

# NEW YORK STATE OFFICE FOR THE PREVENTION OF DOMESTIC VIOLENCE

OPDV Bulletin/Winter 2013

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For more information on stalking, visit [www.opdv.ny.gov/professionals/criminal\\_justice/stalking.html](http://www.opdv.ny.gov/professionals/criminal_justice/stalking.html)



For more information on Teen Dating Violence, visit [respectlove.opdv.ny.gov](http://respectlove.opdv.ny.gov)

## Economic Abuse & Domestic Violence

Many victims of domestic violence are subjected to economic abuse in their relationship. Economic abuse takes various forms, such as controlling all the money in the relationship, identity theft, accumulating debt in the victim's name, and keeping the victim from gaining or keeping employment.

Economic abuse is but one tactic that abusers might use, usually in conjunction with many others, to abuse their partner. Withholding money and doling out an allowance can be an integral aspect of the overall power and control exercised by an abuser. One consequence of this tactic of abuse is that it threatens one of the most important things that a victim needs to escape abuse: financial independence and self-sufficiency.

To learn more about economic abuse in the context of domestic violence, see the Q&A on page 3.

## Did you know...

In 2011, 25% of the over 28,000 releasees on parole were identified as having a history of domestic violence. (NYS Department of Corrections and Community Supervision [formerly NYS Division of Parole])

This statistic is taken from the 2011 New York State Domestic Violence Dashboard, available on our website at: <http://www.opdv.ny.gov/statistics/nydata/index.html>

## From the Executive Director



Happy New Year. We at OPDV wish you a peaceful yet productive 2013!

This Bulletin spans two important awareness events: January is Stalking Awareness Month and February is Teen Dating Violence Awareness and Prevention Month. We invite you to access the [stalking information](#) on the OPDV website as well as our youth-focused dating abuse and healthy relationships website, [Respect Love, Love Respect](#), to find information you can use in your awareness raising activities. It is fitting that these two awareness events come back-to-back. We know that stalking is often a tactic used in dating abuse, and “cyberstalking”, or stalking through the use of technology, is so prevalent among young people. We discussed this issue in the combined 2012 Summer/Fall Bulletin Q&A on the Dignity for All Students Act, which has been amended to specifically cover “cyberbullying” as a form of harassment, reinforcing New York State’s commitment to identifying abuse in all forms.

This issue of the OPDV Bulletin offers discussion and information about two important topics. Our Q&A deals with economic abuse and its impact on victims of domestic violence. The featured article is written by David Mandel and focuses on enhancing child welfare practice in cases that involve domestic violence. We hope that you find these writings useful.

Again, all the best for a very happy 2013. We look forward to our continued partnership with you all to end domestic violence in New York State.

*Gwen Wright*  
Acting Executive Director

## Enhancing Child Welfare Domestic Violence Practice

David Mandel, MA, LPC; David Mandel & Associates LLC

For the past 16 years I have worked with child welfare and related systems to improve their response to families being impacted by domestic violence perpetrator behavior. During that time, I have seen significant and important shifts in practice, training, and policy. More attention has been placed on domestic violence as a child safety and well being issue. There is more focus on holding the perpetrators accountable and less on finding the victim responsible for the perpetrator's actions. Despite these significant advances, systems change has not reached the level that would allow survivors to see the child welfare system as a consistent and meaningful support.

Child welfare and domestic violence survivors are, in many ways, natural allies. In my experience, both survivors and child welfare workers indicate that their top priorities include the cessation of the abuse and good outcomes for the children. In order to unlock the potential positive partnership and outcomes latent in this shared interest, child welfare can incorporate certain approaches to domestic violence perpetrators into all aspects of its organization. It's this shift in the approach to perpetrators that holds the key to achieving the promise of greater assistance from child welfare for domestic violence survivors and their children.

The following are two steps critical to making this change:

- **Child welfare can adopt a more holistic, comprehensive understanding of perpetrator's behaviors and its impact on the family.** When professionals working with families shift their understanding of domestic violence perpetrators from persons who are exclusively assaultive to another adult (with children as witnesses) to someone who engages in a broad pattern of behavior that directly or indirectly targets the adult and child victims in the family, it can more aptly hold perpetrators accountable while addressing the needs of the family. Many of the conversations about perpetrator's impact on children begin and end with a focus on whether the children were physically harmed, in the "zone of danger," or saw or heard an incident of physical violence directed at the perpetrator's partner. This lens captures an important, but very narrow, aspect of how perpetrators directly and indirectly harm their children.

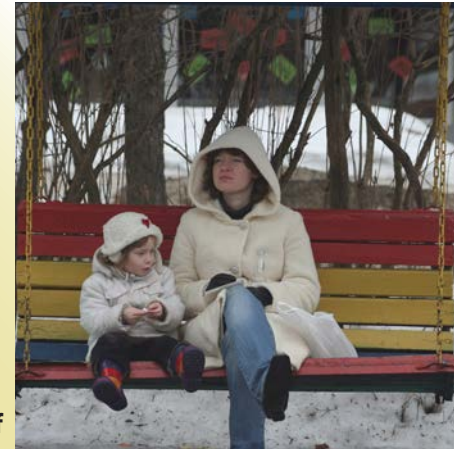
Using the example of a perpetrator who assaults his<sup>1</sup> partner in the presence of their school age children (then gets arrested), we can see other aspects of his choices that would impact his children. For instance, during conversations with his children after an arrest, he might blame his partner for being arrested and out of the home. He also might not continue to provide financial support for his own children's basic needs (food, clothing, shelter, medical care) as long as he's not living in the home. These actions are common decisions that are part of a pattern of coercive control and damaging parenting choices and are often ignored in the assessment of the perpetrator's impact on his children. When child welfare does not identify and address these behaviors, the perpetrator is given "permission" to use his children as a powerful weapon against his partner. Without this wider framework, child welfare professionals may become angry and blame the victim. They may not recognize her recantation or ongoing contact with the perpetrator as the result of his coercion involving the children (e.g. emotional pressure from her children) or her concerns for the children's well being resulting from the loss of housing or other financial support. A resulting negative reaction from child welfare can move that system away from a potential constructive partnership with the survivor around the safety and well being of her children.

- **Child welfare practice can focus on the perpetrator as 100% responsible for his choice to be abusive and its impact on the family.** The key here is that child welfare *practice* should reflect this approach. This means that communication with the survivor should include the explicit message that child welfare sees the perpetrator's actions and their impact on the family as 100% his responsibility. The same message would, of course, be conveyed to the perpetrator. And this message would be explicitly or implicitly reflected in all communication, documentation and case planning. This means documentation would clearly describe the actions taken by the perpetrator to harm the children and neglect petitions related to domestic violence would, first and foremost, tell the story of how the perpetrator's behaviors have harmed the children. Language like the "couple engages in domestic violence" or "the couple has a history of domestic violence" would be eliminated from the child welfare lexicon. So would case plan steps for survivors that expected her to control her partner's choice to be violent or abusive. These and other practice steps can have a profound positive impact on the direction and outcome of a case.

Child welfare has come a long way in its response to domestic violence and continues to move in the right direction. The current systemic interest in improving practice with fathers and the implementation of family assessment offers opportunities to embed these and related approaches to domestic violence into the DNA of child welfare.

To read more about advancing child welfare practice in domestic violence cases go to <http://safe-and-together.endingviolence.com/blog/>.

<sup>1</sup> The language in this article reflects that male perpetrators and female survivors are the most common situation that child welfare will encounter and the history of differing expectations of mothers and fathers embedded in our social service systems. Domestic violence may also occur in same sex relationships and sometimes can involve female perpetrators and male survivors.



## Q&A About Economic Abuse and Domestic Violence

This Q&A was conducted with Dora Galacatos, Executive Director of Fordham Law School's Feerick Center for Social Justice and Matt Schedler, Senior Staff Attorney CAMBA Legal Services.

### **Q: What is economic abuse and what are the various forms that domestic violence victims experience?**

**A:** A [recent report](#) used a federal definition: "making or attempting to make an individual financially dependent by maintaining total control over financial resources, withholding one's access to money, or forbidding one's attendance at school or employment." This definition is somewhat narrow and should include economic abuse through consumer credit, as Angela Littwin argues in her seminal article, [Coerced Debt](#). Economic abuse can take many forms, including:

- Amassing debt in the survivor's name and ruining their credit
- Accessing credit reports illegally
- Mortgage and tax fraud
- Controlling household finances, by tracking spending to the penny, doling out an "allowance," and denying access to bank accounts
- Stealing money (including wages and benefits)
- Preventing a survivor from gaining financial literacy or workforce training
- Sabotaging school or employment
- Selling a survivor's personal identifying information

### **Q: What are the consequences of economic abuse?**

**A:** Economic abuse can have long-lasting psychological and economic consequences:

- Preventing a survivor from getting education or employment reinforces economic dependence and makes it difficult to establish economic self-sufficiency.
- Lack of access to household finances prevents some survivors from gaining essential

skills important for economic self-sufficiency. Survivors may be susceptible to scams and financial products that prey on economically distressed and unsophisticated consumers, such as payday loans and debt relief companies.

- Survivors who experience economic abuse through consumer credit may end up with considerable debt and ruined credit. Poor credit prevents consumers from securing housing and employment. Domestic violence advocates report that damaged credit often prevents survivors from renting apartments, particularly in areas with low vacancy rates.
- Economic abuse and debt collection can compound the physical, psychosocial and mental harm already suffered by survivors.

### **A typical example of this sort of economic abuse is illustrated below:**

*Ms. A is a victim of economic abuse. She is in her early sixties, Spanish-speaking and works as a hospital aide. Ms. A always paid her rent on time and had lived in her apartment for seventeen years. Ms. A's abuser lived with her but they were not married. The abuser did not work, was emotionally abusive, and he had taken over all of the household finances – claiming to be paying all of the bills. One day, Ms. A arrived home to find out that she was being evicted. She discovered that the abuser had been stealing her income and amassed over \$10,000 in rental arrears and \$6,000 in utility arrears. The abuser had also kept all bills and housing court notices from Ms. A. Ms. A had to borrow money from friends and relatives, but was eventually able to pay her rental arrears. After she was able prevent eviction, Ms. A thought her financial trouble was past her. Unfortunately, Ms. A later discovered that the abuser had also stolen her identity, opening at least one credit card account in her name. After this discovery, Ms. A began experiencing extensive debt collection. Frustrated and scared, she decided to file for bankruptcy, notwithstanding the long-term impact on her credit. In addition, Ms. A exhibits symptoms associated with PTSD.*

### **Q: What protective measures can a victim take?**

**A:** Any steps taken to address economic abuse should first be evaluated from the standpoint of safety in consultation with a trained counselor. Depending on the individual survivor's safety risks, potential steps include: placing a "fraud alert" or security freeze on credit reports; changing PINS and passwords on accounts (but note that abusers can retrieve information through spyware); monitoring credit reports; calling creditors of joint accounts to stop being liable for new charges (the survivor remains liable for prior charges); and establishing separate bank accounts. In extreme cases, a survivor might consider applying for a new social security number; this step, however, may have complicated repercussions and should be evaluated carefully.

### **Q: What resources are available for victims and service providers?**

**A:** There is a growing recognition that economic abuse can play an integral part of domestic violence. The Feerick Center's DV Civil Legal Advice and Resource Office (CLARO) Pilot Project is seeking to enhance and expand consumer debt assistance to survivors. The Financial Clinic has been a leader in developing tools for and delivering training to domestic violence service providers to address the needs of survivors' financial lives. The Task Force on Domestic Violence and Economic Justice (DVEJ) has provided critical leadership and coordination in New York City on economic abuse and related issues as has the D.C.-based Center for Survivor Agency and Justice on a national basis.

For other information and resources, visit [Consumer Rights for Domestic Violence Survivor Initiatives](#).

## Legislative Update

### White House Establishes Domestic Violence Workplace Guidance for Federal Agencies

On April 18, 2012, President Obama issued a memorandum directing all federal agencies and departments to establish policies to assist federal employees who are victims of domestic violence. The President hoped to establish the federal government as a model for all employers - to respond to the effects of domestic violence on the workforce, and provide a safe workplace and support for victims.

The Office of Personnel Management

(OPM) worked with agency heads and a broad-based working group of domestic violence advocates, including representatives from several states, and with participation from OPDV, to develop a guidance that includes critical issues related to the impact of domestic violence, sexual assault, and stalking (DVSAS) in the workplace. Issues covered include: workplace flexibilities that can be employed to support a victim of DVSAS, EAP support services, building safety and security considerations, workplace options that should be considered when a potential perpetrator is in the workplace, disciplinary actions and legal considerations, as well as awareness

considerations and training possibilities for staff. The guidance also includes available resources for additional information and support.

Federal agencies are urged to respond to this guidance by revising existing agency-specific DVSAS policies or developing a new policy, in accordance with the guidance. Agencies must submit revised or new policies to OPM for review by April 18, 2013. The OPM guidance is due out in January and will be posted on the OPM website at <http://www.opm.gov/>.

## NYS Domestic Violence Fatality Review Team

The Omnibus Bill signed by Governor Andrew M. Cuomo on October 25, 2012 established the NYS Domestic Violence Fatality Review Team to be run out of the NYS Office for the Prevention of Domestic Violence. This provision of the legislation goes into effect on April 23, 2013.

Domestic violence fatality review involves the close examination of domestic violence related deaths by a multi-disciplinary team which includes reviewing case records, interviewing responders, friends and family of the parties involved in the case, and creating a timeline of events. The goal of fatality review is not to find fault or blame any individual or agency, but to look at ways to improve our system response as a whole with an eye toward preventing similar outcomes in the future.

The NYS team is made up of state agency representatives as well as local systems professionals. It is anticipated that the team will conduct two intensive reviews a year. Reviews will take place in the communities where the homicide occurred to allow the team to work with the local responders who were involved in the case. This is important to help the team understand the local dynamics that may have had an effect on the case.

According to the legislation, communities can refer cases to the fatality review team for possible review. Cases must be closed and/or not under investigation (i.e., murder/suicide cases). If you are interested in referring a case to the team, or for more information on the NYS Fatality Review Team, please visit the OPDV website at: <http://www.opdv.ny.gov/professionals/fatalrev/index.html>

### PURPLE NEW YORK 2012

This year's "Shine the Light on Domestic Violence" campaign was bigger and better than ever! This was the fifth year of the campaign to turn the State purple during October, Domestic Violence Awareness Month. Niagara Falls, Times Square, city halls and county court houses turned purple. Some creative ideas included purple pumpkins carved with domestic violence messages, a human purple ribbon, and a purple scavenger hunt. You can see a list of all participants, sortable by name or county, on our [website](#). And dozens of photos can be seen on [Facebook](#). If your agency participated but isn't listed, [let us know](#).

OPDV works to provide online resources for participants. This year's new items included wallet cards, talking points and activities for book clubs. Are there any resources you would like to see us develop? Please let us know at [opdvpurple@opdv.ny.gov](mailto:opdvpurple@opdv.ny.gov).

"Shine the Light" recognizes that a coordinated voice is a strong voice, magnifying individual efforts with the power of collaboration. To those who have been turning New York State purple for the past five years, thank you. And to the newcomers, welcome and thank you! We look forward to seeing you again in 2013!



## Executive Order 26: Language Access

On October 6, 2011, Governor Cuomo responded to the need for statewide language access by signing Executive Order 26, "Language Access Rights and Communication Needs." Designed to assist individuals with a limited ability to read, speak, write and/or understand English, and/or whose primary language is not English, the Order directs New York State agencies to:

1. translate vital documents<sup>1</sup> into the six most common non-English languages<sup>2</sup>

<sup>1</sup> Examples: program/benefit publications, applications, consent & complaint forms, notices of rights and disciplinary actions.

<sup>2</sup> Spanish, traditional Chinese, Russian, Haitian-Creole, Korean, Italian

spoken by individuals with limited-English proficiency in New York State;

2. provide interpreting services for individuals in their primary language with respect to the provision of services or benefits;
3. publish a language access plan reflecting how the agency will comply with the Order.

Given that 18,241,464 New Yorkers currently have limited-English proficiency, language barriers pose a significant threat to the health, safety, and economic prosperity of millions statewide. Executive Order 26 will increase access to State programs and services that can be both life-enhancing and, in many cases, lifesaving.

In an effort to ensure that language access services are implemented in a consistent, cost-effective manner, the Order requires that each Executive level agency identify a coordinator to monitor compliance, with oversight and support from the Deputy Secretary for Civil Rights. In addition, the Order, which took effect on October 5, 2012, requires all agencies to update their plans every two years.

For more information about Language Access, visit Department of Labor's website: <http://labor.ny.gov/immigrants/language-access.shtm>

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

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