just threaten or impose physical abuse. They frequently impose a regimen of prescribed behavior on victims — broad and specific — with both actual and implied consequences for violating them. Some of the fundamental rules of power and control include:

- I make the rules.
- I am entitled to you, your obedience, your services (domestic, financial, sexual), your affection, your loyalty and your attention.

Perpetrator Accountability (Panel)

Perpetrators act coercively or violently, in part, because they choose to and may do so with little, if any, accountability to their victim or to society. It is the perpetrator's responsibility to stop the abuse. It is the community's responsibility – not the victim's – to hold perpetrators accountable and eradicate the environment that tolerates domestic violence and allows it to continue. Buying into perpetrators' excuses colludes with them and allows them to avoid responsibility for their actions. Responses that focus on personal or moral deficits, physical illness, low self-esteem, early childhood experiences, anger management, diminished intellect, addiction, mental illness, other persons, or external events as the means to solving domestic violence give perpetrators support for their excuses and undermine their ability to gain insight into their capacity to stop using abuse against their partners. Substance abuse or mental health treatment, including anger management, should not be used as a response to perpetrators' violent or abusive behavior, although such referrals may be indicated as a response to other issues that exist for the individual, separate and distinct from domestic violence.

Organizations should use all respective means to [hold perpetrators accountable](#) for their abusive behavior. If no such means are available, organizations should, at least, have policies in place to prevent responses from compromising the ability of other systems to respond appropriately to abusers. Responses to abusers should be well thought out, expressed in writing and well publicized, so that consequences are made clear. In addition, intervention strategies with perpetrators should be evaluated on the basis of whether they enhance victim safety, where possible. Disclosure of victim confidences to the perpetrator will likely place the victim at risk of harm. When disclosures of victim information may be unavoidable, organizations should have policies in place that promote victim safety, while addressing accountability.

A batterers program is not enough to stop domestic violence or change abusers' behavior. Stopping domestic violence requires the entire community to respond differently to abusers. Please connect with your local domestic violence service provider to assist in making referrals to services for batterers.

For more comprehensive information regarding perpetrators, please review [Understanding Domestic Abusers](#).

Victim Self-Determination and Safety (Panel)

Self-determination: Victims of domestic violence are subject to coercive control by their partners; therefore, supporting and restoring self-determination is critical. Self-determination may be a new concept to many victims. Organizations should help them

understand that self-determination means having the right and freedom to make choices about how to live one's own life, free from manipulation and coercion. To more effectively help victims end the perpetrator's coercive control and seek safety, it is important to refrain from making decisions for them or judging their actions.

Organizations that do not work regularly with victims of domestic violence or perpetrators often are not equipped or trained to address these situations. Those organizations should:

- Have a policy in place that will link victims of domestic violence or perpetrators, where appropriate, to community services.
- Develop community partnerships so that when domestic violence is identified in their client or staff population, the response can be specific and meaningful.
- Understand the [range of services](#) that are available to victims of domestic violence.
- Provide [information about available services](#).
- Facilitate victims' voluntary use of services.
- Avoid setting conditions for providing assistance.

Many victims do not want the relationship to end – they just want the violence and abuse to end. Some victims may remain with or return to their abuser for a variety of complicated reasons. In order to support victims' right to self-determination, interventions should be consistent with their personal goals.

Safety: The goal of intervention with victims is safety from physical, sexual, emotional, financial, and psychological harm, regardless of whether the victim remains in the relationship with the perpetrator.

[Many perpetrators escalate their violence during times of separation](#) increasing the victim's risk of serious, life-threatening injury or homicide. Even a perpetrator's perception that the victim may be looking to end the relationship will escalate risk. For example, research indicates that separated or divorced victims are more likely than married victims to report being assaulted by a spouse or ex-spouse and most women killed by male partners are often [in the process of leaving or have already left](#). For many victims who come from marginalized communities, access to safety and services may be limited or non-existent due to widespread discrimination, bias and violence from

first responders and mainstream service organizations. Given the complexity of their lives, at any given point, staying with an abusive partner may be the most rational choice a victim can make to protect themselves, as well as their children, friends, family members, pets and other professionals from whom they may seek assistance. However, even where the relationship ended some time ago, the perpetrator's campaign of threats, violence and coercive control towards the victim may continue unabated.

The most effective way to attempt to reduce the risk of perpetrator-generated harm is to have a safety plan in place. Local domestic violence service providers have the expertise necessary to help victims develop these comprehensive safety plans. They can help identify a variety of options, evaluate those options and come up with a plan to reduce risk when faced with the threat of harm or with actual harm. In most cases, safety plans will need to be periodically re-evaluated and updated, particularly where the victim takes steps to separate from the abuser. Organizations should support a victim's evolving safety planning needs. However, even the most detailed safety plan cannot guarantee a victim's safety.

Note: In cases in which a victim's actions pose serious, foreseeable and imminent risk of suicide, homicide, child abuse, or harm to others, some providers are legally bound to limit the victim's confidentiality and right to self-determination by notifying the police or making a report of suspected child abuse or neglect to the State Central Register, even over the victim's objections. Organizations should inform victims of these reporting obligations at the start of any conversations. Unless providers are legally required to act, they should do everything possible to maintain the victim's confidentiality, support the victim's decisions and offer options and alternatives.

Supporting victims' rights to make their own decisions and offering a professional opinion about the safety or viability of those decisions are not necessarily incompatible actions. While victims themselves are usually in the best position to evaluate the impact of various options on their safety, it is incumbent upon the organization to make certain they are aware of their full range of options.

Empowerment Model (Panel)

An empowerment model is the preferred framework for intervention. The empowerment philosophy centers on the theory that victims possess the ability to make decisions that can foster a healthy and safe lifestyle. It acknowledges a victim's competency and offers support, resources, advocacy, information and education.

All victims have to make difficult choices under extremely difficult circumstances – choices that they can both implement and live with. For example, divorce may not be an option for certain victims where it conflicts with their deeply-held religious or cultural beliefs. For some victims with limited English proficiency or who are LGBTQH, moving to a new community or to a shelter where no one speaks their language or understands their culture or identity may not be a viable option. For young victims, their ability to escape an abuser may be limited by few resources, a lack of mobility and fear of further victimization from family, friends or guardians.

Organizations should be prepared to help victims who remain in the relationship or who left but maintain contact with their abuser for a variety of reasons. Referrals to local domestic violence service providers should be made so that supportive non-residential services and other assistance may be offered as an option. To learn more, please refer to the Futures without Violence report, [Advocacy Beyond Leaving: Helping Battered Women in Contact With Current or Former Partners](#).

Organizations should be prepared to help victims who attempt to leave the relationship by referring them to a local domestic violence service provider who will assist them with safety planning and other supportive services. In order to help reduce the risks to victims and others while in the leaving process, a thorough assessment of the risks is required.

Routine Screening (Panel)

Most community organizations should routinely screen for domestic violence using gender-neutral language because domestic violence occurs in relationships across gender identities and sexual orientations. Routine screening is important because other presenting issues (including, but not limited to, illness or injury, substance use disorder, allegations of child abuse or neglect, homelessness, financial stress or criminal involvement) may be related to, or exacerbated by, domestic violence. By failing to screen for domestic violence, your organization may inadvertently increase danger to a family and may miss an important opportunity to offer support, safety and resources.

System specific screening tools can be found on-line. However, there are general principles that should be followed:

- Screen everyone, not just those that you think “might” be victims.
- State clearly that the organization screens everyone. “Because intimate partner violence and abuse are so common, we screen for it routinely.” This gender-

neutral statement communicates that you are both knowledgeable about domestic violence and its occurrence across all demographic lines.

- Inform the victim of the extent and limits of confidentiality at the start of conversation. It should be made clear if the organization needs to act in cases where there is expressed intent to do harm to self or others. Further, if staff is mandated reporters, victims should be advised that reportable information of child abuse and/or neglect cannot be kept confidential. It should also be made clear that other than these exceptions, the victims' disclosures are confidential. It is important to understand that many domestic violence victims decline to talk about their partners' abuse, minimize the abuse or make efforts to hide the abuse because they fear their perpetrator may discover that they sought help and retaliate. The victim may also fear the perpetrator will harm the children or that Child Protective Services may become involved and remove their children from the home. In addition, victims may also be concerned about potential consequences their perpetrators may face as a result of the abusive conduct, such as criminal convictions, loss of employment or shame and embarrassment. Being open with the victim about the extent and limits of confidentiality will demonstrate the organization's trustworthiness as a helper and foster an environment where the victim feels safe to disclose their experiences to the extent they choose.
- Screening should take place in private. No one should ever be asked domestic violence screening questions in the presence of their partner, other family members (including children) or friends. To do so may increase the victim's reluctance to speak candidly, and may even put the victim at risk of retaliation by the perpetrator if such disclosure is discovered.
- Practice active listening and give the victim ample time to share their story.
- Where there are language barriers, use objective interpreters/translators, preferably those who have some knowledge of domestic violence. If live interpreting services are not available, [Language Line](#) is a service that provides phone interpretation in over 175 languages and may be appropriate. Relay services may be appropriate for victims who are Deaf, hard of hearing or have other communication disorders. Avoid the use of family members, friends, or other non-professional interpreters/translators because they may limit the victim's ability or willingness to disclose, advise the perpetrator about the victim's disclosure, or interpret incorrectly. Children should NEVER be used as interpreters or translators.

- Ask specific questions and be direct. Avoid using jargon or labels.
- DON'T ask:
 - “Are you a victim of domestic violence?”
 - “Are you being battered?”
- DO ask:
 - “Have you ever been afraid of your current or ex-partner?”
 - “Do you feel safe at home?”
 - “Has your current or ex-partner ever hit or threatened to hit you?”
 - “Has your current or ex-partner ever made threats, done things or said things that make you afraid?”
 - “Does your current or ex-partner make threats to hurt you, other family members or your pets?”
 - “Has your current or ex-partner ever threatened to report you to immigration or to have you deported?”
 - “Has your current or ex-partner ever threatened to reveal your sexual orientation or gender identity?”

Validate the victim’s unique perspective and experience. Victims of domestic violence are frequently not believed or not taken seriously, and the fear they report is minimized. Where there are disclosures, express support through simple statements such as:

- “You are not alone. This happens to lots of people.”
- “You are not to blame. It’s not your fault.”
- “You are not crazy. Your feelings are normal and reasonable for someone who’s been through what you’ve been through.”

- “It sounds like you have good reason to be afraid.”
- “Help is available and we’d like to help if we can. What do you need?”

Danger Assessment (Panel)

While organizations that lack advanced training and experience in domestic violence should refer victims to domestic violence service providers for comprehensive [risk assessments](#) and safety planning, all organizations should be aware of the danger signals in cases of domestic violence. There are many system-specific online assessment tools available. While these tools can help to identify the elements of risk that victims face, they cannot predict the perpetrator’s behavior or the actual level of safety of the victim.

Danger assessment should consider things such as a perpetrator’s:

- Access to firearms.
- Prior use of, or threat to use, weapons.
- Prior attempts to strangle or suffocate.
- Threats to kill victim or self.
- Forced sex.
- Attempt to control or monitor daily activities.
- Jealousy or obsession.
- Prior history of arrests and/or orders of protection, including violating orders.
- Isolating victim from friends and family.
- Substance use disorder.

Safety Planning (Panel)

While even the most comprehensive [safety plans](#) do not guarantee a victim’s safety, safety plans are important tools for reducing risk. A safety plan assists both victims and providers in identifying, gauging, and assessing risk factors and generates available options, resources and alternatives. A safety plan should be the victim’s plan -- not the organization’s or domestic violence service provider’s plan. It should be reviewed often to accommodate changes in the victim’s situation and needs. The domestic violence service provider will help the victim identify options, weigh the potential benefits and drawbacks of those options, and identify and employ all possible resources to assist the victim in implementing the plan.

Regardless of what a victim intends to do in response to their perpetrator’s abuse, it can be very helpful to identify and evaluate risks and plan for a variety of different situations.

Examples include dealing with an immediate crisis, continuing to live with or date their partner, separation or divorce, custody and/or visitation arrangements and maintaining an independent life after the end of the relationship. Organizations should help victims develop short-term safety plans or escape plans that answer questions such as:

- What, if anything, can they do to minimize the possibility that their perpetrator will harm them?
- What can they do if their perpetrator threatens or assaults them?
- Who can they call for assistance? Do they need to make arrangements for children or pets?
- Where can they go that is safe?
- What important papers will they need?
- Do the children know how to dial 911 and/or where to hide or run for help?
- Where can they keep some extra money, car keys, fare for public transportation, etc.?
- How can they use their computer and phone safely?

A domestic violence service provider is the most knowledgeable and experienced person in the community to help victims develop these more extensive, complex and detailed safety plans. If the victim has not already contacted the local domestic violence service provider for support and assistance, referrals for safety planning should be made.

Confidentiality (Panel)

When working with domestic violence victims, maintaining their privacy and confidentiality is crucial to promote their self-determination and victim safety. Organizations should be aware of any state and/or federal laws requiring privacy protections for their clients, consumers or employees. Organizations should also inform victims about their privacy and confidentiality policies, including any limitations or circumstances warranting disclosure. If organizations wish to share confidential information about the victim with third parties, they should do so with the victim's informed consent.

Perpetrators may try to locate their victims by accessing public records or databases, or by gaining unauthorized access to confidential records. Organizations should ensure that information about victims is stored securely and that strict precautions are taken to prevent perpetrators or others from accessing information. It is essential that organizations also have effective and comprehensive information security measures in place, combined with serious sanctions for violations.

For those victims whose communication is being monitored by their abuser, organizations should discuss and plan with the victim how safer communication can be achieved. The following measures should be considered:

- Blocking their phone numbers when contacting victims so that abusers cannot discern who has called.
- Discussing what methods of contact and communication may be safe (e.g. mailing letters to an alternate address, leaving messages with a third party, calls only at the workplace, etc.).
- Receiving training on how to use technology safely and strategically (i.e. when and how to instruct victims to clear computer browser history, cell phone GPS capabilities or other personal tracking software and applications.) To learn more about technology safety methods, please visit the [National Network to End Domestic Violence](#) website.

Victims of domestic violence who disclose their actual address may be putting themselves at risk of further harm. New York has [enacted numerous laws](#) designed to help protect victim privacy. Effective October 2012, the New York State Department of State instituted a cost-free, statewide [Address Confidentiality Program](#) (ACP). Eligible victims of domestic violence can submit applications to the ACP to become a program participant and receive a legal, substitute address that can be used in dealings with governmental agencies, courts, and to receive certain types of mail and service of court documents.

Co-Occurrence of Child Abuse/Maltreatment & Domestic Violence (Panel)

There is mounting evidence that [child abuse/maltreatment and domestic violence co-occur](#).

The majority of [studies indicate](#) a range of 30-60% co-occurrence of domestic violence and child abuse/maltreatment. As a result, when screening for child

abuse/maltreatment, it is important to also screen for domestic violence against or by all adult caregivers.

Interventions designed to protect the safety of children should always include interventions to enhance the safety of adult victims.

Conversely, interventions to protect the adult victim should consider the safety and emotional needs of the children. Children living in a home where there is domestic violence may suffer emotionally from indirect exposure to and awareness of the abuse in the home, get hurt accidentally, or become direct targets of abuse.

There is a great deal of variability both in children's experiences in homes where there is domestic violence and in the impact on those children. Appropriate interventions are imperative since [research shows](#) that various resiliency factors (such as feeling safe, maintaining a close relationship with the non-offending parent, developing and maintaining connections to community supports such as churches and schools, close relationships with other trustworthy adults and the opportunity to talk about events and feeling) can reduce the negative impact on children who are exposed to domestic violence.

Danger of Joint Intervention Strategies (Panel)

Intervention strategies that require cooperative participation between a victim and a perpetrator are unlikely to be effective and can often be dangerous. Joint intervention strategies presume there is a relatively equal balance of power in a relationship. This type of intervention believes that both parties are rational and equally free to choose whether to participate, what to say, and what goals to pursue without danger or fear. However, in cases involving domestic violence, there is necessarily an imbalance of power.

Joint intervention strategies also reinforce the incorrect notion that domestic violence is a problem created and controlled by both parties. They allow the perpetrator to discount their responsibility for abuse, to air grievances against the victim as justifications, and to place responsibility for changes in behavior on the victim. These strategies can provide false hope and send the message to the victim that if they change, the perpetrator will change. Such a scenario rarely, if ever, occurs.

[Dangerous joint interventions](#) include couples counseling, marriage counseling, family counseling, parent coordinators, or other alternative dispute resolution processes such as restorative justice or mediation. Some victims in diverse communities are turning to

restorative and other types of community-based justice because they cannot access mainstream criminal justice systems or do not feel safe or comfortable doing so.

All organizations who come in contact with victims and perpetrators should avoid suggesting or mandating such interventions. Instead, trained domestic violence service providers need to share information with victims about the known risks and limitations of services that require joint participation with the abuser so that victims can make an informed decision about whether or not to utilize such services themselves. However, if a victim chooses to participate in a joint intervention strategy after receiving information on the pitfalls and dangers, the victim should be supported and the process should incorporate customized safety planning.

Victim Diversity (Panel)

Organizations that come in contact with victims and perpetrators should be aware that individual victims may have particular needs and challenges related to their economic status, race, ethnicity, sexual orientation, gender identity, age, religion, disability, immigration status, education, employment status, or urban vs. rural residency.

Abusers across all demographic lines use similar coercive tactics. However, the factors listed above, singly or in combination, can affect both how domestic violence is experienced by the victim and what options and services may be available to them. Perpetrators frequently utilize and exploit these differences as tactics of abuse and control. Diversity among victims requires systems to develop individualized responses that consider individual needs.

- Rural Communities: Victims in [rural communities](#) often face geographic distance from neighbors/services that contributes to isolation, a lack of public transportation, a lack of privacy due to living in a small community, and family members – or relatives of their abusive partner – who have direct connections to local law enforcement or service providers. To learn more, please visit the [National Center on Domestic and Sexual Violence](#) website.
- Culture/Religion: [Cultural](#) or [religious groups](#) may hold different values and beliefs around family, gender roles and community integrity that create additional challenges and pressures on victims. For example, some victims' access to emergency shelter may be complicated by specific religious or culturally-oriented dietary or privacy needs. As a tactic of abuse, the abuser may intentionally isolate the victim from their trusted cultural or religious connections. Membership in a particular cultural or religious group, however, can also be a source of strength for victims and may provide supports or services within the context of

the victim's cultural or religious identity. To learn more, please visit the [National Center on Domestic and Sexual Violence](#) website.

- **Disabilities and Special Needs:** Victims with physical, psychiatric, developmental, cognitive and other disabilities experience numerous challenges. Abuser-created difficulties are frequently exacerbated by the wider community's failure to understand their responsibilities to provide equal access and to make their services welcoming for individuals with disabilities. Some victims may even become disabled as a direct result of the perpetrator's infliction of physical or emotional harm. Victims who have [disabilities and/or special needs](#) often find that services are inadequate or lack cultural competency, resource materials are unavailable in alternate formats (e.g., Braille), buildings where services are delivered are physically inaccessible and accessible means of communication (such as an interpreter or TTY) is limited or unavailable. To learn more about this topic, please visit the following webpages at [National Center on Domestic and Sexual Violence](#), [Accessing Safety](#), [New York State Office for the Prevention of Domestic Violence](#), [Barrier Free Living](#) and [New York State Office for the Prevention of Domestic Violence Fall 2009 Bulletin](#).

- **Lesbian, Gay, Bisexual, Transgender, Queer & HIV-Affected (LGBTQH):**

LGBTQH individuals face a serious lack of services. Those who seek help may face:

- Unwanted exposure of their sexual orientation, and/or gender identity, or HIV-status
 - Institutionalized heterosexism, transphobia, biphobia, homophobia
 - State and federal policies that sanction discrimination against victims and their families
 - Negative attitudes and stereotypes from service providers
 - Outright refusal to provide services, especially emergency shelter. For more information on this topic, please visit the following webpages at [National Center on Domestic and Sexual Violence](#), [New York State Office for the Prevention of Domestic Violence](#) and [New York State Coalition Against Domestic Violence](#).
- **Male Victims:** Domestic abuse is not limited to women alone. Male-identified individuals experience abuse from male or female intimate partners. Research about [male victims](#) in heterosexual relationships continues in quantifying the prevalence of abuse and addressing the [unique needs and barriers](#) faced by male victims, including men who fall into vulnerable categories such as disabled,

Deaf, undocumented immigrants, isolated and/or elderly. For more information, please visit the [Center Against Domestic Violence](#) website.

- Immigrants: Victims of domestic violence who are documented or undocumented [immigrants](#) may face some of the following additional barriers to service:
 - Fear of law enforcement due to immigration status.
 - Limited or no knowledge of existing laws and/or services.
 - Limited English proficiency (LEP).
 - Limited access to employment or public benefits
 - Isolation and rejection within their communities and from the larger culture.
 - Fear of deportation/removal due to immigration status.
 - Fear of losing child custody due to immigration status. To learn more, please visit the following webpages at [National Center on Domestic and Sexual Violence](#) and [New York State Office for the Prevention of Domestic Violence](#).

- Ethnicity: [A victim's ethnic background](#) can create additional barriers to safety. For example:
 - Limited community support and/or community pressure from victim's own community.
 - Social/religious pressures.
 - Society's stereotypes.
 - Actual or perceived racism may discourage victims from contacting law enforcement or other community based organizations. For more information, please visit the [National Center on Domestic and Sexual Violence](#) website.

- Older Victims: Perpetrators of [elder abuse](#) can be intimate partners, children, grandchildren, other family members or caregivers. Elderly victims face challenging barriers to reporting their abuse. For example:
 - Fear of being institutionalized.
 - Fear of being alone.
 - Lack of financial means.
 - Shame of not being able to protect themselves. For more information, please visit the following webpages at [National Center for Domestic and](#)

[Sexual Violence](#) and [New York State Office for the Prevention of Domestic Violence](#).

- Teen/Young Adult Victims: Relationship violence and abuse is not limited to adults. [One in three adolescents](#) in the United States is a victim of physical, sexual, emotional or verbal abuse from a dating partner — a figure that far exceeds rates of other types of youth violence. Some of the barriers faced by young victims include:
 - A lack of domestic violence shelter services for victims under 18 years old.
 - Fear of further victimization from family and friends.
 - Fear of being blamed for the abuse.
 - Lack of experience with healthy relationships
 - Abuse through digital and social media.
 - Enrollment at the same school as their abuser.
 - Lack of financial means or transportation. For more information, please visit the following webpages at [Respect Love, Love Respect](#) and [Break the Cycle](#).

- Criminally-Involved Victims: Victims of domestic violence may become involved in the criminal justice system for a variety of reasons, such as arrest or conviction for defending themselves against their abuser, fleeing with their children and facing kidnapping or custodial interference charges, coercion into criminal activity, or being charged with a crime directly connected to the domestic violence history (e.g., shoplifting baby formula because their perpetrator withheld money, engaging in sex work/sex trafficked by abuser). Victims from marginalized communities – persons of color, poor, LGBTQH and persons with mental health issues – may be disproportionately arrested and incarcerated because of intersecting societal oppressions. Criminal involvement can create unique barriers for victims such as:
 - Limiting or restricting access to children.
 - Negatively impacting future employment opportunities or eligibility for public benefits such as assistance or housing.
 - Negatively impacting immigration status or petitions to adjust status.
 - Reducing access to domestic violence advocates or shelter.
 - Limiting options due to parole or probation supervision conditions.
 - Creating feelings of shame, guilt and stigma; being viewed as a perpetrator.

It is not feasible for every organization to have a comprehensive understanding of the social and cultural affiliations of every victim with whom they work. However, it is

essential to acknowledge the ways these factors influence individual victims' behavior and choices, as well as to respond competently and respectfully.

Coordinated Community Response (CCR) (Panel)

Early intervention and a [coordinated community response](#) can be effective tools for holding perpetrators accountable, promoting victim safety, preventing escalation of abuse, reducing the rate of domestic violence homicides and felonies and maintaining the stability of victims' relationships with their children. The benefits of collaboration include:

- Efficient use of resources.
- Collective problem-solving.
- Learning from one another's specialized skills and knowledge.
- More effective response in terms of accessible, timely and targeted referrals.
- Proactive way to create the social change necessary to end domestic violence.

Many local communities have a multi-disciplinary Domestic Violence Task Force (sometimes called a coalition, consortium, or response team) made up of various representatives of the criminal and civil justice system, health and human service providers, education and faith communities, community employers, unions and other government agencies. Because the active participation of individuals with different roles in the domestic violence response is essential to an effective CCR, such groups should broadly recruit representation from many types of organizations in the community. Extensive domestic violence and inter-agency cross-training should occur for all CCR members through the leadership of the local domestic violence program.

Organizations should actively participate in local task forces or coalitions dedicated to improving their community's CCR, as appropriate. (Note: Ethics rules may prohibit judges from participating in some CCRs, depending upon the CCR's mission.) Resources (staff time, travel, etc.) should be allocated to this effort, and representatives should have the authority to participate meaningfully on behalf of their agency. For more information, please visit the following webpages at [The Children's Aid Society](#) and the New Destiny Housing report, [Taskforce on Domestic Violence and Economic Justice - Workforce Development Group](#).

Training (Panel)

In order to develop effective policies and protocols and implement them effectively, organizations need to have accurate, up-to-date information about domestic violence.

Training on domestic violence should be provided from experts in the field who work collaboratively with local domestic violence service programs. Such training should prepare staff to:

- Identify indicators of domestic violence.
- Screen for domestic violence.
- Assist identified victims in safety planning.
- Make appropriate referrals.
- Individualize responses in recognition of the physical, social and cultural realities that impact a victim's situation.

Training should also include the impact that domestic violence may have in the organization's workplace where both victims and perpetrators may be employed. Participation should be required not only for line staff but also for managers, policy makers, human resources personnel, support and clerical staff, legal staff, union representatives, employee assistance personnel and security staff. Training should be scheduled on a regular basis to provide a refresher for employees and to address the frequency of staff turnover.

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Law Enforcement (Panel)

For a substantial number of victims and perpetrators, law enforcement represents the entry point to the criminal or civil justice system. Initial police officer response is crucial in all cases involving domestic violence—whether it is responding to a domestic incident, serving an order of protection, or enforcing a violation of a court order. By the time victims have called for police assistance, their abusers have usually already subjected them to violence and abuse that has been spiraling upward. Many victims do not report the first abusive incident or many of the perpetrator’s physical, sexual, and emotional attacks, and/or other types of coercive control before their initial contact with the police.

Proactive and timely law enforcement interventions, informed by comprehensive domestic violence training and awareness, can help to enhance victim safety, improve investigation and evidence collection, and assist in prosecution.

Policy Guidelines (Panel)

[Review General Guiding Principles.](#)

Policy Statement

Policy statement should include:

- The purpose of the policy.
- A definition of domestic violence.
- Reference or detail existing, applicable state and/or federal laws, case law, and policies.
- The law enforcement agency’s commitment to address the issue and to implement and uphold the policy.

Definitions

Define concepts used throughout the policy, such as domestic incident, domestic violence, family offense, victim of domestic violence, family and household member, child witness, sexual abuse and sexual assault, stalking, strangulation, intimate relationship, concurrent jurisdiction, order of protection, mandatory arrest, primary physical aggressor, firearms, NYS Order of Protection Registry (Registry), Domestic Incident Report (DIR), NYS Domestic Incident Report Repository (DIRR) and Victim Rights Notice. [Refer to Guiding Principles Definitions section.](#)

Guidelines

In December 2010, the NYS Division of Criminal Justice Services Municipal Police Training Council developed and approved a comprehensive, [statewide Model Domestic Incident Policy for Law Enforcement \(MPTC Policy\)](#). Many of the issues addressed in this section are detailed more fully in the MPTC policy including procedures for: communication, responding officers, arrest policy, family offense and non-family offense arrest processing, orders of protection, firearms, appearance tickets/bail, and officer-involved incidents. The MPTC policy should be the guide for law enforcement's response to domestic incidents. Other policies or the guiding principles discussed below should both be consistent with, and enhance, the existing MPTC Policy.

General Victim Considerations

- Provision of respectful and appropriate assistance to [diverse categories of victims](#), witnesses and offenders regardless of national origin, age, religion, ethnicity, disability status, immigration status, religion, sexual orientation, gender identity, education, or socio-economic status.
 - Sensitive and informed service provision to victims experiencing [substance use disorder](#) and/or [mental health issues](#).
- Provision of reasonable accommodations to [limited English proficient](#) (LEP) and [disabled](#) or Deaf victims, witnesses, and offenders.
 - Agencies should meaningfully evaluate their respective accessibility to these communities and [engage in collaborative efforts with community stakeholders to improve access and response](#) through formal language access and [disability response plans](#).
- [Immigrant victims](#) are less likely to report abuse than non-immigrant victims due to language barriers, cultural differences, and a fear of deportation, particularly if they are undocumented. Departments should develop [explicit policies](#) prohibiting immigration-status related inquiries.
- Develop measures to prevent a victim's address or other contact or identifiers from being disclosed to the abuser, especially where a victim is enrolled in the [NYS Address Confidentiality Program](#), as well as those with current or pending [identity changes](#) or [Social Security Number changes](#).

Communication and Responding Officer Guidelines

- [Detail](#) communication and call dispatch procedures for domestic incidents, including but not limited to: level of priority assigned to domestic incidents, number of responding officers dispatched to a scene, and procedures for handling caller requests to cancel a call for service. Domestic incidents should be assigned high priority and responding officers should be dispatched to a scene, regardless of whether there is a request to cancel assistance.
 - Address methods for alerting responding officers to the domestic violence history at the same location including: existence of current or expired orders of protection and [Domestic Incident Reports in the DIRR](#).
- [Detail](#) comprehensive [responding officer procedures at domestic incidents](#). Upon arrival at a domestic incident, officers should [establish control of the scene](#) and:
 - Check the safety and well-being of all occupants, [particularly children, elderly or disabled victims](#). Call for emergency medical assistance, where necessary.
 - Separate the parties.
 - Determine if weapons were used or threatened and detail procedures for confiscating firearms/ weapons and alerting authorities where an offender has firearms or is licensed to carry a weapon.
 - Interview [victim](#), the [accused](#), [children](#), or other witnesses. Determine the necessity for accommodations for LEP or disabled individuals.
 - Collect all potential [evidence](#).
 - Investigate for [head trauma/injuries](#) or [strangulation/suffocation](#), as injuries related to these incidents have increased risk of victim fatality.
 - [Complete the DIR](#) and any other necessary complaint, deposition, information, report, or form documenting the incident. The DIR must be completed and a copy of the DIR, along with the Victim Rights Notice, provided to the victim, regardless of whether an arrest was made.

- [Detail](#) procedures for a comprehensive [primary physical aggressor analysis](#) where the officer has reason to believe that more than one family or household member has committed a family offense misdemeanor.
 - Where a primary aggressor analysis is properly conducted, dual arrests in domestic violence cases should be rare. Policies must detail the heightened circumstances and procedures triggering such practice.
 - Studies indicate that determination of [primary aggressor is particularly problematic when the intimate partner violence occurs between same-sex couples](#). To prevent injustice, policies should provide officers with increased skills for handling matters involving abuse in same-sex relationships. For more information, please visit [The Anti-Violence Project](#) website.
- Where reasonable cause exists, make an arrest or obtain information from the victim/witnesses that will aid in apprehending the suspect. [Detail](#) mandatory (warrantless) arrest procedures.
 - [Appearance tickets should not be issued](#) in domestic violence cases.
- Where an offense was not committed in the officer's presence, officers should draft, where appropriate, a first party complaint with the victim as the deponent. Agencies should not require victims to make a civilian arrest when the officer is able to make a lawful warrantless arrest.
- [Detail](#) officer response where a suspect's arrest is [not authorized under mandatory arrest provisions](#), including advising the victim that law enforcement will continue to be of assistance regardless of the circumstances in the instant case.
- Regardless of whether an arrest is made or authorized, officer should provide the victim with information about domestic violence dynamics, [local licensed and approved domestic violence service providers](#), as well as criminal and civil legal rights and remedies. Where necessary, officers should assist the victim with transportation to a domestic violence shelter or another safe space.
- Provide victims with local domestic violence hotline information (NYS hotlines are in Victim Rights Notice), as well as direct them to the [Victim Rights Notice on the DIR](#).

Service and Enforcement of Orders of Protection

- Where law enforcement is ordered by the court or called upon to serve process of an order of protection, policies should detail:
 - Procedures for enhancing victim safety throughout the process, as well as providing victims timely notice of service. Inform victims about the [SAVIN Order of Protection Notification System](#).
 - Enforcing vacateur from a shared residence.
 - Enforcing [firearm surrender/confiscation](#) order.
 - Providing proof of service of process to the court.
 - Updating service information in the NYS Order of Protection Registry.
- Detail procedures for investigating and enforcing violations of orders of protection and enforce where there is reasonable cause to indicate a violation occurred. Violations of orders of protections must be taken extremely seriously because they may indicate escalating violence, potentially to a lethal state.
 - In circumstances where the protected party does not have a valid copy of the order of protection available, officers must independently attempt to verify the existence and terms of the order.
- Policies should explicitly mandate officers not charge protected parties with “violating their own order of protection” through criminal contempt, criminal facilitation, or other criminal accomplice liability.

Intra-Agency Protocols

- As community need warrants, police agencies are encouraged to create and maintain dedicated domestic violence response units where officers, victim-witness advocates, and other responders have specialized training in domestic violence dynamics and evidence gathering techniques, repeat victim contact, and strong community service provider connections.
- Detail departmental policies for conducting follow-up investigations and consider developing a follow-up home visiting program.

- Develop inter-agency communication procedures to standardize and streamline notification to community corrections, regardless of whether an arrest was made when the subject of the investigation is believed to be on probation or parole. See the DIR pad cover and utilize the [2010 NYS Association of Chiefs of Police Domestic Violence Intervention Sample Policy Component](#) as models.
- Detail procedures for responding to [police officer-involved incidents](#). For more information, please visit the [International Association of Chiefs and Police](#) website.

Staff Education & Training

Domestic violence training should be provided for all levels of staff. This training should be periodic and cover the following:

- General information on domestic violence, including:
 - Definition of domestic violence
 - Indicators of domestic violence
 - Tactics of control
 - Potential impact of domestic violence on children
 - Lethality factors
 - Basic safety planning
- Interviewing and intervention skills, including for victims, perpetrators, and child witnesses.
- Evidence collection in domestic violence cases.
- Special investigation and evidence collection in cases involving technology-related crimes or identity theft, animal abuse, strangulation, and stalking.
- Overview of criminal domestic violence-related [state laws](#) and policies, as well as an overview of those related to: confidentiality protections and identity changes, family and matrimonial laws, housing, employment, insurance, anti-discrimination and bias protections, torts, public benefits, and public health.
- Overview of relevant domestic violence-related federal laws and policies including, but not limited to: [firearms prohibitions, immigration relief, inter-jurisdictional issues \(inter-state crimes, Full Faith and Credit for orders of](#)

[protection, parental abduction](#)), [confidentiality protections](#), [military concerns](#), [Native American and tribal concerns](#), and [tax issues](#).

- Overview of law enforcement ethical standards of conduct.
- Overview of local resources and services.
- Details of the departmental policy and employee expectations, including internal Domestic Violence Policy for employees.

Laws & Regulations (Panel)

Executive Law §214-b Family Offense Intervention

Requires the state police to develop, maintain, and disseminate written policies and procedures regarding the investigation of and intervention in incidents of family offenses. Also requires police education and training on the interpretation and enforcement of New York's family offense laws.

Executive Law §221-a Computer System To Carry Information of Orders of Protection and Warrants of Arrest

Provides for the creation and maintenance of a computer system to carry information pertaining to certain temporary and permanent orders of protection issued in Family, Criminal, and Supreme Courts in New York. Also includes special orders of conditions, as well as orders registered in New York that were issued in other states, territories, or tribal jurisdictions. Addresses access to the database, as well as disclosure of information contained therein.

Criminal Procedure Law §530.11 Procedures for Family Offense Matters

Details procedures for family offense matters and requires courts to create rules to facilitate information sharing between the Criminal and Family Courts. Also instructs police agencies to provide information to complainant victims of family offenses outlining their rights and providing information about domestic violence services.

Criminal Procedure Law §140.10(4) & (5) Arrest Without a Warrant; By Police Officer; When and Where Authorized

Details conditions upon which mandatory arrest applies, including violations of orders of protection and special orders of conditions. Details when police officers must engage in

primary aggressor determinations in family offense misdemeanor cases. Also outlines the general considerations the officer must employ in making the determination.

Requires the report of a domestic violence incident (DIR), involving a person known by a law enforcement officer to be a person under supervision of the parole or probation supervision, to be forwarded to the agency, as soon as practicable.

Criminal Procedure Law §530.14 & Family Court Act §842-a Suspension and Revocation of a License to Carry, Possess, Repair, or Dispose of a Firearm or Firearms; Ineligibility for Such a License; Order to Surrender Firearms

Outlines the law regarding addressing mandatory and permissive suspension and revocation of firearms licenses, orders rendering the respondent ineligible for a license, and orders for the immediate surrender of firearms owned or possessed. Also addresses notice of the revocation, suspension, or ineligibility in an order of protection, the NYS Order of Protection Registry, local police agencies, and the state police. Further addresses due process rights to a hearing.

Family Court Act §153-b Service of Process Request for Order of Protection

Addresses service of process procedures related to orders of protection.

Family Court Act §168 Notice of Order of Protection

States that copies of orders of protection must be issued to both parties and directs police, when presented with an order, have the authority to make an arrest where the order was violated. Details the court clerk's responsibilities for filing the order and any subsequent modifications with law enforcement. Also directs specific notice language on the order's face.

22 NYCRR §205.7-a Electronic Transmission of Orders of Protection

Details rules regarding transmission of orders of protection for service of process, as well as proof of service.

Resources (Panel)

New York

[NYS Municipal Police Training Council Model Domestic Incident Policy for Law Enforcement](#)

[2010 NYS Association of Chiefs of Police Domestic Violence Intervention Sample Policy Component](#)

[OPDV Responding Officer Checklists](#)

National

[Domestic Violence by Police Officers Model Policy-IACP](#)

[A Law Enforcement Guide to Enforcing Orders of Protection Nationwide](#)

[Evaluating the Impact of a Specialized Domestic Violence Police Unit](#)

[Enforcing Domestic Violence Firearm Prohibitions: A Report on Promising Practices](#)

[National Institute of Justice Practical Implications of Current Domestic Violence Research](#)

[Assisting Immigrant Victims of Domestic Violence: Law Enforcement Guide](#)

[Assessing Justice System Response to Violence Against Women: A Tool for Law Enforcement, Prosecution and the Courts to Use in Developing Effective Responses](#)

Other States

[Model Protocol for Law Enforcement Responding to Children at the Scene of a Domestic Incident \(Vermont\)](#)

[Departmental Policy for Handling Domestic Violence Incidents Involving Law Enforcement Officers \(New Jersey\)](#)

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Community Corrections (Panel)

Both parole and probation play a critical role in the coordinated response to domestic violence cases by functioning as offender accountability agencies whose focus is on victim and community safety. Community corrections professionals who work with intimate partner domestic violence cases usually report that these are among their most difficult and challenging cases. The inherent supervisory functions that provide for customized, long-term, vigorous monitoring and case management of offenders can help to constrain the perpetrator's negative conduct and, hopefully, influence behavior change. Care must also be taken to avoid having the perpetrator believe that the probation or parole officer sympathizes with him or her.

Perpetrators of domestic violence use a variety of tactics to abuse and control their partners including coercive control, rape, deprivation, threats and violence. As a result of this toxic and destructive climate, victims of domestic violence can be brought into the criminal justice system in numerous ways. They may be forced or coerced into illegal activity such as engaging in drug sales, theft, or sex work. They may serve as accomplices to crimes committed by the abuser, such as serving as a lookout. Alternatively, victims may commit crimes against their perpetrator as a way to protect themselves or their children from further violence and abuse. Victims may also be erroneously charged with crimes when defending themselves or family members from harm.

Perpetrators in jails or prisons may continue to wield power and control over their victims, despite their incarceration in a secure facility. Correspondence or telephone communication with the victim may be threatening or abusive. The abuser may demand ongoing contact, conjugal or regular visits with the victim. In some cases, victims may comply because they believe that heightened security in the detention facility provides some measure of safety and protection. Instead of threats, some [perpetrators may engage in more sophisticated emotional campaigns](#) intentionally designed to minimize their actions, wear the victim down, and elicit sympathy.

While individuals under community supervision must be held accountable for their crimes, it is critical that such supervision be conducted in a way that does not place domestic violence victims at further risk of harm.

Policy Guidelines (Panel)

[Review General Guiding Principles.](#)

Policy Statement

Policy statement should include:

- The purpose of the policy.
- A definition of domestic violence.
- Reference or detail existing, applicable state/federal laws, regulations, rules, and policies.
- The community corrections agency's commitment to address the issue and to implement and uphold the policy.

Definitions

Define concepts used throughout the policy, such as domestic incident, domestic violence, family offense, victim of domestic violence, family and household member, child exposed to violence, sexual abuse and sexual assault, intimate relationship, concurrent jurisdiction, order of protection, aggravating circumstances, mandatory arrest, primary physical aggressor, firearms, batterer program, NYS Central Register of Child Abuse and Maltreatment (Register), NYS Order of Protection Registry (Registry), Domestic Incident Report (DIR), NYS Domestic Incident Report Repository (DIRR), and Victim Rights Notice. [Refer to Guiding Principles Definitions section.](#)

Guidelines

The New York State Department of Corrections and Community Supervision (DOCCS) & the Office of Probation and Correctional Alternatives (OPCA) have developed statewide model policy guidance to address domestic violence concerns in their respective substantive areas. Many of the issues addressed in these sections are detailed more fully in each agency's own model policy tool. Policies developed for parole and probation agencies should both be consistent with, and enhance, the existing statewide tool.

General Principles for Parole & Probation

All community corrections professionals should consider the following principles:

- Where community need warrants and funding allows, agencies are encouraged to designate officers who specialize in domestic violence or, in larger departments, establish dedicated "domestic violence units" where supervisors, officers, and support staff have expertise in domestic violence issues.

- Provide respectful and [culturally competent](#) services to individuals who are involved with parole and probation, regardless of national origin, age, religion, ethnicity, disability status, immigration status, religion, sexual orientation, gender identity, education, or socio-economic status.
 - Service provision to probationer or parolee victims of domestic violence also experiencing [substance use disorder](#) or [mental health issues](#).
- Provide reasonable accommodations to [limited English proficient \(LEP\)](#), Deaf or [disabled](#) individuals who are involved with parole and probation.
 - Agencies should meaningfully evaluate their respective accessibility to these communities and [engage in collaborative efforts with community stakeholders to improve access and response](#) through formal language access and [disability response plans](#).
- Outline confidentiality procedures for domestic violence-related and victim information.
 - Explain departmental confidentiality parameters to individuals who are involved with parole and probation, including disclosure in cases of suspected child maltreatment.
 - Respect and protect certain victims' need for heightened confidentiality and privacy. Discuss contact with and service provision to victims enrolled in the [NYS Address Confidentiality Program](#), as well as those with current or pending [identity changes](#) or [Social Security Number changes](#).
 - Explain the [VINE Program](#) and processes to victims. For those enrolled, remind them to keep VINE apprised of their current contact information.
- Draft customized supervision plans for offenders that are informed by the level of appraised risk and provide community corrections personnel with the tools and authority needed to hold offenders accountable and promote victim safety.
 - Despite a score of minimal risk reported on an actuarial risk and need assessment instrument, always assume that a parolee or probationer who is abusive to an intimate partner may pose the greatest risk of violence.

- Develop active partnerships with domestic violence providers and other community organizations and agencies working with offenders or victims to better understand domestic violence and engage in a coordinated community response.
- Work with courts, law enforcement, and correctional facilities to:
 - Evaluate and streamline communications with courts and law enforcement regarding transfers of copies of orders of protection and Domestic Incident Reports (DIRs).
 - Work with prisons and local jails to develop strategies to help reduce perpetrators' use of intimidation, threats or other coercive control tactics against victims (e.g., threatening or harassing phone calls or correspondence) while in detention facilities.
- Recognize that victims of domestic violence may be parolees or probationers. While they are subject to supervision, officers should strive to craft appropriate supervision plans that do not compromise a victim's safety.
- Develop strategies to address situations where both victim and perpetrator are under supervision by parole and/or probation. Never have both parties report together and develop guidelines for sharing information disclosed by the victim.
- Independently verify information provided by victims that will be used in sentencing recommendations, violations, or sanctioning of offenders. Reliance on the victim as the sole source of information may have significant negative safety implications for that individual.
- Develop policies for responding to parole or probation officer-involved domestic incidents. [See *New York State Policy Guidance for Domestic Violence: Probation Officer Domestic Violence (July 2010)*].
- Encourage the provision of [trauma-informed](#), [survivor-centered](#) assistance to victims.

Parole (Panel)

The New York State Division of Parole Manual #9401.07 (October 2009) contains guidance to parole staff in the identification, investigation, and response to incidents or cases involving intimate partner abuse. Many of the issues addressed in this section

are detailed more fully in this document. Policies developed for parole agencies should both be consistent with, and enhance, the existing statewide tool.

- Detail procedures for pre-release screening and identification.
 - Screen all cases for domestic violence histories, both perpetration and [victimization](#). List sources of information that may be investigated and reviewed, including, but not limited to: criminal history, [Domestic Incident Report Registry \(DIRR\)](#), and Probation pre-sentence investigation reports, [National Crime Information Center \(NCIC\) database](#), and inmate/victim interviews. Keep copies of all documents in the case file, including orders of protection.
 - Always interview the current or former intimate partner, regardless of whether there is a documented history of domestic violence.
 - Request victim provide copies of any correspondence with the perpetrator during the period of incarceration. Correspondence may provide insight into relationship dynamics.
 - Evaluate the nature/number/date of domestic incidents as part of a comprehensive risk assessment.
 - Identify the names/contact information for victims/perpetrators and children in common, where possible.
 - Detail procedures for victim contact and outreach, including where the victim indicates unwillingness or inability to communicate with the Parole Department.
 - Where the inmate is the victim:
 - [Sensitively interview victim parolees](#) in a manner designed to facilitate disclosures.
 - [Avoid outreach to parolee victim's abuser as a collateral contact](#) as this may place the victim at heightened risk of violence or coercive control.
 - Provide referrals to facilities-based support services, as well as domestic violence-related service providers, legal assistance, or other

appropriate services. Do not mandate victims to attend [batterer programs](#).

- Detail pre-release procedures where a case is classified as domestic violence-involved, including case file development and processing.
- Detail post-release procedures, including case supervision planning to address the domestic violence history and curtail future abusive conduct.
 - Clearly explain supervisory plan terms and conditions and consequences for non-compliance.
 - If parolee may not have contact with the victim, explain condition applies to all contact (e.g., call, write, threaten), even where the victim desires contact.
 - Detail circumstances constituting non-compliance, such as failure to meaningfully participate in programs, domestic incidents, or violations of an order of protection or conditions of release.
 - Contact the parolee's family members or current/former intimate partner to notify them about parolee's release, review the supervision plan, and review where the parolee will live.
 - Avoid contacting the parolee victim's abuser as a collateral contact as this may place the victim at heightened risk of violence or coercive control.
 - Provide the victim and the victim's children with referrals to appropriate [local licensed and approved domestic violence service providers](#) or other community-based service providers.
 - Provide referrals to parolee perpetrator-appropriate services, such as batterer programs, parole-based Domestic Violence Unit, legal assistance, re-entry services, or other community-based service providers.
 - Ensure that recommendations for [batterer programs](#) are made only to programs that focus on offender accountability and maintain a strong, collaborative relationship with the local domestic violence service provider.

- Where a parolee is ordered to attend a batterer program, the officer may consider observing the perpetrator during sessions.
- Provide referrals to parolee victim-appropriate services, such as [local licensed and approved domestic violence service providers](#), parole-based Domestic Violence Unit, legal assistance, re-entry services, or other community-based service providers. Victims of domestic violence should not be directed to attend batterer programs.
- Never require victims and abusers to participate together in [alternative dispute resolution/mediation](#), [parenting education classes](#), family counseling or [joint marriage/relationship counseling](#).
- Determine whether the case requires contact restrictions, residence restrictions, and any other restrictions or conditions deemed necessary to enhance the safety of the victim and any children in common.
- Discuss [the impact of conditions on a parolee victim's safety planning](#) strategies and, as appropriate, adjust the conditions where they may place that victim at heightened risk of abuse.
- If an order of protection or custody/visitation order is in effect, include a copy in the case file.
- Assist parolee with search for appropriate residence where they are unable to return to previous residence due to domestic violence history or release conditions.
- Screen all open cases for domestic violence histories, both perpetration and [victimization](#).
- Develop procedures for ongoing investigation of domestic incidents that may occur during the course of the parolee's supervision in violation of conditions of community supervision. Information found in:
 - Family Court family offense matter, divorce complaint, or another civil proceeding.
 - Criminal charges.

- Domestic Incident Report Registry, whether or not an arrest was made. A Domestic Incident Report can provide important information beyond the domestic incident, such as curfew violations, contact violations, conduct with police, substance abuse, and more.
- Parolee disclosures.
- Information/calls from victims, abusers, family members, court, or law enforcement
 - Add a domestic violence alert in CMS (Case Management System), if one does not already exist.
 - Recognize that abusers may misuse the violation processes against victim parolees as a tool of power and control through [false reporting or other retaliatory conduct](#).
 - Recognize that abusers may have contact and communication with a victim, regardless of a victim's wishes and intent. Where the victim is the parolee, consider the propriety of and public policy considerations against holding the victim accountable for the abuser's actions through a violation or revocation proceeding.
- Do home visits. Search should not be same as looking for weapons or drugs but should focus on evidence of domestic incidents (e.g., holes in the wall or broken locks or window). Determine if family members or pets appear fearful or if their responses appear "rehearsed" or coached.
- Develop procedures for swiftly instituting parole violation and revocation proceedings due to domestic violence-related incidents or allegations.
 - Plan for victim and witness safety where their participation may be requested or required at hearings. Be aware that victims may be or become unwilling or unable to cooperate in proceedings or even recant previous statements. Such conduct is frequently related to legitimate victim safety and survival strategies or dependence on the abuser. If a violation can be proven without the victim's testimony, encourage pursuing violations with alternative evidence.

- Develop procedures for notifying the victim about violation/revocation case disposition.
- Parole conditions should be implemented even where the perpetrator had conjugal visits or regular visitation in prison. Victims of intimate partner violence may have felt safer having contact with the abuser while the perpetrator was incarcerated.
- For parolees with children, supervisory and contact-related conditions should be consistent with existing terms and conditions of court orders for child custody and visitation.

Probation (Panel)

Family Offense Petition Drafting

Refer to *Intake Guidelines – Completing Petitions for Orders of Protection Involving Family Offenses (October 2008)*. Policies developed for probation agencies should both be consistent with, and enhance, the existing statewide tool.

Outline procedures for:

- Providing petitioners with information about safety planning, domestic violence dynamics, legal options, family offense petition drafting and court process at intake.
- Providing petitioner with the [Victim Rights Notice](#) (OCA Form 8-1). Also available in [Spanish, Haitian Creole, Bengali, Traditional & Simplified Chinese, Korean, & Russian](#).
- Engaging in basic safety planning and risk assessment with the petitioner. Respect the petitioner's wishes regarding specific legal relief and order of protection terms and conditions.
- Interviewing petitioner about domestic incidents and firearms and weapons concerns.
- Use of supporting documentation, such as Domestic Incident Reports, photographs, criminal records checks, police records and reports, or medical reports.

- Drafting requests for address confidentiality pursuant to Family Court Act §154-b(2), as requested.
- Addressing procedures for filing petitions where the petitioner does not have ready access to identification documents necessary to verify the document (e.g., victim fled without identity documents, documents destroyed or documents being held by the abuser.)
- Minimize the economic impact of abuse and victim dependency on the abuser by seeking relief, as appropriate, such as: restitution, coverage for medical expenses or health insurance coverage, child support, or other financial relief.
- Make referrals to [local licensed and approved domestic violence service providers](#), as well as other providers who can address the victim's and children's needs for safety, stability, and self-sufficiency.
- No probation officer may prevent a person who wishes to file a petition from having such petition filed with the court immediately under Family Court Act §216-c(b).
- Educate family offense petition drafters about the likelihood and impact of [vicarious traumatization](#). Departments should develop clear, non-punitive policies that help identify and support employees experiencing the effects of this condition, particularly after an extreme domestic violence-related incident involving court-involved parties.

Child Custody Investigations

Refer to the *Child Custody Investigations: Guidelines for Practice (June 2008)*. Policies developed for probation agencies should both be consistent with, and enhance, the existing statewide tool.

- Universally screen all families for domestic violence dynamics and histories.
- Conduct separate, sensitive screening interviews with the parties and children in a safe and private setting designed to facilitate domestic violence disclosures.
- Engage in a thorough investigation and examine a wide range of information sources including, but not limited to:

- Interviews with parties, children, law enforcement, school/childcare personnel, clergy, medical/mental health providers, family members and others
- Domestic Incident Reports, Order of Protection Registry
- Police reports, court records, criminal history search
- Child Protective Services/Administration for Children's Services (CPS/ACS) records, Statewide Central Register of Child Abuse and Maltreatment, Sex Offender Registry.
- Weapon registry.
- School or child care records.
- Home visits, family pictures/videotapes.
- Medical or mental health records, substance abuse treatment records.
- Animal abuse history.
- Demeanor of parties during interviews.
 - Recognize that abusers frequently engage in [false reporting and abusive litigation](#) as a tool of power and control.
 - Recognize domestic violence-related trauma and legitimate safety concerns may cause [victim statements and conduct to appear counter-intuitive](#) to victimization. This may not be indicative of untruthfulness, hyperbole, or evasion.
- The absence of "documentation" of the abuse history may not mean that violence has not occurred. Documentation may have been destroyed by the abuser or was lost during the victim's flight/relocation from the home. In some cases, victims did not disclose abuse or reach out for assistance or intervention from others. To learn more, please visit the [National Institute of Justice](#) website.

- Evaluate the risk to children [posed by ongoing exposure to the perpetrator parent](#). Recognize the existence of complex dynamics in these families, including children who may express a preference for the abusive parent or deny that abuse took place in the home.
- Outline issues addressed in the Child Custody Investigation Report including but not limited to:
 - Overview of the assessment process/activities.
 - Assessment of the parties' respective abilities to parent and care for the children, as well as their parenting plans.
 - Home study evaluation.
 - Recommendations and referrals for community-based services that support the family's safety, stability, and emotional well-being.
 - Custody and visitation recommendations that [safeguard a child's physical, emotional, and psychological best interests](#).
 - Joint custody is inappropriate in domestic violence situations and should not be recommended.
 - Where visitation with the abusive parent may be deemed appropriate, suggest ways to minimize the harm and danger to the victim/children through clear and concise orders of protection/custody orders, safe exchange strategies, supervised/limited visitation, and other safety planning techniques.

Investigations & Reports

Refer to *Probation Response to Domestic Violence: A Model Investigation and Supervision Procedural Package (March 2010)*. Policies developed for probation agencies should both be consistent with, and enhance, the existing statewide tool.

- Universally screen for domestic violence dynamics and histories. Be aware that the individual may be a victim of domestic violence or a perpetrator.
- Conduct sensitive screening interviews in a safe and private setting designed to facilitate domestic violence disclosures.

- Engage in a thorough investigation and examine a wide range of information sources to document the offender's history of abuse including, but not limited to:
 - Interviews with offender, victim, and/or arresting officer.
 - Records from the instant case (complaint, photos, arrest report, depositions).
 - Domestic Incident Reports, Order of Protection Registry.
 - Police reports, 911 call records, civil and criminal court records, criminal history search, prior probation records.
 - History of non-compliance with court orders/community corrections supervision.
 - CPS/ACS records, Statewide Central Register of Child Abuse and Maltreatment, Sex Offender Registry.
 - Local pistol permit registry, if available.
 - School or child care records.
 - Home visits, family pictures/videotapes.
 - Animal abuse history.

- Follow procedures for obtaining Victim Impact Statement.
 - Plan for victim safety during this process.
 - Acknowledge that victims may be or become unwilling or unable to participate in proceedings in this process or even recant previous statements. Such conduct is frequently related to legitimate victim fear and safety strategies or dependence on the abuser. Victims should not be required to participate.

- Refer victims to [local licensed and approved domestic violence service providers](#), as well as other providers who can address the victim's and children's needs for safety, stability, and self-sufficiency.
- Examine the offender's social history for incidents of inter-familial and domestic violence victimization and perpetration, animal abuse, history of insubordination or failure to follow mandates, physical/substance use disorder/mental health history.
- Provide recommendations regarding a Certificate of Relief from Disabilities, if requested. Be mindful that [an abuser's access to weapons may significantly impact victim safety](#). If appropriate, consider recommending the restoration of all rights with a specific exemption regarding the restoration of firearm access.
- Craft recommendations to the court that are both mindful of offender accountability and consider the economic, social, legal, or safety impact of recommended sanctions on the victim.
 - Ensure that recommendations for batterers programs are made only to programs that focus on offender accountability. These programs should never be used in lieu of otherwise appropriate sanctions. Compliance with program requirements should be [court-monitored](#). To learn more, please visit [New York State Office for the Prevention of Domestic Violence](#) website.
 - Request search conditions where there is an active order of protection or guns in the home.
- When a DIR or civil order of protection is received regarding a person for whom a report is being written, develop procedures for deciding how and when to confront the individual (especially where the individual is the domestic violence perpetrator) and for referring the victim for safety planning.

Supervision

Refer to the model *Probation Response to Domestic Violence: A Model Investigation and Supervision Procedural Package (March 2010)*. Policies developed for probation agencies should both be consistent with, and enhance, the existing statewide tool.

- Comprehensively review case files for domestic violence history. Conduct a risk assessment and needs assessment informed by domestic violence dynamics and re-abuse concerns.
- Create a customized supervision plan that emphasizes offender accountability and enhances victim safety. Ensure that offender acknowledges and understands all conditions, including attendance at programs, and compliance with court orders (e.g., child support, restitution, order of protection). Require the offender to sign and date the conditions each time they are reviewed.
 - Reach out to the victim to discuss the offender's conditions of probation and supervision plan. Where the victim elects to participate, include victim input as appropriate and engage in safety planning.
 - Provide the victim and the victim's children with referrals to appropriate [local licensed and approved domestic violence service providers](#) or other community-based service providers.
- Where the probationer is a domestic violence victim, determine whether the supervision plan may impact safety planning.
 - Avoid contacting the probationer victim's abuser as a collateral contact as this may place the victim at heightened risk of violence or coercive control.
 - Provide the victim and the victim's children with referrals to appropriate [local licensed and approved domestic violence service providers](#), legal services providers, and other community-based service providers. Do not mandate the victim to attend a batterer program.
- Monitor offender's compliance with conditions, including regular checks of the Domestic Incident Report Repository (DIRR) and Order of Protection Registry, and attendance at batterer programs.
- When a DIR or civil order of protection is received regarding a person on probation, develop procedures for deciding how and when to confront the probationer (especially where the probationer is the domestic violence perpetrator) and for referring the victim for safety planning.
- Where the offender breaks program rules or behaves negatively, swiftly impose sanctions as appropriate.

- Where the officer believes that a violation occurred, the officer should swiftly:
 - Collect documentation or other evidence.
 - Determine appropriate sanctions (e.g., increased supervision, warrant, commencement of a violation of probation action).
 - Notify victim about potential change in the offender's status and recommend safety planning readjustments.
- Prior to closing the case, determine if conditions have been complied with and notify victim of case closing pendency.

Staff Education & Training

Domestic violence training should be provided for all levels of staff. This training should be periodic and cover the following:

- General information on domestic violence, including:
 - Definition of domestic violence
 - Indicators of domestic violence
 - Tactics of control
 - Impact of domestic violence on children
 - Lethality indicators
- Basic safety planning and danger assessment.
- Intersection of domestic violence and child maltreatment, including training for [mandated reporters](#) who are peace officers per Criminal Procedure Law §2.30.
- Screening and interviewing skills [For Probation, see *Probation Interview Techniques and Offender Accountability for Domestic Violence and Sexual Assault Offenders (March 2012)*]
- Supervision skills.
- Family offense petition drafting and child custody investigation skills (Probation only.)
- Overview of domestic violence-related [state laws](#) and policies including, but not limited to: confidentiality protections and identity changes, firearms prohibitions,

criminal law, family and matrimonial laws, housing, employment, insurance, anti-discrimination and bias protections, torts, public benefits, and public health.

- Overview of relevant domestic violence-related federal laws and policies including, but not limited to: [firearms prohibitions](#), [immigration relief](#), [inter-jurisdictional issues \(inter-state crimes, Full Faith and Credit for orders of protection, parental abduction\)](#), [confidentiality protections](#), [military concerns](#), [Native American and tribal concerns](#), and [tax issues](#).
- Overview of community corrections officer ethical standards of conduct.
- Overview of local resources and services.
- Details of the departmental policy and employee expectations, including internal workplace Domestic Violence Policies for employees.

Laws, Regulations, Administrative Directives (Panel)

Probation (Panel)

Executive Law §221-a Computer System to Carry Information of Orders of Protection and Warrants of Arrest

Provides for the creation and maintenance of a computer system to carry information pertaining to certain temporary and permanent orders of protection issued in Family, Criminal, and Supreme Courts in New York. Also includes special orders of conditions, as well as orders registered in New York that were issued in other states, territories, or tribal jurisdictions. Addresses access to the database by courts, law enforcement and Probation, as well as disclosure of information contained therein. Directs that all probation warrants must be entered into the statewide law enforcement electronic criminal justice network within 48 hours of being issued.

Criminal Procedure Law §§380.65, 530.12 & Family Court Act §842 Order of Protection & Supervision or Detention

Requires criminal and family courts to provide a copy of an order of protection to the state or local correctional or jail facility where a defendant or respondent will be detained or to the supervising Probation Department or Division of Parole.

Criminal Procedure Law §140.10 (5) Arrest Without a Warrant; by Police Officer; When and Where Authorized

Among other provisions, requires the report of a domestic violence incident (DIR), involving a person known by a law enforcement officer to be a person under supervision of Parole or probation, to be forwarded to the agency as soon as practicable.

Criminal Procedure Law §410.30 Declaration of Delinquency

Detail procedures for the issuance of a declaration of delinquency to address an alleged Probation condition violation.

Criminal Procedure Law §410.40(1) Notice to Appear, Warrant

Among other provisions, requires courts to respond to a Probation Department's request for a warrant.

Criminal Procedure Law §410.50(4) Custody and Supervision of Probationers

Authorizes taking custody and searches of a person on Probation supervision without warrant when the Probation Officer has reasonable cause to believe that a person under supervision has violated a condition of the sentence.

Criminal Procedure Law §410.60 Appearance Before Court

Pursuant to a Notice to Appear, requires alleged Probation violators to be brought before the court within 10 business days.

Criminal Procedure Law §530.14 & Family Court Act §842-a Suspension and Revocation of a License to Carry, Possess, Repair, or Dispose of a Firearm or Firearms; Ineligibility for Such a License; Order to Surrender Firearms

Outlines the law regarding addressing mandatory and permissive suspension and revocation of firearms licenses, orders rendering the respondent ineligible for a license, and orders for the immediate surrender of firearms owned or possessed. Also addresses notice of the revocation, suspension, or ineligibility in an order of protection, the NYS Order of Protection Registry, local police agencies, and the state police. Further addresses due process rights to a hearing.

Family Court Act §216-c Preparation of Petitions

Addresses the Family Court Clerk or Probation Officer's duties regarding preparation and filing of Family Court petitions.

Family Court Act Article 8 (§812 et seq.) Family Offense Proceedings

Provides the substantive law for family offense proceedings. Details jurisdiction, preliminary procedures, hearings, and orders.

22 NYCRR Part 205 (Uniform Rules of the Family Court)

§§205.70-205.74: Details various procedures in rules regarding family offense proceedings, probation service, and warrants, as well as permissible terms and conditions for an order of protection.

Parole (Panel)

Criminal Procedure Law §§380.65, 530.12 & Family Court Act §842 Order of Protection & Supervision or Detention

Requires criminal and family courts to provide a copy of an order of protection to the state or local correctional or jail facility where a defendant or respondent will be detained or to the supervising Probation Department or Division of Parole.

Criminal Procedure Law §140.10 (5) Arrest Without a Warrant; by Police Officer; When and Where Authorized

Among other provisions, requires the report of a domestic violence incident (DIR), involving a person known by a law enforcement officer to be a person under supervision of Parole or Probation, to be forwarded to the agency as soon as practicable.

Resources (Panel)

Parole (Panel)

Parole – New York

New York State Division of Parole Manual #9401.07 (October 2009)* (not publicly available at this time)

[NYS Parole Handbook](#)

[NYC Mayor's Office to Combat DV \(Parole\)](#)

[NYC Mayor's Office to Combat DV \(Corrections\)](#)

Probation (Panel)

Probation – New York

**These documents are available on the Probation Services Suite of eJusticeNY and are not publicly available at this time. For additional information and resources please contact: NYS DCJS Office of Probation and Correctional Alternatives at (518) 485-7692.*

Child Custody Investigations: Guidelines for Practice* (June 2008): Released as State Director's Memorandum #2008-7.

Intake Guidelines – Completing Petitions for Orders of Protection Involving Family Offenses* (October 2008): Released as State Director's Memorandum #2008-6.

Practical Implications of Domestic Violence Research for Probation Officers by Andrew R. Klein (October 2008): This document was commissioned by OPCA for the 2008 Statewide Symposium for Directors and Deputy Directors held in Lake George, NY.

Probation Response to Domestic Violence: A Model Investigation and Supervision Procedural Package* (March 2010): This comprehensive document includes important information regarding the issue of intimate partner stalking. Released as State Director's Memorandum #2010-3.

Probation Officer Domestic Violence – New York State Policy Guidance* (July 2010): Released as State Director's Memorandum #2010-10.

Probation Response to Domestic Violence in Rural and Native American Communities (July 2010 & June 2011).

Probation Response to Domestic Incident Reports LiveMeeting* (December 2011).

Probation Interview Techniques and Offender Accountability for Domestic Violence and Sexual Assault Offenders* (March 2012).

[NYC Mayor's Office to Combat DV \(Probation\)](#)

Parole & Probation - National (Panel)

[The Probation Response to Supervision of Women Who Are Abused](#)

[Best Practice Toolkit for Working with Domestic Violence Survivors with Criminal Histories](#)

[American Probation and Parole Association-Protecting Victims Through Community Supervision of Intimate Partner Abusers Project](#)

[When the Offender is a Victim: Supervising Those Victimized By Domestic Violence \(APPA\)](#)

[Community Corrections' Response to Domestic Violence: Guidelines for Practice \(APPA\)](#)

[Domestic Violence and Firearms \(APPA\)](#)

[Lessons Learned about Supervising Domestic Violence Offenders on Probation \(APPA\)](#)

[Speak Out - Domestic Violence: A Probation Officer's View \(APPA\)](#)

[SAFE RETURN: Working Toward Preventing Domestic Violence When Men Return from Prison \(Vera Institute of Justice\)](#)

[SAFE RETURN: Domestic Violence and Prisoner Reentry: Experiences of African American Women and Men \(Vera Institute of Justice\)](#)

[Enhancing Responses to Domestic Violence: Promising Practices from the Judicial Oversight Demonstration Initiative \(Vera Institute of Justice\)](#)

[Probation & Parole Domestic Violence Policy and Procedures \(New Hampshire\)](#)

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Civil Attorneys and Prosecutors (Panel)

Lawyers have long been aware of the impact domestic violence has on the legal system. Whether representing adults, children, or other types of entities, lawyers in most areas of practice will have a client for whom domestic violence is an issue. In response to growing domestic violence awareness, state and federal lawmakers have enacted a variety of laws designed to promote victim safety and perpetrator accountability. While many of these laws predictably provide relief in the family, matrimonial, and criminal law spheres, there are also [responsive laws](#) addressing confidentiality, employment, insurance, immigration, housing, public benefits, and more.

Lawyers have an obligation to provide victims impacted by domestic violence with informed and competent legal assistance. Lawyers have an obligation to “know what they don’t know” and not give advice outside of their areas of knowledge. For example, a victim in a custody case may also be an undocumented immigrant who is in need of assistance with a petition to obtain legal status, as well as advocacy with the local Department of Social Service for welfare benefits and emergency housing. As the outstanding immigration and benefits concerns may significantly impact the victim’s participation in custody proceedings, the attorney may need to refer the victim to immigration and welfare law attorneys for information related to those concerns, as well as to domestic violence and other local service providers. Unlike other types of matters, these uniquely complex and multi-faceted cases may require increased coordination or collaboration with outside counsel, domestic violence service providers, and other community-based services.

Prosecutors handling criminal domestic violence cases have the challenging task of balancing victim safety against the goals of public safety and abuser accountability. While in some instances victims are an integral part of prosecution, in other cases, victims may [become unavailable because they fear perpetrator](#) retaliation.

Understanding the sometimes nuanced power and control dynamics of domestic violence, as well as other socio-cultural factors, will help attorneys and prosecutors craft appropriate legal remedies that both address victims’ complex wants and needs and hold abusers accountable.

Policy Guidelines (Panel)

[Review General Guiding Principles.](#)

Policy Statement

A Policy Statement should include:

- The purpose of the policy.
- A definition of domestic violence.
- Reference or detail existing, applicable state or federal laws, regulations, case law, and court rules.
- The agency or organization's commitment to address the issue and to implement and uphold the policy.

Definitions

Define concepts used throughout the policy, such as victim of domestic violence, family offense, family household member, child witness, domestic violence, sexual abuse and sexual assault, stalking, primary aggressor, intimate relationship, and abuser. [Refer to Guiding Principles Definitions section.](#)

Guidelines

Certain aspects of handling domestic violence cases require similar guidelines and considerations in the civil and criminal setting, while other aspects are applicable in either the civil or criminal context. The issues that are specific to criminal or civil proceedings have been identified in separate sections below.

General Victim Considerations

When working with a domestic violence victim, all lawyers should:

- Investigate if there is intimate partner abuse in all standard case review and intake processes, as well as safe and sensitive interviewing.
 - Develop an identification system for case files tagging those cases involving domestic violence.
 - Lawyers and support staff should respond in a non-judgmental and supportive manner when disclosures are made.
 - Staff should be trained to provide basic, short-term [risk assessment](#) and refer victims to domestic violence service providers for more comprehensive [safety planning](#). While these tools can help to identify the

elements of risk that victims face, they should not be relied upon as a guarantee of safety and cannot predict the perpetrator's behavior or the actual level of risk.

- Discuss and determine safe methods for communication with the victim during the course of the case, including obtaining more than one method of contact.
- Litigation strategies shall be guided and informed by safety concerns where possible.
 - Safety plans should be revisited to accommodate the changing stages in the victim's criminal or civil case, as well as other evolving circumstances.
- Plan for the [safety needs of domestic violence victims and their families both in and immediately outside of the courthouse](#). Allow victims to utilize victim-witness or court advocates, as well as accompaniment from supportive friends and family.
- Be aware of the impact diversity plays in domestic violence cases—both on the tactics of abuse and control used by the perpetrator, as well as the victim's experience of abuse. Provide [culturally competent representation](#) and legal assistance to victims regardless of national origin, age, religion, ethnicity, disability status, immigration status, religion, sexual orientation, gender identity, education, or socio-economic status.
 - Where victims are members of traditionally marginalized communities, consider making referrals to culturally-specific community resources, as well as the local domestic violence service provider.
- Accommodate the needs of [disabled](#) or [limited English proficient](#) victims consistent with state and federal law. Policies should contain guidelines for:
 - Creating accessible points of entry for access to services (e.g., physical accessibility, dedicated phone line, dedicated or bi-lingual staff, signage)
 - Utilizing certified, neutral, and qualified interpreters or translators, as well as responding to situations where the interpreter/translator is acquainted with parties. Policies should specifically address the impropriety and

inadvisability of using the victim's children/family members, friends, or other community-based service providers as interpreters or translators.

- Ensuring appropriate accommodations are also provided to [limited English proficient](#) and [disabled](#) victims during court proceeding, meetings with attorneys for the child or forensic evaluators, or other professionals ancillary to the proceedings.
- Provide sensitive and informed service provision to victims experiencing [substance use disorder](#) and/or [mental health issues](#). For further information, refer to [Guiding Principles Mental Health/Substance Use Disorder section](#).
- Understand the impact that [domestic violence-related trauma](#) may have on litigation (e.g., victim may experience memory difficulties, non-linear thinking, anxiety, etc.).
- Lawyers should aggressively safeguard the victim's privacy, address or other information in correspondence, pleadings, motions, court orders, or other documents, as requested and as [permissible by law](#). This is especially important where victims are enrolled in the [NYS Address Confidentiality Program](#), as well as those with current or pending [identity changes](#) or [Social Security Number changes](#).
- Acknowledge why victims may be or become unwilling or unable to cooperate in proceedings in the criminal and civil systems. In some cases, victims may desire a course of action that the lawyer feels is dangerous or against their or the public's best interests or even recant previous statements. Because such conduct is frequently related to legitimate victim fear and safety strategies or dependence on the abuser, policies should address:
 - Non-judgmentally communicating with the victim to discuss the range of legal options and outcomes.
 - Safety planning and referrals for victims, regardless of their cooperation or participation.
 - Reassure victims that the legal system will continue to be willing to assist them, regardless of their choices in the instant case.

- Only the defendant or respondent can violate an order of protection, not the protected party. Address the [legal propriety of and public policy considerations against charging protected parties with “violating their own order of protection”](#) through violation of an order of protection civil proceedings, criminal contempt, criminal facilitation, or other criminal accomplice liability. Where such charges have been filed by local law enforcement agencies or a civil action commenced, policies such as declining prosecution or filing motions to dismiss should be instituted and enforced.
- Routinely inform victims of their case status and other critical updates (e.g., service of court documents, release from incarceration, modification or vacating of an order of protection, etc.). Provide victims with copies of all documents.
 - Explain the [VINE Program](#) and processes to victims. For those victims enrolled, remind them to keep VINE apprised of their current contact information.
- Address the use of negotiated settlements, plea agreements, dismissals, or charge downgrades to promote the goals of abuser accountability and victim safety.
- Develop procedures for ensuring that victims understand the disposition at the conclusion of proceedings: explanations of legal terminology, terms and conditions in orders, sentences, enforcement remedies, order modification or extension options, compliance reviews, processes for appeals or rehearing.

General Structure and Protocol Guidelines

Policies in both the criminal and the civil setting should consider the following guidelines:

- Where legal proceedings involving the parties are pending in other forums or jurisdictions, lawyers should obtain releases to communicate and coordinate with counsel/prosecutors, as appropriate.
 - Avoid the issuance of conflicting orders, where possible. If legal relief in forums conflict, detail strategies for enforcement and avoiding confusion.
 - Become involved in the local [Family Justice Center](#) or other local community-based coordinated response group (CCR).

- Consider court-based or on-site collaborations with [local licensed and approved domestic violence service providers](#).
- Address the dangerous practice of mutual orders of protection and both the [practical and public policy considerations attendant to this issue](#), as well as detail applicable state and federal laws.
- Draft accurate, concise, specific, enforceable orders of protection that comprehensively protect the victim and, where applicable, the victim's children and pets or service animals.
- Be aware of the [dangers of firearms](#) and other weapons in domestic violence cases. Policies should detail applicable [state and federal laws](#). In addition to careful screening around [firearms issues](#), seek legal relief related to surrender, seizure and license restrictions to the fullest extent of the law or as appropriate.
- Where batterer programs are determined appropriate or court-ordered, ensure that referrals are made only to the programs that focus on offender accountability. Programs should never be used in lieu of otherwise appropriate criminal or civil sanctions. Request that the perpetrator's compliance with program requirements be [court-monitored](#). For further information please visit the following webpages at [Center for Court Innovation](#) and [New York State Office for the Prevention of Domestic Violence](#).
- Substance use disorder and mental health counseling should not be sought in lieu of civil or criminal sanctions for abusers. Where indicated, treatment may be properly sought to deal with these non-domestic violence related concerns. Where ordered, courts should be asked to actively monitor perpetrator compliance.
- [District attorneys' offices](#) and civil legal services providers should be encouraged to create and adequately maintain specialized, dedicated units where lawyers, victim-witness advocates, investigators, social workers, and other support staff have specialized domestic violence training.
- Address the likelihood and impact of [vicarious traumatization](#) on legal helping professionals and support staff. Develop clear, non-punitive policies that help identify and support employees experiencing the effects of this condition, particularly after an extreme domestic violence-related incident involving clients/witnesses.

Civil Case Considerations

For attorneys providing legal assistance in civil cases, policies should include the following considerations:

- Encourage the provision of [trauma-informed](#), [victim-centered](#) legal assistance.
- [Screen victims for collateral matters](#) (e.g., housing, employment, immigration, child custody, child or spousal support, public benefits, consumer, matrimonial, etc.) to address the myriad legal and non-legal issues incident to the domestic violence that victims and their families face and that may impede the victim's ability to participate in or continue with the proceedings.
 - Develop a system for making appropriate internal or external referrals, particularly for these collateral issues.
 - Follow ethical rules regarding giving advice outside of one's area of practice.
- Inform victims about privacy and confidentiality of communications with the lawyer and other staff, including any limitations or circumstances warranting disclosure. Also share information regarding statutory [confidentiality protections](#), attorney-client privilege, waiver, and other communication and information sharing issues that may arise during the course of the legal proceedings.
 - Where communication with third parties is necessary, policies should outline procedures for securing the victim's specific written, informed consent where required.
- Work closely with victims to develop the case theory and strategies, as well as discuss the safety implication of all outcomes, options, and remedies.
- Gather information to create a detailed picture of the parties' history, including victim and witness interviews, and pending or closed court cases.
- Vigorously defend against perpetrator's [false reporting, abusive litigation and other inappropriate discovery tactics](#).

- When an order of protection is issued in Family Court, inform victims about the [SAVIN Order of Protection Notification System](#) to obtain up to date information about service of process.
- Do not suggest or encourage victims and abusers to participate together in [alternative dispute resolution/mediation](#), [parenting education classes](#), or [joint marriage/relationship counseling](#). Vigorously defend against court orders that may require such joint participation.
- Willful violations of orders of protections and other court orders should be vigorously pursued. Use all available and appropriate legal means to address non-compliance, including seeking a new, extended or enhanced order of protection.
- Minimize the [economic impact of abuse](#) and victim dependency on the perpetrator by seeking legal relief appropriate to the nature of the case, such as: seeking restitution, medical expenses or health insurance coverage, child support, spousal support, maintenance, equitable distribution, or other financial relief on behalf of victims, as appropriate.
- When the victim and abuser have a child in common:
 - Discuss the propriety of [establishing parentage or seeking child support, custody, or relocation](#).
 - Advise victims about the potential for/implications of child welfare system involvement. [For further information, refer to Guiding Principles Child Welfare section](#).
 - Avoid awards of joint custody, unless there are other issues present that may otherwise prevent an award of sole custody (e.g., substance use disorder or mental health issues.)
 - Further educate Attorneys for the Child about the domestic violence dynamics impacting the family, as needed.
 - Ensure that only [custodial evaluators](#) with domestic violence expertise are appointed. Research a potential evaluator's background through their curricula vitae and other means.

- Where visitation with the abusive parent may be court-ordered or otherwise appropriate, minimize the harm and danger to the victim and the children through orders of protection, exchange strategies, supervised/limited visitation, and other safety planning techniques. Such measures may include:
 - Accounting for safety during visitation pick up and drop off, as well as protection for children at their school, child care or other locations.
 - Regardless of whether they were direct victims, include children in the victim's order of protection or, where appropriate, seek an order of protection on the child's behalf.
- Additional policy considerations for Attorneys for the Child in cases involving domestic violence:
 - Be a zealous advocate for the child's position, per [Rule 7.2 of the Rules of the Chief Judge](#). Detail circumstances that may warrant the attorney to advocate a position contrary to the child's own.
 - Where siblings take different positions, address strategies for advocating each child's own wishes to the tribunal (i.e., consider seeking appointment of additional attorneys for the child).
 - Agreements and orders that keep the parent victim safer may help to keep the child safer. Advocate for or support firearms removal, address confidentiality protections, safer pick up and drop off strategies, decision-making and inter-parent communication strategies, orders of protection for the children, and other legal relief as appropriate.
 - Advance creative strategies that may help the child feel more comfortable or safer during time with the abusive parent, such as safety planning, giving the child a cell phone, or providing regular communication with the victim-parent during visits.
 - Acknowledge that perpetrator tactics of abuse include a wide range of conduct (coercive control, threats, stalking, as well as emotional, financial/economic, sexual and physical abuse) that is both criminal and non-criminal in nature. Non-criminal, coercive conduct has an impact on children and should not be underestimated as abuse.

- As warranted, seek conditions in orders that direct the abusive parent not to improperly remove the child from the jurisdiction, disparage the victim in the child's presence, interrogate the child about the victim's whereabouts/activities or coerce the child to provide information to the abuser about the other parent, engage in abusive or retaliatory litigation involving the children.
- Attorneys for the Child may need to raise, argue, and prove domestic violence, even in the absence of the victim-parent's own allegations, if it is consistent with the child's position and legal strategy.

Criminal Case Considerations

Prosecutors should consider the following guidelines when developing policies:

- Consider the use of [vertical prosecution case management](#).
- Prosecutors should attempt to speak with the victim as soon after an arrest as practicable.
- Explain the role of prosecutors and prosecution with the victim, including information sharing and mandatory reporting of child abuse or neglect.
- Address victim input and safety considerations in bail requests, pre-trial conditions of release, and requests for orders of protection in criminal proceedings.
- Effective December 24, 2012, where a defendant is charged with a crime against a family or household member (defined in Criminal Procedure Law §530.11), a court must also consider the accused's history of violations of orders of protection or possession of a firearm in determining bail or recognizance under Criminal Procedure Law §510.30.
- Gather information to create a detailed picture of the parties' history, including victim and witness interviews, criminal history searches, pending or closed court cases, and [Domestic Incident Reports in the DIRR](#).
- When collateral issues outside of the case arise (e.g., housing, employment, immigration, child custody, child or spousal support, public benefits or consumer problems) and may impede the victim's ability to participate in or continue with

the proceedings, develop a system for making appropriate internal or external referrals. Follow ethical rules regarding giving advice outside of one's area of practice.

- Conduct an independent and comprehensive [primary physical aggressor analysis in dual-arrest cases](#).
- Studies indicate that determination of [primary aggressor is particularly problematic when the intimate partner violence occurs between same-sex couples](#). Prosecutors must provide additional safeguards to protect same-sex victims from further injustice. For more information, please visit [The Anti-Violence Project](#) website.
- Policies should address the use of subpoenas and material witness orders for victims in criminal cases. These tools should only be utilized after consulting with a supervisor.
- Consider that the use of arrest for recantations in criminal proceedings may punish victims and provide perpetrators with significant new tools for further abuse and intimidation.
- Where appropriate, prosecutors are strongly encouraged to proceed with the case absent victim participation, or avoid the need for victim testimony through [evidence-based prosecution techniques](#). Prosecutors should attempt to obtain all pertinent evidence to proceed such as:
 - excited utterances
 - photographs (injuries for defendant and victim, crime scene)
 - other potential witnesses
 - defendant statements
 - 911 calls
 - phone records and text messages
- Willful violations of orders of protections, court orders, and other conditions of release should be vigorously pursued. Detail applicable state law regarding contempt/violations and remedies, as well as guidelines for seeking enhanced orders of protection and revocation of conditional dismissals.
- Require the defendant to plead to charges that lay the groundwork for future enhanced charges such as aggravated family offense, stalking 2nd etc. In sex

crimes cases require the defendant to plead to a sex offense to ensure that the defendant becomes a registered sex offender.

- Where applicable, charge the abuser with crimes involving the children (e.g., endangering the welfare of a child or custodial interference). Where legally permissible, seek an order of protection on behalf of the child.
- District Attorneys must provide victims with the [Victim Rights Notice](#) (OCA Form 8-1). Form also available in [Spanish, Haitian Creole, Bengali, Traditional & Simplified Chinese, Korean, & Russian](#).
- Be familiar with the [Crime Victim's Rights Act and the Fair Treatment Standards for Crime Victims \(Executive Law, Article 23\)](#).
- Inform victims about the potential availability of crime victim compensation. As appropriate, seek restitution or other financial relief on a victim's behalf. For more information please refer to [The Rights of Crime Victims in New York State](#) provided by New York State Crime Victims Board.

Staff Education & Training

Although specialized domestic violence training is mandated for all Attorneys for the Child (link to law), domestic violence training should also be provided for all levels of staff in other types of agencies and legal organizations. This training should be periodic and cover the following:

- General information on domestic violence, including:
 - Definition of domestic violence
 - Indicators of domestic violence
 - Tactics of control
 - Impact of domestic violence on children
 - Lethality factors
- How domestic violence might present in adult victims or child witnesses of domestic violence.
- Screening, interviewing, and litigation skills.
- Overview of basic safety planning and risk assessment.

- Specific evidentiary issues that frequently arise in cases involving domestic violence.
- Overview of domestic violence-related [state laws](#) and policies including, but not limited to: confidentiality protections and identity changes, firearms prohibitions, criminal law, family and matrimonial laws, housing, employment, insurance, anti-discrimination and bias protections, torts, public benefits, and public health.
- Overview of domestic violence-related federal laws and policies including, but not limited to: [firearms prohibitions](#), [immigration relief](#), [inter-jurisdictional issues \(inter-state crimes, Full Faith and Credit for orders of protection, parental abduction\)](#), [confidentiality protections](#), [military concerns](#), [Native American and tribal concerns](#), [and tax issues](#).
- Overview of laws relating to privilege and mandatory reporting of child abuse and neglect.
- Overview of standards for ethics and professional conduct.
- Case law and legislative updates.
- Overview of local resources and services.

Security Departments

If the office has security staff, they should be included in the drafting of any domestic violence policies. They are responsible for the safety of litigants, witnesses, staff, and property. The policy should clearly outline the protocol for responding to domestic violence incidents on office property.

Implementation and Follow-up

An implementation plan should be formulated that includes directions for the policy to be communicated to all employees and a format to inform future staff. The policy should also be reviewed and updated accordingly to accommodate new practices and new legislation.

Laws, Regulations and Policy Directives (Panel)

Attorneys prosecuting criminal cases or representing victims and children in civil cases should be familiar with the numerous pertinent provisions of the Family Court Act,

Domestic Relations Law, Criminal Procedure Law and the Penal Law, as well as the broad array of protections in other state and federal substantive law areas.

Because listing all domestic violence-related laws in all civil and criminal practice areas is impractical, only selected laws and policies are detailed below:

Judiciary Law §35 Assignment of Counsel to Indigent Persons and Appointment of Physicians in Certain Proceedings

Among other provisions related to assignment of counsel, provides that litigants in Supreme Court matrimonial actions have the right to assigned counsel for aspects of their cases in which the right to counsel is provided under Family Court Act §262, including for orders of protection and custody issues.

Criminal Procedure Law §60.46 Rules of Evidence, Family Offense Proceedings in Family Court

Details when written or oral admissions, testimony given by either party, or other evidence obtained from that admission or testimony in an Article 8 Family Court proceeding may be received into evidence in a criminal proceeding.

Criminal Procedure Law §100.07 Commencement of Action; Effect of Family Court Proceeding

Specifically gives Criminal Courts concurrent jurisdiction over enumerated family offenses.

Criminal Procedure §530.11 Procedures for Family Offense Matters

Details procedures for family offense matters.

Criminal Procedure Law §530.12 Protection for Victims of Family Offenses

Provides for orders of protection in family offense matters. Comprehensively outlines the following issues, including but not limited to: specific content and available relief in a temporary or permanent order, procedures for issuing and modifying orders, duration of orders, court procedures, and willful violations.

Criminal Procedure Law §§380.65,530.12 & Family Court Act §842 Transfer of Order of Protection to Supervision or Detention

Requires criminal and family courts to provide a certified copy of an order of protection to the state or local correctional or jail facility where a defendant or respondent will be detained or to the supervising Probation Department or Division of Parole.

Criminal Procedure Law §530.14 & Family Court Act §842-a Suspension and Revocation of a License to Carry, Possess, Repair, or Dispose of a Firearm or Firearms; Ineligibility for Such a License; Order to Surrender Firearms

Outlines the law regarding addressing mandatory and permissive suspension and revocation of firearms licenses, orders rendering the respondent ineligible for a license, and orders for the immediate surrender of firearms owned or possessed. Also addresses notice of the revocation, suspension, or ineligibility in an order of protection, the NYS Order of Protection Registry, local police agencies, and the state police. Further addresses due process rights to a hearing.

Domestic Relations Law §240 Custody and Child Support; Orders of Protection

This comprehensive law addresses custody and visitation, child support and orders of protection in matrimonial proceedings.

Custody: Sub-section (1)(a) states that where one party alleges and proves by a preponderance of the evidence that the other party has committed acts of domestic violence, the court must consider the effect of domestic violence upon the best interests of the child and state on the record how such circumstances factored into the court's determination. Where a parent makes good faith allegations that the child was exposed to domestic violence or was a victim of child abuse, such parent shall not be deprived of custody or visitation based upon this belief and actions taken thereto.

Section 1-c prevents a court from awarding custody or visitation to any person who was convicted of 1st or 2nd Degree Murder in New York (or the foreign equivalent in another state) of the child's parent, legal guardian, or sibling. Allows for visitation or custody under certain enumerated conditions, including where the murder was committed by a victim of domestic violence.

Order of Protection: Sub-section (3) authorizes the Supreme Court to issue an order of protection in assistance or as a condition of any other order. Details procedures for issuance of a permanent and temporary order, service of the order, available relief, specific notice language on the order's face, and gives police the

authority to enforce the order. Notes that an order may be issued prior to, in, or after the final matrimonial judgment and can remain in effect after the final judgment and during the minority of the child(ren). Also allows for the revocation or suspension of a firearms license, as well as the surrender of firearms.

Allows the Criminal Court to sit as the Supreme Court when Supreme Court is not in session when an arrest is made for a violation or where an offender was arrested pursuant to a warrant. Further, affords full faith and credit to out-of-state orders and authorizes out-of-state orders to be registered in New York.

Domestic Relations Law §252 (7) Effect of Pendency of Action for Divorce, Separation, or Annulment on Petition for Order of Protection

Comprehensively details order of protection requests during matrimonial proceedings:

Authorizes the Supreme Court to hear requests for orders of protection by either party as part of a matrimonial proceeding and details: available relief; specific notice language on the order's face; and allows the Criminal Court to sit as the Supreme Court when the Supreme Court is not in session when an arrest is made for a violation or where an offender was arrested pursuant to a warrant. Notes that an order may be issued prior to, in, or after the final matrimonial judgment and can remain in effect after the final judgment and during the minority of the child(ren) and may be issued even where the court refuses to grant a divorce, separation or annulment.

Also states that no order of protection be issued against one party unless the party requesting the order has served and filed a petition or counter-claim with the court and the court has made a finding on the record that the requesting party is entitled to the order. The court may issue a temporary order of protection prior to any findings. Also states that the Supreme Court may retain jurisdiction of subsequent proceedings, except criminal prosecution. Further notes that the Supreme Court may not consolidate actions, make, modify, or vacate Family Court orders of protection involving the same parties without a motion and notice.

Entitles a party to request a temporary order of protection and appear before the court for a hearing on that request the same day or on the next day the court is in session.

Addresses enforcement of out-of-state orders of protection in actions for divorce separation or annulment in the Supreme Court. States that a valid order of protection or temporary order of protection issued out of state will be enforced as a part of these types of proceedings and further outlines procedures for filing a foreign order in the NYS

Order of Protection Registry. Notes that registry of a foreign order is not required for enforcement of that order in New York. Also allows for the revocation or suspension of a firearms license, as well as the surrender of firearms.

Domestic Relations Law §254 Confidentiality

Addresses confidentiality in matrimonial proceedings. Notes that in any proceeding for custody, divorce, separation or annulment, the court can authorize any party or the child to keep his or her address confidential from any opposing party or the child in any pleadings or other papers submitted to the court, where the court finds that the disclosure of the address or other identifying information would pose an unreasonable risk to the health or safety of a party or the child. Further, if the party seeking custody of the child has resided or resides in a residential domestic violence program, the present address of the child, the present address of the party seeking custody, and the address of the domestic violence program cannot be revealed. Also contains provisions regarding service of process on another designated person or the court.

Family Court Act, Article 1, Part 5 (General Powers of the Family Court) Family Court Act §153-b Service of Process Request for Order of Protection

Addresses service of process procedures related to orders of protection.

Family Court Act §153-c Temporary Order of Protection

Entitles a petitioner to file for a temporary order of protection and appear before the court for a hearing on that request the same day or on the next day the court is in session.

Family Court Act §154 Statewide Process

Among other provisions, addresses procedures for Family Court proceedings in which an order of protection is requested to effect service of process and obtain jurisdiction over a person who resides outside of New York.

Family Court Act §154-b Order of Protection; Answer and Counter-claims; Confidentiality of Address

Allows a respondent to file an answer and counter-claim. Also discusses confidentiality of addresses in Family Court proceedings including child and spousal support, paternity, interstate child support, custody/visitation, family offense, and child welfare.

Family Court Act §154-c Orders of Protection; Procedural Requirements

Addresses such procedural issues as expiration dates and modifications. Also states that no order of protection be issued against one party unless the party requesting the order has served and filed a petition or counter-claim with the court and the court has made a finding on the record that the requesting part is entitled to the order. Authorizes court to issue a temporary order of protection prior to any findings.

Family Court Act §154-d Emergency Powers; Local Criminal Courts

Comprehensively details the powers of the Criminal Court to hear a Family Court family offense proceeding when the Family Court is not in session. Outlines issuance of temporary orders of protection, transfers and modifications of existing Family Court orders of protection.

Family Court Act §155 Arrested Adult

Details criminal procedures the Criminal Court must follow where an adult respondent in a Family Court proceeding is arrested when Family Court is not in session.

Family Court Act §155-a Admission to Bail

Addresses bail issues related to arrests pursuant to Family Court warrants.

Family Court Act §156 Contempt

Applies civil and criminal contempt provisions from the Judiciary Law in Family Court proceedings, unless specific Family Court Act contempt provisions apply.

Family Court Act §168 Notice of Order of Protection

States that copies of orders of protection must be issued to both parties and directs police, when presented with an order, have the authority to make an arrest where the order was violated. Details the court clerk's responsibilities for filing the order and any subsequent modifications with law enforcement. Also directs specific notice language on the order's face.

Family Court Act §216-c Preparation of Petitions

Addresses the Family Court Clerk or Probation Officer's duties regarding preparation and filing of Family Court petitions.

Family Court Act §241 et seq. Law Guardians

Detail procedures pertaining to Attorneys for the Child. Section 249-b details domestic violence-related training mandates for Attorneys for the Child.

Family Court Act §262 Assignment of Counsel for Indigent Persons

Enumerates litigants entitled to the assistance of counsel in certain Family Court proceedings. Among other parties, includes petitioners and respondents in family offense proceedings under Article 8, parents or respondents in custody and visitation proceedings, contempt and violation proceedings, and respondents in paternity proceedings.

Family Court Act §651 Jurisdiction Over Habeas Corpus Proceedings and Petitions for Custody and Visitation of Minors

References and incorporates the custody provisions contained in Domestic Relations Law §240(1).

Family Court Act §655 Temporary Orders of Protection

Authorizes temporary orders of protection to be issued by the court for good cause shown as part of a custody proceeding and details court procedures.

Family Court Act §656 Orders of Protection

States that a court can issue an order of protection and an order of probation, in assistance of or as a condition of a custody order. The law also details available relief.

Family Court Act §430 Temporary Order of Protection

Authorizes a court to issue a temporary order of protection as part of a child support proceeding.

Family Court Act §446 Orders of Protection

States that a court can issue an order of protection in assistance of or as a condition of a support order. The law also details available relief.

Family Court Act §580-312 Non-Disclosure of Information In Exceptional Circumstances

Addresses nondisclosure of information in Uniform Interstate Family Support Act (UIFSA) cases. If the court makes a finding that the health, safety, or liberty of a party or child would be unreasonably put at risk by the disclosure of identifying information, the court must order that the address of the child or party or other identifying information not be disclosed in a pleading or other document filed in a proceeding under Article 5-B of the Family Court Act.

Family Court Act §550 Temporary Orders of Protection

Authorizes a court to issue a temporary order of protection as part of a paternity support proceeding.

Family Court Act §551 Orders of Protection

States that a court can issue an order of protection in assistance of or as a condition of a paternity order. The law also details available relief.

Family Court Act Article 8 (§812 et seq.) Family Offense Proceedings

Provides the substantive law for family offense proceedings. Details jurisdiction, preliminary procedures, hearings, and orders.

Family Court Act §1056 Orders of Protection

Authorizes a court to issue an order of protection in assistance or as a condition of any child protective order. Enumerates terms and conditions as well as duration of an order.

22 NYCRR §7.24 (Rules of the Chief Judge) Law Guardians

Details court rules relating to appointment of Attorneys for the Child.

Resources (Panel)

Civil Attorneys

[Lawyer's Manual on Domestic Violence: Representing the Victim](#)

[ABA Commission on Domestic Violence & Sexual Violence](#)

[ABA Standards of Practice for Lawyers Representing Victims](#)

[National Center for Domestic Violence, Trauma, and Mental Health](#)

[Center for Survivor Agency and Justice](#)

[Custody Evaluations When There Are Allegations of Domestic Violence: Practices, Beliefs, and Recommendations of Professional Evaluators](#)

Attorneys for the Child

[ABA Commission on Domestic Violence & Sexual Violence](#)

[Futures Without Violence](#)

[Identifying Polyvictimization and Trauma Among Court-Involved Children and Youth: A Checklist and Resource Guide for Attorneys and Other Court-Appointed Advocates](#)

[Lawyer's Manual on Domestic Violence: Representing the Victim](#)

[Custody Evaluations When There Are Allegations of Domestic Violence: Practices, Beliefs, and Recommendations of Professional Evaluators](#)

Prosecutors

[Lawyer's Manual on Domestic Violence: Representing the Victim](#)

[National Center for the Prosecution of Violence Against Women \(National District Attorney's Association\)](#)

[National District Attorney's Association – Violence Against Women Publications](#)

[Aequitas – Model Policy for Prosecutors and Judges on Imposing, Modifying and Lifting Criminal No Contact Orders](#)

[Battered Women's Justice Project: Criminal Prosecution of Domestic Violence](#)

[ABA Commission on Domestic Violence & Sexual Violence](#)

[National Center for Domestic Violence, Trauma, and Mental Health](#)

[Prosecutors, Kids, and Domestic Violence Cases](#)

[Navigating Custody & Visitation Evaluations in Cases with Domestic Violence: A Judge's Guide](#)

Courts (Panel)

Cases involving domestic violence are heard in both our criminal and civil justice systems. However, a complaining witness's first contact with these systems is [unlikely to be the first domestic violence incident](#). Historically, our legal system has become involved only after the pattern of abuse is well-established and the level of abuse has intensified.

Domestic violence cases frequently present complex and unique challenges to judges and other justice professionals. The volume of cases involving domestic violence issues grows annually and their resource intensive nature imposes significant demands on the court system. While the great majority of cases involving domestic violence will address family, matrimonial, or criminal law concerns, it may also be an underlying issue in matters involving name changes, employment, housing, public benefits, tort, fraud, contract or property disputes, animal abuse, and more.

Early intervention and a multi-faceted, coordinated response to domestic violence provides one of the best paths to protecting victims and their children, maintaining family stability, preventing the escalation of abuse, and holding perpetrators accountable.

While courts alone cannot eradicate domestic violence, they are critical partners in this process. Courts are encouraged to develop protocols and procedures within and between the civil and criminal justice systems.

Policy Guidelines (Panel)

[Review General Guiding Principles.](#)

Statement

Judges must apply their own discretion to individual cases before them and, as such, it may be difficult to endorse specific policies. Many of the guiding principles and issues discussed in this tool may, however, be modified and articulated in a training guide, [bench manual](#) or guidelines and protocols for improving court practice and response. Regardless of the format chosen, a document should contain:

- The purpose of the guidelines.
- A definition of domestic violence.
- Reference or detail existing, applicable state and/or federal laws, regulations, case law, and court rules.

- The court's commitment to addressing these issues and to implementing the guidelines

Definitions

Define concepts used throughout the guidelines, such as victim of domestic violence, child witness, domestic violence, sexual abuse and sexual assault, stalking, intimate relationship, family and household member, concurrent jurisdiction, firearm, NYS Order of Protection Registry, Domestic Incident Report, and Victim Rights Notice. [Refer to Guiding Principles Definitions section.](#)

Guidelines

General Considerations for Victims and the Courts

- Help litigants to access information about court processes and provide assistance completing and filing petitions. Encourage joint initiatives with the Department of Probation, legal services providers, [domestic violence service providers](#), bar associations, [law schools](#), [Family Justice Centers](#), or other agencies to improve court-based assistance and support services.
- Facilitate the provision of information to court users about community-based resources, such as legal assistance, [local licensed and approved domestic violence service providers](#), children's services, as well as other providers who can address the family's myriad safety, stability, and self-sufficiency needs (e.g., [LIFT tables](#), common areas for brochures, information kiosks, informational videos, etc.).
- Provide reasonable accommodations to [limited English proficient](#) (LEP) and [disabled](#) or Deaf court users. Courts should meaningfully evaluate their respective accessibility to these communities and engage in [collaborative efforts](#) with community stakeholders to improve access.
 - Courts should leverage the assistance of qualified translators and court interpreters to provide protected LEP parties and defendants/respondents with translated orders of protection. At a minimum, judges should explain and have interpreted the terms and conditions of orders on the record in plain language, particularly orders of protection.
- Provide victims with the [Victim Rights Notice](#) (OCA Form 8-1) as required under the Criminal Procedure Law, the Family Court Act, and the Domestic Relations

Law. In addition to English, the form is also available in [Spanish, Haitian Creole, Bengali, Traditional & Simplified Chinese, Korean, and Russian.](#)

- Acknowledge a litigant or witness's need for confidentiality and privacy. Provide for address and other confidentiality as [permissible by law](#) and assess procedures for safeguarding information contained in court files. Understand rights of litigants enrolled in the [NYS Address Confidentiality Program](#), as well as those with current or pending [identity changes](#) or [Social Security Number changes](#).

Judicial Response to Domestic Violence Cases

- Victims or witnesses may be or become unwilling or unable to participate in proceedings in the criminal and civil systems for a variety of reasons. In some cases, victims may desire a course of action that the court feels is dangerous or against their or the public's best interests or even recant previous statements. Because such conduct is frequently related to legitimate victim fear and safety strategies or dependence on the perpetrator, courts should try to ensure that victims are making informed decisions based upon an understanding of the range of legal options and outcomes. The court could consider:
 - Appointing counsel where the victim may be unrepresented in civil cases.
 - Encourage the prosecutor or counsel to share information about community-based services (e.g., [local licensed and approved domestic violence service providers](#), Family Justice Centers) and counseling.
 - Reassuring victims and witnesses that the legal system will continue to be willing to assist them, regardless of their choices in the instant case.
- Perpetrators may misuse court processes as tools of power and control through [false reporting, abusive litigation and other inappropriate discovery tactics](#). They may also attempt to draw out litigation, forum shop, or commence actions in various jurisdictions. Detail legal procedures, strategies and sanctions a court may utilize to curtail these practices fairly and appropriately. Where legal proceedings involving the parties are pending in other forums or jurisdictions:
 - Maintain venue in the jurisdiction best able to enhance victim safety, where legally appropriate.
 - Consolidate actions, as appropriate.

- Communicate with the other jurisdiction (i.e., UCCJEA, etc.)
- Avoid issuing conflicting orders, where possible. When orders conflict, take steps to minimize confusion related to enforcement.
- Address the [dangers of firearms](#) and other weapons in domestic violence cases. Policies should detail:
 - Applicable state and federal laws addressing access to and surrender of weapons, as well as license restrictions
 - Screening around firearms issues
 - Provision of legal relief to the fullest extent of the law, as appropriate
 - Compliance monitoring with seizure/surrender orders and license restrictions
- Consider domestic violence factors when determining bail or other conditions of release.
 - Effective December 24, 2012, where an individual is charged with a crime against a family or household member, the court must consider the accused's history of violations of orders of protection or history of possession of firearm in determining bail or recognizance under Criminal Procedure Law §510.30.
- Substance abuse and mental health counseling should not be ordered in lieu of civil or criminal sanctions for perpetrators. Where indicated, treatment may be properly mandated in addition to specific domestic violence consequences.
- Where the court orders the defendant or respondent into a [batterer program](#), direct that the individual enroll in a program that focuses on offender accountability. Compliance with program requirements should be [court-monitored](#). Such programs should never be ordered in lieu of otherwise appropriate criminal or civil sanctions.
- Adhere to any court rules regarding the use of alternative dispute resolution or parent education programs in cases involving domestic violence or litigants with severe power imbalances. Where a domestic violence history or other domestic

violence concerns exist between the parties, perpetrators and victims/complaining witnesses should not be ordered or encouraged to jointly participate in [alternative dispute resolution](#) (ADR), [joint marriage/relationship counseling](#) or [parenting education classes](#).

- Recognize and minimize the impact of economic abuse by: awarding restitution, medical expenses or health insurance coverage, child or spousal support, maintenance, attorney's fees, equitable distribution, or other relief as appropriate.
- Where the parties have children in common:
 - Where appropriate, include children and household members in the victim's order of protection or grant an order of protection on the child's behalf. Include terms and conditions that protect the child at school, child or after-school care, and other places the child frequents.
 - Approve parenting agreements or make custody and visitation determinations that safeguard the child's physical, emotional, and psychological best interests.
 - Consider the effect of proven domestic violence upon the best interests of the child and explicitly state on the record how such findings/facts/circumstances factored into the determination per Family Court Act §651 & Domestic Relations Law §240(a)(1).
 - Where visitation with the abusive parent is deemed appropriate, minimize the harm and danger to the victim and the children through clear and concise orders of protection/custody orders, safe exchange strategies, supervised/limited visitation, and other safety strategies.
 - In all cases, as well as those involving domestic violence, where courts elect to rely on [expert custodial evaluators in cases involving domestic violence, judges must critically review](#) the expert testimony and determine whether the evaluator's testing methods were accurate and reliable.
 - Appoint only [custodial evaluators](#) with domestic violence expertise.
- Appoint Attorneys for the Child who will advocate the child's position in accordance with Family Court Act §241 and [Rule 7.2 of the Rules of the Chief](#)

Judge. All Attorneys for the Child must have training on domestic violence in accordance with Family Court Act §249-b.

- Engage the child welfare system, as appropriate.

Orders of Protection

- Issue orders with concise and enforceable terms and conditions. Customize relief that will maximize safety for protected parties and their household members.
- Ensure court staff timely and accurately enter service of process and order of protection data into the NYS Orders of Protection Registry.
- In Family Court proceedings in which an order of protection is issued, advise protected parties about the availability of the [NY Order of Protection Notification System \(SAVIN\)](#) so they can be alerted when the order of protection is served.
- Advise the enjoined person on the record that s/he is the only person subject to the order of protection's terms and will be held accountable for willful violations, even where the protected party had contact or communication despite the order's existence.
 - Coercive control, manipulation, threats, and other tactics of abuse may result in the perpetrator having contact or communication with the protected party in violation of a court order. In many instances, the protected party may endure or tolerate perpetrator contact out of fear or other safety concerns. In other cases, the protected party and the perpetrator may have contact related to children in common or other financial concerns. In addition to adjudicating violation/contempt pleadings or complaints against the perpetrator, the court should reassess the order of protection's terms and conditions to determine if it provides sufficient and appropriate relief.
- Detail applicable state and federal laws that address the issuance and enforceability of mutual orders of protection or orders that are not supported by independent charges or petitions. Discuss the [practical and public policy considerations attendant to issuing mutual orders of protection](#).

Court Structure and Protocols

- Develop an administrative system for identifying and flagging cases involving domestic violence histories or allegations.
 - While some cases may self-identify by their nature (i.e., family offenses), others will require [flagging](#) where the domestic violence history or allegations arise during the course of the proceeding.
 - Note that cases involving child maltreatment, child fatalities, sexual abuse, juvenile delinquency, PINs, and animal abuse may also have a dual history of domestic violence.
- As volume and community need warrants, courts should be encouraged to create and maintain [specialized domestic violence parts](#) where judicial and non-judicial staff can focus on the unique nature of domestic violence and provide improved court response.
 - Where specialized domestic violence parts are in operation, inter-court referral and transfer systems should be periodically assessed to ensure file management is efficient and effective.
- Family and criminal courts should utilize [compliance calendars to judicially monitor](#) respondents or defendants placed on probation supervision, ordered to complete a batterer program, or who are mandated to undergo substance abuse or mental health evaluations and treatment.
- [Develop practical methods for managing court dockets and resources.](#) Develop mechanisms to quickly calendar violation petitions, contempt proceedings, or Probation violations to swiftly hold respondents and defendants accountable when non-compliant with or in violation of court mandates.
- Develop or improve comprehensive procedures for case transfer and information sharing where criminal court sits as a family court when family court is not in session pursuant to Family Court Act §154-d.
- Educate all staff about the likelihood and impact of [vicarious traumatization](#) on court-based professionals. Courts should develop clear, non-punitive guidelines that help identify and support employees experiencing the effects of this

condition, particularly after an extreme domestic violence-related incident involving court-involved parties.

- Evaluate and respond to the [safety needs of domestic violence victims and their families both in and immediately outside of the courthouse](#). Protocols should be developed collaboratively with court officers, local domestic violence services providers, and other community stakeholders and may include actions such as:
 - Keeping defendants/respondents in the courtroom for 10-15 minutes after the complaining witness/petitioner/plaintiff departs
 - Adequate or enhanced security in or outside of the courthouse
 - Response procedures for domestic violence incidents in the courthouse

To the extent possible, and as volume warrants, provide:

- Secure and/or separate waiting areas for parties
- Victim escorts
- Secure, court-based [children's centers](#).
- Make assignments to ensure representation of indigent parties where litigants have the right to counsel in civil or criminal proceedings. Standardize guidelines for determining eligibility for appointed counsel.
 - In cases involving domestic violence, Attorneys for the Child (Family Court Act §249-b) should be assigned as necessary.
 - Evaluate local processes for making assignments in contested divorce cases under Judiciary Law §35 and streamline those procedures, as necessary.

Staff Education & Training

All jurists should receive training on domestic violence dynamics. Pursuant to Rules of the Chief Judge ([22 NYCRR §17.4](#)), all jurists presiding over Criminal, Family, or Supreme Court matrimonial cases must attend bi-annual Office of Court Administration-approved training addressing domestic violence issues. Similarly, attorney referees and judicial hearing officers in the 7th and 8th Judicial Districts must receive training per Judiciary Law §212(2)(n). Courts should develop a mechanism for tracking compliance

with these training requirements. Training should also be provided for all judicial and non-judicial staff.

Courts should identify court-based staff responsible for coordinating all domestic violence-related training activities. Training should be periodic and cover the following:

- General information on domestic violence, including:
 - Definition of domestic violence
 - Indicators of domestic violence
 - Tactics of control
 - Impact of domestic violence on children
 - Lethality indicators
- How domestic violence might present in perpetrators, victims or child witnesses of domestic violence.
- Interacting with court users perpetrating or experiencing domestic violence.
- The impact diversity plays in domestic violence cases—both on the tactics of abuse and control used by the perpetrator, as well as the victim’s experience of abuse. Provide [culturally competent](#) assistance to court users, regardless of national origin, age, religion, ethnicity, disability status, immigration status, religion, sexual orientation, gender identity, education, or socio-economic status.
- Sensitive and informed assistance to court users also experiencing [substance use disorder](#) and/or [mental health issues](#). For further information, refer to the [Guiding Principles Mental Health and Substance Use Disorder section](#).
- As domestic violence issues can impact cases in many areas of substantive law, ideally provide an overview of domestic violence-related [state laws](#) and policies including, but not limited to: confidentiality protections and identity changes, firearms prohibitions, criminal law, family and matrimonial laws, housing, employment, insurance, anti-discrimination and bias protections, torts, public benefits, and public health.
 - Also provide an overview of relevant domestic violence-related federal laws and policies including, but not limited to: [firearms prohibitions](#), [immigration relief](#), [inter-jurisdictional issues \(inter-state crimes, Full Faith and Credit for orders of protection, parental abduction\)](#), [confidentiality](#)

[protections](#), [military concerns](#), [Native American and tribal concerns](#), and [tax issues](#).

- Specific evidentiary issues that frequently arise in cases involving domestic violence.
- Overview of standards for judicial ethics and professional conduct.
- Case law and legislative updates.
- Overview of local resources and services.
- Details of the court's domestic violence policy.
- Office of Court Administration's Domestic Violence Policy for employees and expectations for employees.

Security Departments

Court officers should be included in the drafting of any domestic violence policies. They are responsible for the safety of litigants, court staff, judges, and property. The policy should clearly outline the protocol for responding to domestic violence-related concerns or incidents in the courthouse.

Implementation and Follow-up

An implementation plan should be formulated that includes directions for the policy to be communicated to current staff and a format to inform future staff. The policy should also be reviewed and updated accordingly to accommodate new practices, policies, and legislation.

Laws, Regulations, and Court Rules (Panel)

Judiciary Law §35 Assignment of Counsel to Indigent Persons and Appointment of Physicians in Certain Proceedings

Among other provisions related to assignment of counsel, provides that litigants in Supreme Court matrimonial actions have the right to assigned counsel for aspects of their cases in which the right to counsel is provided under Family Court Act §262, including for orders of protection and custody issues.

Judiciary Law §212 Functions of the Chief Administrator of the Courts

Outlines the functions of the Office of Court Administration (OCA) provisions related to domestic violence including: promulgation of forms, data collection, case identification, inter-court record sharing and communication, and magistrates and judicial hearing officer authority.

Executive Law §221-a Computer System to Carry Information of Orders of Protection and Warrants of Arrest

Provides for the creation and maintenance of a computer system to carry information pertaining to certain temporary and permanent orders of protection issued in Family, Criminal, and Supreme Courts in New York. Also includes special orders of conditions, as well as orders registered in New York that were issued in other states, territories, or tribal jurisdictions. Addresses access to the database, as well as disclosure of information contained therein.

Criminal Procedure Law §60.46 Rules of Evidence, Family Offense Proceedings in Family Court

Details when written or oral admissions, testimony given by either party, or other evidence obtained from that admission or testimony in an Article 8 Family Court proceeding may be received into evidence in a criminal proceeding.

Criminal Procedure Law §100.07 Commencement of Action; Effect of Family Court Proceeding

Specifically gives Criminal Courts concurrent jurisdiction over enumerated family offenses.

Criminal Procedure §530.11 Procedures for Family Offense Matters

Details procedures for family offense matters and requires courts to create rules to facilitate information sharing between the Criminal and Family Courts.

Criminal Procedure Law §530.12 Protection for Victims of Family Offenses

Provides for orders of protection in family offense matters. Comprehensively outlines the following issues, including but not limited to: specific content and available relief in a temporary or permanent order, procedures for issuing and modifying orders, duration of orders, court procedures, and willful violations.

Criminal Procedure Law §§380.65,530.12 & Family Court Act §842 Transfer of Order of Protection to Supervision or Detention

Requires criminal and family courts to provide a certified copy of an order of protection to the state or local correctional or jail facility where a defendant or respondent will be detained or to the supervising Probation Department or Division of Parole.

Criminal Procedure Law §530.14 & Family Court Act §842-a Suspension and Revocation of a License to Carry, Possess, Repair, or Dispose of a Firearm or Firearms; Ineligibility for Such a License; Order to Surrender Firearms

Outlines the law regarding addressing mandatory and permissive suspension and revocation of firearms licenses, orders rendering the respondent ineligible for a license, and orders for the immediate surrender of firearms owned or possessed. Also addresses notice of the revocation, suspension, or ineligibility in an order of protection, the NYS Order of Protection Registry, local police agencies, and the state police. Further addresses due process rights to a hearing.

Domestic Relations Law §240 Custody and Child Support; Orders of Protection

This comprehensive law addresses custody and visitation, child support and orders of protection in matrimonial proceedings.

Custody: Sub-section (1)(a) states that where one party alleges and proves by a preponderance of the evidence that the other party has committed acts of domestic violence, the court must consider the effect of domestic violence upon the best interests of the child and state on the record how such circumstances factored into the court's determination. Where a parent makes good faith allegations that the child was exposed to domestic violence or was a victim of child abuse, such parent shall not be deprived of custody or visitation based upon this belief and actions taken thereto.

Section 1-c prevents a court from awarding custody or visitation to any person who was convicted of 1st or 2nd Degree Murder in New York (or the foreign equivalent in another state) of the child's parent, legal guardian, or sibling. Allows for visitation or custody under certain enumerated conditions, including where the murder was committed by a victim of domestic violence.

Order of Protection: Sub-section (3) authorizes the Supreme Court to issue an order of protection in assistance or as a condition of any other order. Details procedures for issuance of a permanent and temporary order, service of the order, available relief, specific notice language on the order's face, and gives police the

authority to enforce the order. Notes that an order may be issued prior to, in, or after the final matrimonial judgment and can remain in effect after the final judgment and during the minority of the child(ren). Also allows for the revocation or suspension of a firearms license, as well as the surrender of firearms.

Allows the Criminal Court to sit as the Supreme Court when Supreme Court is not in session when an arrest is made for a violation or where an offender was arrested pursuant to a warrant. Further, affords full faith and credit to out-of-state orders and authorizes out-of-state orders to be registered in New York.

Domestic Relations Law §252 (7) Effect of Pendency of Action for Divorce, Separation, or Annulment on Petition for Order of Protection

Comprehensively details order of protection requests during matrimonial proceedings:

Authorizes the Supreme Court to hear requests for orders of protection by either party as part of a matrimonial proceeding and details: available relief; specific notice language on the order's face; and allows the Criminal Court to sit as the Supreme Court when the Supreme Court is not in session when an arrest is made for a violation or where an offender was arrested pursuant to a warrant. Notes that an order may be issued prior to, in, or after the final matrimonial judgment and can remain in effect after the final judgment and during the minority of the child(ren) and may be issued even where the court refuses to grant a divorce, separation or annulment.

Also states that no order of protection be issued against one party unless the party requesting the order has served and filed a petition or counter-claim with the court and the court has made a finding on the record that the requesting party is entitled to the order. The court may issue a temporary order of protection prior to any findings. Also states that the Supreme Court may retain jurisdiction of subsequent proceedings, except criminal prosecution. Further notes that the Supreme Court may not consolidate actions, make, modify, or vacate Family Court orders of protection involving the same parties without a motion and notice.

Entitles a party to request a temporary order of protection and appear before the court for a hearing on that request the same day or on the next day the court is in session.

Addresses enforcement of out-of-state orders of protection in actions for divorce separation or annulment in the Supreme Court. States that a valid order of protection or temporary order of protection issued out of state will be enforced as a part of these types of proceedings and further outlines procedures for filing a foreign order in the NYS

Orders of Protection Registry. Notes that registry of a foreign order is not required for enforcement of that order in New York. Also allows for the revocation or suspension of a firearms license, as well as the surrender of firearms.

Domestic Relations Law §254 Confidentiality

Addresses confidentiality in matrimonial proceedings. Notes that in any proceeding for custody, divorce, separation or annulment, the court can authorize any party or the child to keep his or her address confidential from any opposing party or the child in any pleadings or other papers submitted to the court, where the court finds that the disclosure of the address or other identifying information would pose an unreasonable risk to the health or safety of a party or the child. Further, if the party seeking custody of the child has resided or resides in a residential domestic violence program, the present address of the child, the present address of the party seeking custody, and the address of the domestic violence program cannot be revealed. Also contains provisions regarding service of process on another designated person or the court.

Family Court Act, Article 1, Part 5 (General Powers of the Family Court):

Family Court Act §153-b Service of Process Request for Order of Protection

Addresses service of process procedures related to orders of protection.

Family Court Act §153-c Temporary Order of Protection

Entitles a petitioner to file for a temporary order of protection and appear before the court for a hearing on that request the same day or on the next day the court is in session.

Family Court Act §154 Statewide Process

Among other provisions, addresses procedures for Family Court proceedings in which an order of protection is requested to effect service of process and obtain jurisdiction over a person who resides outside of NY.

Family Court Act §154-b Order of Protection; Answer and Counter-claims; Confidentiality of Address

Allows a respondent to file an answer and counter-claim. Also discusses confidentiality of addresses in Family Court proceedings including child and spousal support, paternity, interstate child support, custody/visitation, family offense, and child welfare.

Family Court Act §154-c Orders of Protection; Procedural Requirements

Addresses such procedural issues as expiration dates and modifications. Also states that no order of protection be issued against one party unless the party requesting the order has served and filed a petition or counter-claim with the court and the court has made a finding on the record that the requesting part is entitled to the order. Authorizes court to issue a temporary order of protection prior to any findings.

Family Court Act §154-d Emergency Powers; Local Criminal Courts

Comprehensively details the powers of the Criminal Court to hear a Family Court family offense proceeding when the Family Court is not in session. Outlines issuance of temporary orders of protection, transfers and modifications of existing Family Court orders of protection.

Family Court Act §155 Arrested Adult

Details criminal procedures the Criminal Court must follow where an adult respondent in a Family Court proceeding is arrested when Family Court is not in session.

Family Court Act §155-a Admission to Bail

Addresses bail issues related to arrests pursuant to Family Court warrants.

Family Court Act §156 Contempt

Applies civil and criminal contempt provisions from the Judiciary Law in Family Court proceedings, unless specific Family Court Act contempt provisions apply.

Family Court Act §168 Notice of Order of Protection

States that copies of orders of protection must be issued to both parties and directs police, when presented with an order, have the authority to make an arrest where the order was violated. Details the court clerk's responsibilities for filing the order and any

subsequent modifications with law enforcement. Also directs specific notice language on the order's face.

Family Court Act §216-c Preparation of Petitions

Addresses the Family Court Clerk or Probation Officer's duties regarding preparation and filing of Family Court petitions.

Family Court Act §241 et seq. Law Guardians

Detail procedures pertaining to Attorneys for the Child. Section 249-b details domestic violence-related training mandates for Attorneys for the Child.

Family Court Act §262 Assignment of Counsel for Indigent Persons

Enumerated litigants entitled to the assistance of counsel in certain Family Court proceedings. Among other parties, includes petitioners and respondents in family offense proceedings under Article 8, parents or respondents in custody and visitation proceedings, contempt and violation proceedings, and respondents in paternity proceedings.

Family Court Act Article 8 (§812 et seq.) Family Offense Proceedings

Provides the substantive law for family offense proceedings. Details jurisdiction, preliminary procedures, hearings, and orders.

22 NYCRR §7.24 (Rules of the Chief Judge) Law Guardians

Details court rules relating to appointment of Attorneys for the Child.

22 NYCRR §17.4 (Rules of the Chief Judge) Domestic Violence Program

Requires all Criminal Court judges and magistrates, all Family Court judges, and Supreme Court justices who regularly handle matrimonial matters to attend bi-annual OCA approved programs to address domestic violence issues and these programs will count towards mandatory judicial training requirements.

22 NYCRR §141.1 et seq. Integrated Domestic Violence Parts of Supreme Court

Establishes Integrated Domestic Violence (IDV) Parts of the Supreme Courts and outlines the mission of these special parts to hear and determine, in one forum,

domestic violence-related Criminal, Supreme, or Family Court cases that are simultaneously pending in the courts.

22 NYCRR Part 205 (Uniform Rules of the Family Court):

§205.7-a Electronic Transmission of Orders of Protection

Details rules regarding transmission of orders of protection for service of process, as well as proof of service.

§§205.70-205.74 (various Uniform Rules of the Family Court addressing family offense proceedings)

Details various rules and procedures regarding family offense proceedings, probation service, and warrants, as well as permissible terms and conditions for an order of protection.

Resources (Panel)

[Center for Court Innovation \(Domestic Violence page\)](#)

[Conference of State Court Administrators Position Paper on Safety and Accountability: State Courts and Domestic Violence](#)

[Department of Justice Limited English Proficiency Resource Document: Tips and Tools from the Field](#)

[Aequitas– Model Policy for Prosecutors and Judges on Imposing, Modifying and Lifting Criminal No Contact Orders](#)

[National Council of Juvenile and Family Court Judges \(Domestic Violence Library\)](#)

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Child Welfare (PANEL)

Research consistently shows that when child abuse or maltreatment is evident, there is increased probability that domestic violence is also present. The child welfare system is increasingly confronted with complex dilemmas where these two social issues co-occur.

It has been demonstrated that an effective strategy in achieving and maintaining safety for children living in households where there is domestic violence is to identify the safety needs of the non-offending parent (or caretaker) and address those needs in a detailed safety plan. It is vital that the victim's safety needs are addressed first, putting them in a better position to form an alliance with a child welfare worker and then focus on protecting the interests of the children.

It is critical that all child welfare workers – protective, investigative, preventive, foster care and adoptive – understand the dynamics of domestic violence and its possible relationship to child welfare issues. Child welfare workers and other providers need to be able to:

- Determine whether a referral should be made to the Statewide Central Register of Child Abuse and Maltreatment [Hotline](#).
- Determine whether a crime may have been committed and contact the police.
- Develop service plans based on case-by-case assessment and families' needs.
- Offer appropriate support to victims and families in all investigations where domestic violence is identified.
- Direct interventions to promoting abuser accountability.
- Understand and employ best practices for intervention. To learn more, please visit the following webpages at the [Office of Children and Family Services](#) and the [Domestic Violence and the Child Welfare System](#) report.

Policy Guidelines (Panel)

[Review General Guiding Principles.](#)

Policy Statement

Policy statement should include:

- The purpose of the policy.
- A definition of domestic violence.
- Brief statement on the impact domestic violence can have on families including the [children](#). For further information please refer to the [Domestic Violence and Children – Questions and Answers for Domestic Violence Project Advocates](#) fact sheet.
- The commitment of the agency to address the issue and to implement and uphold the policy.

Definitions

Define concepts used throughout the policy, such as domestic violence, intimate partner, non-offending parent, abuser and victim. [Refer to Guiding Principles Definitions section.](#)

Identification & Guidelines

- Private routine [screening](#) for domestic violence with each adult household member should be conducted at initial visit followed up with ongoing assessment. If domestic violence is identified or suspected, a plan should be implemented before conducting any [family meetings](#).
- Adolescent household members should be [assessed](#) for dating violence.
- Child welfare workers should inform victims of the extent and limits of confidentiality regarding information on domestic violence.
- When domestic violence is identified, child welfare workers should:
 - Gather information about the existence, type and context of domestic violence.
 - Identify victim and family strengths (including those of the abusive partner and the children); acknowledge and reinforce the victim's strengths as a parent.

- Assess danger and risk of harm to the victim and the child.
- Address any disability issues and connect to appropriate supportive services prior to making assumptions about the parenting ability of the victim.
- Understand the impact that the child welfare system may have had in enforcing the victims feeling of powerlessness and work to restore power and control in every interaction.
- Assist victims in developing short and long term [safety plans](#). Adjust safety plan as necessary, e.g., perpetrator is served with court documents, perpetrator is released from custody, court rules on custody or child support, etc.
- Listen to and evaluate the victims concerns about the possible negative impact a child welfare-recommended safety plan could have on the children's safety and well-being.
- Ask "What do you need?" rather than telling the victim what they need.
- Understand that a victim's perceived inaction may be logical and protective.
- Understand that leaving is a process and that victims returning one or more times may be part of that process. To learn more, please refer to the [Separation/Divorce Sexual Assault – The Contribution of Male Support](#) report.
- Understand that some legitimate survival strategies (refusal of services, dishonesty, resistance, etc.) may be necessary to ensure safety.
- Document the perpetrator's current tactics of control, how these actions have impacted the children and how they may influence the victim's actions or inactions. Include information from both [the victim](#) and [the perpetrator](#) and collateral sources.
- Set clear expectations with specific mandates for the perpetrator.

- When appropriate, encourage the victim to file a Family Offense Petition in Family Court explaining that the decision to file is up to them.
- If a Child Protective Services Worker, inform the victim, and then file a neglect or abuse petition with Family Court if the abuse or neglect rises to the level pursuant to the Family Court Act.
- Refer the victim to an [approved/licensed NYS domestic violence service provider](#). Cooperative relationships should be established with domestic violence service providers and victims should be provided with information on residential and non-residential services.
- Serve as an advocate for victims with courts, law guardians and attorneys for cases in which domestic violence and child abuse or maltreatment co-occur.
- Consider establishing a [Domestic Violence Specialist](#) position.
- Victims of domestic violence and their families should never be referred to family therapy, marriage or couples counseling, mediation or restorative justice services. To learn more, please visit the [New York State Office for the Prevention of Domestic Violence](#) website.

Staff Education & Training

Domestic violence training should be provided for all child welfare staff. This training should cover the following:

- Dynamics of domestic violence.
- The connection between domestic violence and child abuse or maltreatment.
- Routine screening for domestic violence.
- The effects of domestic violence on children.
- The dynamics of perpetrator behavior.
- Obstacles that prevent victims from leaving their abusive partners.
- Effective methods for working with victims, including trauma-informed approaches.
- Legal remedies and appropriate referrals for the abused parent.
- Tools for interviewing, service planning and intervening with the perpetrator.
- Unique barriers for various groups, e.g., immigrants, victims who are deaf and LGBTQ victims.

- Vicarious trauma.

Implementation and Follow-up

An implementation plan should be formulated that includes directions for the policy to be communicated to all employees and a format to inform future staff. The policy should also be reviewed and updated accordingly to accommodate new practices and new legislation.

Laws (Panel)

Social Services Law §17(g) Duties and Powers of the Commissioner

Among other provisions, requires all child protective services employees to participate in a training course to improve and enhance screening and/or response to domestic violence.

Social Services Law §384-b Termination of Parental Rights

Convictions for homicide or attempted homicide of the other parent or of another child in the household are presumptive severe abuse grounds for terminating the offender's parental rights. Specifically exempts convictions for homicide or attempted homicide committed by domestic violence victims where the abuse was causally related to the crime.

Family Court Act §154-b(2) Confidentiality of Address

Addresses confidentiality in Family Court proceedings including child and spousal support, paternity, interstate child support, custody/visitation, family offense and child protection. Directs court to authorize any party or the child to keep his or her address confidential from the opposing party in any pleadings or other papers submitted to the court where disclosure of such address or other identifying information would pose an unreasonable risk to the health or safety of a party or the child. Further, if the party has resided or resides in a residential domestic violence program, the present address of the child, the present address of the party seeking custody and the address of the domestic violence program cannot be revealed. This section also contains provisions regarding service of process on another designated person or the court.

Family Court Act §1022 Preliminary Orders of Court Before Petition Filed

Authorizes removal of children before the filing of a child protection proceeding is commenced and details due process procedures. Notes that the court must consider

whether imminent risk to the child would be eliminated by the issuance of a temporary order of protection directing the removal of an individual from a child's home.

Family Court Act §1023 Procedure for Issuance of Temporary Order

Addresses procedures for issuing temporary orders of removal and temporary orders of protection.

Family Court Act §1027 Preliminary Orders After Filing of Petition

Addresses removals without court order in child protective proceedings and the due process procedures directing these cases. Among other provisions, directs a court to consider whether the issuance of an order of protection directing the removal of an individual from a child's home would be appropriate to eliminate imminent risk to the child. Also authorizes the issuance of an order of protection for good cause shown.

Family Court Act §1028 Application to Return Child Temporarily Removed

Addresses procedures for return of children removed by child protective services. Among other provisions, allows a court to issue a temporary order of protection as an alternative to or in conjunction with any other disposition.

Family Court Act §1029 Temporary Order of Protection

Authorizes a court to issue a temporary order of protection in child protective proceedings where good cause is shown.

Family Court Act §1052 Disposition on Adjudication

Among other provisions at the close of a dispositional hearing, directs a court to consider whether the issuance of an order of protection directing the removal of an individual from a child's home would be appropriate to eliminate the need for placement of the child.

Family Court Act §1054 Release to Custody of Parent or Other Person Responsible For Care; Supervision or Order of Protection

If the dispositional order releases the child to the custody of a parent or legal guardian, the court is authorized to issue an order of protection.

Family Court Act §1056 Orders of Protection

Authorizes a court to issue an order of protection in assistance or as a condition of any child protective order. Enumerates terms and conditions as well as duration of an order.

Family Court Act §1072 Failure to Comply With Terms and Conditions of Supervision

States that where a parent or other legal guardian willfully violates an order of protection, a court may revoke the order, enter a new order or incarcerate.

Family Court Act §1085 Visitation and Custody Rights Unenforceable; Murder of Parent, Custodian, Guardian or Child

Prevents a court from awarding custody or visitation to any person who was convicted of 1st or 2nd Degree Murder in New York (or the foreign equivalent in another state) of the child's parent, legal guardian or sibling. Allows for visitation or custody under certain enumerated conditions, including where the murder was committed by a victim of domestic violence.

Family Court Act §1089 Permanency Hearing

Authorizes a court to issue an order of protection in assistance or as a condition of any other order made under this section.

[Social Services Law §413](#) Persons and officials required to report cases of suspected child abuse or maltreatment

Mandated reporters are required to report cases of suspected child abuse or maltreatment. To learn more, please visit the [Office of Children and Family Services](#) website.

Penal Law §240.50(4) Falsely Reporting an Incident in the Third Degree

Among other provisions, criminalizes instances where an individual reports information known to be false or baseless regarding an alleged occurrence or condition of child abuse or maltreatment to the Statewide Central Register of Child Abuse and Maltreatment or to any person who is mandated to report child maltreatment to the required Statewide Central Register.

18 NYCRR §452.9 General Operational Standards for Residential Domestic Violence Programs

Comprehensive regulation details reporting of child abuse and maltreatment, as well as admission standards and requirements, resident rights and responsibilities, personnel policies, record keeping and reporting and maximum lengths of stay.

18 NYCRR §462.8 Child Abuse Reporting

Addresses child welfare reporting requirements for non-residential domestic violence programs.

04-OCFS-LCM-22: Summary of New York State Court of Appeals Decision, Nicholson, et al. v. Scopetta, et al. (December 21, 2004)

Provides social services districts with a detailed summary of the seminal October 2004 New York State Court of Appeals decision in Nicholson v. Scopetta, 3 N.Y.3d 357 (2004) which provides specific guidance in child welfare cases. While the court's ruling specifically addressed child witnessing of domestic violence, it is broadly applicable to all types of child abuse and neglect allegations. Per this ruling, state policy is as follows:

NYS Office of Children and Family Services (OCFS) Policy

OCFS policy states that the presence of domestic violence alone without additional information on the impact of the child(ren) is not sufficient basis to accept a report or initiate an investigation.

In order to make a determination that a parent or person legally responsible maltreated his/her child, including situations involving domestic violence:

- There must be impairment or immediate danger of impairment of a child's condition; **AND**
- The parent must have failed to exercise a minimum degree of care; **AND**
- There must be a link or causal connection between the failure to exercise a minimum degree of care and the impairment or the imminent danger of impairment of the child's condition. Sample Policy/Model Policy (Panel)

Resources (Panel)

[NYS Office for the Prevention of Domestic Violence](#)

[NYS Office of Children and Family Services](#)

[US Department of Health and Human Services](#)

[National Institute of Justice](#)

[Futures Without Violence](#)

[Behind Closed Doors: The Impact of Domestic Violence on Children](#)

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Education (Panel)

Efforts to promote and protect the health and well-being of children and young adults have been a priority for the New York State Department of Education based on the simple premise that when children are healthy and safe, they are better learners. Because every school system, from pre-school to post-graduate school, has continuous contact with students, they have significant opportunities to identify domestic and dating violence, to address the impact it may be having on the student and to provide information and support. Schools should contact the local domestic violence service provider [in their county](#) to assist them in their policy and program development.

For primary education facilities the focus should be assisting students who are living with violence in their homes. Domestic violence is one of the [leading risk factors](#) for the physical and emotional abuse of children. Students exposed to domestic violence in their homes may suffer from a [range of effects](#) including behavioral, social and emotional problems, cognitive and attitudinal problems and possible long-term health consequences.

For secondary and [post-secondary facilities](#), the focus should be assisting and supporting the safety of students who are victims of dating violence while also holding offenders accountable for their choices and behavior. 47% of 13-18 year-olds who have been in relationships reported personal victimization by a boyfriend or girlfriend using controlling behavior. In a national study, [one in five students](#) reported being physical or sexually abused by a dating partner in a survey of over four thousand 9th through 12th graders. The following factors make it difficult for youth who are victims of dating violence:

- Being enrolled in the same school as their abuser can make it more difficult to end the relationship.
- Living in the same dorm or on the same campus can make the victim an easy target for violence and [stalking](#).
- Mistaking the controlling behavior as normal or misinterpreting it as love.
- Peer pressure to be in a relationship.
- Limited finances and/or access to transportation.
- Not knowing who to talk to or where to turn for help – this is especially true for lesbian, gay, bisexual, transgender, queer (LBGTQH) or questioning youth who

may be disclosing gender identity or sexual orientation if they disclose that they are victims of dating violence.

School personnel, including administrators, security personnel, faculty, counseling center staff and health care providers should be prepared to respond to disclosures by students and actively participate in creating a school community where violence of any kind is not tolerated.

Policy Guidelines (Panel)

[Review General Guiding Principles.](#)

Policy Statement

Policy statement should include:

- Definitions of domestic violence and dating violence.
- The purpose of the policy:
 - Providing assistance and addressing the issues of domestic violence and dating violence, including stalking, in a more coordinated way.
 - Building victim safety and offender accountability into the school's response.
 - Providing efficiency and consistency into the school's response.
 - Establishing roles and responsibilities for school staff.
- Information on the prevalence of [domestic violence](#) and [dating violence](#), [dating violence across gender identity and sexual orientation](#) and the impact [domestic](#) and [dating violence](#) can have on students and the school community. Laws and regulations that support the policy and the consequences of violating these rules should also be included.
- A clear statement that no violence of any kind will be tolerated on school grounds.
- The commitment of the school community to address the issues and to implement and uphold the policy.

Definitions

Define concepts used throughout the policy, such as domestic violence, dating violence, intimate partner, abuser/offender and victim. [Refer to Guiding Principles Definitions section.](#)

Guidelines

- Create a domestic violence response team.

This team, ideally, will consist of personnel from all areas of the school community such as faculty, administrators, security personnel, counseling center staff, health care providers, transportation representatives and a staff member of the local domestic violence service provider. All members should be screened for appropriateness. The response team's responsibilities include the following:

- Coordinate/integrate with any existing child abuse or crisis team.
 - Assist identified student victim with safety planning.
 - Inform students of limitations to confidentiality.
 - Inform students of their legal rights.
 - Intervene with student offenders and hold them accountable.
 - Make appropriate referrals to domestic violence service providers.
 - Coordinate educational outreach to all students.
- Prepare all school personnel to respond appropriately to disclosures of domestic violence or dating violence.

All school personnel should be trained to respond to disclosures of students by offering support and assisting them in connecting with the school's domestic and dating violence response team.

- Encourage student to talk about it while being clear about limitation on confidentiality.
 - "Would you like to talk about what has happened to you?"
 - "How do you feel about it?"
 - "How can I help?"
- Listen non-judgmentally and actively.
- Validate the experience.

- “You are not alone. This happens to lots of people.”
 - “You are not to blame. It’s not your fault.”
 - “It sounds like you have good reason to be afraid.”
 - “Help is available. I’d like to help if I can.”
- Develop written procedures for dealing with domestic and dating violence incidents that occur.
 - Offender: Clear expectations should be provided to the student offender regarding any prohibited behavior. Offenders should be required to change their schedule to avoid shared classes, lunch periods, breaks and/or homeroom to limit access to the victim. A Stay Away Plan can be initiated with or without the victim’s involvement and should include the following elements:
 - Offender student name, bus number or transportation route number, and home room number
 - Statement of why the order is being instituted
 - Schedule, including schedule changes
 - Routes allowed to be used between classes
 - Restrictions from extracurricular activities
 - School arrival and departure arrangements: time, entrance used, bus/parking
 - Locker – possible change
 - Clear explanation that the offender must refrain from personal contact with the victim and from initiating contact through third parties
 - Date initiated/expiration date (if applicable)
 - Statement of consequences if Plan is violated

The Stay Away Plan should be signed by the student, a parent/guardian of a minor and a school administrator. The student is responsible for following all conditions of the Plan. It should be made clear that any violation of the Plan, including third parties

who violate the order, will result in further disciplinary action by the school administration.

- Victim: A [Safety Plan](#) should be developed in consultation with the victim. This should include notification of the arrangements the school has made with the offender. Notification should include:
 - Changes in offender's schedule.
 - Routes offender will be using between classes.
 - Information regarding school arrival and departure.
 - Locker information.
 - Extracurricular activities (if offender is allowed to participate).
 - Process for reporting violations.
 - Identification of school officials that are on the domestic/dating violence response team that can provide help.

This notification should be signed by the student and the school administrator.

- School Personnel: All school personnel should be apprised of any situation and required to report any potential violations to the administration.
- Develop a plan to provide crisis debriefing to students and faculty in the event a student or faculty member is harmed in a domestic or dating violence incident.
- Include age-appropriate domestic violence and dating violence educational materials in classes dealing with health and life skills.

Before raising the issue in the classroom, teachers should be adequately prepared to respond to the disclosures and needs of the students. Local domestic violence service providers can be valuable resources to ensure that the information provided in the classroom is accurate and age-appropriate. Service providers often make themselves available as guest speakers or to co-teach the class.

- School libraries should include age-appropriate books and other materials on domestic violence and dating violence.
- Schools should cooperate fully in the enforcement of all court orders, including orders of protection and custody orders. A copy of any such order should be requested from the student.

Staff Education & Training

Domestic violence training should be provided for all school personnel including faculty, health care providers, counseling center staff, teachers' aides, para-professionals, bus drivers, superintendents, school safety officers, school board members and employee relations staff. Training should cover the following:

- [General information](#) on domestic and dating violence, including:
 - Definitions of domestic and dating violence
 - Indicators of domestic and dating violence
 - Sexual assault and sexual coercion
 - Stalking
 - Tactics of control
- How domestic violence can impact children and the school community.
- [Dynamics](#) of dating violence.
- Cultural issues, including dating violence in [immigrant communities](#) and with [LGBTQH youth](#).
- Details of the provider's policy and employee expectations, including how to appropriately respond to disclosures and refer to identified person(s) on the response team.
- Policies and strategies for holding offenders accountable.

Security Departments

Security staff should be included in the drafting of any domestic/dating violence policy. They are responsible for the safety of the school's students, faculty and property. The policy should clearly outline the protocol for addressing issues of students whose safety

is at risk, and include details on how information from orders of protection will be handled.

Implementation and Follow-up

An implementation plan should be formulated that includes directions for the policy to be communicated to school personnel and a format to inform new staff. The policy should also be reviewed and updated accordingly to accommodate new practices and new legislation.

Laws (Panel)

Education Law §§6432, 6431(3) College Campus Information

Creates a new requirement under which college campuses should update/review policies and procedures relating to stalking and domestic violence for educating the campus community and security, reporting incidents, counseling and referrals. Additionally, all incoming students must now be provided with information about domestic violence and stalking prevention and services.

Education Law §§Article 2, 801-a, 2801: [Dignity for All Students Act](#)

This legislation amended State Education Law by creating a new Article 2 – Dignity for All Students. The Dignity Act also amended Section 801-a of New York State Education Law regarding instruction in civility, citizenship, and character education by expanding the concepts of tolerance, respect for others and dignity to include: an awareness and sensitivity in the relations of people, including but not limited to, different races, weights, national origins, ethnic groups, religions, religious practices, mental or physical abilities, sexual orientations, gender identity, and sexes. The Dignity Act further amended Section 2801 of the Education Law by requiring Boards of Education to include language addressing The Dignity Act in their codes of conduct.

Additionally, under the Dignity Act, schools will be responsible for collecting and reporting data regarding material incidents of discrimination and harassment.

Education Law §§11-16, 801-a Prohibition Against Bullying and Cyber-Bullying in Public Schools

Amends the Dignity for All Students Act and protects students from cyber-bullying as well as harassment, bullying and discrimination by requiring school districts to:

- Establish policies and procedures to respond, promptly report and investigate cyber-bullying, harassment, bullying and discrimination offenses, including designating a school official to receive and investigate reports, prompt reporting and investigation.
- Take actions to prevent recurrent incidents.
- Notify and coordinate with law enforcement, as appropriate.
- Develop a bullying prevention strategy.
- Provide notice to all school community members of the school's policies.

The law also creates training requirements for current and new school employees, as well as the development of state-created guidelines and best practices. While the law is intended to target student bullying generally, it will also provide support and protection for youth victims of dating violence where the bullying perpetrator(s) is the victim's current or former boyfriend/girlfriend or others. *The law will become effective July 1, 2013.*

Sample Policy/Model Policy (Panel)

[Break the Cycle - Safe Schools Model Policy](#)

[New Jersey](#)

[California](#)

[Texas](#)

[Model Campus Stalking Policy](#)

Resources (Panel)

[Children Exposed to Domestic Violence: A Teachers Handbook](#)

[Respect Love, Love Respect](#)

[The Date Safe Project](#)

[Campus Dating Violence Fact Sheet](#)

[Teen Dating Violence: A Literature Review and Annotated Bibliography](#)

[Dignity for All Students Act](#)

[U.S. Department of Education: Sexual Violence, Background, Summary & Fast Facts](#)

[OPDV College Campus Section](#)

Health Care (Panel)

Domestic violence is a serious public health issue with extensive consequences for patients, providers, families and communities. Living with domestic violence can create or exacerbate existing health care issues, interfere with recommended treatment, and increase the cost of health care. Victims often present to the health care system with an array of complaints including, but not limited to, headaches and migraines, musculoskeletal complaints, fatigue, insomnia, anxiety symptoms such as palpitations and hyperventilation, gastrointestinal disorders, eating disorders and chronic pain. In addition to these common complaints, victims of domestic violence may also be at increased risk of contracting HIV and other sexually transmitted infections, of developing alcohol/other drug problems, depression and suicidal ideation. Further, abusers' physical attacks often result in distinct injury patterns that are "red flags" for identifying abuse, such as injuries during pregnancy, bilateral injuries, multiple injuries in various stages of healing, patterned injuries, traumatic brain injuries, defensive injuries and fractures, particularly of the nose and eyes, and sexual assault injuries.

When health care providers fail to effectively screen their patients and identify victims of domestic violence, this failure leads to a medical response that treats the patient's symptoms without identifying and addressing the underlying cause - the violence. Important screening guidelines and other essential information for health care providers can be found in the Medical and Legal Protocol for Dealing with Victims of Domestic Violence. (Link to OPDV will be posted soon).

- Important Note: Under the Family Protection and Domestic Violence Intervention Act of 1994, all hospitals and diagnostic treatment centers must provide a copy of the [Victim Rights Notice](#), also available in [Spanish, Haitian Creole, Bengali, Traditional & Simplified Chinese, Korean, & Russian](#), to all suspected and confirmed victims of domestic violence. While not required by law, it is recommended that all other health care providers provide the notice as well. The notice provides information on the assistance available to victims of domestic violence from the police, Family Court, and Criminal Court and also provides statewide and local domestic violence hotline numbers.

In addition NY CLS Public Health § 2803-p requires every hospital with maternity and newborn services to provide information concerning family violence, which must include available services, to parents of newborn infants at any time prior to the discharge of the mother.

Policy Guidelines (Panel)

[Review General Guiding Principles.](#)

Policy Statement

Policy statement should include:

- A definition of domestic violence.
- Information on the impact domestic violence can have on patients.
- The purpose of the policy.
 - To achieve early identification of domestic violence and provide appropriate assistance and referrals.
- The commitment of the provider/practice to address the issue and to implement and uphold the policy.

Applicable Joint Commission on Accreditation of Health Care Organizations (JCAHO) Standards

- PC.3.10: Criteria for identifying and assessing victims of abuse, neglect, or exploitation should be used throughout the hospital.
- RI.2.10: The hospital respects the rights of patients.
- RI.2.140: The hospital creates a supportive environment for all patients.
- RI.2.150: Patients have the right to be free from mental, physical, sexual, and verbal abuse, neglect, and exploitation.
- RI.2.170: Patients have a right to access protective and advocacy services.

Definitions

Define concepts used throughout the policy, such as domestic violence, intimate partner, abuser and victim. [Refer to Guiding Principles Definitions section.](#)

Legal Reporting Requirements

This section should make clear that in New York State domestic violence is not a reportable offense. However NYS CLS Penal § 265.25 requires the following to be reported to law enforcement:

- Bullet wounds or powder burns.
- Stab wounds (e.g., knife, ice pick, etc).
- Injuries serious enough to result in death.

NYS CLS Penal § 265.26 requires the following to be reported to the NYS Office of Fire Prevention and Control who will notify the proper investigatory agency:

- Burn injury or wound, 2nd or 3rd degree to more than 5% of the body.
- Burns to upper-respiratory tract.
- Burns that are likely to or may result in death.

Identification & Guidelines

This section should outline specific universal screening practices and guidelines for identification, response and referral.

- Universal/standardized and private screening outside of the presence of the abuser. (Hyperlink to screening section – OPDV med & legal protocol)
- List of subtle injuries that providers may see in their patients prior to serious injuries or obvious abuse.
- Respond appropriately to patient's disclosure, or denial.
- Document your findings. Record all physical findings and be sure to use the patient's own language when charting.
- Assess the patient's safety.
- Review options and make a referral to the local domestic violence service provider. For further information please refer to New York State's Office for the Prevention of Domestic Violence [Healthcare](#) webpage.

Staff Education & Training

Domestic violence training should be provided for all staff with direct care responsibilities. This training should cover the following:

- General information on domestic violence, including:
 - Definition of domestic violence
 - Tactics of control
 - Explanation of why it may be safer for victims to stay in the relationship, and why many victims return after they have left.
- How domestic violence might present in patients within the practice.
- Details of the provider's policy, and employee expectations, including universal, private screening, and information on approved referral sources.

Security Departments

Security staff should be included in the drafting of any domestic violence policy because they are responsible for the safety of the provider's patients, care team and property. The policy should clearly outline the protocol for addressing issues of patients whose safety is at risk, and include details on how information from orders of protection will be handled.

Implementation and Follow-up

An implementation plan should be formulated that includes directions for the policy to be communicated to all employees and a format to inform future staff. This policy should also be reviewed and updated accordingly to accommodate new practices and new legislation.

Laws (Panel)

Medical Providers and Facilities Public Health Law §2803-p Disclosure of Information Concerning Family Violence

Defines "domestic violence," "child abuse and maltreatment" and "family violence". States hospitals with maternity and newborn units must provide information about family violence to parents of newborns at any time before the mother is discharged after

delivery. This information must also be provided to women at initial visits to a pre-natal diagnostic and treatment center.

10 NYCRR §405.9(e) Hospitals - Admission and Discharge

States that hospitals must provide for the identification, assessment, treatment and appropriate referral of cases of suspected or confirmed domestic violence and must establish and implement written domestic violence policies and procedures for all units in the hospital.

10 NYCRR §450.19 Hospitals - Emergency Services

Requires emergency services to develop and implement case management policies and procedures for suspected and confirmed domestic violence cases pursuant to 10 NYCRR §405.9(e) (see above).

10 NYCRR §405.20 Hospitals - Outpatient Services

Mandates outpatient services to develop and implement policies and procedures for suspected and confirmed domestic violence cases pursuant to 10 NYCRR §405.9(e) (see above).

10 NYCRR §407.5 Primary Care Hospitals - Administrative Requirements

Requires facilities to provide for the identification, assessment, treatment and appropriate referral of cases of suspected or confirmed domestic violence. Also requires facilities to establish and implement written domestic violence policies and procedures for all units in the hospital pursuant to 10 NYCRR §405.9(e) (see above).

10 NYCRR §708.5 State Hospital Appropriateness Review –Specific Review Criteria

Requires the appropriate review of hospital and home care services to include specific domestic violence-related criteria. The criteria requires emergency department personnel and emergency services personnel to give information regarding community resources and the Domestic Violence Hotline telephone number to suspected or confirmed victims of domestic violence.

10 NYCRR §751.5 State Hospitals -Treatment and Diagnostic Centers-Operating Policies and Procedures

Mandates treatment and diagnostic centers to develop and implement written domestic violence policies and procedures that provide for the identification and treatment of cases of domestic violence.

10 NYCRR §751.6 State Hospitals -Treatment and Diagnostic Centers- Personnel

States that all staff must receive education in the identification and treatment of cases of domestic violence.

10 NYCRR §800.21 Emergency Medical Services Certified Ambulance Services – General Requirements

Requires ambulance services to have and enforce written domestic violence policies, including domestic violence towards elderly persons.

HIV/AIDS Testing, Reporting, and Confidentiality

Public Health Law §2137 Domestic Violence Recognition

Requires the NYS Department of Health to develop a protocol for the identification and screening of victims of domestic violence who may be either a “protected individual” or a “contact” in the HIV/AIDS testing, screening, and treatment context.

10 NYCRR §63.3 HIV-Related Testing

Requires persons authorized to conduct HIV-related tests to, among other provisions, explain test results and engage in post-test counseling and referrals. Specific counseling and referrals must include an assessment of the risk of domestic violence, as well as the utilization of a state-developed domestic violence screening tool.

10 NYCRR §63.4 Filing of Reports

Requires initial diagnoses and determinations of HIV or AIDS to be reported to the NYS Department of Health. In these reports, information gained from domestic violence screenings must be confidential, but it allows limited disclosure for authorized purposes.

10 NYCRR §63.5 Disclosure Pursuant to a Release

States that no confidential information related to domestic violence screening can be disclosed pursuant to a general release, except to insurance companies.

10 NYCRR §63.8 Contact Notification

In instances where contact notification is required, domestic violence screening information collected in the course of contact notification must be confidential and may not be disclosed except for limited authorized purposes. Outlines specific policies and procedures for contact notification activities where domestic violence is present.

Sample Policy/Model Policy (Panel)

[Model Domestic Violence Hospital Policy – Connecticut Health Initiative for Identification & Prevention](#)

Resources (Panel)

[NYS Office for the Prevention of Domestic Violence](#)

[National Institute of Justice](#)

[Affordable Care Act](#)

[Futures Without Violence](#)

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Mental Health/Substance Use Disorder (Panel)

Domestic violence is a serious public health issue with extensive consequences for patients, providers, families and communities. Living with domestic violence can create or exacerbate existing mental health or substance use disorders, interfere with recommended treatment plans, increase length of treatment and the overall cost of treatment.

When providers fail to effectively screen their patients and identify victims or perpetrators of domestic violence, treatment plans are developed that do not meet the dual need for both safety and sobriety or improved mental health.

Mental health and substance use disorder providers need domestic violence policies to address the following:

- High prevalence of domestic violence in [mental health/substance use disorders settings](#).
- High prevalence of mental health/substance use disorders in [domestic violence settings](#).
- Domestic violence can have [serious mental health consequences](#) including but not limited to, PTSD, depression, anxiety and substance use disorder.
- Domestic violence can intensify pre-existing mental health symptoms or substance use disorders.
- Domestic violence can have a [developmental and mental health impact on children](#).
- People who have mental illness or a substance use disorder are at [greater risk](#) for being targets of abuse.
- Mental health/substance use disorder issues impact victims' safety, custody, credibility and access to resources.

Important Note: Under the Family Protection and Domestic Violence Intervention Act of 1994, all hospitals and diagnostic treatment centers must provide a copy of the [Victim Rights Notice](#) (also available in [Spanish, Haitian, Creole, Bengali, Traditional and Simplified Chinese, Korean & Russian](#)) to all suspected and confirmed victims of domestic violence. While not required by law, it is

recommended that all mental health and substance use disorder providers provide the notice as well. The notice contains information on the assistance available to victims of domestic violence from the police, Family Court and Criminal Court and also provides statewide and local domestic violence hotline numbers.

Policy Guidelines (Panel)

[Review General Guiding Principles.](#)

Policy Statement

Policy statement should include:

- A definition of domestic violence
- The purpose of the policy
- Information on the impact domestic violence can have on patients
- The commitment of the provider/practice to address the issue and to implement and uphold the policy

Definitions

Define concepts used throughout the policy, such as domestic violence, intimate partner, perpetrator and victim. [Refer to Guiding Principles Definitions section.](#)

Identification & Guidelines

This section should outline specific universal screening practices and guidelines for identification, response, treatment and/or referral.

Universal/standardized and private domestic violence screening for all [mental health](#) and [substance use disorder](#) clients, across all gender identities. [Learn More.](#) (Link to OPDV will be posted soon).

- [Respond appropriately](#) to patient's disclosure or denial. For further information, please visit New York State Office for the Prevention of Domestic Violence website.
- Domestic violence screening of all partners who request to participate in treatment.
- [Documentation](#) of records should be accurate, objective and carefully written. Because records can be subpoenaed by the courts and have the potential to

either help or harm the victim, statements are best recorded as direct quotations whenever possible.

- [Assess safety](#) and evaluate the impact of the mental health/substance use disorder issue on the patient's safety.
- Develop a mental health/[substance use disorder](#) treatment plan that integrates [safety-related needs](#). When participation in treatment is court mandated, integrating safety into the plan also increases the likelihood that the perpetrator will successfully complete the court's mandate. For more information, please refer to the New York State Office for the Prevention of Domestic Violence webpage on [mental health](#).
- Review options and make a referral to a [licensed/approved](#) local domestic violence service provider.
- Understand that some legitimate survival strategies (e.g., refusal of services, dishonesty, resistance, etc.) may be necessary to ensure safety. As a result, treatment plans and safety strategies should be reviewed often and modified as necessary.
- Conduct on-going screening for couples or families who are engaged in services. When domestic violence is identified or suspected, couples [should not](#) engage in couples or family counseling, mediation or restorative justice. Because victims may adamantly demand this type of counseling, staff should explain the risks and limitations.

If domestic violence is recognized later in the intervention process, providers should develop strategies for terminating the conjoint therapy without further endangering the victim.

- If perpetrator and victim are being treated at the same site, and the victim is concerned for their safety:
 - Ensure that the partners are not seen by the same therapist/provider in order to prevent unintentional transfer of information and to prevent manipulation by the perpetrator.
 - Schedule their appointments on different days and different locations if available. The reason given to the perpetrator for any change should not identify that the victim is in treatment or has requested a change.

- Alert security staff to the situation and to any orders of protection that may be in place.
- Arrange for security escorts for the victim if needed.
- Establish [collaboration](#) between community mental health, substance use disorder and domestic violence providers in order to:
 - Establish common goals and principles for intervention.
 - Assist in communication between systems.
 - Coordinate and raise awareness of local resources.
 - Arrange for cross-training of providers.

Staff Education & Training

Domestic violence training should be provided for all staff with direct care responsibilities. This training should cover the following:

- General information on domestic violence, including:
 - Definition of domestic violence
 - Tactics of control
 - Obstacles that prevent victims from leaving the perpetrator
- How domestic violence might present in patients within the practice.
- Unique barriers for various groups, i.e. immigrants, LGBTQH victims and victims with disabilities.
- Details of the provider's policy and employee expectations, including universal screening, private screening and information on approved referral sources.

Security Departments

Security staff should be included in the drafting of any domestic violence policy because they are responsible for the safety of the provider's patients and property. The policy should clearly outline the protocol for addressing issues of patients whose safety is at risk and include details on how information from orders of protection will be handled.

Implementation and Follow-up

An implementation plan should be formulated that includes directions for the policy to be communicated to all employees and a format to inform future staff. This policy should also be reviewed and updated accordingly to accommodate new practices and new legislation.

Resources (Panel)

[Bibliography I](#)

[Bibliography II](#)

[Responding to Domestic Violence: Tools for Mental Health Providers](#)

[The National Center on Domestic Violence, Trauma and Mental Health](#)

[Domestic Violence Shelter Residents' Substance Abuse Treatment Needs and Options](#)

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Workplace (Panel)

Domestic violence exacts a tremendous toll from the individuals it directly affects, and when it spills over into the workplace it compromises the safety of both victims and co-workers. In addition, it can result in lost productivity, increases in health care costs, absenteeism, employee turnover, and create a liability concern for employers and unions. The prevalence of domestic violence guarantees that victims and perpetrators are working in many, if not most, of our workplaces. In order to address the existing safety issues, the financial impact and the liability issues, employers are urged to adopt a domestic violence and the workplace policy.

Additionally, the prevalence of economic abuse as an abusive tactic, including interfering with employment, can create a far-reaching negative impact on the economic stability for victims of domestic violence. For those who are members of marginalized communities that may be disproportionately impacted or limited by poverty, including communities of color, LGBTQH communities, immigrants, and youth, accessing safety may be more difficult if the victim feels that to do so would jeopardize employment. Victims hold many intersecting identities, and many of these identities can put them at risk for discrimination, bias, and violence. LGBTQH people of color, for instance, are at higher risks for poverty because of their gender identity, sexual orientation, and/or their race. This issue is exacerbated for transgender people in New York State, who experience employment discrimination based on their gender identity.

It is essential that all stakeholders are included in the drafting of the workplace policy. When appropriate a workgroup is recommended with representation from management, line staff, employee unions, legal, security, employee assistance programs, and human resources. This early involvement ensures that all questions and concerns for each group are addressed prior to release of the policy.

The workplace policy should be a combination of policy and procedure so that employees who need information or assistance regarding domestic violence only have to consult one document for guidance.

Policy Guideline (Panel)

[Review General Guiding Principles.](#)

Policy Statement

Policy statement should include:

- A definition of domestic violence as it relates to the workplace
- The [impact](#) domestic violence can have on the workplace
- The purpose of the policy
 - To identify practices that will promote safety in the workplace and respond effectively to the needs of victims of domestic violence and to hold perpetrators accountable.
- The workplace commitment to address the issue and to implement and uphold the policy.

Definitions

Define concepts used throughout the policy, such as domestic violence, intimate partner, perpetrator and victim. Refer to Definitions section. [Refer to Guiding Principles Definitions section.](#)

Employee Awareness

Employee awareness is an essential element of any workplace policy. If employees are unaware of the policy and its contents, the safety, financial and liability issues go unaddressed.

The employee awareness section of the policy should include:

- Where employees can find information on domestic violence and available resources. This information should be located where employees can obtain it without having to request it or be seen removing it, such as workplace intranet, rest rooms or lounge areas.
- Clear information regarding appropriate referrals to local domestic violence service providers.
- A mechanism for communicating the policy to new employees.
- A statement regarding NYS law prohibiting insurance companies from discriminating against victims of domestic violence.
- A statement regarding the availability of unemployment benefits if domestic violence has affected the victim's employment.

- A commitment to integrating the domestic violence policy into existing materials, policies, protocols and procedures.
- A mechanism for enforcing the policy.
- Plans for domestic violence awareness activities.

Non-Discriminatory and Responsive Personnel Policies for Victimized Employees

To ensure that personnel policies and procedures do not discriminate against victims of domestic violence, policies should include:

- State law addressing the rights of victims or witnesses of criminal offenses to take time off.
- A statement affirming that the workplace will work with victims of domestic violence around attendance and leave benefits.
- An acknowledgement that victims of domestic violence may lack documentation, and that demands for certain documentation could compromise safety and confidentiality of the victim.
- Information on changes to benefits available to victims who separate from a spouse or terminate a relationship with a domestic partner.
- A declaration that New York State has established that victims of domestic violence are now a protected class in the employment provisions of NYS Human Rights Law.
- A prohibition on inquiring about a job applicants' current or past domestic violence victimization, and prohibit employment decisions to be based on any assumption about or knowledge of such exposure.
- A commitment to assist an employee with performance difficulties, if the difficulties are a result of being a victim of domestic violence. If disciplinary action is initiated, special care should be taken to consider all aspects of the victimized employee's situation.

- A statement informing victims that under certain circumstances they may be eligible for unemployment insurance benefits if they are terminated or voluntarily separate from employment.

Workplace Safety Plans

The Workplace Safety Plans should include:

- An emergency security response plan informing all employees what is expected of them if they witness violent or threatening behavior.
- A personal safety response plan, developed in conjunction with the victim, which outlines what the workplace may be able to do to assist with safety concerns, e.g., reassign parking space, change of work schedule, etc.
- The identification of trained staff who can answer domestic violence questions, provide information and make appropriate referrals.
- A commitment to comply and assist with all known [orders of protection](#), and a detailed plan of how orders of protection will be handled within the workplace to address concerns of confidentiality.
- Provisions for an annual review of the policy.

Accountability for Employees Who Are Offenders

The policy should make clear that disciplinary action, up to and including termination of employment will occur if an employee:

- Uses workplace resources to commit an act of domestic violence.
- Commits an act of domestic violence from or at the workplace or while on official business for the workplace.
- Uses their job-related authority and or workplace resources in order to negatively affect victims and/or assist perpetrators.

It should be noted that off-duty conduct may impact employment depending on the nexus between the offense and their job responsibilities.

Firearms

If there are employees who carry firearms, the policy should reiterate that pursuant to NYS and federal law a person convicted of a misdemeanor crime of domestic violence, a felony or a serious offense, or a person subject to an order of protection, under certain circumstances, forfeits the right to legally possess a firearm or long gun.

The workplace should also require notification by employees who carry firearms if they are arrested on a domestic violence-related offense and/or served with an order of protection, subjecting them to corrective or disciplinary action if they fail to do so.

Training

Domestic violence training should be implemented as follows:

- Required
 - Comprehensive, mandatory training for all personnel designated to provide information and/or support for those in need of assistance.
- Strongly Encouraged
 - Comprehensive training for all managers, supervisors, employee assistance professionals, human resource personnel, union and labor representatives and security staff
 - Overview training for all employees

Workplace Responsibilities

- Set a tone that domestic violence behavior will not be tolerated and that information and support will be actively provided to employees who are victims.
- Disseminate the domestic violence and the workplace policy to all employees.
- Communicate that all employees are responsible for reviewing and following the procedures of the domestic violence and the workplace policy.
- Document all incidents of domestic violence that happen in the workplace.
- Provide a clear, detailed statement of confidentiality.

Laws (Panel)

Labor Law §10-b Domestic Violence Employee and Awareness Assistance

Requires the Department of Labor to assist in the creation and dissemination of the model domestic violence employee awareness and assistance policy, and promotion to businesses in the state.

Labor Law §27-b Development and Implementation of Workplace Violence Protection Programs for Public Employers

Requires public employers to design and implement workplace violence protection programs to prevent and minimize the hazard of workplace violence to public employees. While not domestic violence-specific law, this new statute may provide protections for victims where domestic violence-related stalking or violence occurs at the workplace. Among other provisions, the law requires public employers to evaluate its workplace(s) for factors or situations that might place employees at risk of occupational assaults or homicides, drafting of written workplace violence prevention program, employee information and training, reporting and inspection guidelines, and “whistleblower” protections for employees.

Labor Law §593(1)(a) Unemployment Benefits

Good cause for “voluntary separation” from employment may include instances where continued employment would jeopardize the victim’s own safety or that of an immediate family member.

Penal Law §215.14 Employer Unlawfully Penalizing Witness or Victim

Prohibits employer from firing or penalizing a victim of a crime who takes time off to appear in court as a witness, to consult with a district attorney or to obtain an order of protection in family or criminal court.

Executive Law §§296, 292 Employment Discrimination

Adds status as a “victim of domestic violence ” to the existing classes of person against whom employment discrimination is prohibited under NY’s Human Rights Law. Also requires the NYS Division of Human Rights staff to receive training in order to facilitate implementation of the law.

New York City Code §8-107.1 Victims of Domestic Violence, Sex Offenses and Stalking

Makes it unlawful for NYC employers to refuse to hire or employ, discharge or discriminate against any individual in pay or other benefits or terms of employment because of actual or perceived status as a victim of domestic violence or sex offenses or stalking. Requires NYC employers to make reasonable accommodations for employees who are known or should have been known as victims of domestic violence, and where providing the accommodation will enable to victims to satisfy the essential functions of the job. Also states that NYC employers are required to maintain confidentiality regarding most information related to an employee victim of domestic violence.

Sample Domestic Violence and the Workplace Policies (Panel)

The following are provided as resources with the note that employers should review being mindful of NYS law and practice.

[NYS Model Domestic Violence and the Workplace Policy](#)

[NYS Model Domestic Violence and the Workplace Policy for Private Business](#)

[Corporate Alliance to End Partner Violence Domestic Violence and the Workplace Sample Policy](#)

[Corporate Alliance to End Partner Violence - About Us](#)

[Safe at Work Coalition Sample Domestic Violence and the Workplace Policy](#)

[The City University of New York Domestic Violence and the Workplace Policy](#)

[Workplaces Respond to Domestic and Sexual Violence Model Policy](#)

Resources (Panel)

[NYS OPDV Domestic Violence and the Workplace](#)

[Safe Work at Safe Horizons](#)

[Peace at Work](#)

[Domestic Violence Cost Calculator](#)

[Corporate Alliance to End Partner Violence - Domestic Violence and the Workplace, Learn more.](#)

[Futures Without Violence – Domestic Violence and the Workplace](#)

[Guide for Supervisors](#)

[Union Response](#)

Public Assistance and Public Housing (Panel)

Domestic violence advocates and other services providers frequently address pressing concerns about a domestic violence victim's well-being by focusing on immediate safety planning needs, such as shelter access, law enforcement intervention, or orders of protection. However, for many victims, long-term safety and security cannot be achieved without some measure of economic stability.

Perpetrators commonly engage in a variety of economic abuse tactics to intimidate, control, isolate and foster dependence in their victims. Such tactics often increase the victim's risk of housing insecurity or homelessness, poor employment or education history, food insecurity, and bad credit. For many victims, terminating the abusive relationship increases the likelihood of housing challenges, economic stress, and living in poverty.

Abusers may:

- Interfere with their partners' efforts to obtain and maintain education or employment by: preventing them from working outside the home; inflicting injuries or other abuse that may impact attendance at work or in job interviews; forcing victim to quit jobs or job programs or take unexplained absences; sabotage transportation or childcare; damaging or destroying work or school clothes; hiding or damaging books, computers, work authorization documents, or assistive devices; abusing victim before an important examination or event; outing the victim's sexual orientation or gender identity; harassing the victim's school mates or co-workers; or stalking victims at their place of work or school.
- Follow or monitor victim going from school or a work site to a domestic violence shelter or a new residence.
- Force victims to engage in illegal or underground work such as: working without proper immigration-related work authorization; operating a business without declaring the income or obtaining necessary licenses/authorization; promoting victim involvement in sex work or drug trades.
- Threaten to call federal, state, or local authorities and expose the victim's immigration status, or to report the victim for illegal or fraudulent activities.
- Cause or exacerbate injuries or other health problems that may curtail or limit the victim's work or schooling opportunities.
- Sabotage the victim's access to public benefits by forcing non-compliance with programmatic requirements or inducing fraud (e.g., refusing to show up with the

victim for appointments, refusing to be listed as a household member in applications for benefits).

- Hold property or leases in the abuser's name only, intentionally failing to include the victim in list of household members (e.g., in rent-controlled or rent-stabilized housing).
- Steal the victim's identity.
- Destroy the victim's credit by refusing to make mortgage or other payments, running up debt in the victim's name, or filing for bankruptcy.
- Improperly claim the children as dependents on tax filings to claim deductions or other tax-related fraud.
- Steal or convert the victim's public benefits (e.g., food stamps, cash assistance), earnings, resources, or property.
- Control access to or lie about income, assets or other financial resources.
- Stalk the victim through banking or financial records (e.g., location of ATM withdrawals).
- Retaliate against the victim if child support, spousal support, or property division is sought.
- Provide irregular or non-payment of child or spousal support; refuse to provide health insurance coverage to family members.
- Contribute to a victim's poor rental or tenancy history through frequent moves due to harassment/stalking, property damage, or evictions (e.g., for nonpayment of rent, discrimination against victims of domestic violence, noise complaints, unauthorized resident, police calls for assistance, nuisance).
- Saddle victims with a criminal history for crimes caused or exacerbated by domestic violence-related self-defense, coercion, or duress.

Given the perpetrator's tactics of abuse and control, it is not surprising that studies indicate victims receiving public benefits report high rates of domestic violence. [Over 50% of public benefits recipients report that they experienced physical abuse as an adult.](#) Domestic violence is also the leading cause of homelessness nationally. Between [22% and 57%](#) of homeless women report that domestic or sexual violence was the immediate cause of their homelessness, depending on the region and type of study. For further information, please refer to the [National Law Center on Homelessness & Poverty](#) report.

Establishing economic and housing security for victims and their children may reduce the chance that victims will give up and return to an abusive household. For some victims, the public benefits safety net can encourage healthy independence and supportive healing by providing stable income, affordable housing, and other essentials such as food, utility assistance, health insurance, and child care.

Public Temporary Assistance (Panel)

Welfare Reform Laws

Welfare reform was legislated at the federal and state level through the enactment of the Personal Responsibility and Work Opportunity Act of 1996 (PRWORA) and the New York State Welfare Reform Act of 1997. These laws contain numerous provisions for Welfare Reform and raised awareness of the many special needs of individuals receiving temporary assistance to successfully transition from welfare to work.

The Family Violence Option in New York

The federal Wellstone and Murray Family Violence Option was passed under PRWORA to address the safety needs of domestic violence victims receiving temporary assistance. This optional law was designed to consider the safety of victims of domestic violence who participate in temporary assistance programs. The goal of this law was to provide safety, whenever possible, for domestic violence victims as they transition into the work force.

New York State strongly supports this initiative and included the Family Violence Option (FVO) amendment into the New York State Welfare Reform Act. This inclusion of legislation placed responsibility at a local level to administer and develop procedures for disseminating information about domestic violence and the services and protection available. Through this law, the screening process for all domestic violence victims applying for temporary assistance was created and the job tasks and responsibilities of the Domestic Violence Liaison (DVL) was enacted.

Policy Guidelines (Panel)

[Review General Guiding Principles.](#)

Policy Statement

Policy statement should include:

- The purpose of the policy

- A definition of domestic violence
- Brief statement on the intersection of poverty and domestic violence
- Reference or detail existing, applicable state or federal laws, regulations, and administrative directives
- The agency or organization's commitment to address the issue and to implement and uphold the policy

Definitions

Define concepts used throughout the policy, such as victim of domestic violence, domestic violence, economic or financial abuse, intimate partner, and abuser. Also define or reference various immigration statuses (e.g., PRUCOL, battered qualified alien) and their respective eligibility for benefits. [Refer to General Guiding Principles Definitions section.](#)

Guidelines

Numerous state laws, regulations, and administrative directives currently guide statewide implementation of the Family Violence Option in New York. Local policies should both be consistent with, and enhance, existing laws and administrative directives. Guidelines that support implementation of these laws include:

- Develop mechanisms for overseeing service provisions to victims of domestic violence.
- Develop tools for addressing challenges and problems and provide meaningful consequences to local social services districts and/or individual staff for failure to comply with law or policies.
- Identify the possible safety implications for victims and children when visiting a local social services district office. Develop protocols for handling domestic violence incidents (including violations of orders of protection) that may occur on site, as well as other crisis situations.
- Be aware of the impact diversity plays in domestic violence cases—both on the tactics of abuse and control used by the perpetrator, as well as the victim's experience of abuse. Provide respectful and appropriate assistance to [victims](#) regardless of national origin, age, religion, ethnicity, disability status, immigration status, religion, sexual orientation, gender identity, education, or socio-economic status. Additional consideration should be given to the following:

- Provide sensitive and informed services, as well as specialized services, to victims of domestic violence who may also experience issues related to [substance use disorder](#) and/or [mental health issues](#).
- Recognize the [specialized domestic violence dynamics involving minor victims](#).
- Be aware of eligibility procedures for immigrants who are victims of domestic violence.
- Be aware of both the legal rights of LGBTQH victims to obtain benefits, as well as the economic challenges they may face, as a result of [marital status](#), sexual orientation, gender identity, or health status issues. For further information, please refer to the [New York State Marriage Equality Act](#) report.
- Where the applicant or recipient is Deaf or hard of hearing, has a disability, or is limited English proficient/has language barriers, access the agency's services and provide disability-related and [language-related accommodations](#) (e.g., interpreters, non-English versions of forms) as necessary.
- Work collaboratively with the local licensed domestic violence service providers to examine and streamline existing procedures for:
 - Facilitating and approving victim placements for residential domestic violence services, as well as extensions.
 - Resolving inter-district challenges.
 - Resolving disputes or problems around payment for per diem residential services.
- Provide domestic violence services and universal screening for victims of domestic violence applying for and in receipt of temporary assistance services as required by law at the time of application, recertification, and any time thereafter, regardless of the individual's gender, marital status, or sexual orientation. This mandated screening process is voluntary and confidential for all applicants/recipients of temporary assistance, not including information disclosed related to child abuse. The FVO also identifies the following requirements for local district staff:

- New York State mandated documents are used by local district staff to provide domestic violence services to all applicants and recipients that include [standardized universal screening](#) and [notification forms](#).
- The domestic violence services in accordance with the FVO are specifically designed for Temporary Assistance to Needy Families (TANF) applicants and recipients within social services. While the law requires FVO screening and services in TANF cases only, best practice dictates that communities consider domestic violence screening and the provision of supportive services for domestic victim applicants and recipients of all benefit programs (e.g., Medicaid-only, child care assistance-only, food assistance-only).
- As individuals are given numerous forms to complete at application or recertification time, policies should [address strategies for sensitively and safely conducting domestic violence screening to facilitate voluntary disclosures](#) during this period.
- The FVO addresses safety measures for handling disclosures during the screening process and the distribution of information pertaining to domestic violence for any individual.
- Staff respond safely and sensitively to disclosures whenever they occur, and make internal referrals to the trained Domestic Violence Liaison (DVL) for further assessment.
- All temporary assistance activities and requirements are suspended during the DVL's assessment.
- [Ensure the Domestic Violence Liaison's job task and responsibilities in accordance to New York State law are followed; requiring DVLs to:](#)
 - Determine credibility of the victim.
 - While they can be helpful to demonstrate domestic violence history and concerns, victims should not be required to have or provide corroborating evidence of the abuse (e.g., police reports, medical records, orders of protection, or other documentation). At a minimum, a sworn statement by the individual is all that is required.
 - Conduct assessments and determine the need for a waiver.

- To help make the most informed determination, present victims with information about their waiver options (type, duration), explain the risks and benefits of certain waiver types, and discuss associated safety considerations.
- Waivers may be granted for:
 - Child support/paternity establishment and cooperation
 - Alcohol and substance abuse assessment & treatment
 - Employment and work activities
 - Minor parent living arrangement eligibility requirements
 - [Requirement to sign a lien on real property](#) (99 INF-10)
 - Battered immigrant eligibility and deeming requirements
 - Residency rules
 - Exception to the 60-month lifetime limit for Family Assistance
 - [Seeking spousal support](#) (02 INF-36, #29)
 - [Pursuit of third party health insurance](#) (02 INF-36, #9)
 - Other waivers as necessary, but consistent with federal law
- DVLs should not require victims of domestic violence to enter or obtain services from a domestic violence program, engage in joint counseling or other interventions with the abuser, enroll in a batterer education program, or obtain an order of protection as a condition of eligibility for a waiver.
- Provide emergency safety planning to the victim, as needed. Emergency safety plans are developed in crisis situations, based on short term and immediate needs. The goal is to assess risk and explore safety options.
- Collaborate with the victim to complete the domestic violence services plan.
 - All victims who meet with the DVL must be offered a referral for services. These services provide clients with resources to assist with safety and create strategies that address specific problems caused by domestic violence, but are not mandatory.
- Provide victims with notification of waiver decisions, waiver duration, reassessments, and options for voluntary termination or declination of waiver determinations during the assessment interview.

- In consideration of safety, DVLs are instructed by law to provide the above-listed information during the assessment interview and limit contact with the victim unless under certain circumstances for example, when disclosure of information is required by law.
- Communicate and collaborate with [local licensed and approved domestic violence service providers](#) and other appropriate service providers.
- Comply with all state laws and policies related to confidentiality of domestic violence-related information and disclosures.
- Detail how caseworkers shall assist victims with obtaining documentation needed to determine [eligibility](#) when the victim cannot access this information despite reasonable efforts pursuant to 18 NYCRR §351.5(a). Additionally:
 - Remind caseworkers that, by law, victims should not be required to contact their abuser as a condition of eligibility of benefits. If contact is necessary, caseworkers must follow [legal dictates](#), as well as safety procedures in accordance with their local district.
- Ensure caseworkers do not require victims of domestic violence to enter or obtain services from a domestic violence program, obtain an order of protection, or provide Domestic Incident Reports or other police records as a condition of eligibility for benefits.
- Develop guidelines for addressing paternity establishment and child support collection when domestic violence is indicated. These guidelines include:
 - Detail procedures for providing applicants and recipients with the statewide [mandated notice](#) regarding child support requirements for victims of domestic violence.
 - Where domestic violence is indicated, Child Support Enforcement Unit workers should refer victims to the DVL for a waiver assessment or, where appropriate, consider granting good cause exemptions pursuant to state law and policy detailed below and in 18 NYCRR §347.5, 18 NYCRR §369.2(b), and 12 ADM-3.
 - While child support can provide economic benefit to families, establishing paternity and pursuing child support may create [safety risks](#) for the victim

or the victim's children. Where services are pursued despite family violence indicators, workers should collaborate with the custodial parent to determine strategies that will not negatively impact victim safety. For further information please visit the Administration for Children and Family services webpages on [child support](#) and [training tools in safely pursuing child support](#).

- Ensure caseworkers are flexible with victims and work with them to determine and implement safe communication strategies for mail, phone calls, and e-mail. They should obtain more than one way to communicate with the victim.
- Ensure caseworkers respect and protect the privacy and confidentiality of domestic violence victim information and records. The disclosure of public welfare records for all public assistance applicants and recipients is protected by state law under Public Officers Law §6A and Social Services Law §136. These laws describe and define client information that must be kept confidential and protected from unauthorized public access. Victims of domestic violence also have additional confidentiality and privacy protections as discussed more extensively in the legislation section.
 - Understand and support the rights of victims enrolled in the [NYS Address Confidentiality Program](#), as well as those with current or pending [identity changes](#) or [Social Security Number changes](#).
- Address how caseworkers can sensitively and efficiently facilitate relocations or inter-district case transfers to enhance victim safety.
- Address the implications of program sanctions for clients who are victims of domestic violence and possibly in “noncompliance status.”

Staff Education & Training

Domestic Violence Liaisons are required to participate in a mandated domestic violence training institute. It is also recommended that domestic violence training be provided for staff who work with the TANF and other benefits applicant and recipient populations. This includes intake, eligibility, child support, employment staff and their supervisors. This training should be periodic and cover the following:

- General information on domestic violence, including:

- Definition of domestic violence
 - Indicators of domestic violence, particularly for temporary assistance benefits applicants or recipients
 - Tactics of control, including economic abuse
 - Impact of domestic violence on children
 - Domestic violence assessments and safety planning
- Screening and interviewing process for domestic violence victims.
 - Overview of all temporary assistance benefits laws and policies, particularly those impacting victims of domestic violence and their families including but not limited to: Family Violence Option, child support cooperation and paternity establishment, child care subsidies, victims in shelter, food assistance, battered immigrant eligibility, special issues impacting the LGBTQH community, inter-district issues, and confidentiality.
 - Overview of local resources and services.
 - Details of the local district's policy and employee expectations, including referral procedures.

Security Departments

All local districts have some safety measures in place which fall under agency safety plan procedures. These security measures are required by federal law and they are designed to protect the safety of applicants, recipients, staff, and property. Protocols and proper training of employees are necessary to ensure that everything possible is done to prevent harm and respond to dangerous situations in the workplace. The agency safety plan should also include policies and procedures for dealing with domestic violence incidents on site, such as addressing violations of orders of protection.

Implementation and Follow-up

At the direction of New York State Office of Temporary and Disability Assistance, continuous training and technical assistance is provided to all current and incoming staff. Policies are reviewed and updated accordingly to accommodate new changes and legislation.

Laws, Regulations and Agency Directives

The [New York State Office for Temporary and Disability Assistance \(OTDA\) maintains a comprehensive web-based resource page](#) linking users to all related manuals, laws, regulations, and administrative directives. The agency also [archives administrative Fair Hearing decisions](#).

The below domestic violence-specific laws and policies may be accessed online via OTDA's website.

Laws

Social Services Law §349-a

Outlines general state Family Violence Option (FVO) law and related procedures including: notification and universal screening, referrals to the Domestic Violence Liaison (DVL), credibility determinations, assessment for waivers, the types of waivers available, duration of waivers, periodic review of waivers, and confidentiality of domestic violence information.

Social Service Law §459-g

Prohibits the state, its political subdivisions, public authorities, and employees and agents thereof from compelling domestic violence victims to contact their abusers, directly or for any reason, as a condition of receiving public assistance benefits and services. The law also provides for the creation of a confidential intermediary in the event that such contact is required and the victim gives informed, written consent.

Social Service Law §131(20)

Directs social services districts to inform public assistance applicants/recipients of their option to receive a packet containing information about local programs and services for victims of sexual assault.

Regulations

18 NYCRR §351.2

Defines "victim of domestic violence" for purposes of FVO eligibility, and outlines the FVO-related regulations for universal screening and assessment and referral to DVLs. Also outlines DVL's responsibilities and qualifications, as well as credibility assessments, and FVO-related programmatic waivers.

18 NYCRR §357.3

Addresses confidentiality and disclosure of domestic violence-related information by the DVL and other social services staffers.

18 NYCRR §369.4

States that the local social services district must exempt families from the 60 month time limit when an adult family member is unable to work because of a verified physical or mental impairment that is the result of domestic violence and is expected to last three months more or which has happened to a child as a result of domestic violence and the adult family member is needed in the home to care for the child.

18 NYCRR §347.5

Addresses mandatory referrals to Child Support Enforcement Units (CSEU) for recipients of public assistance. Notes that where the presence of domestic violence is indicated, the local child support enforcement worker must refer the individual to the DVL for screening and assessment. Further notes that CSEU should not try to locate the absent parent or putative father, establish paternity or establish, modify or enforce an order of support while the applicant or recipient is undergoing domestic violence screening or assessment by the DVL. Also outlines procedures where a child support cooperation waiver is granted.

Agency Directives

98 ADM-3: Domestic Violence: Family Violence Option under the Welfare Reform Act of 1997 (March 13, 1998)

Sets forth the requirements for the implementation of the Family Violence Option, which was effective as of April 1, 1998. It reviews the requirements for universal notification, screening, referrals to the DVL, the DVL's job responsibilities, credibility assessments, waivers, and confidentiality issues.

9/3/98 Dear Commissioner Letter

Contains a summary of Q & As, list of DVLs, and state contact staff for the FVO.

99 ADM-5: Cooperation with Child Support Enforcement For Temporary Assistance, Medicaid, Foster Care and Child Care Services Applicants and Recipients (July 1, 1999)

Among other provisions, states that CSEU will not pursue paternity establishment or support enforcement in cases where individuals have been granted a waiver of child support requirements on the basis of domestic violence, unless the DVL has determined that the CSEU may proceed without risk to the victim or the victim's family.

99 ADM-8: Domestic Violence: Final TANF Regulations and the Family Violence Option (November 2, 1999)

Addresses the impact of the final TANF regulations on the FVO and outlines the required actions for DVLs, such as waiver re-determinations and development of services plans.

99 INF-10: Domestic Violence Waiver of Temporary Assistance Lien Requirements; Recovery of Temporary Assistance from Legally Responsible Batterers (July 1, 1999)

States that DVLs may waive the public assistance liens on real property under the FVO where the property is jointly held with the batterer and such a lien will place the victim at further risk or make it more difficult for her to escape from domestic violence. Also addresses reimbursement from abuser and safety concerns associated with this practice.

00 LCM-9: Domestic Violence Allocation Use (April 21, 2000)

Outlines appropriate uses for remaining TANF funds when districts have monies remaining after fully supporting the FVO and the domestic violence assessment process, the DVL positions, and training for DVLs. States that after these functions are supported, funding may be used for core or optional non-residential DV services.

01 ADM-3: Exemptions to the State 60-Month Cash Time Limit/Evaluation for Safety Net Assistance (March 28, 2001)

Discusses the good cause exemptions for time limits available to domestic violence victims.

02 INF-06: Clarification of Retention Policy of DV Screening Forms and Related Case Records (February 8, 2002)

Clarifies the length of time local districts are legally required to retain universal screening forms indicating the presence of domestic violence, as well as DVL records.

02 INF-36: FVO Questions and Answers (November 5, 2002)

Offers comprehensive, updated information and policy clarification on FVO-related issues such as: screening and reassessment, eligibility for Temporary Assistance (TA), waivers and notice of waiver decisions, sanctions, confidentiality, information sharing, and inter-district issues.

03 ADM-2: Desk Reference for Domestic Violence Screening under the FVO (February 24, 2003)

Creates the desk reference for TA caseworkers and others who screen for domestic violence. Contains LDSS-4813, the form/tool that was developed to assist staff responsible for domestic violence screening.

03 ADM-5: Child Support and the FVO (June 19, 2003)

Clarifies the policies and procedures surrounding CSEU activities as they relate to Temporary Assistance applicants/recipients who are victims of domestic violence. This directive provides substantive and procedural information to caseworkers, DVLs, and CSEU workers around issues of child support where domestic violence is present. This directive also offers a detailed explanation of the differences between good cause exemptions from cooperation with CSEU activities and FVO-related waivers relieving the client from cooperation with CSEU activities. It also outlines the waiver options and defines “full” and “partial” waivers. Also includes a form entitled, “Notice Regarding Child Support Requirements for Victims of Domestic Violence” that DVLs are required to provide and discuss with domestic violence victims as a part of the assessment process.

03 INF-29: Family Violence Option: Domestic Violence Liaison List (July 1, 2003)

Provides statewide listing of DVLs and their contact information. Also notes counties where DVL positions have been contracted out to other agencies, such as domestic violence programs. Also notes counties where DVLs may also wear other hats at DSS, such as Child Protective Services caseworker or employment caseworker.

06 INF-11: Family Violence Option Policy Clarifications (March 16, 2006)

Provides updates and clarification related to FVO policies including: domestic violence screening and referral, training for local district staff, waiver assessments, changes in the child care subsidy program, food stamps, and Medicaid. Also creates two new, updated versions of LDSS-4872 “Domestic Violence Assessment Checklist” and LDSS-4873 “Domestic Violence Reassessment Checklist”.

06 INF-14: Battered Aliens: Eligibility for Benefits (March 22, 2006)

Comprehensive policy sets forth the specific rules for determining whether immigrant victims of domestic violence are eligible for Temporary Assistance and food stamps. Particularly, the directive explains the complicated federal rules that determine when a battered immigrant is a “qualified alien,” the importance of the date of entry, procedures that districts should utilize when a battered alien does not have a green card and includes an “alien eligibility” desk aid. Provides directives to DVLs on credibility assessments for these individuals.

07 INF-09: Domestic Violence Information for All Temporary Assistance Applicants (August 1, 2007)

Introduces the revised, updated versions of the FVO universal domestic violence notification and screening forms, and client notification of waiver decision forms.

07-INF-15: Alien Eligibility Desk Aid (October 11, 2007)

The Desk Aid lists the benefit program eligibility for most common immigration statuses. Included are the variety of immigration documents an alien domestic violence victim needs for a determination of qualified status, and when such an individual must see a Domestic Violence Liaison (DVL) for such a determination.

08-INF-16: Non-Parent Caregivers and Good Cause (September 24, 2008)

Reiterates the policy that non-parent caregivers can claim good cause for failure to cooperate with child support enforcement or seek a domestic violence waiver if complying with child support requirements would result in physical or emotional harm to themselves or the child. It also provides clarification on when “special considerations related to emotional harm” should be applied in non-parent caregiver situations.

08-INF-05: LDSS-4905: Domestic Violence Information for All Temporary Assistance Applicants Handout (January 31, 2008)

Introduces minor language changes to the FVO universal notification form. Also, lists the languages into which the document is translated: Spanish, Arabic, Chinese, Korean and Russian.

08-INF-02: LDSS-4583: Domestic Violence Screening Form (January 8, 2008)

Introduces the revised FVO universal screening form. Also reminds workers that the form is available in Arabic, Mandarin Chinese, and Russian.

09-OCFS ADM-07: Recognition of Legal Same-Sex Marriages (March 20, 2009)

Directs social services districts, voluntary agencies, and service providers to recognize legal same-sex marriages when determining eligibility for, providing, and administering child welfare, child care, adult protective, and domestic violence services.

09-ADM-24: Changes to 18 NYCRR 350.4 Impacting the Safety Net Assistance (SNA) Application Supplement and the Recognition of Same Sex Marriages(December 28, 2009)

Informs districts of two regulatory changes incident to same-sex marriage recognition.

10-ADM-03: Providing Temporary Assistance Applicants and Recipients with Information Regarding Sexual Assault (April 28, 2010)

Informing centers about the change to Social Services Law §131 requiring districts to ensure that applicants or recipients who have experienced sexual abuse or assault have the option to receive information about locally available services for sexual assault victims.

11-ADM-06: New York State Employment Assessment (July 19, 2011)

Provides guidance to help districts gather relevant information about an individual's strengths and barriers as part of a comprehensive strategy to help the individual obtain meaningful employment or help the family become economically secure. Addresses services to victims of domestic violence.

12-ADM-03: Information about Child Support Services and Application/Referral for Child Support Enforcement Services (LDSS-4882) (May 1, 2012)

Introduces a new form, LDSS-4882, Information about Child Support Services and Application/Referral for Child Support Services. The form includes information about the child support program, including descriptions of available child support services, the rights and responsibilities resulting from paternity establishment, the right to notice of legal proceedings, distribution policies, legal services and cost recovery, applicable fees, and payment and contact information. There is also guidance related to addressing safety concerns and family violence.

Resources (Panel)

[Family Violence Protocol Development](#)

[Child Support Fact Sheet](#)

[Texas Council on Family Violence](#)

Public Housing, Section 8 Housing and HUD Supportive Housing (Panel)

Violence Against Women Act Protections in Federally Subsidized Housing Programs

The Violence Against Women and Justice Department Reauthorization Act of 2005 (VAWA) protects qualified persons who are actual or threatened victims of

- domestic violence (42 U.S.C. §13925(a)(6))
- dating violence (42 U.S.C. §13925(a)(8)) or
- stalking (42 U.S.C. §§1437d(u)(3)(C), 1437f(f)(10)) (collectively “domestic violence” and sometimes referred to by HUD as “domestic abuse”)

from being denied admission to or being evicted or terminated from housing assistance based on acts of such violence committed against them. Victims of domestic violence cannot be denied housing because of their victim status and the law further contains confidentiality-related protections for domestic violence-related disclosures. Housing Authorities are also required to address the housing needs of victims of domestic violence in their formal, annual planning documents.

The covered housing programs are: the federal Public Housing program, the HUD “Supportive Housing for the Homeless” programs, and all of the “Section 8” housing

programs (including all “tenant-based” and “project-based” assistance provided under Section 8 of the U.S. Housing Act of 1937).

Public housing agencies (PHAs) administering the Public Housing and Section 8 Housing Choice Voucher programs, as well as all landlords, owners, and managers participating in the Section 8 Housing Choice Voucher and Project-Based programs must comply with VAWA provisions.

Under VAWA, incidents or threats of abuse will not be construed as serious or repeated violations of the lease or other “good cause” for termination of the assistance, tenancy, or occupancy rights of a victim of domestic violence. Criminal activity directly relating to domestic violence, engaged in by a member of a tenant’s household or any guest or other person under the tenant’s control, cannot be cause for termination of assistance, tenancy, or occupancy rights if the tenant, or an immediate member of the tenant’s family, is the victim or threatened victim of that abuse.

Public Housing Authorities administering public housing programs must give public housing residents notice of their VAWA protections, including their right to confidentiality. This is a statutory requirement established by the VAWA amendments to the United States Housing Act of 1937 which are codified at 42 USC §§1437d(l)(5), (l)(6) and (u).

Similarly, agencies administering HUD Section 8 programs must give participants notice of their rights and obligations under VAWA. Specifically, such notice must cover the rights and obligations under VAWA protections codified at:

- 42 USC §1437f(c)(9)
- §1437f(d)(1)(B)(ii)
- §1437f (d)(1)(B)(iii)
- §1437f(o)(7)(C)
- §1437f (o)(7)(D)
- §1437f(o)(20)
- §1437f (r)(5) and
- §1437f(ee).

HUD’s implementing regulations with respect to these provisions are primarily found at 24 CFR Part 5, Subpart L. In particular, it may be helpful to review the Federal Register discussion regarding the implementation of these provisions and technical corrections (clarifications) to the VAWA statute at 73 Fed. Reg. 77294, November 2008.

Additionally, on October 10, 2010, HUD issued important regulatory amendments

limiting the “actual and imminent threat” exception that otherwise permitted housing providers in some cases to terminate the tenancy of a domestic violence victim, by limiting the exception to cases where a threat to the safety of other tenants or employees is “actual and imminent,” and requiring that the housing provider show that no other actions can be taken that would reduce the threat and that objective factors were considered.

A comprehensive, user-friendly summary of the Violence Against Women Act legal protections (with legal citations) and related HUD policy guidance can be found at the [National Housing Law Project](#).

Policy Guidelines (Panel)

[Review General Guiding Principles.](#)

Policy Statement

Policy statement should include:

- The purpose of the policy
- A definition of domestic violence, dating violence, and/or stalking
- Brief statement on the intersection of housing challenges, poverty and domestic violence
- Reference or detail existing, applicable state or federal laws and policies, as well as local Housing Authority policies
- The agency or organization’s commitment to address the issue and to implement and uphold the policy

Definitions

Define concepts used throughout the policy, such as domestic violence, dating violence, stalking, victim, intimate partner, household member, and abuser. [Refer to General Guiding Principles Definitions section.](#)

Guidelines

Public Housing Authorities administering federal public housing programs as well as any “PHA” (public housing agency) administering the Section 8 Housing Choice Voucher program should adopt a policy statement intended to reflect and facilitate effective implementation of VAWA requirements, not just the letter of the law.

- Prepare all staff to respond sensitively and supportively to victim disclosures of abuse.
- Be aware of the impact diversity plays in domestic violence cases—both on the tactics of abuse and control used by the perpetrator, as well as the victim’s experience of abuse. Provide respectful and appropriate assistance to [victims](#) regardless of national origin, age, religion, ethnicity, disability status, immigration status, religion, sexual orientation, gender identity, education, or socio-economic status.
 - Provide sensitive and informed service provision to victims also experiencing [substance use disorder](#) and/or [mental health issues](#).
 - Be aware of [HUD’s guidance regarding eligibility and assistance to LGBTQH families](#).
- Universally provide all applicants and tenants with notice and information about their rights and protections under the Violence Against Women Act (VAWA). Make information and notice widely available.
 - Although the law requires that VAWA notice be included in leases, best practice provides that Public Housing Agencies (PHA) should offer this information in: application or orientation packets; domestic violence-specific screening at application, recertification, and follow-up appointments; in denial, violation or termination letters; and postings/signage at application sites, manager’s offices, lobbies, or on agency websites.
- Provide victims of domestic violence with the opportunity to explain circumstances and why they may be considered appropriate candidates for housing assistance where standard admissions screening criteria (e.g., poor credit, work, tenancy, and criminal histories) cause them to appear to be undesirable tenants. Public Housing Occupancy Guidebook § 19 (2003); 24 C.F.R §960.203
 - Where there is a close nexus between the abuse and the negative history, denial of assistance may be violation of VAWA anti-discrimination safeguards.

- Where the abuser had the negative history, victims should be given the opportunity to confirm that their abuser is no longer part of the household (e.g., order of protection, divorce decree, custody order), as applicable. In the absence of other available verification, even a statement of intent from the victim should suffice.
- Victims should not be required to contact their abuser to obtain information or documentation if it compromises their safety. Accommodations should be made so that the PHA can accept non-traditional forms of proof.
- A Public Housing Authority administering the public housing program or any public housing agency (PHA) administering the Section 8 Housing Choice Voucher Program may, but is not required to, ask an individual for [written certification](#) that he or she is a victim of domestic violence. As certification is discretionary, policies should provide guidance addressing circumstances that may warrant the victim's provision of certification documentation.
- Informed victims should be informed of the benefits and limitations of confidentiality protections when seeking VAWA-related relief.
 - Detail those circumstances warranting disclosure to address those situations where disclosure of a victim's domestic violence-related information is essential and describe the procedures that will be followed for limiting such disclosures and for enhancing victim safety during this period.
 - Victims should be permitted to opt out where confidentiality limits may compromise their safety.
 - Provide for address and other confidentiality under [state law](#). Understand rights of victims enrolled in the [NYS Address Confidentiality Program](#), as well as those with current or pending [identity changes](#) or [Social Security Number changes](#).
- Work with victims to determine and implement safe communication strategies, including accepting alternate mailing addresses (e.g., PO Boxes) for notices and applications.
- PHAs may not terminate a victim's assistance, tenancy, or occupancy rights based upon:

- An incident of actual or threatened domestic violence.
- Criminal activity directly relating to domestic violence, dating violence, or stalking.
- PHAs and Section 8 landlords may terminate an abuser's tenancy and bifurcate a lease to allow the victim and the non-offending family members in the victim's household to remain in housing. 24 CFR 982.315.
 - As due process may require a PHA to disclose the domestic violence history to the perpetrator or have the victim testify against the abuser in order to demonstrate the need for bifurcation or termination, PHAs should develop protocols or best practices to address these situations without compromising victim safety. Practices should address:
 - Discussing the limits of confidentiality protections.
 - Discussing the relative risks and benefits of this relief with the victim before commencing a proceeding.
 - Determining what evidence may be used in a proceeding and its impact on victim safety (e.g., having the victim testify).
 - Making referrals to the victim for comprehensive safety planning.
- Even when permitting a family to move would not otherwise be required under the general "portability" provisions of the Section 8 Housing Choice Voucher program (see 24 CFR §982.355), a PHA may permit a family with a Section 8 Housing Choice voucher to move to another jurisdiction if the family has complied with all other program obligations and is moving to protect the health or safety of an individual, even when doing so would otherwise have constituted a lease violation. [42 U.S.C. §1437f(r)(5) and 24 CFR §982.314(c)(2)(iii)].
 - As VAWA does not expressly address the tenant's financial liability for breaking a lease, PHAs should help the victim by assisting in negotiating an agreement with the landlord. Additionally, certain victims with orders of protection may access [state-based early lease termination protection](#) (Real Property Law §227-c) from the court that issued the order.

Under the 2006 technical corrections to VAWA, even private owners have authority under federal law to modify leases, despite provisions of state or local law which would otherwise apply in order to split or “bifurcate” a lease. See 42 USC 1437f(c)(9)(C)(ii):

notwithstanding any federal, state, or local law to the contrary, a PHA, owner or manager may “bifurcate” a lease under this section, or remove a household member from a lease under this section, without regard to whether a household member is a signatory to the lease, in order to evict, remove, terminate occupancy rights, or terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others, without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is also a tenant or lawful occupant, and such eviction, removal, termination of occupancy rights, or termination of assistance shall be effected in accordance with the procedures prescribed by federal, state, and local law for the termination of leases or assistance under the relevant program of HUD-assisted housing.

- The ability for PHAs, owners, and managers to bifurcate applies to all existing leases for families participating in either the public housing or Section 8 programs. Specific lease language is not necessary, and no other statutory authorization is needed to bifurcate or remove a member of the household.
 - Although VAWA takes precedence over any other federal, state, or local law to the contrary, PHAs, managers, and owners must keep in mind that the eviction of or the termination action against the individual must be effected in accordance with the procedures prescribed by federal, state, and local law.
 - Where transfers are granted, policies should address referring victims for safety planning and other related services.
- Provide “reasonable accommodations” in the form of flexibility with respect to the housing program’s general rules and policies in order to accommodate the special needs of persons who are [limited English proficient](#) (LEP) or who are [persons with disabilities](#).
 - Public Housing Authorities administering the federal public housing program must prepare [five year and annual plans](#) and must establish “Admissions and Continued Occupancy Plans (ACOP),” all of which must include specific

requirements related to domestic violence. Similarly, most public housing authorities and other housing agencies (collectively called “PHAs”) administering the Section 8 Housing Choice Voucher program are subject to specific planning requirements and must have an “Administrative Plan” in place addressing VAWA and domestic violence requirements.

- Plans should enhance victim safety and empowerment by improving and maintaining their opportunities for obtaining or maintaining affordable housing. Plans should also provide for enhanced worker flexibility and discretion.
- Planning and policies should be created and implemented with input from or in consultation with local domestic violence service providers and other community stakeholders. Plans should consider :
 - Creating collaborative programming with local domestic violence-related service providers (e.g., mutual in-service trainings for staff, on-site services for victim-residents).
 - Developing a cross-referral system with local domestic violence-related service providers or other supportive community agencies.
- Create written policies for dealing with common situations that may occur, such as :
 - Creating an admissions preference for victims of domestic violence.
 - Creating comprehensive domestic violence screening and notification guidelines.
 - Drafting admissions criteria that allow for mitigation of negative credit/criminal/tenancy/work history related to acts of abuse committed against a victim.
 - Assistance to victims who are unable/unwilling to produce eligibility-related information or identification where providing such documentation poses safety concerns.
 - Expansion of written certification requirements by allowing other types of records or third parties to document the abuse (e.g., medical records, statements from social workers or clergy), or detailing

circumstances that may be considered good cause for extending the certification deadline (e.g., court appearances, hospitalization for victim or children).

- Creating family break-up plans that prioritize giving the housing to a victim, regardless of whether or not they are the head of household and allowing for expedited interim re-certifications to calculate the rent burden when the abuser (and their income) is excluded from or leaves the household.
 - Honoring court orders (e.g., orders of protection, divorce-related decrees) that address rights of access to or control over the property.
 - Providing victims in public housing with emergency transfers to another unit or into the housing voucher program (U.S. Department of Housing and Urban Development, Public Housing Occupancy Guidebook §§19.2, 19.4 (2003)).
 - Expediting actions on applications or other requests where the victim faces imminent harm related to domestic violence.
 - Where the victim's continued residency may pose an "actual and imminent threat" to other tenants or employees, provide guidance detailing what evidence PHAs and landlords may need to demonstrate in order to support eviction.
 - Where damage is done to a unit by an abuser, develop policies addressing assessments of liability to the perpetrator, rather than the victim.
 - Where the victim had to be temporarily absent from the unit due to domestic violence concerns (e.g., stay in a domestic violence shelter), create policies that allow the victim to retain housing assistance.
- Work with private owners to:
 - Revise admissions and occupancy policies.
 - Revise termination notices.

- Remind them of their duty to distribute the lease addendum with VAWA protection both to new and existing tenants.
- Urge them to include information about VAWA in briefing packets and citing the availability of VAWA protections in any termination notices; and
- Encourage them to post notices of tenants' VAWA-related rights in the lobbies, hallways, and lounges of their buildings.

Staff Education & Training

Training should also be provided for all levels of staff including but not limited to: security, intake, case managers, property managers, and supervisors. This training should be periodic and cover the following:

- General information on domestic violence, including:
 - Definition of domestic violence
 - Indicators of domestic violence in housing assistance applicants or recipients
 - Tactics of control, including economic abuse
- Screening and interviewing skills
- Overview of all domestic violence-related federal and state laws and policies addressing housing assistance including, but not limited to: state or local housing protections, VAWA protections, and confidentiality.
- Overview of local resources and services.

Security Departments

If the housing agency (HA) has security staff, they should be included in the drafting of any domestic violence policies. They are responsible for the safety of residents, staff, and property. The policy should clearly outline the protocol for responding to domestic violence incidents on HA property, including violations of orders of protection.

Implementation and Follow-up

An implementation plan should be formulated that includes directions for the policy to be communicated to current staff and a format to inform future staff. The policy should also be reviewed and updated accordingly to accommodate new practices, policies, and legislation.

Laws, Regulations and Agency Directives (Panel)

[Statutory Compendium of the Housing Provisions of the Violence Against Women Act of 2005 \(National Housing Law Project\)](#)

[Revised HUD Rules \(October 27, 2010\)](#)

[Public Housing Occupancy Guidebook](#)

[HUD Memo: Assessing Claims of Housing Discrimination against Victims of Domestic Violence under the Fair Housing Act and the Violence Against Women Act \(February 9, 2011\)](#)

The U.S. Department of Housing and Urban Development (HUD) guidance makes it clear that residents who are denied or evicted from housing as a result of domestic violence may have basis to file a discrimination complaint with HUD under the federal Fair Housing Act. The HUD memo states that while the Violence Against Women Act provides some protections to victims of abuse who experience housing discrimination, the Fair Housing Act separately provides authority for HUD to investigate whether the denial or eviction violates the Act based on gender or another federally-protected basis.

Informational Guidance published March 16, 2007: “The Violence Against Women and Department of Justice Reauthorization Act of 2005: Applicability to HUD Programs,” 72 FR 12696 (Federal Register)

This guidance clarifies the applicability of the VAWA’s Section 8 protections to private owners and managers of Multifamily Housing Developments financed with HUD

assistance so long as those developments have Section 8 “project-based” subsidy contracts.

[Certification of Domestic Violence, Dating Violence or Stalking \(Form HUD-91066\)](#) (List of HUD forms 90003 through 909.)

[Certification of Domestic Violence, Dating Violence or Stalking \(Form HUD-50066\)](#) (English version)

Victim of domestic violence dating violence, or stalking or a family member on that person’s behalf must complete and submit this certification form or provide alternative documentation.

[Form HUD-50066 in other languages](#)

[Lease Addendum for VAWA \(Form HUD-91067\)](#)

Lease addendum for use with the HUD model lease for the project-based Section 8 program.

NY Real Property Law §227-c Early Lease Terminations

Permits tenants and lessees with an order of protection to terminate such lease or rental agreement.

Resources (Panel)

[Maintaining Safe and Stable Housing for Domestic Violence Survivors: A Manual for Attorneys and Advocates \(National Housing Law Project\)](#)

[HUD Best Practices Summary](#)

[Domestic Violence Resource Center \(National Housing Law Project\)](#)

[Assisting Survivors of Domestic Violence in Applying for Housing](#)

[Welfare, Poverty, and Abused Women: New Research and its Implications](#)

Promising Practices (Panel)

Relationship Abuse Prevention Program (RAPP)

Center Against Domestic Violence

[RAPP](#) provides prevention and awareness on teen relationship abuse and intervention services to students, teachers and parents. The program provides classroom workshops that cover topics including relationship abuse, sexual harassment, sexual assault and creating healthy relationships. In addition, RAPP also provides peer leadership, group counseling, one-on-one counseling and a 7-week long summer program.

The Domestic Violence and Mediation Safety Project

Mediation Center and Domestic Violence Services of Dutchess County

The purpose of the Domestic Violence and Mediation Safety Project is to increase safety for victims of domestic violence who are referred to mediation to discuss civil matters such as the custody and visitation of children. The project provides a comprehensive process that helps victims assess the risks associated with mediation when there has been a history of domestic violence, decide whether or not to mediate, and create a safety plan for the process. This unique and cutting edge project is the first of its kind to thread a domestic violence safety assessment protocol throughout a mediation process, thereby supporting a victim's "voice and choice" to mediate safely or to choose another dispute resolution option. All intimate partners referred to mediation, regardless of the referral source, go through the Project. With an understanding of how the dynamics of domestic violence impact victims and that domestic violence is rarely detectable in a mediation session by anyone other than the victim, the Mediation Center and Domestic Violence Services of Dutchess County created the project to safely identify, assess and plan with victims in order to honor their voices whenever mediation is offered.

For more information, please visit the Mediation Center of Dutchess County at <http://www.dutchessmediation.org/> or call the Domestic Violence Services 24 hour hotline at 845-485-5550.

Domestic Violence Workplace Initiative (DVWI)

Domestic Violence Project of Warren & Washington Counties – A Program of Catholic Charities

DVWI functions as a working committee of the Warren & Washington Counties Domestic Violence Community Coordination Council (DVCCC). The initiative assists committee members and other work sites in local communities to create awareness and

prevention of domestic violence. DVWI offers resources and help for developing policy, training and awareness. In 2012, the program produced “Toolkit: Domestic Violence and the Workplace: Strategies and Resources for Response & Prevention.” Hard copies of this 11 section publication are presently available with an expectation that it will be available on CD in 2013.

For more information about the Domestic Violence Workplace Initiative, please send e-mail to dvccc@spa.net or call 518-793-9496.

Northern NY Call2Men (NNYC2M)

Domestic Violence Project of Warren & Washington Counties – A Program of Catholic Charities

NNYC2M is a peer-educated program for men that raises awareness about violence against women. Peer educators work beside women to advocate for domestic violence awareness in local communities. NNYC2M educates men and teen males on healthy attitudes and respect towards women and girls. Activities include film and discussion programs, public speaking, information tables at public events and more.

To learn more about Northern NY Call2Men, please send e-mail to dvcc@spa.net or call (518) 793-9496.

RAVE

Domestic Violence Project of Warren & Washington Counties – A Program of Catholic Charities

RAVE is a school-based youth-led program where high school males can become social advocates and peer leaders for prevention of violence against women and girls. Using an anti-oppression framework and male-positive approach, a core intent of RAVE is to foster a youth-led movement with adults (one male and one female co-advisor) providing training, support and guidance.

For more information about the RAVE program, please send e-mail to sharonking1@yahoo.com or call (518) 793-9496.

Early Victim Engagement (EVE) Project

New York City Family Justice Center

In the fall of 2007, the Mayor’s Office to Combat Domestic Violence (OCDV) received funding from the Department of Justice’s Office on Violence Against Women (OVW) to initiate the Early Victim Engagement (EVE) Project based at the Family Justice Center in Brooklyn (FJC); in 2010 OCDV received continuation funding from OVW to extend

and enhance the Project for two additional years. This highly collaborative, multi-disciplinary project unites staff from OCDV, the Kings County District Attorney's office, Safe Horizon, Good Shepherd Services Safe Homes Project, NYPD, Probation and Parole with the purpose of contacting victims of domestic violence shortly after their current/former partner has interacted with the criminal justice system.

The bulk of the EVE Project's work is done at Brooklyn Criminal Court where staff members are stationed in the arraignment parts from 9am to 10pm, 365 days a year. The work done by the arraignment based staff is complemented by the work done by the EVE staff at the FJC. EVE staff at both sites contact victims after their current/former partner has been arraigned or when their current/former partner is the subject of a low level harassment 2nd degree complaint at several high volume precincts in Brooklyn (the 67th, 75th and 83rd). During this contact, EVE staff provides victims with accurate criminal legal information, immediate access to orders of protection, responsive safety planning and linkage to the holistic services offered at the Family Justice Center in Brooklyn. This contact ensures that victims have the information they need to make informed decisions that support their safety. Since the Project's inception, the EVE staff has successfully contacted over 24,000 domestic violence victims. This contact is the largest contributing factor to a 35% increase in visits by domestic violence victims to the Family Justice Center in Brooklyn.

For more information about the EVE Project, please send e-mail to anep@fjcnyc.org or call (718) 222-7450.

Child Protective Services (CPS) Collaboration

Unity House

The goal of the Unity House CPS/DV collaboration is to support victims of domestic violence in their involvement with the child welfare system, and to work to prevent survivors from being held accountable for their partner's violence in the eyes of CPS. The Unity House Domestic Violence Liaison (DVL) coordinates with child welfare workers to promote the best outcome for survivors and their families. Some of the desired end results of survivors' involvement with CPS can be the closing of the case with an "unfounded" outcome, a situation where the child(ren) remain(s) with the non-offending parent, or the reunification of survivors with their child(ren). In child protective cases where domestic violence is present, the DVL serves as a reference for how to best approach the case, either through case consultation or through direct service on initial visits and follow-up home visits. The DVL provides outreach to the families that CPS has identified as having experienced intimate partner violence, discusses the Unity House program, and offers services. The DVL then serves as a case manager to the

non-offending parent while the case with child protective services remains open, providing advocacy and gathering information as needed.

The relationship between CPS and Unity House, fostered by the DVL, has led to an enhanced understanding of domestic violence cases on the part of child welfare workers and a more nuanced perspective of the workings of child protective services for Unity House. With this knowledge and expertise, Unity House and CPS can work together to link survivors to appropriate tools and resources that increase the family's safety.

For more information about Unity House's CPS Collaboration, please call (518) 272-5917.

Law Project

Unity House

A crucial component of our holistic service delivery model, the Unity House Law Project offers victims of domestic and dating violence free legal consultation and representation on civil matters such as custody, support, paternity, divorce and orders of protection. The Law Project has served more than 1,300 victims and makes access to effective legal assistance financially possible and the legal process more transparent for victims. Project staff helps victims understand their rights and utilize the legal system to break patterns of abuse. Located within the non-residential program, the Law Project is also able to seamlessly connect victims to other domestic violence services that provide the wrap around support often needed to complete the transition to violence-free independence.

The Law Project offers publications aimed at increasing victims' knowledge of the legal system and access to legal services, including *Finding Your Way in New York Courts: A Guide for Survivors of Domestic Violence* and a brochure that provides teens with information on Expanded Access to Family Court. Additionally, the Law Project offers a technical assistance manual for service providers interested in developing a law project within their domestic violence program.

For more information about the Law Project, please call (518) 272-5917.

Police Project

Unity House

Unity House Domestic Violence Services' Police Project is based on an integrated criminal justice model that leverages the expertise of the domestic violence program to respond to domestic violence in our community. The project is based on a series of

innovative community policing initiatives, including: improved domestic violence policy and a five hour comprehensive training for the police force; locating the Troy police department's Domestic Incident Unit within the domestic violence program; a DV Officer and victim advocate joint follow-up procedure following domestic incident reports; lethality assessment; increased surveillance of domestic violence probationers; enhanced joint case work; and a variety of activities that aim to improve victim perception of law enforcement and the criminal justice system.

Imperative to the Police Project, two Troy Police Department Detectives are located in a wing of the non-residential domestic violence program, which has significantly enhanced collaboration between Unity House and the Troy Police Department. The officers are available to meet with victims and an advocate to take Domestic Incident Reports, investigate domestic violence complaints, file for warrants, and ultimately, arrest the domestic violence perpetrator, in an effort to enhance victim safety and batterer accountability.

Additionally, the Domestic Violence Detectives and the victim advocates conduct follow-up home visits for victims who have filed a Domestic Incident Report in the city of Troy.

For more information about the Police Project, please call (518) 272-5917.

Project Phoenix

Vera House

Project Phoenix is a collaborative effort with Vera House, South Side Innovation Center (SSIC) and WISE Women's Business Center, that empowers domestic violence victims to become entrepreneurs. The project is funded by a \$100,000 grant from Verizon, one of five \$100,000 grants awarded to workforce development organizations and domestic violence agencies across New York State to develop entrepreneurship training programs for domestic violence survivors.

The entrepreneurial side of the program focuses on opportunity recognition, exploration, and education. Often women are left financially dependent, their credit ruined, and their life opportunities minimized by what has happened to them. The program goal is to show them what is possible, and then help them get there.

Program admission is on a rolling basis, as clients are ready, with services provided on an individual and cohort basis. Services include everything from Orientation through SSIC's robust counseling and educational training package, to business plan development. Several course areas focus on credit, money, and financial instruments - key issues for any entrepreneur but also helpful for individuals trying to rebuild their

credit standing in the community - and on public speaking and time management. In addition, funds are reserved to allow program participants to attend the WISE Symposium.

At the conclusion of the training period, individuals create a business entity and are eligible to apply for a Verizon Domestic Violence Entrepreneurship Grant, up to \$5,000, to receive start-up funding to help launch their new business.

To learn more about Project Phoenix, please visit the Vera House [Newsroom](#) webpage.

Twelve Men Model Project

Vera House

The Twelve Men Model is a pre-violence dialogue that encourages men to rethink and redefine masculinity and male roles. The program is meant to challenge the thoughts of those involved in the program, and empower them to challenge the thoughts of others. It seeks to educate men so they can be a resource for others in their communities.

Together with the Men's Outreach Coordinator, the men involved in this program examine the issues related to domestic and sexual violence, and are in an environment that allows them to ask questions and share perceptions related to these issues. Once the men are educated about these issues, they can take a stance to prevent domestic and sexual violence, and speak with others to share what they have learned through their participation in The Twelve Men Model. Though an important step, it is not enough to learn about these issues; men must take an active role in ending domestic and sexual violence. The Twelve Men Model encourages men to take an active role in creating a cultural and social shift that creates a community no longer tolerant of violence.

For more information about the Twelve Men Model Project, please send e-mail to gkilpatrick@verahouse.org.

Project EMERGE

Vera House

Project EMERGE is an inclusive system, in partnership with ARISE, to provide comprehensive services to people with disabilities and Deaf people who are survivors of domestic and sexual violence. This project, funded by the Office on Violence Against Women, strives to ensure access, equality, empowerment and safety through the efforts of knowledgeable providers. Project EMERGE has created some of the first videos in the United States to provide information on domestic and sexual violence accessible to everyone.

To watch these videos, please visit the Vera House [Are You Safe?](#) webpage.

For further information about Project EMERGE, please send e-mail to jshaw@verahouse.org.

The Women's Initiative Supporting Health – Transitions Clinic (WISH-TC) University of Rochester Medical Center

[The Women's Initiative Supporting Health – Transitions Clinic \(WISH-TC\)](#) is a service offered through the University of Rochester and Strong Memorial Hospital aimed at helping women recently released from Monroe County jail or a New York state prison access needed medical health services in a timely and confidential manner. In addition, WISH-TC patients in need of mental health services including counseling, psychiatric medications and chemical dependency treatment can be linked directly to these resources at Strong Memorial Hospital. This program partners with Alternatives for Battered Women and the approach is gender and trauma informed.

My Sisters' Place and Westchester County Department of Social Services Collaboration

Westchester County Child Protective Services (WCCPS) and My Sisters' Place (MSP) work together to provide services to families in which child maltreatment and domestic violence co-occur. Working in collaboration, these agencies take steps to increase safety for children and parents victimized by child maltreatment and domestic violence and support and empower the non-violent family members' efforts to be free from violence and to hold abusers accountable for their behavior. This collaboration embraces the notion that WCCPS and MSP have shared goals and priorities when serving families impacted by child maltreatment and domestic violence, and that supporting the safety of a parent victimized by domestic violence will also support the safety and well-being of her children.

WCCPS and MSP have established a strong and positive working relationship through which areas of disagreement and concern are brought to the table for productive discussion. Both agencies are committed to maintaining this respectful dialogue.

For more information on this program, or a copy of the Protocol utilized, contact My Sisters' Place at (914) 683-1333.

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