

# NEW YORK STATE OFFICE FOR THE PREVENTION OF DOMESTIC VIOLENCE

OPDV Bulletin/Summer-Fall 2012

## IN THIS ISSUE

From the Executive Director .....	Cover
The Dignity for All Students Act .....	Cover
SAVIN-NY: Order of Protection Notification Project .....	Cover
Health Care & Domestic Violence .....	Page 2
Q&A About the Dignity for All Students Act .....	Page 3
Immigration Remedies for Domestic Violence Victims .....	Page 4
Q&A About SAVIN-NY .....	Page 5
Legislative Update .....	Page 6
Police On-Line Training .....	Page 6
Address Confidentiality Program .....	Page 6



As you know, October is Domestic Violence Awareness Month and we really hope you joined our effort to turn New York State PURPLE. Check out the [photos](#) and [send in yours](#) to be included. More are being posted daily. If you haven't told us what you did, [please do](#). In November the complete list of participants will be posted on our [website](#).

## The Dignity for All Students Act

On September 13, 2010, the Dignity for All Students Act (Dignity Act) was signed into law in New York State. It took effect on July 1, 2012. The goal of the Dignity Act is to create a safe and supportive school climate where students can learn and focus, without fear. The Act states that no student shall be subjected to harassment or discrimination by employees or other students on school property or at a school function based on their actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex.

Domestic violence and teen dating violence advocates should be familiar with the new law and the resulting changes since incidents of dating abuse and sexual harassment among students could be included in that definition.

To learn more about the Dignity Act, see the Q&A on page 3.

## SAVIN-NY: Order of Protection Notification Project

Victim advocates and criminal justice personnel recognize the period of time immediately following service of an order of protection as a particularly crucial period for the victim. Abusers are often more violent during this period of separation. Providing timely notification that an order of protection has just been served can be very important information to a victim. The New York State Sheriffs' Association Institute, Inc., through the SAVIN program, was awarded funds to develop an Order of Protection Notification System.

For more information on SAVIN-NY, see the Q&A on page 5.

## From the Executive Director



It is my pleasure to write my first letter to you as the Acting Executive Director of OPDV! As some of you know, I have been with the Office for many years and I look forward to strengthening the partnerships I've made with many of you during my time here. I look forward to hearing from *all* of you about ways that OPDV can best support you in your work. I'd like to thank my predecessor, Amy Barasch, who resigned her position in September, for her exemplary leadership and tireless efforts on behalf of victims of domestic violence and their children in New York State.

This is a special combined issue of the Summer and Fall editions of the Bulletin, as we decided to hold off publication for a few important announcements. The Governor's domestic violence program bill was signed into law on October 25, 2012. As part of that legislation, OPDV will be initiating a Fatality Review in 2013. We also announced several exciting new projects. See the [press release](#) for details.

OPDV has also released the [NYS Annual Domestic Violence Report](#) and [New York State Domestic Violence Dashboard](#) for 2011. This is the fourth year we have published the Annual Report, a useful single resource about the broad, cross-agency work that has been done in the state on the issue of domestic violence. And this is the fifth year of the Dashboard, a compilation of data reflecting the incidence and prevalence of domestic violence in New York State.

We hope you find these reports, and all of our publications, useful. Let us know what topics you would like us to take on in the future, be it in the Bulletin or other publications.

All of us at OPDV wish you the very best for the upcoming holiday season. Thank you for the work you do all year.

*Gwen Wright*  
Acting Executive Director

## Health Care and Domestic Violence

**Sujata Warrior, PhD, NYS Office for the Prevention of Domestic Violence**

New York State, through the Department of Health and joining many national organizations for health professionals, has recommended routine screening of all women for domestic violence. Since 1994, OPDV has trained health care providers throughout the state. Early work focused on raising awareness and weaving domestic violence concerns within the larger framework of screening within health care.

In 2004, the United States Preventive Services Task Force (USPSTF) guidelines for all health care settings stated that there was not enough evidence to suggest that screening for domestic violence was either beneficial or harmful. Similarly, a recent randomized control study<sup>1</sup> has stated that computerized universal screening does not prevent future abuse or improved lives and recommended symptom or risk based screening. This led to some confusion among providers whether screening was necessary. In almost all health care encounters, screening women for intimate partner violence is challenging because of time limits, emotionality of the situation, the need for resources and provision of accurate information, and not knowing whether the intervention of screening furthered abuse or increased safety. While the jury may still be out on what works and does not work, universal screening as part of routine care within all health care settings, especially within maternal and child health, has remained the recommendation in New York State.

Since the 2004 guidelines were released, evidence has emerged in a number of studies that support the routine screening of women for domestic violence. These studies have forced USPSTF to review their guidelines. Additionally, as of August 1, 2011, DHHS Secretary Sebelius issued new guidelines for all health care settings under the Affordable Care Act to ensure that women and children receive preventive health care. One of the eight preventive services covered is that of domestic violence screening and counseling. These guidelines went into effect in August 2012 for both new and grandfathered plans.

The guidelines include an annual well-woman visit which is the ideal time to do a full screening of all risk factors, including violence. These guidelines were based upon the Institute of Medicine's (IOM) report: "Clinical Preventive Services for Women: Closing the Gaps". The recommendation made by IOM was: "Screening and counseling for interpersonal and domestic violence as preventive service for women: Screening and counseling involve elicitation of information from women and adolescents about current and past violence and abuse in a culturally sensitive and supportive manner to address current health concerns about safety and other current or future health problems."

The Affordable Care Act also included provisions to support America's Healthy Futures Act. This is a 5 year, \$1.5 billion initiative that will support maternal, infant and early childhood home visitation programs. Home visiting provides an unprecedented opportunity to intervene early among vulnerable families and prevent child abuse and domestic violence as well as improve both maternal and child health. Home visiting programs have been in existence for over 30 years and provide regular one on one or team visits that help families access resources and information. The program normally targets families with many risk factors and recognize that supporting these families can lead to better outcomes in a number of different areas. The integration of domestic violence assessment, education, and access to community based resources and engaging fathers in a safe manner while still holding them accountable are key to breaking intergenerational cycles of violence.

Much of the national recommendations arise out of emerging data that highlight the devastating health effects of intimate partner violence. The recent Centers for Disease Control (CDC) National Intimate Partner and Sexual Violence Survey found that victims who experience high rates of severe intimate partner violence, rape, and stalking report long term chronic disease and other health impacts such as Post Traumatic Stress Disorder (PTSD). The survey revealed that both women and men who experience any of these forms of violence report frequent headaches, chronic pain, difficulty with sleep, activity limitations, poor physical health and poor mental health as compared to those men and women who did not experience these forms of violence.<sup>2</sup>

The health care costs of domestic violence, rape, and stalking are also staggering. Nationally, the estimated cost of violence against women 18 and older within the first twelve months of victimization ranges from \$2.3 to \$7 billion.<sup>3</sup>

Given the information we have, it makes good health care sense for a provider to screen and the newer evidence supports the intervention. One such randomized control study found that when assessment is coupled with education, referrals, and harm reduction, then violence can be reduced and the health status can be improved.<sup>4</sup>

By screening in a sensitive manner, offering support, referrals, harm reduction and positive messages, health care providers can improve the health of victims.

1 Klevens, J. 2012. Computer Based Screening Program for Partner Violence does not Result in Significant Improvement of Quality of Life, Reduction in Partner Violence. JAMA. August 14, 2012.

2 Centers for Disease Control and Prevention. 2010: National Intimate Partner and Sexual Violence Survey. Available at [http://www.cdc.gov/ViolencePrevention/pdf/NISVS\\_Report2010-a.pdf](http://www.cdc.gov/ViolencePrevention/pdf/NISVS_Report2010-a.pdf) pp.61-62

3 Brown, D.S. et.al. 2008. Methods for Estimating Medical Expenditures Attributable to Intimate Partner Violence. Journal of Interpersonal Violence, 23(12):1747-66

4 Tiwari, A. et.al. 2005. A randomized control trial of empowerment training for Chinese pregnant women in Hong Kong. BJOG: an International Journal of Obstetrics and Gynecology, 1-10.

## Q&A About the Dignity for All Students Act



*This Q&A was conducted with Laura Sahr, Dignity Act Coordinator, NYS Education Department*

### **Q: What is the Dignity for All Students Act (Dignity Act)?**

**A:** The Dignity Act was signed into law on September 13, 2010 and took effect on July 1, 2012. 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, genders, and sexes. The Dignity Act further amended Section 2801 of the Education Law requiring Boards of Education to include language addressing the Dignity Act in their codes of conduct.

### **Q: Why is the Dignity Act necessary?**

**A:** The Dignity Act is necessary to address the findings of the State Legislature in relation to students' ability to learn and to meet high academic standards, as well as a school's ability to educate its students when students are subjected to incidents of discrimination or harassment including bullying, taunting and/or intimidation. Therefore, the Legislature declared it to be the policy of New York State that all students in pub-

lic schools are entitled to learn in an environment that is free of discrimination and harassment.

### **Q: What is the NYS Education Department's role in implementation of the Dignity Act?**

**A:** The Commissioner of the New York State Education Department is responsible for promulgating regulations, developing guidance, and model policies to assist public schools as they work to implement the Dignity Act. The State Education Department is also responsible for creating a procedure under which material incidents of harassment and discrimination on school grounds or at a school function are reported to the Department on at least an annual basis.

To guide the implementation process, a task force of key stakeholder groups in the education community, advocates, and Department staff has been created. The Dignity Act Task Force consists of State agencies and offices, educational associations, not-for-profit organizations, and educational institutions.

### **Q: What are schools required to do to implement the Dignity Act?**

**A:** Local Boards of Education are directed to create a policy intended to create a school environment that is free from discrimination and harassment; guidelines to be used in school training programs to discourage the development of discrimination and harassment in order to (1) raise the awareness and sensitivity of school employees to potential acts of harassment or discrimination and (2) enable employees to prevent and respond to discrimination or harassment. Policy development resources are available on the Dignity Act website: <http://www.p12.nysed.gov/dignityact/resources.html>

Boards of Education must also designate at least one staff member in every school as a Dignity Act Coor-

dinator who is trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, and sex.

### **Q: Would teen dating abuse be covered by the Dignity Act?**

**A:** Since the Dignity Act requires schools to create an environment free of harassment or discrimination, some acts of dating abuse could be covered if they interfere with the learning ability and safety needs of a student, or rise to the level of harassment.

### **Q: What resources are available to schools, students and parents?**

**A:** Schools, students, and parents can access resources via the Education Department's Dignity Act website at: [www.p12.nysed.gov/dignityact](http://www.p12.nysed.gov/dignityact). Resources include an informational brochure, fact sheet, lesson plan template, implementation self-assessment tool, guidance on bullying and cyberbullying prevention, and more. A Dignity Act Facebook page is also available at: [www.facebook.com/dignityact](http://www.facebook.com/dignityact).

The Dignity Act Coordinator in each school will serve as a local resource for colleagues, students, and parents.



## Immigration Remedies for Domestic Violence Victims

*Dishpaul S. Dhuga, J.D., NYS Office for the Prevention of Domestic Violence*

The immigration laws of the United States are extremely complex and difficult to navigate for anybody. For an immigrant who is also a domestic violence victim, the obstacles become increasingly challenging. Fortunately, there are protections in the law for immigrant victims of domestic violence, if they meet certain criteria. This article will introduce you to some of the immigration remedies available to battered immigrants in the U.S. These immigration remedies take the power and control of the petitioning process away from the abuser so that the victim can adjust to legal status on their own. This allows the petitioner to receive public assistance, legal authorization to work, and eventually legal status. It is extremely important that these applications are filed with the assistance of an experienced immigration attorney and a domestic violence advocate.

\*\*\*

### **The VAWA Self-Petition**

Under VAWA (Violence Against Women's Act), an abused immigrant who is married to either a United States Citizen (USC) or Legal Permanent Resident (LPR), can petition to adjust his or her status and get a green card by showing evidence of good faith marriage that has turned abusive. The petitioner also needs to show evidence of joint residence and good moral character. The immigrant victim must be currently married to the abuser and have been married for over two years. If the duration of the marriage is less than two years, a different remedy is available through the Battered Spouse Waiver (see below). If the victim and abuser are divorced, the petitioner must file within two years of the divorce. Children who are under 21 can be included on the victim's application as a "derivative" whether they experienced abuse in any manner or not.

### **The Battered Spouse Waiver**

If the duration of the marriage between the immigrant victim and the batterer is less than two years, the victim already possesses a conditional green card so must file a Petition to Remove the Conditions of Residence application using the Battered Spouse Waiver. Under this application, the petitioner must prove that he or she married the spouse in good faith, but that they were a victim of domestic violence during the marriage. If the applicant is successful, the condition will be lifted and they will be issued a permanent green card.

### **The Crime Victims Visa (The U Visa)**

In 2000, Congress enacted the Victims of Trafficking and Violence Prevention Act which created the U visa classification, offering protection and temporary immigration benefits to victims of crimes who experience substantial physical or mental abuse if they help law enforcement to investigate and prosecute criminal activity. *INA §101(a)(15)(U)* One of the crimes listed under the law is domestic violence. The U visa is more inclusive for battered immigrants compared to the previously noted immigration remedies. Under the Self-Petition & Battered Spouse Waiver remedies, only a heterosexual victim who is married and abused by their U.S. citizen or legal permanent resident spouse can benefit from the immigration remedy due to the Federal Defense of Marriage Act (DOMA). Since there is no marriage or status requirement under the U visa, this immigration remedy becomes extremely valuable to victims of domestic violence who fall out of the more restrictive requirements of the Self-Petition & Battered Spouse Waiver, including those in non-marriage cases, in same-sex relationships, and those not abused by a U.S. citizen or lawful permanent resident.

### **The Trafficking Visa (T Visa)**

The T visa allows victims of severe forms of trafficking in persons to remain in the United States and assist federal authorities in the investigation and prosecution of human trafficking cases. *INA §101(a)(15)(T)*. The Victims of Trafficking and Violence Prevention Act of 2000 was created to provide protection for victims of human trafficking. In 2002, the Department of Justice began issuing T visas to some trafficking victims to prevent them from being deported as illegal immigrants. Securing a T visa for a trafficking victim is no easy task. The trafficking victim must assist federal authorities in the investigation and prosecution of human trafficking cases in order to get the benefits of the visa. Many victims are traumatized already from being trafficked; confronting the perpetrators can exacerbate this victimization, however, since 2005 some of these victims may be able to obtain a waiver from the cooperation requirement. Most of the time, the trafficked victim has not even seen the actual trafficker, especially when highly organized and multi-faceted trafficking rings are involved. On June 6, 2007, new legislation to prevent human trafficking was signed into law in New York State. This law went into effect on November 1, 2007 and strengthens the penalties against traffickers and provides assistance to trafficking victims in New York State. Chapter 74 of the laws of 2007.

\*\*\*

The immigration remedies above are extremely vital for an immigrant victim of domestic violence. Without them, the abuser can totally control the victim's existence in the U.S. The availability of these remedies along with working with an experienced advocate and attorney allows domestic violence victims to gain the autonomy they need to start their new life in a new country.

## Q&A About SAVIN-NY: Order of Protection Notification Project



*This Q&A was conducted with Daniel M. Foro, Senior Advisor, New York State Sheriffs' Association Institute, Inc.*

### **Q: What is SAVIN?**

**A:** SAVIN is an acronym for State-wide Automated Victim Information and Notification. The U.S. Department of Justice, through the Bureau of Justice Assistance (BJA), implemented the SAVIN program to assist states in building, implementing, and improving victim notification strategies and systems throughout the United States.

In New York State, the Sheriffs' Institute was awarded funding through this program<sup>1</sup> and partnered with NY-Alert, NYS, OPDV, NYS Association of Chiefs of Police, NYS Unified Court System, Office of Victim Services, Westchester County Office for Women, and the NYS Coalition Against Domestic Violence to develop and deploy its Family Court Order of Protection Notification System. The system enables a victim, who has been granted a Family Court order of protection, the option to register through NY-Alert ([www.nyalert.gov](http://www.nyalert.gov)) to receive notifications when the order of protection has been served. The victim can also identify additional parties to be notified when the order of protection is served, such as: an advocate, attorney, friend, or family member. Of course, the decision to register for the notification service is the victim's choice. The notification may enable the victim to implement an established personal safety plan

<sup>1</sup> Grant No.2011-VN-CX-0012 awarded by the Bureau of Justice Assistance funds SAVIN-NY, New York State's SAVIN program.

for themselves and any impacted children or other family members.

### **Q: How does someone sign up for the system?**

**A:** A victim can sign up by going to [www.nyalert.gov](http://www.nyalert.gov) and clicking on the Orders of Protection box found on the left side of the screen. Detailed registration instructions, Frequently asked Questions (FAQs), and other relevant information can also be found at [www.savin-ny.org](http://www.savin-ny.org).

### **Q: What information does a victim need in order to be able to sign up?**

**A:** To be eligible for Order of Protection Notification of Service, the order must be:

1. Issued by a NYS Family Court and
2. Entered on the NYS Order of Protection Registry.

The following information is required to register:

- A valid e-mail address;
- The name of the court that issued the order of protection;
- The court docket number from the order of protection; and
- The order of protection number.

### **Q: What triggers a notification and what kinds of notifications do victims receive?**

**A:** There are two events during the order of protection process that trigger a message to be sent to a registered victim:

1. When law enforcement, after serving the order of protection, submits the name of the serving agency as well as the date and time of service on the Order of Protection Service Screen on the eJusticeNY - Integrated Justice Portal<sup>2</sup>; and,
2. When the court records the

<sup>2</sup> eJusticeNY - Integrated Justice Portal is New York State's secure computer portal used by law enforcement agencies in New York State to share criminal justice information.

order of protection as being served on the court system.

A registered victim can receive notification by any combination of the following options: text message, fax, e-mail, automated phone call, or web query. There is even a free iPhone/iPod App available (iAlertz) that, among other things, will receive the Order of Protection Notifications.

### **Q: What is the status of the program and where is it available?**

**A:** The New York State Police and NY-Alert completed technical development of the Order of Protection Notification System in May 2012. The pilot phase of this project was released during the summer of 2012 to sixteen counties: Albany, Cayuga, Livingston, Monroe, Nassau, Ontario, Niagara, Rockland, Schenectady, Seneca, Steuben, Suffolk, Tioga, Wayne, Yates, and Westchester. We are currently in the second phase of this project which will include expansion of this service to Family Courts in New York City and eventually to criminal courts throughout New York State over the next eighteen months. In the meantime, the NYS Sheriffs' Institute continues to add additional counties to the program as well as ongoing outreach across the state with victim advocacy groups, the courts, and law enforcement to increase awareness of this valuable service.

For additional information, please visit [www.savin-ny.org](http://www.savin-ny.org) or email [info@savin-ny.org](mailto:info@savin-ny.org).

*This project is supported by Grant No. 2011-VN-CX-0012 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, and the Office for Victims of Crime. Points of view or opinions in this document are those of the author and do not represent the official position or policies of the United States Department of Justice.*

## Legislative Update

Governor Cuomo signed into law the Domestic Violence Omnibus Bill which enacted significant changes that will provide greater safeguards for victims and increase accountability for offenders. The new law, Chapter 491, created new crimes, including "aggravated family offense," which will increase to an E felony certain misdemeanor-level offenses when there is a previous misdemeanor or felony conviction against a family or household member. The law also established a state-level domestic violence fatality review

team within OPDV to bring together state and local domestic violence-related professionals to do in-depth reviews of select intimate partner homicides; amended insurance law to allow victims of domestic violence to have their insurance claims, forms, or billing correspondence for medical and mental health services sent to a confidential address; and provided protections in domestic violence homicides by preventing individuals charged with causing the death of a victim, or who were the subject of an order protecting the deceased, from being able to exercise control

over disposition of the victim's remains.

In addition to the Omnibus Bill, several other bills addressing domestic violence, sexual assault and victim-related issues were signed into law during the 2012 legislative session, including expansion of DNA Testing and the databank, extending reimbursement for longer shelter stays, expanded HIV post-exposure prevention treatment in sexual assault cases, student cyberbullying prevention and counseling for relatives of homicide victims. For additional information on these laws, see [http://www.opdv.ny.gov/law/summ\\_year/sum12.html](http://www.opdv.ny.gov/law/summ_year/sum12.html)

## Police On-Line Training Is Now Available!

On-line domestic violence training for law enforcement is now available via eJustice NY, New York State's single point of access for computerized criminal justice information for law enforcement personnel. Qualified police agencies can access information about the training through **eJustice > Law Enforcement Services Overview > Training > Domestic Violence.**



This highly interactive, multimedia, web-based training consists of four distinct modules made specifically for New York law enforcement. All training segments feature compelling videos of police officers' responses; realistic audio narrations of suspects, victims, and witnesses; rich graphic imagery; and interactive learning activities.

The four panels above depict the individual titles and entry screen panels for the modules. Officers complete "Reporting for Duty" first for introductory notes and a general review of police response to domestic incidents. The three training modules allow officers to examine some of the unique concerns related to incidents involving rural locations, teen dating violence, and elder abuse by a family member.

Each training module begins with a brief video of initial police response. The participating officer then conducts an investigation that includes determining past incidents, collecting evidence, conducting interviews, applying NYS mandatory arrest and primary physical aggressor provisions, and identifying possible criminal charges, all while assessing officer safety. Although the panels are numbered 1, 2, and 3, officers can complete the modules in any order they choose.

This resource allows agencies to provide officers with domestic violence training in a convenient, efficient, and cost effective manner without incurring costs for classroom training and travel. This also serves as an opportunity for officers to have ongoing access to materials and information for refresher purposes.

## Address Confidentiality Program



The New York Department of State has launched the Address Confidentiality Program (ACP) for domestic violence victims. Eligible victims can now submit an application to the ACP to be assigned a substitute address/post office box that can be used to receive first class, registered and certified

mail, including service of court documents. The program will forward all mail received at the ACP post office box to the victim's new residence. To be eligible, applicants must affirm that they are a victim of domestic violence, have left their residence because of the violence and fear for their or their children's safety. Other people living in the same household with the victim (for example, children, parents or siblings) may also be eligible to participate.

This substitute address will be accepted by all state and local government agencies (court petitions, drivers' licenses, vehicle registrations, traffic tickets, unemployment insurance, school records, library

cards, applications for services such as public assistance or Medicaid, etc.). The substitute address may be accepted by non-government organizations, private businesses and companies (department stores, banks, insurance companies, utility companies, etc.).

Domestic violence victims who enroll in the program receive an identification card to verify ACP participation. Participants are enrolled for four years, but an individual may reapply if an extension is needed. For more information about the ACP and how to apply for a substitute address, please visit the ACP website at [www.dos.ny.gov/acp](http://www.dos.ny.gov/acp) or call 1-888-350-4596 (toll free).

**NYS Office for the Prevention of Domestic Violence** [www.opdv.ny.gov](http://www.opdv.ny.gov)

Please send any comments or content ideas to: [opdvbulletin@opdv.ny.gov](mailto:opdvbulletin@opdv.ny.gov)

If you would like to subscribe to the OPDV Bulletin, visit [www.opdv.ny.gov/public\\_awareness/bulletins/subscribe.html](http://www.opdv.ny.gov/public_awareness/bulletins/subscribe.html)

Articles by outside authors are invited, but publication does not indicate endorsement of the opinions contained therein.

Permission to copy, use, and distribute content from The OPDV Bulletin is granted for personal, private, and educational purposes, except that reproducing materials for profit or any commercial use is strictly forbidden without specific permission from OPDV. Any reproduction or distribution of this material must expressly credit OPDV in a prominent manner, such as, "From the NYS Office for the Prevention of Domestic Violence, OPDV Bulletin, Summer-Fall 2012". This statement does not pertain to material from other sources.