

**A REVIEW OF SERVICES AND PROGRAMS AVAILABLE  
TO RAPE AND SEX OFFENSE VICTIMS IN  
NEW YORK STATE**

**September, 1989**

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## LEGISLATIVE MANDATE

In the Report of the Fiscal Committees on the Executive Budget: Fiscal Year 1989-90 the New York State Crime Victims Board (CVB) was "... directed to provide a detailed report to the Legislative Committees on Finance, Ways and Means, Codes, Crime and Correction and Corrections by September 1, 1989 on the availability of treatment, counseling and other types of services and programs which are provided to victims of rape and other sexual offenses".<sup>1</sup>

## SCOPE OF REPORT

Given the general nature of the CVB's mandate, this report describes the availability of services and assistance to rape and sexual offense victims in New York State by providing a coordinated perspective of activity at the State and local level. In order to accomplish this goal, the report is formatted into two parts including an addendum. Part I provides a general overview of:

- the agency's mission;
- workload and expenditure data;
- statutory eligibility and award criteria pertaining to all crime victims; and
- specific statutory eligibility and award criteria pertaining to sex offense victims (both adults and children) and their family members.

Part I also contains a data presentation and discussion regarding the CVB's rape and sexual abuse claimants. The information contained within this section is based upon a sample of 492 out of a total of 862 claims accepted (or 57%) for compensation claims processing by the CVB from rape and sex offense victims during State fiscal year 1987-88.

Part II of this report discusses the three State agencies-- Crime Victims Board, Department of Health and the Department of Social Services--which are currently the primary grantmakers for local assistance programs that offer services to these specific victim populations. Information pertaining to these three agencies is concentrated in the following areas:

- statutory grantmaking authority and guidelines including basic service delivery expectations;
- the number and type of programs funded by each agency;
- State and Federal funds appropriated and allocated in FY'87-88 for the purpose of providing local victim assistance grants; and
- program listings by funding agency and geographic service delivery area.

The addendum to this report contains the CVB's recently released Resource Manual for Crime Victims Assistance. The Resource Manual, authored by the CVB and published with financial assistance from the Martin Luther King, Jr. Institute for Non-Violence, contains over 600 entries of local, county-by-county, community based programs which offer assistance to crime

victims. In addition to these community-based listings, the Resource Manual contains nationwide and Statewide toll-free hotlines as well as the addresses and phone numbers of pertinent state agencies that can provide specific information and referral to crime victims and their family members. Over 2,500 copies of the manual have already been distributed, free of charge, to various parties including: State and local criminal justice and law enforcement agencies, victim service providers, local Offices for the Aging, hospitals, schools and other organizations (both public and private) that are likely to have contact with crime victims who are in need of services and assistance.

There are two service and treatment areas which were identified as falling outside the scope of this report and thus will not be discussed in any detail. The first area excluded is the array of services provided to children and their family members through Child Protective Service Units (CPS). Although county Department of Social Service Child Protective Service Units render essential forms of assistance to neglected and abused children, its orientation is of a social service rather than criminal justice nature. (Despite the fact that services provided by these Units reach far beyond the realm of victim treatment issues, each county Child Protective Service Unit is listed in the CVB's Resource Manual so that appropriate referrals can be made.)

Second, no detailed discussion of the availability of or treatment provided by private therapists will be found in this

report. This omission is due to the lack of any formalized (1) certification procedure for private therapists who either conduct or specialize in crime victim specific counseling and (2) assessment procedures from which scientific evaluations of treatment modalities could be conducted. It is evident, though, based on the consensus of caregivers who attended a 1985 Colloquium entitled, "The Aftermath of Crime: A Mental Health Crisis", which was presented by the National Institute of Mental Health that when providing treatment services to crime victims

[m]ental health professionals tend to focus attention on biochemical or psychodynamic concepts derived from traditional beliefs, including an emphasis on premorbid personality, masochism, free choice, and victim-initiated behavior. There has been an apparent reluctance to acknowledge victimization or external trauma as a valid basis for continuing distress. This so-called conspiracy of silence among helping professionals contribute to the victim's sense of alienation, inadequacy, guilt, badness and 'craziness', opening the secondary wound rather than emphasizing strengths, offering hope, and providing trauma-specific modalities of treatment.

In addition to inadequate and inappropriate diagnosis and treatment, the application of a mental illness model may lead to stigmatizing diagnoses which discredit a victim's right to testify, to retain custody of children, to obtain victim's compensation, to regain employment, and to avoid institutional care or even involuntary commitment and enforced medication.<sup>2</sup>

#### **NEW YORK STATE CRIME VICTIMS BOARD - COMPENSATION PROGRAM**

On August 1, 1966, Chapter 894 was signed into law thereby adding Article 22 to the Executive Law. By this enactment the Governor and the Legislature demonstrated their cognizance of the need to provide financial assistance to crime victims who incur out-of-pocket, unreimbursable losses directly attributable to a violent crime. (See Appendix A for the full text of Chapter 894

of the Laws of 1966.) In Chapter 894's declaration of policy and legislative intent, the Legislature made it clearly understood that

...many innocent persons suffer personal physical injury or death as a result of criminal acts. Such persons or their dependents may thereby suffer disability, incur financial hardships, or become dependent upon public assistance... [T]here is a need for government financial assistance for such victims of crime. Accordingly, it is the legislature's intent that aid, care and support be provided by the state, as a matter of grace, for such victims of crime.<sup>3</sup>

In an effort to demonstrate the manner in which the Crime Victims Board has effectuated the legislative intent of Article 22, Table 1 illustrates the number of claims received and ultimately accepted for compensation claims processing. In the fiscal years where the percent increases for either claims received or accepted were greater than 50% (fiscal years 1969, 1970 and 1986) these increases can be primarily attributed to major enhancements to Article 22's eligibility and award criteria. As reflected in Table 2, the majority of the claims accepted by the CVB involve crime victims either (1) physically injured as a result of miscellaneous assaults; or (2) suffering the loss of essential personal property due to incidents of personal and household larceny. Table 3 demonstrates for fiscal years 1982 through 1987 that more men than women filed and had claims accepted by the CVB. As well, the majority of the claims accepted during this timeframe involve crime victims who are 19 to 59 years old--an age group traditionally identified in national survey data as being the most likely to be victims of violent crime.

TABLE 1

NYS Crime Victims Board  
 Claims Received and Accepted  
 Fiscal Year 1967 through 1987

Fiscal Year	Claims Received	% Increase	Claims Accepted	% Increase
1967	196		196	
1968	519	+165	519	+165
1969	929	+79	929	+79
1970	1,594	+72	1,594	+72
1971	1,896	+19	1,896	+19
1972	1,762	-7	1,762	-7
1973	2,065	+17	2,065	+17
1974	2,341	+13	2,341	+13
1975	3,119	+33	3,119	+33
1976	4,250	+36	4,250	+36
1977	5,489	+29	4,914	+16
1978	6,289	+14	5,834	+19
1979	7,885	+25	7,245	+24
1980	9,323	+18	8,573	+18
1981	8,774	-6	8,121	-5
1982	8,667	-1	8,034	-1
1983	9,001	+4	8,348	+4
1984	10,999	+22	10,511	+26
1985	14,157	+29	13,478	+28
1986	23,102	+63	21,377	+59
1987	24,262	+5	22,445	+5

TABLE 2

NYS Crime Victims Board  
 Claims Accepted by Crime Type  
 Fiscal Year 1982 through 1987

Claims Accepted								
Fiscal Year	Misc. Assaults	Homicide	Stabbed	Shot	Rape/ Sexual Abuse	Auto	Larceny	Total
1982	4,233	1,116	1,038	1,066	464	107	-	8,034
1983	4,747	1,086	987	920	532	76	-	8,348
1984	6,835	1,100	955	906	620	105	1,795	10,511
1985	6,527	1,132	971	955	697	184	3,012	13,478
1986	10,017	1,348	1,321	1,033	829	411	6,448	21,377
1987	9,333	1,413	1,119	1,083	868	461	8,168	22,445

TABLE 3

NYS Crime Victims Board  
 Claims Accepted by Age and Sex  
 Fiscal Year 1982 through 1987

Fiscal Year	Total	Male	Female	1-18	19-31	32-59	60+	Unknown
1982	8,034	5,626	2,408	768	3,001	2,921	1,105	239
1983	8,348	5,430	2,918	742	2,928	2,911	1,514	253
1984	10,511	6,470	4,041	928	3,333	3,307	2,643	300
1985	13,478	7,588	5,890	1,132	4,026	4,409	3,468	443
1986	21,337	11,977	9,400	1,709	5,386	6,332	6,427	1,523
1987	22,445	11,702	10,743	1,627	5,283	6,677	7,764	1,094

Table 4 indicates the CVB's expenditures not only for compensation payments made for crime victims' eligible, unreimbursed or unreimbursable expenses as provided for in Article 22 but also expenditures realized to fund community-based victim assistance programs which provide local services to crime victims. (Local victim assistance is discussed in greater detail in Part II of this report). As illustrated by Table 5, awards made for crime victims' immediate and long term medical expenses (decision medical and additional medical, respectively) comprise almost one third to one-half of the CVB's total expenditure for compensation for any given fiscal year with awards for crime victims' lost earnings being the next highest expenditure. An amendment to Article 22 in 1985 (Chapter 688 of the Laws of 1985) which raised the award level for the cost to repair or replace items of essential personal property from the \$250 level, initially established in 1983, to the present \$500 level resulted in the most dramatic expenditure increase for any award type from one fiscal year to the next.

General Compensation Criteria for All Crime Victims<sup>4</sup>

If otherwise eligible, compensation benefits may be paid to:

- o the victim of a crime who has sustained personal physical injury; or
- o an elderly (60 years or older) or disabled victim, not necessarily physically injured, who has suffered loss or damage to items of essential personal property; or
- o the surviving spouse, parent, child or person dependant

TABLE 4

NYS Crime Victims Board  
Agency Expenditures  
Fiscal Year 1967 through 1987

Fiscal Year	Payments to Victims (in whole dollars)	Victim/Witness Assistance (in whole dollars)
1967	55,665	-
1968	386,585	-
1969	678,220	-
1970	1,243,174	-
1971	1,407,277	-
1972	1,848,500	-
1973	1,835,000	-
1974	2,871,337	-
1975	2,979,225	-
1976	3,228,667	-
1977	4,313,078	-
1978	5,357,802	-
1979	5,632,305	-
1980	5,750,549	-
1981	6,357,822	588,571
1982	6,468,847	2,072,697
1983	8,807,474	2,164,013
1984	7,033,465	2,891,012
1985	7,813,274	2,783,160
1986	8,840,542	5,604,990
1987	11,196,519	5,381,275

TABLE 5

NYS Crime Victims Board  
Expenditures by Award Type  
Fiscal Year 1982 through 1987

Award Type	Expenditure (in whole dollars)					
	1982	1983	1984	1985	1986	1987
Decision Medical	1,466,372	2,085,611	1,518,631	1,551,528	2,150,881	1,749,626
Lost Earnings	1,705,979	2,076,605	1,576,148	1,892,243	2,576,836	2,649,916
Loss of Support	1,389,445	1,527,673	1,216,532	862,705	1,464,975	1,453,475
Funeral	675,178	1,068,879	880,133	963,796	1,636,369	1,330,641
Essential Personal Property	-	9,883	8,705	171,462	1,170,579	1,417,096
Additional Medical	1,231,873	2,038,824	1,833,316	2,344,034	2,272,410	2,596,872
<b>TOTAL</b>	<b>6,468,847</b>	<b>8,807,474</b>	<b>7,033,465</b>	<b>7,813,274</b>	<b>11,272,050</b>	<b>11,196,519</b>

upon the victim who died as a direct result of a crime;  
or

- o the person who has paid for or otherwise incurred the expense of the burial of a crime victim. (Unless otherwise eligible, compensation is limited to burial expenses only); or
- o a child victim (under 18 years) and his/her parent, guardian or sibling where such child has suffered physical, mental or emotional loss or damage as the direct result of being a victim or witness to a crime.
- o for those who are eligible but under the age of 18, incompetent or otherwise unable to file a claim application, such claim may be submitted on their behalf by a relative, guardian, conservator, committee or attorney.

To receive an award:

- o the victim must have been an innocent victim of a crime; and
- o the crime must have been reported to the police within one week of its occurrence or discovery or justification can be shown for the delay in filing; (See exception for sex offense victims in Special Criteria for Compensation section) and
- o the claim for compensation benefits is filed within one year of the occurrence or discovery of the crime or justification for the delay can be shown.

Compensation Benefits Include:

- o Expenses for medical or other related services not covered by other insurance or benefit programs.
- o Lost earnings or loss of support up to \$400 per week and up to a total maximum of \$30,000.
- o Burial expenses up to \$2,500.
- o Occupational rehabilitation expenses.
- o Counseling services.
- o Cost of repair or replacement of essential personal property lost, damaged, or destroyed as the direct result of a crime up to \$500.
- o Transportation expenses for necessary court appearances in connection with the prosecution of the crime.
- o The cost of residing at or utilizing the services of a domestic violence shelter.
- o For Good Samaritan victims only, property losses up to \$5,000. (A Good Samaritan victim is a person who has been killed or injured while attempting to prevent a crime, lawfully apprehend a perpetrator of a crime, or assist a police officer in making an arrest).

Special Compensation Criteria for Sex Offense Victims

All crime victims filing for compensation benefits must meet all of the basic eligibility criteria described previously. There are, however, special benefits and exceptions afforded to eligible sex offense victims and their family members which include:

- o Chapter 368 of the Laws of 1988 provide that, in cases involving an alleged sex offense or an offense chargeable as a family offense, the crime victims board shall not be banned from making an award where the police report of such offense is made within a reasonable time rather than within a week of the occurrence as otherwise required.<sup>5</sup>; and
- o Chapter 312 of the Laws of 1986 amends the Executive Law to expand the definition of out-of-pocket losses to include the cost of psychological counseling for eligible spouses of sex offense victims.<sup>6</sup>
- o Chapter 418 of the Laws of 1979 allows the CVB to make an award for the medical sex offense examination without regard to serious financial hardship.<sup>7</sup>

Crime Victims Board Rape and Sex Abuse Claimant: Data Presentation and Discussion

It is necessary to be mindful that the data presented in this section is based on a bias sample of reported crimes involving victims who filed for compensation from the CVB. In this regard the data can be used to describe the characteristics of CVB rape and sexual abuse claimants/victims as well as certain elements of the offense and its aftermath. Great care must be used when attempting to use this data beyond its intended purpose to derive inferences regarding the general population of rape and sexual abuse victims.

In addition to the bias nature of the data presented in this section, there are also other analytic problems associated with the data collected from the files of CVB rape and sexual abuse claimants/victims. The first problem encountered was the lack of police reports specifically for claims receiving a no award decision. As a result of missing police reports, it was necessary to use the claimants'/victims' own self reports of the incidents that occurred as stated on their claim forms. Also, as a large proportion of rape and sexual abuse victims who file claims for compensation receive no award decisions, primarily attributable to the victims' failure to supply requested information, it was difficult to collect data reflective of the aftermath of these offenses. Thus, the lack of comprehensive data for the 492 rape and sexual abuse claims sampled hinders analytical capability as small samples can be statistically unreliable.

Despite the data limitations encountered the analytic format of this section is as follows. First, selected characteristics of CVB rape and sexual abuse claimants/victims will be examined. Next, elements of the reported incidents of rape and sexual abuse will be presented including the place and time of the occurrences, victim-offender relationships and weapon usage by the offenders. Lastly, this section contains a description of the aftermath of rape and sexual abuse offenses, particularly emotional trauma.

### Age and Sex

The data collected on selected characteristics of CVB rape and sexual abuse claimants/victims, as reflected in Table 6, indicate that for males the age group most often seeking compensation as a result of victimizations (64%) is between 0 and 11 years of age. Conversely, for females the age group seeking compensation benefits most often (41%) is between 20 and 34 years of age with females between 12 and 19 being the second highest age group (23%). What Table 6 does not illustrate is that males between the ages of 0 and 11 years of age who seek compensation from the CVB experience sexual abuse more by known perpetrators which is similar to the experiences of their female counterparts.

### Age and Race

When the data collected on selected characteristics of CVB rape and sexual abuse claimants/victims are examined in Table 6 within the categories of age and race, in general, more white victims of rape and sexual abuse file claims with the CVB than any other race. This may suggest that greater outreach to minority communities is necessary. The age group which consistently comprises the majority of the CVB rape and sexual abuse claimants/victims, regardless of race, is the 20 to 34 year old category. This phenomenon may be as a result of the financial responsibility placed on this age group to pay for their own medical expenses; whereas, younger victims of reported rape and sexual abuse tend to be sheltered by their families who prefer

TABLE 6

NYS Crime Victims Board  
Selected Characteristics of Rape\* and Sexual Abuse Claimants/  
Victims, By Age

N = 496

Characteristic	Age of Victim				
	Total	0-11	12-19	20-34	35 or older
<b>SEX</b>					
Male	42 (100%)	27 (64%)	14 (33%)	1 (2%)	- (0%)
Female	454 (100%)	71 (16%)	103 (23%)	185 (41%)	95 (21%)
<b>RACE</b>					
White	159 (100%)	26 (16%)	26 (16%)	69 (43%)	38 (24%)
Black	115 (100%)	23 (20%)	30 (26%)	35 (30%)	27 (24%)
Hispanic	52 (100%)	9 (17%)	7 (14%)	23 (44%)	13 (25%)
Other	5 (100%)	- (0%)	1 (20%)	2 (40%)	2 (40%)
Unknown	165 (100%)	40 (24%)	53 (32%)	57 (35%)	15 (9%)

\*Includes attempted and completed rape.

that as few parties as possible know of the incidences experienced by their children.

#### Place and Time of Occurrence

The data contained in Table 7 indicate that when the information was available to be collected the majority of the crimes involving CVB rape and sexual abuse claimants/victims occurred at or in their own homes. Despite the fact that these claimants/victims represent such a small percentage of either all reported rape and sexual offenses in New York State or estimated victimizations, this data is consistent with other research which has shown that most of these offenses are not as a result of someone lurking outside in a dark alley waiting for the next likely victim.

Tables 8 demonstrates that 50% of CVB rape claimants'/victims' offenses occurred from midnight to 6 p.m. Since sexual abuse tends to occur over an extended period of time, 52% of the CVB sexual abuse claimants'/victims' offenses were unable to be pinpointed to a specific time much less specific days, weeks, etc.

#### Victim-Offender Relationship

The dynamics of CVB rape and sexual abuse claimants'/victims' relationships with their offenders is examined in Table 9. In 40% of the offenses involving rape claimants/victims and 73% of the offenses involving sexual abuse claimants/victims the perpetrators of these crimes were identified as being immediate family members, relatives, friends and/or casual acquaintances.

TABLE 7

NYS Crime Victims Board  
Age of Rape\* and Sexual Abuse Claimants/  
Victims, By Place of Occurrence

N = 496

Age of Victim	Total	Place of Occurrence				
		On street, in park, play- ground, etc.	At or in own home	Near home	Other	Unknown
0 - 11	98 (100%)	4 (4%)	31 (32%)	4 (4%)	11 (11%)	48 (49%)
12 - 19	117 (100%)	14 (12%)	20 (17%)	7 (6%)	15 (13%)	61 (52%)
20 - 34	186 (100%)	31 (17%)	57 (31%)	13 (7%)	17 (9%)	68 (36%)
35 or Older	95 (100%)	11 (12%)	27 (28%)	6 (6%)	18 (19%)	33 (35%)

\*Includes attempted and completed rape.

TABLE 8

NYS Crime Victims Board  
Time of Occurrence of Rape\* and  
Sexual Abuse Offenses

N = 492

Type of Offense	Time of Occurrence				
	Total	6 am to 6 pm	6 pm to Midnight	Midnight to 6 am	Not Available*
Rape	377 (100%)	94 (25%)	68 (18%)	104 (25%)	111 (29%)
Sexual Abuse	115 (100%)	23 (20%)	15 (13%)	17 (15%)	60 (52%)

\*Includes attempted and completed rape.

\*\*Includes cases of on-going multiple incident rape or sexual abuse.

TABLE 9

NYS Crime Victims Board  
Victim-Offender Relationship By  
Claimant/Victim Type

N = 492

Relationship	Victim/Claimant Type	
	Rape*	Sexual Abuse
Known	153 (40%)	80 (73%)
Unknown	188 (50%)	16 (15%)
Not Available	41 (10%)	14 (12%)
Total	382 (100%)	110 (100%)

\*Includes attempted and completed rape.

### Offenders' Weapon Usage

Table 10 illustrates that 50% of the CVB rape claimants/victims and 66% of the sexual abuse claimants/victims reported that their perpetrators did not use a weapon when committing these offenses. Upon a closer examination of offenders' weapon usage by claimant/victim--offender relationships, 73% of the rape and sexual abuse offenses, in which the perpetrator was known, no weapons were used. Conversely, 52% of the rape and sexual abuse offenses in which the perpetrator was unknown there were weapons used.

### Emotional Trauma Sustained

Table 12 indicates that regardless of the age category of CVB rape and sexual abuse claimants/victims the majority stated that one of their primary injuries was emotional trauma. This proved to be true regardless of whether the rape and sexual abuse claimants/victims had known (61%) or unknown (54%) perpetrators, as illustrated in Table 13.

TABLE 10

NYS Crime Victims Board  
Reported Offenders' Weapon Usage  
By Claimant/Victim Type

N = 492

Victim/ Claimant Type	Weapons Usage			Not Available
	Total	Weapon present	No weapon	
Rape*	882 (100%)	123 (32%)	190 (50%)	69 (18%)
Sexual Abuse	110 (100%)	14 (13%)	72 (66%)	24 (21%)

\*Includes attempted and completed rape.

TABLE 11

NYS Crime Victims Board  
Offenders' Weapon Usage,  
By Claimant/Victim-Offender Relationship

N = 492

Relationship	Weapons Usage			Not Available
	Total	Weapons present	No Weapon	
Known	233 (100%)	34 (15%)	174 (73%)	29 (12%)
Unknown	201 (100%)	104 (52%)	78 (39%)	19 (9%)
Not Available	58 (100%)	3 (5%)	12 (21%)	43 (74%)

TABLE 12

NYS Crime Victims Board  
Age of Rape\* and Sexual Abuse Claimants/Victims By  
Emotional Trauma Sustained as a Result of Offense

N = 492

Age of Victim	Emotional Trauma			Total
	Yes	No	Not Available	
0 - 11	60 (62%)	3 (3%)	34 (35%)	97 (100%)
12 - 19	66 (56%)	2 (2%)	49 (42%)	117 (100%)
20 - 34	96 (52%)	4 (2%)	85 (46%)	185 (100%)
35 or Older	50 (54%)	- (0%)	43 (46%)	93 (100%)

\*Includes attempted and completed rape.

TABLE 13

NYS Crime Victims Board  
Emotional Trauma Sustained By Rape\* and Sexual  
Abuse Claimant/Victim-Offender Relationship

N = 492

Emotional Trauma	Relationship		
	Known	Unknown	Not Available
Yes	142 (61%)	108 (54%)	24 (42%)
No	4 (2%)	5 (3%)	1 (2%)
Not Available	87 (37%)	89 (43%)	32 (56%)
Total	233 (100%)	202 (100%)	57 (100%)

\*Includes attempted or completed rape.

## PART II

### A. PRIMARY GRANTMAKERS IN NEW YORK STATE FOR LOCAL VICTIM ASSISTANCE FUNDING

New York State currently has three State agencies serving as the primary grantmakers for funding of local victim assistance programs. These State agencies are: the Crime Victims Board (CVB), the Department of Health (DOH) and the Department of Social Services (DSS). The CVB funds programs which render services to all populations of victims including: child victims, rape and sexual offense victims, victims of domestic violence, homicide, bias crime and elderly crime victims. The DOH funds rape and sexual abuse programs while the DSS funds domestic violence residential shelters, safe homes and safe apartments. Because of the cross-over in the victim populations served, many programs may receive funding simultaneously from two or more of these State agencies. The types of victim services available in each county including sources of funding are illustrated in Table 15.

#### Crime Victims Board

In 1981, the CVB received appropriation authority to fund nineteen victim/witness assistance programs throughout New York State which were at risk of closing due to the demise of the Law Enforcement Assistance Administration (LEAA) which was their primary funding source. Statutory funding authority was added in 1985 with the signing of Chapter 688 of the Laws of 1985. (See Appendix B for full text of Chapter 688 of the Laws of 1985.)

TABLE 15

CRIME VICTIMS BOARD (CVB), DEPARTMENT OF HEALTH (DOH),  
AND/OR DEPARTMENT OF SOCIAL SERVICES (DSS)<sup>1</sup>  
TYPES OF VICTIM SERVICES AVAILABLE IN EACH COUNTY AND FUNDING SOURCE  
Fiscal Year 1987

County	TYPES OF VICTIM SERVICES							
	Rape Crisis		Domestic Violence		Prosecutorial	Elderly	Comprehensive	Other
	(CVB)	(DOH)	(CVB)	(DSS)	(CVB)	(CVB)	(CVB)	(CVB)
Albany	1	1	-	-	-	-	-	-
Allegany	-	1	-	1	-	-	-	-
Bronx	1	2	-	see NYC	-	1	1	-
Broome	-	1	1	1	-	-	1	-
Cattaraugus	-	1	-	1	-	-	1	-
Cayuga	-	1	-	1	-	-	-	-
Chautauqua	-	1	-	1	-	-	1	-
Chemung	-	1	-	1	-	-	1	-
Chenango	-	1	-	1	-	-	1	-
Clinton	-	1	-	1	-	-	1	-
Columbia	2	1	1	-	-	-	-	-
Cortland	-	1	1	1	-	-	-	-
Delaware	-	1	-	1	-	-	1	-
Dutchess	-	1	-	1	-	-	1	-
Erie	-	1	-	1	1	-	2	-
Essex	-	1	-	-	-	-	1	-
Franklin	-	1	-	1	-	-	-	-
Fulton	1	1	-	-	-	-	-	-
Genesee	1	1	-	2	-	-	-	1
Greene	2	1	1	1	-	-	-	-
Hamilton	-	1	-	-	-	-	-	-
Herkimer	-	-	-	-	-	-	-	-
Jefferson	1	1	1	1	-	-	-	-
Kings	-	3	-	see NYC	1	-	2	1
Lewis	-	1	-	-	-	-	-	-
Livingston	-	1	-	1	-	-	-	-
Madison	-	1	-	-	-	-	-	-
Monroe	1	1	1	1	1	-	2	-
Montgomery	1	1	-	2	-	-	-	-
Nassau	-	1	1	2	-	-	1	-
New York	2	6	2	see NYC	1	-	3	-
Niagara	-	1	-	2	-	-	1	-
Oneida	1	1	-	1	-	-	-	-
Onondaga	-	1	-	1	-	-	1	-
Ontario	1	1	-	-	-	-	-	-
Orange	-	1	-	1	-	-	1	-
Orleans	1	1	-	-	-	-	-	-
Oswego	1	1	1	1	-	-	-	-
Otsego	-	1	-	1	-	-	-	-
Putnam	-	1	-	1	-	-	-	-
Queens	-	1	-	see NYC	-	-	2	-
Rensselaer	1	1	1	1	-	-	-	-
Richmond	-	-	-	see NYC	-	-	-	-
Rockland	-	1	1	1	1	-	-	-
St. Lawrence	1	1	1	1	-	-	-	-
Saratoga	-	1	-	-	-	-	-	-
Schenectady	1	1	1	1	-	-	-	-
Schoharie	1	1	-	-	-	-	-	-
Schuyler	-	1	-	-	-	-	-	-
Seneca	-	1	-	-	-	-	-	-
Stauben	-	1	-	-	-	-	-	-
Suffolk	1	1	1	1	1	-	-	-
Sullivan	-	1	-	1	-	-	-	-
Tioga	-	1	-	-	-	-	1	-
Tompkins	2	2	-	1	-	-	-	-
Ulster	-	1	-	1	-	-	1	-
Warren	-	1	-	-	-	-	-	-
Washington	-	1	-	-	-	-	-	-
Wayne	-	1	-	-	-	-	-	-
Westchester	-	1	2	2	-	-	1	-
Wyoming	-	-	-	-	-	-	-	-
Yates	-	1	-	-	-	-	-	-
New York City-wide	-	1	1	6	-	-	3	2

<sup>1</sup> Service delivery available in any county may be provided by a victim/witness program located within the county itself or by a victim assistance program located in a contiguous county.

This Chapter Law added Section 631-a to the Executive Law which mandated, in part, that

[t]he crime victims board shall make grants, within amounts appropriated for that purpose, for crime victim service programs to provide services to crime victims and witnesses. These programs shall be operated at the community level by not-for-profit organizations, by agencies of local government or by any combination thereof. Crime victim service programs may be designed to serve crime victims and witnesses in general in a particular community, or may be designed to serve a category of persons with special needs relating to a particular kind of crime.<sup>e</sup>

The CVB's funding decisions are based on a "Request for Proposal" (RFP) process which enables Victim/Witness Assistance Unit staff to assess the merits of a grant's proposed service delivery system based on local needs, past performance and other available resources within a specific geographical area. During the State Fiscal Year 1987-88, the CVB funded 72 programs with an approximate \$3.2 million in State general funds and \$2.1 million in federal Victims of Crime Act (VOCA) funds for a total of \$5.3 million in victim assistance funding as reflected in Table 4. Even with this level of funding the CVB recognized that crime victims throughout the State had unmet service delivery needs.

All of the CVB's victim assistance programs can be identified by a specific service model type as shown in Table 16. These models correlate with the programs' primary service delivery objectives whether to serve only certain populations of crime victims (i.e. rape and sexual assault, domestic violence, etc.) or broad populations of crime victims (i.e. victims of violent crimes, all crime victims, etc.). Regardless of a

TABLE 16

NYS Crime Victims Board  
Victim/Witness Assistance Program Service Delivery Within County and by Service Model<sup>1</sup>  
Fiscal Year 1987  
(N = 72 Programs)

County	Service Model									
	Sexual Assault	Spouse Abuse	Child Sexual Abuse	Child Physical Abuse	Other/All Child Victims	Other Victims of Violence	Victims of Burglary	Comprehensive	V/W Prosecution Services	Other <sup>2</sup>
Albany	1	-	1	-	-	-	-	-	-	-
Allegany	-	-	-	-	-	-	-	-	-	-
Broome	-	1	-	1	-	-	-	1	-	-
Cattaraugus	-	-	-	-	-	-	-	1	-	-
Cayuga	-	-	-	-	-	-	-	-	-	-
Chatauga	-	-	-	-	-	-	-	1	-	-
Chemung	-	-	-	-	-	-	-	1	-	-
Chenango	-	-	-	-	-	-	-	1	-	-
Clinton	-	-	-	-	-	-	-	1	-	-
Columbia	2	1	1	-	1	-	-	-	-	-
Cortland	-	1	-	-	-	-	-	-	-	-
Delaware	-	-	-	-	-	-	-	1	-	-
Dutchess	-	-	-	-	-	-	-	1	-	-
Erie	-	-	-	-	-	1	-	2	1	-
Essex	-	-	-	-	-	-	-	1	-	-
Franklin	-	-	-	-	-	-	-	-	-	-
Fulton	1	-	1	-	-	-	-	-	-	-
Genesee	1	-	-	-	-	1	1	-	-	1
Greene	2	1	1	-	1	-	-	-	-	-
Hamilton	-	-	-	-	-	-	-	-	-	-
Herkimer	-	-	-	-	-	-	-	-	-	-
Jefferson	1	1	-	-	-	-	-	-	-	-
Lewis	-	-	-	-	-	-	-	-	-	-
Livingston	-	-	-	-	-	-	-	-	-	-
Madison	-	-	-	-	-	-	-	-	-	-
Monroe	1	1	-	-	-	-	-	2	1	-
Montgomery	1	-	1	-	-	-	-	-	-	-
Nassau	-	1	-	-	-	-	-	-	1	-
Niagara	-	-	-	-	-	-	-	1	-	-
Oneida	1	-	-	-	-	-	-	-	-	-
Onondaga	-	-	-	-	-	-	-	1	-	-
Ontario	1	-	-	-	-	-	-	-	-	-
Orange	-	-	-	-	-	-	-	-	1	-
Orleans	1	-	-	-	-	-	-	-	-	-
Oswego	1	1	-	-	-	-	-	-	-	-
Otsego	-	-	-	-	-	-	-	-	-	-
Putnam	-	-	-	-	-	-	-	-	-	-
Rensselaer	1	1	1	-	-	-	-	-	-	-
Rockland	-	1	-	-	-	-	-	-	1	-
St. Lawrence	1	1	-	-	-	-	-	-	-	-
Saratoga	-	-	-	-	-	-	-	-	-	-
Schenectady	1	1	1	-	-	-	-	-	-	-
Schoharie	1	-	1	-	-	-	-	-	-	-
Schuyler	-	-	-	-	-	-	-	-	-	-
Seneca	-	-	-	-	-	-	-	-	-	-
Steuben	-	-	-	-	-	-	-	-	-	-
Suffolk	1	1	1	-	-	-	-	-	1	-
Sullivan	-	-	-	-	-	-	-	-	-	-
Tioga	-	-	-	-	-	-	-	1	-	-
Tompkins	1	-	2	-	1	-	-	-	-	-
Ulster	-	-	-	-	-	-	-	-	1	-
Warren	-	-	-	-	-	-	-	-	-	-
Washington	-	-	-	-	-	-	-	-	-	-
Wayne	-	-	-	-	-	-	-	-	-	-
Westchester	1	2	-	-	-	1	1	1	-	-
Wyoming	-	-	-	-	-	-	-	-	-	-
Yates	-	-	-	-	-	-	-	-	-	-
Bronx	-	2	1	-	-	1	1	4	-	3
Kings	-	2	-	-	-	2	2	5	1	3
New York	2	3	-	-	-	1	1	6	1	2
Queens	-	2	-	-	-	1	1	5	-	3
Richmond	-	2	-	-	-	1	1	3	-	3

1 Service delivery available in any county may be provided by a victim/witness assistance program located within the county, itself, or by a victim assistance program located in a contiguous county.

2 The program service model designated as "other" provides services to elderly victims and homicide survivors.

program's service model designation, Table 17 shows that approximately 97% of the CVB's victim assistance programs provide crisis and short-term counseling and 92% provide emotional support to its clientele. Of the 72 programs almost 50% maintain 24 hour hotlines and support groups. (See Appendix C for a complete listing of the Crime Victims Board's funded victim/witness assistance programs.)

#### NYS Department of Health

Local programs providing services to rape and sex offense victims and funded through the Department of Health are administered by the Rape Crisis Program which is under the auspices of the Bureau of Reproductive Health. The Department of Health does not have statutory authority, but rather appropriation authority, to fund local programs providing services to rape victims. Funding for rape crisis services began in State fiscal year 1982-83 with the provision of \$500,000 in federal monies allotted under Title XIX, Public Health and Welfare Law--the Preventive Health and Health Services Block Grant (See Appendix D for full text of Title XIX, Part A-- Preventive Health and Health Services Block Grant).

Funds available under this block grant are allotted to States based on the population of the State and are to be utilized for the provision of direct services to rape victims as well as rape prevention education.<sup>9</sup> Although this funding stream has remained constant, the amounts available became

TABLE 17

NYS Crime Victims Board  
 Services Provided by Victim/Witness Assistance Programs  
 By Number and By Percentage  
 Fiscal Year 1987  
 (N = 72)

Services	# of Programs Providing Service	% of Programs Providing Service
24 hr. Hotline	35	49%
24 hr. Crisis Intervention	27	37%
24 hr. Shelter/Safe House	16	22%
Crisis Counseling (Short-term)	70	97%
Emotional Support	66	92%
Victim Compensation Assistance	68	94%
Therapy (Long-term) Counseling	4	5%
Support Group	37	51%
Social Service, Mental Health Assistance	18	25%
Criminal Justice Support-Investigation	23	32%
Criminal Justice Support-Prosecution	29	40%
Other <sup>1</sup>	35	49%

1 Other services typically provided by victim/witness assistance programs include: emergency food, shelter and transportation, court notification and accompaniment, legal advocacy, referrals and lock repair.

insufficient to meet the demand for rape crisis services. Thus, in State fiscal year 1985-86, the State augmented the federal block grant funds by appropriating an additional \$500,000 in local assistance funds. In State fiscal year 1987-88, with the receipt of \$376,309 under the federal block grant, a total of \$1 million was appropriated from the State's Aid to Localities Budget which enabled 75 rape crisis and rape prevention programs to be funded by the DOH. (See Appendix E for a complete listing of the Department of Health's funded rape crisis programs.)

#### Department of Social Services

In 1978, New York State officially recognized that "domestic violence is a serious problem warranting concerted attention."<sup>20</sup> Since that time, the State has increased its commitment to domestic violence victims by increasing appropriations and creating a permanent source of funding for local programs providing services to this victim population.

These accomplishments were able to be achieved primarily as a result of the passage of two important statutes. Effective October 1, 1984, Chapter 960 of the Laws of 1984, known as the Children and Family Trust Fund Act, was enacted. (See Appendix F for full text of Chapter 960 of the Laws of 1984). The passage of this legislation was in direct response to (1) the immediate needs of the thousands of domestic violence victims who were being denied shelter primarily due to lack of space and (2) the critical financial position faced by many shelter programs which

were in danger of closing because of the lack of adequate operating funds. With the establishment of the Trust Fund Act, the State was enabled to appropriate monies to be used primarily for the prevention of family violence. Funds appropriated from the Trust Fund were utilized to provide start-up monies to residential programs and to supply additional monies to already existing programs.

Unfortunately, funding made available under the 1984 Trust Fund Act soon proved to be insufficient to meet both the growing service delivery needs of domestic violence victims and the basic operating expenses of domestic violence programs. These problems can be directly attributed to (1) the inadequate levels of funding awarded to residential programs for their operating expenses and (2) the State's inability to provide funding to residential programs beyond start-up monies which were to be gradually eliminated over a three year period.

According to the NYS Coalition Against Domestic Violence, from September of 1987 to August of 1988 over 15,000 victims of domestic violence were denied emergency shelter often due to a lack of space.<sup>11</sup> In response to this crisis, the Governor and the Legislature passed Chapter 838 of the Laws of 1987, known as the Domestic Violence Prevention Act. (See Appendix G for full text of Chapter 838 of the Laws of 1987 and Appendix H for corresponding Rules and Regulations). The Act states,

[t]he legislature hereby finds that the development and funding of programs providing emergency intervention,

shelter, and assistance to victims of domestic violence is of major importance to this state.

The legislature further finds that domestic violence programs are experiencing severe financial difficulties due to inadequate levels of state, local, and private funding. Some programs are at risk of permanent closure. To prevent this loss and to ensure that adequate on-going financial support for these programs is available, it is the intent of this act to create a funding mechanism for domestic violence programs.<sup>12</sup>

In addition to giving the DSS the authority to make grant awards on both a competitive and non-competitive basis for both residential and non-residential programs, the Act mandates local social service districts to:

- o Offer and provide emergency shelter and services to public assistance eligible victims and their children at an approved residential program;
- o Pay the cost of sheltering public assistance eligible victims and their children placed outside of their home county;
- o Establish a daily rate of reimbursement for emergency shelter services provided to persons eligible for public assistance.<sup>13</sup>

During State fiscal year 1987-88, \$1 million was appropriated from the Aid to Localities Budget specifically for maintenance grants to 42 residential domestic violence programs.<sup>14</sup> Also, Section 459(c) of the Domestic Violence Prevention Act specifically authorized the DSS to award grants "... on a non-competitive basis for emergency grants to programs which, due to financial constraints, are in danger of closing."<sup>15</sup> Thus, an additional \$230,000 was appropriated from the Aid to Localities Budget for this purpose. As a direct result of the provision of these emergency grants, five (5) programs were able

to either re-open or avoid closing and continue to offer direct services to victims of domestic violence.<sup>16</sup> In State fiscal year 1987-88, a total of \$2.325 million was appropriated for domestic violence services. (See Appendix I for a complete listing of the Department of Social Services domestic violence programs funded through maintenance and emergency grants.)

## ENDNOTES

- 1 Report of the Fiscal Committees on the Executive Budget: Fiscal Year 1989-90, (Albany, New York: 1989), p. 19-1.
- 2 The Aftermath of Crime: A Mental health Crisis--A Services Research and Evaluation Colloquium, "Draft Consensus State of the Assessment Panel," (Washington, Marriott Hotel, February 28 - March 3, 1985), p. 7.
- 3 McKinneys Session Laws of New York, 189th Session, Chapter 894, (1966), p. 1889.
- 4 New York State Executive Law, Article 22 Sections 626 and 631 (1987).
- 5 McKinneys Session Laws of New York, 211th Session, Chapter 368, (1988), p. 719.
- 6 Consolidated Law Service New York Statutes: 1986 Session Laws, Chapter 312, (1986), p. 762.
- 7 McKinneys Session Laws of New York, 201st Session, Chapter 418, (1979), p. 939.
- 8 New York State Executive Law, Article 22 Section 631-a(1) (1987).
- 9 42 United States Code Section 300w - 3(G).
- 10 NYS Department of Social Services, "Preventative Trends: New Directions in Family and Children Services". (Albany: December, 1988), p. 1.
- 11 NYS Department of Social Services, Domestic Violence Prevention Act (Chapter 838 of the Laws of 1987): First Annual Report to the Governor and the Legislature, (Albany, New York: March, 1989), p. 1.
- 12 McKinneys Session Laws of New York, 210th Session, Chapter 833, (1987), pp. 2413-2420.
- 13 Ibid., p. 2414.
- 14 NYS Department of Social Services, Domestic Violence Prevention Act, p. 7-8.
- 15 Chapter 838, p. 2417.
- 16 NYS Department of Social Services, Domestic Violence Prevention Act, p. 10.

**APPENDIX A**

**CHAPTER 894 OF THE LAWS OF 1966**

**Ch. 893 LAWS OF NEW YORK 1966**

tion of the business of any such corporation, but in no event in excess of an amount equal to five per centum of its net premium income during the twelve full months immediately preceding the granting of such approval.

2. Notwithstanding the prohibition contained in section two hundred fifty-six of this chapter, a health service corporation, in addition to the provisions contained in subdivision one of this section, may, with the approval of the superintendent of insurance, purchase an interest in real estate for the purpose of constructing a hospital or other health facility or center thereon (in accordance with the requirements of chapter seven hundred ninety-five of the laws of nineteen hundred sixty-five), or may purchase an existing hospital or facility for the purpose of providing health services or may make loans to a corporation or corporations under its control for the purposes heretofore described, primarily for the benefit of subscribers, but in no event in excess of an amount equal to ten per centum of its annual net premium income during the twelve full months immediately preceding the granting of such approval. In no event may such health service corporation make expenditures or incur liabilities for the purchase of real estate or for loans in excess of sums provided for in this section.

§ 5. This act shall take effect immediately.

**Crime Victims Compensation Board**

*Memorandum relating to this chapter, see page 3014*

**CHAPTER 894**

An Act to amend the executive law, in relation to the creation of the crime victims compensation board in the executive department, prescribing the powers and duties thereof and making an appropriation therefor.

Approved Aug. 1, 1966, effective as provided in section 3.

Passed on message of necessity. See Const. art. IX, § 2(b)(2), and McKinney's Legislative Law § 44.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. The executive law is hereby amended by inserting therein a new article, to be article twenty-two, to read as follows:

**ARTICLE 22. CRIME VICTIMS COMPENSATION BOARD**

**Section**

**620. Declaration of policy and legislative intent.**

**621. Definitions.**

**622. Crime victims compensation board.**

**623. Powers and duties of the board.**

**624. Eligibility.**

**625. Filing of claims.**

**626. Minimum allowable claim.**

**627. Determination of claims.**

**628. Consideration of decisions by full board.**

**629. Judicial review.**

**630. Emergency awards.**

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Changes or additions in text are indicated by underline

## Section

- 631. Awards.
- 632. Manner of payment.
- 633. Confidentiality of records.
- 634. Subrogation.
- 635. Severability of provisions.

§ 620. Declaration of policy and legislative intent

The legislature recognizes that many innocent persons suffer personal physical injury or death as a result of criminal acts. Such persons or their dependents may thereby suffer disability, incur financial hardships, or become dependent upon public assistance. The legislature finds and determines that there is a need for government financial assistance for such victims of crime. Accordingly, it is the legislature's intent that aid, care and support be provided by the state, as a matter of grace, for such victims of crime.

§ 621. Definitions

For the purposes of this article:

1. "Board" shall mean the crime victims compensation board.
2. "Claimant" shall mean the person filing a claim pursuant to this article.
3. "Crime" shall mean an act committed in New York state which would, if committed by a mentally competent criminally responsible adult, who has no legal exemption or defense, constitute a crime as defined in and proscribed by the penal law, provided, however, that no act involving the operation of a motor vehicle which results in injury shall constitute a crime for the purposes of this article unless the injuries were intentionally inflicted through the use of a vehicle.
4. "Family", when used with reference to a person, shall mean (a) any person related to such person within the third degree of consanguinity or affinity, (b) any person maintaining a sexual relationship with such person, or (c) any person residing in the same household with such person.
5. "Victim" shall mean a person who suffers personal physical injury as a direct result of a crime.

§ 622. Crime victims compensation board

1. There is hereby created in the executive department a board, to be known as the crime victims compensation board. Such board shall consist of three members, no more than two of whom shall belong to the same political party, who shall be appointed by the governor by and with the advice and consent of the senate. The members of the board shall have been admitted to practice law in the state of New York for not less than ten years next preceding their appointment.
2. The term of office of each such member shall be seven years, except that the members first appointed shall serve for terms of seven years, five years and three years, respectively. Any member appointed to fill a vacancy occurring otherwise than by expiration of a term shall be appointed for the remainder of the unexpired term.
3. The governor shall designate one member of the board as chairman thereof, to serve as such at the pleasure of the governor.

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4. The members of the board shall devote their whole time and capacity to their duties, and shall not engage in any other occupation, profession or employment, and shall receive an annual salary to be fixed by the governor within the amount made available therefor by appropriation.

§ 623. Powers and duties of the board

The board shall have the following powers and duties:

1. To establish and maintain a principal office and such other offices within the state as it may deem necessary.

2. To appoint a secretary, counsel, clerks and such other employees and agents as it may deem necessary, fix their compensation within the limitations provided by law, and prescribe their duties.

3. To adopt, promulgate, amend and rescind suitable rules and regulations to carry out the provisions and purposes of this article, including rules for the approval of attorneys' fees for representation before the board or before the appellate division upon judicial review as provided for in section six hundred twenty-nine of this article.

4. To request from the division of state police, from county or municipal police departments and agencies and from any other state or municipal department or agency, or public authority, and the same are hereby authorized to provide, such assistance and data as will enable the board to carry out its functions and duties.

5. To hear and determine all claims for awards filed with the board pursuant to this article, and to reinvestigate or reopen cases as the board deems necessary.

6. To direct medical examination of victims.

7. To hold hearings, administer oaths or affirmations, examine any person under oath or affirmation and to issue subpoenas requiring the attendance and giving of testimony of witnesses and require the production of any books, papers, documentary or other evidence. The powers provided in this subdivision may be delegated by the board to any member or employee thereof. A subpoena issued under this subdivision shall be regulated by the civil practice law and rules.

8. To take or cause to be taken affidavits or depositions within or without the state.

9. To render each year to the governor and to the legislature a written report of its activities.

§ 624. Eligibility

1. Except as provided in subdivision two of this section, the following persons shall be eligible for awards pursuant to this article:

(a) a victim of a crime;

(b) a surviving spouse or child of a victim of a crime who died as a direct result of such crime; and

(c) any other person dependent for his principal support upon a victim of a crime who died as a direct result of such crime.

2. A person who is criminally responsible for the crime upon which a claim is based or an accomplice of such person or a member of the family of such persons shall not be eligible to receive an award with respect to such claim.

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Changes or additions in text are indicated by underline

§ 625. Filing of claims

1. A claim may be filed by a person eligible to receive an award, as provided in section six hundred twenty-four of this article, or, if such person is a minor, by his parent or guardian.

2. A claim must be filed by the claimant not later than ninety days after the occurrence of the crime upon which such claim is based, or not later than ninety days after the death of the victim, provided, however, that upon good cause shown, the board may extend the time for filing for a period not exceeding one year after such occurrence.

3. Claims shall be filed in the office of the secretary of the board in person or by mail. The secretary of the board shall accept for filing all claims submitted by persons eligible under subdivision one of this section and alleging the jurisdictional requirements set forth in this article and meeting the requirements as to form in the rules and regulations of the board.

4. Upon filing of a claim pursuant to this article, the board shall promptly notify the district attorney of the county wherein the crime is alleged to have occurred. If, within ten days after such notification, such district attorney advises the board that a criminal prosecution is pending upon the same alleged crime and requests that action by the board be deferred, the board shall defer all proceedings under this article until such time as such criminal prosecution has been concluded and shall so notify such district attorney and the claimant. When such criminal prosecution has been concluded, such district attorney shall promptly so notify the board. Nothing in this section shall limit the authority of the board to grant emergency awards pursuant to section six hundred twenty-nine of this article.

§ 626. Minimum allowable claim

No award shall be made on a claim unless the claimant has incurred a minimum out-of-pocket loss of one hundred dollars or has lost at least two continuous weeks earnings or support. Out-of-pocket loss shall mean unreimbursed and unreimbursable expenses or indebtedness reasonably incurred for medical care or other services necessary as a result of the injury upon which such claim is based.

§ 627. Determination of claims

1. A claim, when accepted for filing, shall be assigned by the chairman to himself or to another member of the board. All claims arising from the death of an individual as a direct result of a crime, shall be considered together by a single board member.

2. The board member to whom such claim is assigned shall examine the papers filed in support of such claim. The board member shall thereupon cause an investigation to be conducted into the validity of such claim. Such investigation shall include, but not be limited to, an examination of police, court and official records and reports concerning the crime and an examination of medical and hospital reports relating to the injury upon which such claim is based.

3. Claims shall be investigated and determined, regardless of whether the alleged criminal has been apprehended or prosecuted for or convicted of any crime based upon the same incident, or has been acquitted,

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or found not guilty of the crime in question owing to criminal irresponsibility or other legal exemption.

4. The board member to whom a claim is assigned may decide such claim in favor of a claimant in the amount claimed on the basis of the papers filed in support thereof and the report of the investigation of such claim. If the board member is unable to decide such claim upon the basis of such papers and such report, he shall order a hearing. At such hearing any relevant evidence, not legally privileged, shall be admissible.

5. After examining the papers filed in support of such claim and the report of investigation, and after a hearing, if any, the board member to whom such claim was assigned shall make a decision either granting an award pursuant to section six hundred thirty-one of this article or deny the claim.

6. The board member making a decision shall file with the secretary a written report setting forth such decision and his reasons therefor. The secretary shall thereupon notify the claimant and furnish him a copy of such report.

§ 628. Consideration of decisions by full board

1. The claimant may, within thirty days after receipt of the report of the decision of the board member to whom his claim was assigned, make an application in writing to the board for consideration of such decision by the full board.

2. Any member of the board may, within thirty days after the filing of such report, make an application in writing to the board for consideration of such decision by the full board.

3. Upon receipt of an application pursuant to subdivision one or two of this section, the board shall review the record and affirm or modify the decision of the board member to whom the claim was assigned. The action of the board in affirming or modifying such decision shall be final. The board shall file with the secretary of the board a written report setting forth its decision, and if such decision varies in any respect from the report of the board member to whom the claim was assigned setting forth its reasons for such decision. If the board receives no application pursuant to subdivision one or two of this section the decision of the board member to whom the claim was assigned shall become the final decision of the board.

4. The secretary of the board shall promptly notify the claimant, the attorney general and the comptroller of the final decision of the board and furnish each with a copy of the report setting forth such decision.

§ 629. Judicial review

1. Within thirty days after receipt of the copy of the report containing the final decision of the board, the attorney general may, if in his judgment the award is improper or excessive, commence a proceeding in the appellate division of the supreme court, third department, to review the decision of the board. Within thirty days after receipt of the copy of such report, the comptroller may, if in his judgment the award is improper or excessive, request the attorney general

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Changes or additions in text are indicated by underline

to commence a proceeding in the appellate division of the supreme court, third department, to review the decision of the board in which event the attorney general shall commence such a proceeding. Such proceeding shall be heard in a summary manner and shall have precedence over all other civil cases in such court. There shall be no other judicial review of any decision made or action taken by the board, by a member of the board or by the secretary of the board with respect to any claim.

2. Any such proceeding shall be commenced by the service of notice thereof upon the claimant and the board in person or by mail.

#### § 630. Emergency awards

Notwithstanding the provisions of section six hundred twenty-seven of this article, if it appears to the board member to whom a claim is assigned, prior to taking action upon such claim, that (a) such claim is one with respect to which an award probably will be made, and (b) undue hardship will result to the claimant if immediate payment is not made, such board member may make an emergency award to the claimant pending a final decision in the case, provided, however, that (a) the amount of such emergency award shall not exceed five hundred dollars, (b) the amount of such emergency award shall be deducted from any final award made to the claimant, and (c) the excess of the amount of such emergency award over the amount of the final award, or the full amount of the emergency award if no final award is made, shall be repaid by the claimant to the board.

#### § 631. Awards

1. No award shall be made unless the board or board member, as the case may be, finds that (a) a crime was committed, (b) such crime directly resulted in personal physical injury to, or death of, the victim, and (c) police records show that such crime was promptly reported to the proper authorities; and in no case may an award be made where the police records show that such report was made more than forty-eight hours after the occurrence of such crime unless the board, for good cause shown, finds the delay to have been justified.

2. Any award made pursuant to this article shall be in an amount not exceeding out-of-pocket expenses, including indebtedness reasonably incurred for medical or other services necessary as a result of the injury upon which the claim is based, together with loss of earnings or support resulting from such injury.

3. Any award made for loss of earnings or support shall, unless reduced pursuant to other provisions of this article, be in an amount equal to the actual loss sustained, provided, however, that no such award shall exceed one hundred dollars for each week of lost earnings or support, and provided further that the aggregate award for such loss shall not exceed fifteen thousand dollars. If there are two or more persons entitled to an award as a result of the death of a person which is the direct result of a crime, the award shall be apportioned by the board among the claimants.

4. Any award made pursuant to this article shall be reduced by the amount of any payments received or to be received as a result of the injury (a) from or on behalf of the person who committed the

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crime, (b) under insurance programs mandated by law, (c) from public funds, (d) as an emergency award pursuant to section six hundred thirty of this article.

5. In determining the amount of an award, the board or board member, as the case may be, shall determine whether, because of his conduct, the victim of such crime contributed to the infliction of his injury, and the board or board member shall reduce the amount of the award or reject the claim altogether, in accordance with such determination; provided, however, that the board or board member, as the case may be, may disregard for this purpose the responsibility of the victim for his own injury where the record shows that such responsibility was attributable to efforts by the victim to prevent a crime or an attempted crime from occurring in his presence or to apprehend a person who had committed a crime in his presence or had in fact committed a felony.

6. If the board or board member, as the case may be, finds that the claimant will not suffer serious financial hardship, as a result of the loss of earnings or support and the out-of-pocket expenses incurred as a result of the injury, if not granted financial assistance pursuant to this article to meet such loss of earnings, support or out-of-pocket expenses, the board or board members shall deny an award. In determining such serious financial hardship, the board or board member shall consider all of the financial resources of the claimant. The board shall establish specific standards by rule for determining such serious financial hardship.

§ 632. Manner of payment

The award shall be paid in a lump sum, except that in the case of death or protracted disability the award shall provide for periodic payments to compensate for loss of earnings or support. No award made pursuant to this article shall be subject to execution or attachment other than for expenses resulting from the injury which is the basis for the claim.

§ 633. Confidentiality of records

The record of a proceeding before the board or a board member shall be a public record; provided, however, that any record or report obtained by the board, the confidentiality of which is protected by any other law or regulation, shall remain confidential subject to such law or regulation.

§ 634. Subrogation

Acceptance of an award made pursuant to this article shall subrogate the state, to the extent of such award, to any right or right of action accruing to the claimant or the victim to recover payments on account of losses resulting from the crime with respect to which the award is made.

§ 635. Severability of provisions

If any provision of this article or the application thereof to any person or circumstances is held invalid, the remainder of this article and the application of such provision to other persons or circumstances shall not be affected thereby.

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Changes or additions in text are indicated by underline

§ 2. The sum of five hundred thousand dollars (\$500,000), or so much thereof as may be necessary, is hereby appropriated to the crime victims compensation board in the executive department out of any moneys in the state treasury in the general fund to the credit of the state purposes fund, and not otherwise appropriated, for the purposes of such board pursuant to article twenty-two of the executive law. Such sums shall be payable on audit and warrant of the comptroller on vouchers certified by the chairman or secretary of such board, in the manner provided by law.

§ 3. This act shall take effect immediately, but the provisions of article twenty-two of the executive law, as added by this act, shall apply only to claims resulting from crimes committed on or after March first, nineteen hundred sixty-seven.

### Workmen's Compensation—Self-Insurance Plans

#### CHAPTER 895

An Act to amend the workmen's compensation law, by permitting "Employers in an Industry", as a group, and an "Association or Associations Representing Employers in an Industry", as a group, or a combination of "Employers in an Industry" and an "Association or Associations Representing Employers in an Industry", as a group, to become self-insured and to participate in self-insurance plans.

Approved and effective Aug. 1, 1966.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Subdivision twelve of section two of the workmen's compensation law, as last amended by chapter six hundred five of the laws of nineteen hundred forty-six, is hereby amended to read as follows:

12. "Insurance carrier" shall include the state fund, stock corporations, mutual corporations or reciprocal insurers with which employers have insured, employers in an industry, as a group, an association or associations of employers in an industry, as a group, a combination of employers in an industry and an association or associations representing employers in an industry, as a group, and employers permitted to pay compensation directly under the provisions of subdivisions three or four of section fifty.

§ 2. Section fifty of such law is hereby amended by adding thereto a new subdivision, to be subdivision three-d, to read as follows:

3-d. Definitions. As used in this section the term "Employers in an Industry" means any number of employers in a given industry employing persons who perform work in connection with the given industry.

As used in this section the term "Association or Associations Representing Employers in an Industry" means an incorporated or unincorporated association or associations consisting of employers who employ persons who perform work in connection with a given industry.

"Employers in an Industry", an "Association or Associations Representing Employers in an Industry" and a combination of "Employers in an Industry" and an "Association or Associations Representing Employers in an Industry", as defined above, may adopt a plan for self-insurance, as a group, for the payment of compensation under this chapter to the

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**APPENDIX B**

**CHAPTER 688 OF THE LAWS OF 1985**

## Chapter 688

## COURTS--COMPENSATION AND ASSISTANCE TO VICTIMS OF CRIME

## --ADDITIONAL PROVISIONS

AN ACT to amend the executive law, in relation to providing compensation and assistance to victims of crime and to repeal certain provisions of such law relating thereto and making an appropriation therefor

Approved August 1, 1985, effective as provided in § 16.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section six hundred twenty-six of the executive law, as amended by chapter one hundred ninety-eight of the laws of nineteen hundred eighty-three, is amended to read as follows: § 1

§ 626. Out-of-pocket loss; definition. Out-of-pocket loss shall mean unreimbursed and unreimbursable expenses or indebtedness reasonably incurred for medical care or other services necessary as a result of the injury upon which such claim is based. Such expenses or indebtedness shall include the cost of counseling[, under regulations of the board,] for the eligible spouse, parents or children of a homicide victim, the victim of a sex offense as defined in article one hundred thirty of the penal law and crime victims suffering from traumatic shock. Such counseling may be provided by local victim service programs, where available. It shall also include the cost of residing at or utilizing services provided by shelters for battered spouses and children who are eligible pursuant to subdivision two of section six hundred twenty-four of this article, and the cost of reasonable attorneys' fees for representation before the board and/or before the appellate division upon judicial review not to exceed one thousand dollars.

§ 2. Subdivision two of section six hundred twenty-five of such law, as amended by chapter three hundred thirty of the laws of nineteen hundred eighty-four, is amended to read as follows: § 2

2. A claim must be filed by the claimant not later than one year after the occurrence or discovery of the crime upon which such claim is based, or not later than one year after the death of the victim, provided, however, that upon good cause shown, the board may extend the time for filing [for a period not exceeding two years after such occurrence].

§ 3. Subdivision one of section six hundred twenty-five-a of such law, as amended by chapter seventy-seven of the laws of nineteen hundred eighty-three, is amended to read as follows: § 3

matter in brackets [ ] is old law to be deleted.

- § 3 1. Every police station, precinct house, any appropriate location where a crime may be reported and any location required by the rules and regulations of the board shall have available informative booklets, pamphlets and other pertinent written information, including information cards, to be supplied by the board, relating to the availability of crime victims compensation including all necessary application blanks required to be filed with the board and shall display prominently posters giving notification of the existence and general provisions of this article, those provisions of the penal law that prohibit the intimidation of crime victims and the location of the nearest crime victim service program. The board may issue guidelines for the location of such display and shall provide posters, application forms, information cards and general information. Every victim who reports a crime in any manner whatsoever shall be supplied by the person receiving the report with information [and], application blanks, and information cards which shall clearly state: (a) that crime victims may be eligible for state compensation benefits; (b) the address and phone number of the nearest board office; (c) that police and district attorneys can help protect victims against harassment and intimidation; (d) the addresses and phone numbers of local victim service programs, where appropriate, or space for inserting that information; or (e) any other information the board deems appropriate. Such cards shall be designed by the board in consultation with local police, and shall be printed and distributed by the board.
- § 4 § 4. The opening paragraph of subdivision one of section six hundred forty-one of such law, as added by chapter ninety-four of the laws of nineteen hundred eighty-four, is amended to read as follows:  
Ensure that crime victims routinely receive emergency social and medical services as soon as possible and are given information pursuant to section six hundred twenty-five-a of this chapter on the following:
- § 5 § 5. Subdivisions four, five and six of section six hundred twenty-seven of such law are renumbered subdivisions five, six and seven and a new subdivision four is added to read as follows:  
4. Local crime victim service programs shall be authorized to provide emergency awards to crime victims for essential personal property, medical treatment, shelter costs, security services, counseling and transportation the total amount of such emergency awards not to exceed five hundred dollars. These programs shall be reimbursed by the board, pursuant to the provisions of this article, if it is subsequently determined that the victim is an eligible claimant. Local crime victim service programs shall be authorized to establish special accounts for this purpose. The board shall initiate a program to assist local crime victim service programs in establishing special accounts to provide emergency awards, within amounts designated for that purpose.
- § 6 § 6. Subdivisions two and three of section six hundred thirty-one of such law, subdivision two as amended by chapter one hundred ninety-seven of the laws of nineteen hundred eighty-three; subdivision three as amended by chapter six hundred ninety-three of the laws of nineteen hundred seventy-seven, are amended to read as follows:

EXPLANATION--Matter underlined or in *italics* is new;

2. Any award made pursuant to this article shall be in an amount not exceeding out-of-pocket expenses, including indebtedness reasonably incurred for medical or other services necessary as a result of the injury upon which the claim is based; loss of earnings or support resulting from such injury; burial expenses not exceeding two thousand five hundred dollars of a victim who died as a direct result of a crime; and the unreimbursed cost of repair or replacement of articles of essential personal property, lost, damaged or destroyed as a direct result of the crime. In addition to the medical or other services necessary as a result of the injury upon which the claim is based, an award may be made for rehabilitative occupational training for the purpose of job retraining or similar employment-oriented rehabilitative services for a sum not to exceed three thousand dollars provided such rehabilitative services are deemed necessary by the board based upon the claimant's medical and employment history. For the purpose of this subdivision, rehabilitative occupational training shall include but not be limited to educational training and expenses. § 6

3. Any award made for loss of earnings or support shall, unless reduced pursuant to other provisions of this article, be in an amount equal to the actual loss sustained, provided, however, that no such award shall exceed [two hundred fifty] four hundred dollars for each week of lost earnings or support, and provided further that the aggregate award for such loss shall not exceed [twenty] thirty thousand dollars [or an amount determined by the board in excess of twenty thousand dollars, provided that such amount in excess of twenty thousand dollars is fully reimbursable to the board by available federal funds]. If there are two or more persons entitled to an award as a result of the death of a person which is the direct result of a crime, the award shall be apportioned by the board among the claimants.

§ 7. Paragraph (d) of subdivision five and the opening paragraph of paragraph (a) of subdivision six of section six hundred thirty-one of such law, paragraph (d) of subdivision five as added by chapter eighty-five of the laws of nineteen hundred eighty-three and the opening paragraph of paragraph (a) of subdivision six as added by chapter eight hundred ten of the laws of nineteen hundred eighty-three, are amended to read as follows: § 7

(d) Notwithstanding any inconsistent provision of this article, where a person acted as a good samaritan, and was killed as a direct result of the crime, the board or the board member, as the case may be, may, without regard to the [serious] financial [hardship] difficulty of the claimant, make a lump sum award to such claimant for actual loss of support not to exceed [twenty] thirty thousand dollars.

Claims, other than those for emergency awards, essential personal property and claims under five hundred dollars, may be approved only if the board or board member, as the case may be, finds that unless the claimant's award is approved he will suffer financial difficulty. In determining financial difficulty, the board or board member shall consider all relevant factors, including but not limited to:

matter in brackets [ ] is old law to be deleted.

- § 8 § 8. Subdivision three of section six hundred twenty-one of such law, as added by chapter eight hundred ninety-four of the laws of nineteen hundred sixty-six, is amended to read as follows:
3. "Crime" shall mean an act committed in New York state which would, if committed by a mentally competent criminally responsible adult, who has no legal exemption or defense, constitute a crime as defined in and proscribed by [the penal] law[, provided, however, that no act involving the operation of a motor vehicle which results in injury shall constitute a crime for the purposes of this article unless the injuries were intentionally inflicted through the use of a vehicle].
- § 9 § 9. Section six hundred twenty-one of such law is amended by adding a new subdivision ten to read as follows:
10. "Disabled victim" shall mean a person who has (a) physical, mental or medical impairment from anatomical, physiological or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or (b) a record of such an impairment or (c) a condition regarded by others as such an impairment.
- § 10 § 10. Subdivisions eight and nine of section six hundred thirty-one of such law, as added by chapter one hundred ninety-seven of the laws of nineteen hundred eighty-three, are amended to read as follows:
8. Notwithstanding the provisions of subdivisions one, two and three of this section, an elderly or disabled victim who has not been physically injured as a direct result of a crime, shall only be eligible for an award that includes the unreimbursed cost of repair or replacement of essential personal property that has been lost, damaged or destroyed as a direct result of a crime and transportation expenses incurred for necessary court appearances in connection with the prosecution of such crimes.
9. Any award made for the cost of repair or replacement of essential personal property shall be limited to an amount of [two hundred fifty] five hundred dollars.
- § 11 § 11. Subdivision one of section six hundred twenty-nine of such law, as amended by chapter nine hundred fifty-two of the laws of nineteen hundred seventy-six, is amended to read as follows:
1. Within [thirty days after receipt of the copy of the report containing the final decision of the board, the attorney general may, if in his judgment the award is illegal or excessive, commence a proceeding in the appellate division of the supreme court, third department, to review the decision of the board. Within thirty] fifteen days after [receipt] receipt of the copy of [such] the report containing the final decision of the board, the comptroller [may] shall, if in his judgment the award is illegal or excessive, [request the attorney general to] notify the board of his conclusion, state the reasons for that conclusion, and provide specific recommendations for modification. Upon receiving such notification, the board shall have fifteen days within which to review and either modify or re-affirm its award. If after such modification or

EXPLANATION--Matter underlined or in *italics* is new;

reaffirmation the comptroller continues to adjudge the award to be illegal or excessive, he may within fifteen days after receipt of such modification or reaffirmation, commence a proceeding in the appellate division of the supreme court, third department, to review the decision of the board [in which event the attorney general shall commence such a proceeding]. Such proceeding shall be heard in a summary manner and shall have precedence over all other civil cases in such court. Any claimant aggrieved by a final decision of the board may commence a proceeding to review that decision pursuant to article seventy-eight of the civil practice law and rules. § 11

§ 12: Such law is amended by adding a new section six hundred thirty-one-a to read as follows: § 12

§ 691-a. Crime victim service programs. 1. The crime victims board shall make grants, within amounts appropriated for that purpose, for crime victim service programs to provide services to crime victims and witnesses. These programs shall be operated at the community level by not-for-profit organizations, by agencies of local government or by any combination thereof. Crime victim service programs may be designed to serve crime victims and witnesses in general in a particular community, or may be designed to serve a category of persons with special needs relating to a particular kind of crime.

2. The crime victims board shall promulgate regulations, relating to these grants, including guidelines for its determinations.

(a) These regulations shall be designed to promote:

(i) alternative funding sources other than the state, including local government and private sources;

(ii) coordination of public and private efforts to aid crime victims;

and

(iii) long range development of services to all victims of crime in the community and to all victims and witnesses involved in criminal prosecutions.

(b) These regulations shall also provide for services including, but not limited to:

(i) assistance to claimants seeking crime victims compensation benefits;

(ii) referrals, crisis intervention and other counseling services;

(iii) services to elderly victims of crime appropriate to their needs;

(iv) transportation and household assistance; and

(v) outreach to the community and education and training of law enforcement and other criminal justice officials to the needs of crime victims.

3. The crime victims board shall prepare an annual report to the governor and the legislature, on or before December first of each year on crime victim service programs; including:

(a) the programs funded by the board;

(b) other sources of funding for crime victim service programs;

(c) an assessment of the adequacy of the current level of appropriate

matter in brackets [ ] is old law to be deleted.

- § 12 tion to the board to meet the reasonable needs of crime victim service programs for funding under this section; and  
(d) an estimate of the reasonable needs of programs in the next fiscal year.
- § 13 § 13. Subdivision one of section six hundred thirty-four of such law, as amended by chapter five hundred thirteen of the laws of nineteen hundred eighty-two, is amended to read as follows:
1. Acceptance of an award made pursuant to this article shall subrogate the state, to the extent of such award, to any right or right of action accruing to the claimant or the victim to recover payments on account of losses resulting from the crime with respect to which the award is made. Upon the payment of an award, the board may, by writing, notify the claimant that such claimant has ninety days, or thirty days from the date of expiration of the applicable statute of limitations, whichever period is shorter, within which to commence an action against his assailant or any third party who, as a result of the crime, may be liable in damages to the claimant. If the claimant fails to commence an action within the time provided herein, such failure shall, after written notification by the board to the claimant, operate as an assignment of the claimant's cause of action against the assailant or such other third party to the board; provided, however, that should the claimant's cause of action be in an amount in excess of the board's award, such assignment shall be for only that portion of the cause of action which equals the amount of the award. The attorney general may commence an action against an assailant or third party for money damages to the extent of the award paid, and the claimant shall retain a right of action, subject to defenses, to recover damages for the full amount of loss incurred by him as a result of the crime less the amount assigned to the board by operation of this subdivision. A claimant who retains such right of action shall be permitted to intervene in any action brought pursuant to this subdivision by the attorney general. Any action brought by the attorney general may be compromised or settled provided the attorney general and the board find that such action is in the best interests of the state.
- § 14 § 14. Subdivisions three, nine and ten through twenty-one of section six hundred twenty-three of such law are REPEALED and fourteen new, subdivisions three, nine and ten through twenty-one are added to read as follows:
3. To adopt, promulgate, amend and rescind suitable rules and regulations to carry out the provisions and purposes of this article, including rules for the approval of attorneys' fees for representation before the board and/or before the appellate division upon judicial review as provided for in section six hundred twenty-nine of this article, and rules for the authorization of qualified persons to assist claimants in the preparation of claims for presentation to the board or board members.

EXPLANATION--Matter underlined or in *italics* is new;

- § 14
9. To establish and maintain a special investigative unit to expedite processing of claims by senior citizens and special emergency situations, and to promote the establishment of a volunteer program of home visitation to elderly and invalid victims of violent crime.
  10. To advise and assist the governor in developing policies designed to recognize the legitimate rights, needs and interests of crime victims.
  11. To coordinate state programs and activities relating to crime victims.
  12. To cooperate with and assist political subdivisions of the state and not-for-profit organizations in the development of local programs for crime victims.
  13. To study the operation of laws and procedures affecting crime victims and recommend to the governor proposals to improve the administration and effectiveness of such laws.
  14. To establish an advisory council to assist in formulation of policies on the problems of crime victims.
  15. To advocate the rights and interests of crime victims of the state before federal, state and local administrative, regulatory, legislative, judicial and criminal justice agencies.
  16. To promote and conduct studies, research, analyses and investigations of matters affecting the interests of crime victims.
  17. To sponsor conferences relating to the problems of crime victims.
  18. To serve as a clearinghouse for information relating to crime victim problems and programs.
  19. To accept, with the approval of the governor, as agent of the state, any grant including federal grants, or any gift for the purposes of this article. Any monies so received may be expended by the board to effectuate any purpose of this article, subject to the applicable provisions of the state finance law.
  20. To render each year to the governor and to the legislature, on or before December first of each year, a written report on the board's activities including, but not limited to, specific information on each of the subdivisions of this section, and the manner in which the rights, needs and interests of crime victims are being addressed by the state's criminal justice system. Such report shall also include, but not be limited to:
    - (a) Information transmitted by the state division of probation under subdivision five of section 390.30 of the criminal procedure law which the board shall compile, review and make recommendations on to promote the use of restitution and encourage its enforcement.
    - (b) Information relating to the implementation of and compliance with article twenty-three of this chapter by the criminal justice agencies and the "crime victim-related agencies" of the state.
  21. To make grants to local crime victim service programs and carry out related duties under section six hundred thirty-one-a of this article.

matter in brackets [ ] is old law to be deleted.

§ 15 § 15. [Appropriation]

§ 16 § 16. This act shall take effect immediately and apply to all pending claims, except that section thirteen of this act shall take effect on the thirtieth day after it shall have become a law.

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Chapter 689

VEHICLES--ERECTION AND MAINTENANCE OF TRAFFIC

CONTROL SIGNALS---PERMISSION OF DEPARTMENT OF TRANSPORTATION

AN ACT to amend the vehicle and traffic law, in relation to erection and maintenance of traffic control signals with the permission of the department of transportation

Approved August 1, 1985, effective as provided in § 2.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 1 Section 1. Subdivision (c) of section sixteen hundred eighty-one of the vehicle and traffic law, as amended by chapter four hundred twenty of the laws of nineteen hundred sixty-eight, is amended to read as follows:

(c) Except as otherwise provided the cost of providing, erecting, maintaining and removing traffic-control devices ordered by the department of transportation shall be paid from any moneys available for the maintenance, repair or reconstruction of state highways upon vouchers approved by the department of transportation. However, the work of providing, erecting and removing such traffic-control devices may be performed by contract in the same manner as provided for state highways in article three of the highway law, or, by the use of department of transportation forces and equipment and all materials purchased therefor, or by a combination of such methods, and the cost of such work may be paid from such moneys available for the construction of state highways. [Nothing] Except as herein provided, nothing shall be paid from such moneys for providing, erecting or maintaining traffic-control signals[,] or flashing signals [or portable signs used in connection

EXPLANATION--Matter underlined or in *italics* is new;

**APPENDIX C**

**CRIME VICTIMS BOARD VICTIM/WITNESS ASSISTANCE PROGRAM:  
FISCAL YEAR 1987-88**

NYS Crime Victims Board  
Victim/Witness Assistance Programs  
Fiscal Year 1987-88

Community Service Agency of  
New York  
56 Bay Street  
Staten Island, NY 10301  
(718) 981-6226

Bronx D.A.'s Office  
215 East 161st Street  
Bronx, New York 10451  
(212) 590-2115

Orange County Probation Dept.  
Government Center  
Goshen, New York 10924  
(914) 294-5151 Ext. 1305

Rape & Abuse Crisis Center  
P.O. Box 836  
Binghamton, New York 13902  
(607) 722-4256

Neighborhood Information and  
Outreach Center  
Crime Victim Assistance  
Program  
1081 Broadway  
Buffalo, New York 14212  
(716) 897-4100

Nassau County Coalition  
Against Domestic Violence  
Box 285G  
East Meadow, New York 11554  
(516) 542-0404

St. Luke's-Roosevelt Hospital  
Center  
Crime Victims Assessment  
Treatment Project  
411 W. 114th St. #5A  
New York, New York 10025  
(212) 523-4728

Northwest Buffalo Community  
Center, Inc.  
155 Lawn Avenue  
Buffalo, New York 14207  
(716) 876-8108

S.O.S. Shelter, Inc.  
P.O. Box 393  
Endicott, New York 13760  
1-800-348-3493

East Bronx Council on Aging  
2233 Westchester Avenue  
Bronx, New York 10462  
(212) 409-0050

Kings County District Attorney  
Supreme Court Counseling Unit  
210 Joralemon Street  
Brooklyn, New York 11201  
(718) 802-2412

Rochester Police Dept.  
Civic Center Plaza  
Rochester, New York 14614  
(716) 428-6630

Adelphi University Resource  
Center  
School of Social Work  
Garden City, NY 11530  
(516) 228-7407

Nassau County Criminal Justice  
Coordinating Council  
320 Old Country Road  
Garden City, NY 11530  
(516) 535-3500

Jefferson County Women's  
Center  
131 Franklin Street  
Watertown, NY 13601  
(315) 782-1823

Dutchess Co. Crime Victims  
Assistance Program  
St. Francis Hospital  
North Road  
Poughkeepsie, New York 12601  
(914) 431-8808 (Day)  
(914) 431-8220 (Night)

Ulster County Probation Dept.  
Ulster County Crime Victim  
Assistance Program  
17 Pearl Street  
Kingston, New York 12401  
(914) 331-9300

New York City Department for  
the Aging  
Senior Security Services  
280 Broadway  
New York, New York 10007  
(212) 577-8447

Erie County D.A.'s Office  
25 Delaware Avenue  
Buffalo, New York 14202  
(716) 855-6860 (Day)  
(716) 855-2424 Nights and  
Weekends

Monroe County D.A.'s Office  
201 County Office Building  
Rochester, New York 14614  
(716) 428-5141

Victim Services Agency  
2 Lafayette Street  
New York, New York 10007  
(212) 577-7777

Yonkers Women's Task Force,  
Inc.  
AKA My Sisters' Place  
P.O. Box 1245  
Main Station  
Yonkers, New York 10702  
(914) 968-4345

Rockland Family Shelter  
39 South Main Street  
Spring Valley, New York 10977  
(914) 425-0112

Suffolk County D.A.'s Office  
Victim/Witness Assistance  
Program  
Criminal Courts Building  
Center Drive South  
Riverhead, New York 11901  
(516) 548-4017

Jamaica Service Program for  
Older Adults  
92-47 165th Street  
Jamaica, New York 11432  
(718) 657-6500

Neighborhood Justice Project  
of the Southern Tier, Inc.  
451 East Market Street  
Elmira, New York 14901  
(607) 734-3338

Victims Information Bureau of  
Suffolk, Inc.  
515 Route 111  
Hauppauge, New York 11788-  
4339  
(516) 360-3606

Rape Crisis Program for  
Rensselaer Co.  
Samaritan Hospital  
2215 Burdett Avenue  
Troy, New York 12180  
(518) 271-3257

The Volunteer Center Inc.  
Victim/Witness Assistance  
Program  
115 E. Jefferson Street  
Syracuse, New York 13202  
(315) 474-7011

Rockland D.A.'s Office  
Rockland County Victims  
Assistance Bureau  
11 New Hempstead Road  
New City, New York 10956  
(914) 638-5001

New York City Gay & Lesbian  
Anti-Violence Project, Inc.  
208 West 13th Street  
New York, New York 10011  
(212) 807-0197

Bellevue Hospital Center  
Special Victims Project  
1st Avenue and 27th Street  
New York, New York 10016  
(212) 561-3755

Victim Assistance Program  
Genesee County Sheriff's  
Department  
County Building #1  
Batavia, New York 14020-3199  
(716) 344-2550, Ext. 226

Pomonok Neighborhood Center,  
Inc.  
67-09 Kissena Blvd.  
Flushing, New York 11367  
(718) 591-6060

Victim/Witness Prosecution  
Service Program  
New York County District  
Attorney's Office  
One Hogan Place  
New York, New York 10013  
(212) 553-9040

Crime Victims Assistance  
Program  
Hellenic American Neighborhood  
Action Committee, Inc.  
31-14 30th Avenue  
Astoria, New York 11102  
(718) 728-3586

Tri-Precinct Anti-Crime Team,  
Inc.  
Crime Victim/Witness Asst.  
2575 Coney Island Avenue  
Brooklyn, New York 11223  
(718) 627-6843

Kingsbridge Heights Community  
Center, Inc.  
Child Sexual Abuse and  
Prevention Program  
3101 Kingsbridge Terrace  
Bronx, New York 10463  
(212) 884-0700

Plattsburgh Community Crisis  
Center  
29 Protection Avenue  
Plattsburgh, New York 12901  
1-800-DIAL-SOS

AMICAE, Inc  
Hotline for Rape and Battering  
P.O. Box 0023  
Fredonia, New York 14063  
(716) 672-8484

Cattaraugus Community Action,  
Inc.  
262 Broad Street  
P.O. Box 308  
Salamanca, NY 14779

Victim Intervention Project  
East Harlem Council for Human  
Services  
2253 Third Avenue  
New York, New York 10035  
(212) 360-5090

Congress of Italian American  
Organization, Inc.  
Crime Victims Assistance  
Program  
P.O. Box 401  
5901 New Utrecht Avenue  
Brooklyn, New York 11219  
(718) 871-9149

V.I.C.T.I.M.S.  
Presbyterian Hospital  
622 West 168th Street  
New York, New York 10032  
(212) 305-2642

Chenango County Catholic  
Chairities  
19 Prosect Street  
Norwich, NY 13815  
(607) 334-3532

Victim Witness Assistance  
Center  
of Tioga County, Inc.  
55 North Avenue  
Owego, New York 13827  
(607) 687-6866

Central Brooklyn Coordinating  
Council, Inc.  
Crime Victims Assistance  
Program  
1958 Fulton Street, 5th Floor  
Brooklyn, New York 11233  
(718) 493-0410

Good Shepherd Services  
337 East 17th Street  
New York, New York 10003  
(212) 475-4245

Families in Crisis  
Unity House of Catholic  
Charities of the Diocese of  
Albany, Inc.  
2900 5th Avenue  
Troy, New York 12180  
(518) 272-2370

Victim Treatment Center of  
Karen Horney Clinic  
329 East 62nd Street  
New York, New York 10021  
(212) 838-4333

Albany Rape Crisis  
112 State Street  
Room 1100  
Albany, New York 12207  
(518) 447-7100

St. Lawrence Valley Renewal  
House  
P.O. Box 468  
Canton, New York 13617  
(315) 379-9845

Oswego County Opportunities,  
Inc.  
Services to Aid Families  
101 W. Utica Street  
Oswego, Ny 13126  
(315) 342-1544

Crime Victim Assistance  
Program  
Delaware Opportunities, Inc.  
47 Main Street  
Delhi, New York 13753  
(607) 746-6278

Ithaca Rape Crisis  
100 West Seneca Street  
Ithaca, New York 14851  
(607) 273-5589

Young Women's Christian  
Association  
44 Washington Avenue  
Schenectady, New York 12305  
(518) 374-3394

Columbia/Greene Rape Crisis  
Crime Victim Service  
P.O. Box 1073  
5 McKinstry Place  
Hudson, New York 12534  
(518) 758-6696

Northern Westchester Shelter  
for Victims  
of Domestic Violence  
P.O. Box 105  
Thornwood, New York 10594  
(914) 747-0707

Battered Womens Project  
Green County Community Action  
Agency, Inc.  
1 Bridge Street  
Catskill, New York 12414  
(518) 943-9211

Niagara County Sheriff's  
Office  
Victim Assistance Unit  
5526 Niagara Street  
Lockport, New York 14094  
(716) 439-9331

Monroe County Sheriff  
236 Hall of Justice  
Civic Center Plaza  
Rochester, NY 14614  
(716) 428-5509

Central Labor Rehabilitation  
Council of NY, Inc.  
Victim Services Program  
386 Park Avenue South  
New York, New York 10016  
(212) 532-7575

Tompkins County Task Force for  
Battered Women  
P.O. Box 164  
Ithaca, New York 14851  
(607) 277-5000

Rape Crisis Service of  
Planned Parenthood of  
Rochester and the Genesee  
Valley, Inc.  
114 University Avenue  
Rochester, New York 14605  
(716) 546-2777

Queens County District  
Attorney's Office  
125-01 Queens Blvd.  
Kew Gardens, NY 11415  
(718) 520-5620

Sanctuary for Families, Inc.  
P.O. Box 413  
Times Square Station  
New York, New York 10108  
(212) 582-2091

Young Women's Christian Assoc.  
1000 Cornelia Street  
Utica, New York 13502  
(315) 797-7740

Rape Crisis Services of  
Planned Parenthood of  
Schenectady and Affiliated  
Counties, Inc.  
414 Union Street  
Schenectady, New York 12305  
(518) 346-2266

Alternatives for Battered  
Women  
P.O. Box 39601  
Rochester, NY 14604  
(716) 232-7353

Rape Crisis Intervention  
Project  
Mt. Sinai Hospital  
One Gustave & Levy Place  
New York, New York 10029  
(212) 241-5461

Victim Assistance Service of  
Westchester  
Westchester Community  
Opportunity Program Inc.  
172 South Broadway  
White Plains, New York 10605  
(914) 684-6871

Young Women's Christian  
Association (YWCA)  
14 Clayton Avenue  
Cortland, New York 13045  
(607) 756-6363

**APPENDIX D**

**TITLE XIX, PART A - PREVENTIVE HEALTH AND  
HEALTH SERVICES BLOCK GRANT**

UNITED STATES CODE  
ANNOTATED

Title 42

The Public Health and Welfare  
Sections 1 to 300

Comprising All Laws of a General and Permanent Nature  
Under Arrangement of Official Code of  
the Laws of the United States  
with  
Annotations from Federal and State Courts

ST. PAUL, MINN.  
WEST PUBLISHING CO.

## SUBCHAPTER XIX—BLOCK GRANTS

## PART A—PREVENTIVE HEALTH AND HEALTH SERVICES BLOCK GRANT

**§ 300w. Authorization of appropriations**

(a) For the purpose of allotments under section 300w-1 of this title, there is authorized to be appropriated \$95,000,000 for fiscal year 1982, \$96,500,000 for fiscal year 1983, and \$98,500,000 for fiscal year 1984.

(b) Of the amount appropriated for any fiscal year under subsection (a) of this section, at least \$3,000,000 shall be made available for allotments under section 300w-1(b) of this title.

(July 1, 1944, c. 373, Title XIX, § 901, as added Aug. 13, 1981, Pub.L. 97-35, Title IX, § 901, 95 Stat. 535.)

**Historical Note**

**Effective Date.** Section 901 of Pub.L. 97-35 provided in part that this subchapter is effective Oct. 1, 1981.

**Legislative History.** For legislative history and purpose of Pub.L. 97-35, see 1981 U.S. Code Cong. and Adm. News, p. 396.

**§ 300w-1. Allotments****Availability based upon prior year distributions**

(a)(1) From the amounts appropriated under section 300w of this title for any fiscal year and available for allotment under this subsection, the Secretary shall allot to each State an amount which bears the same ratio to the available amounts for that fiscal year as the amounts provided by the Secretary under the provisions of law listed in paragraph (2) to the State and entities in the State for fiscal year 1981 bore to the total amount appropriated for such provisions of law for fiscal year 1981.

(2) The provisions of law referred to in paragraph (1) are the following provisions of law as in effect on September 30, 1981:

(A) The authority for grants under section 247b of this title for preventive health service programs for the control of rodents.

(B) The authority for grants under section 247b of this title for establishing and maintaining community and school-based fluoridation programs.

(C) The authority for grants under section 247b of this title for preventive health service programs for hypertension.

(D) Sections 247b-1 and 247b-2 of this title.

(E) Section 246(d) of this title.

(F) Section 255(a) of this title.

(G) Sections 300d-1, 300d-2, and 300d-3 of this title.

**Population**

(b) From the amount required to be made available under section 300w (b) of this title for allotments under this subsection for any fiscal year, the Secretary shall make allotments to each State on the basis of the population of the State.

**Distribution of appropriated funds not allotted**

(c) To the extent that all the funds appropriated under section 300w of this title for a fiscal year and available for allotment in such fiscal year are not otherwise allotted to States because—

(1) one or more States have not submitted an application or description of activities in accordance with section 300w-4 of this title for the fiscal year;

(2) one or more States have notified the Secretary that they do not intend to use the full amount of their allotment; or

(3) some State allotments are offset or repaid under section 300w-5 (b)(3) of this title;

such excess shall be allotted among each of the remaining States in proportion to the amount otherwise allotted to such States for the fiscal year without regard to this subsection.

**Distributions to Indian tribes**

(d)(1) If the Secretary—

(A) receives a request from the governing body of an Indian tribe or tribal organization within any State that funds under this part be provided directly by the Secretary to such tribe or organization, and

(B) determines that the members of such tribe or tribal organization would be better served by means of grants made directly by the Secretary under this part,

the Secretary shall reserve from amounts which would otherwise be allotted to such State under subsection (a) of this section for the fiscal year the amount determined under paragraph (2).

(2) The Secretary shall reserve for the purpose of paragraph (1) from amounts that would otherwise be allotted to such State under subsection (a) of this section an amount equal to the amount which bears the same ratio to the State's allotment for the fiscal year involved as the total amount provided or allotted for fiscal year 1981 by the Secretary to such tribe or tribal organization under the provisions of law referred to in subsection (a) of this section bore to the total amount provided or allotted for such fiscal year by the Secretary to the State and entities (including Indian tribes and tribal organizations) in the State under such provisions of law.

(3) The amount reserved by the Secretary on the basis of a determination under this subsection shall be granted to the Indian tribe or tribal organization serving the individuals for whom such a determination has been made.

(4) In order for an Indian tribe or tribal organization to be eligible for a grant for a fiscal year under this subsection, it shall submit to the Secretary a plan for such fiscal year which meets such criteria as the Secretary may prescribe.

(5) The terms "Indian tribe" and "tribal organization" have the same meaning given such terms in section 450b(b) and section 450b(c) of Title 25.

**Report on equitable distribution of available funds**

(e) The Secretary shall conduct a study for the purpose of devising a formula for the equitable distribution of funds available for allotment to the States under this section. In conducting the study, the Secretary shall take into account—

(1) the financial resources of the various States,

(2) the populations of the States, and

(3) any other factor which the Secretary may consider appropriate.

Before June 30, 1982, the Secretary shall submit a report to the Congress respecting the development of a formula and make such recommendations as the Secretary may deem appropriate in order to ensure the most equitable distribution of funds under allotments under this section.

(July 1, 1944, c. 373, Title XIX, § 1902, as added Aug. 13, 1981, Pub.L. 97-35, Title IX, § 901, 95 Stat. 535.)

**Historical Note**

**Effective Date.** Section effective Oct. 1, 1981, see section 901 of Pub.L. 97-35, set out as an Effective Date note under section 300w of this title.

**Legislative History.** For legislative history and purpose of Pub.L. 97-35, see 1981 U.S. Code Cong. and Adm. News, p. 396.

**§ 300w-2. Payments under allotments to States**

(a)(1) For each fiscal year, the Secretary shall make payments, as provided by section 4213 of this title, to each State from its allotment under section 300w-1 of this title (other than any amount reserved under section 300w-1(d) of this title) from amounts appropriated for that fiscal year.

(2) Any amount paid to a State for a fiscal year and remaining unobligated at the end of such year shall remain available for the next fiscal year to such State for the purposes for which it was made.

(b) The Secretary, at the request of a State, may reduce the amount of payments under subsection (a) of this section by—

(1) the fair market value of any supplies or equipment furnished the State, and

(2) the amount of the pay, allowances, and travel expenses of any officer or employee of the Government when detailed to the State and the amount of any other costs incurred in connection with the detail of such officer or employee,

when the furnishing of supplies or equipment or the detail of an officer or employee is for the convenience of and at the request of the State and for

le for the purpose of conducting activities described in section 300w-3 of this title. The amount by which any payment is so reduced shall be available for payment by the Secretary of the costs incurred in furnishing the supplies or equipment or in detailing the personnel, on which the reduction of the payment is based, and the amount shall be deemed to be part of the payment and shall be deemed to have been paid to the State.

(July 1, 1944, c. 373, Title XIX, § 1903, as added Aug. 13, 1981, Pub.L. 97-35, Title IX, § 901, 95 Stat. 537.)

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Historical Note

Effective Date. Section effective Oct. 1, 1981, see section 901 of Pub.L. 97-35, set out as an Effective Date note under section 300w of this title.

Legislative History. For legislative history and purpose of Pub.L. 97-35, see 1981 U.S. Code Cong. and Adm. News, p. 396.

§ 300w-3. Use of allotments

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Preventive health services, comprehensive public health services, emergency medical services, etc.

(a)(1) Except as provided in subsections (b) and (c) of this section, amounts paid to a State under section 300w-2 of this title from its allotment under section 300w-1(a) of this title and amounts transferred by the State for use under this part may be used for the following:

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(A) Preventive health service programs for the control of rodents and community and school-based fluoridation programs.

(B) Establishing and maintaining preventive health service programs for screening for, the detection, diagnosis, prevention, and referral for treatment of, and follow-up on compliance with treatment prescribed for, hypertension.

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(C) Community based programs for the purpose of demonstrating and evaluating optimal methods for organizing and delivering comprehensive preventive health services to defined populations, comprehensive programs designed to deter smoking and the use of alcoholic beverages among children and adolescents, and other risk-reduction and health education programs.

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(D) Comprehensive public health services.

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(E) Demonstrate the establishment of home health agencies (as defined in section 1395x(m) of this title) in areas where the services of such agencies are not available. Amounts provided for such agencies may not be used for the direct provision of health services.

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(F) Feasibility studies and planning for emergency medical services systems and the establishment, expansion, and improvement of such systems. Amounts for such systems may not be used for the costs of the operation of the systems or the purchase of equipment for the systems.

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for

(G) Providing services to rape victims and for rape prevention.

Amounts provided for the activities referred to in the preceding sentence may also be used for related planning, administration, and educational activities.

(2) Except as provided in subsection (b) of this section, amounts paid to a State under section 300w-2 of this title from its allotment under section 300w-1(b) of this title may only be used for providing services to rape victims and for rape prevention.

(3) The Secretary may provide technical assistance to States in planning and operating activities to be carried out under this part.

#### Prohibited uses

(b) A State may not use amounts paid to it under section 300w-2 of this title to—

- (1) provide inpatient services,
- (2) make cash payments to intended recipients of health services,
- (3) purchase or improve land, purchase, construct, or permanently improve (other than minor remodeling) any building or other facility, or purchase major medical equipment,
- (4) satisfy any requirement for the expenditure of non-Federal funds as a condition for the receipt of Federal funds, or
- (5) provide financial assistance to any entity other than a public or nonprofit private entity.

Except as provided in subsection (a)(1)(E) of this section, the Secretary may waive the limitation contained in paragraph (3) upon the request of a State if the Secretary finds that there are extraordinary circumstances to justify the waiver and that granting the waiver will assist in carrying out this part.

#### Transfer of funds

(c) A State may transfer not more than 7 percent of the amount allotted to the State under section 300w-1(a) of this title for any fiscal year for use by the State under parts B and C of this subchapter and subchapter V of chapter 7 of this title in such fiscal year as follows: At any time in the first three quarters of the fiscal year a State may transfer not more than 3 percent of the allotment of the State for the fiscal year for such use, and in the last quarter of a fiscal year a State may transfer for such use not more than the remainder of the amount of its allotment which may be transferred.

#### Limitation on administrative costs

(d) Of the amount paid to any State under section 300w-2 of this title, not more than 10 percent paid from each of its allotments under subsections (a) and (b) of section 300w-1 of this title may be used for administering the funds made available under section 300w-2 of this title. The State will pay from non-Federal sources the remaining costs of administering such funds.

(July 1, 1944, c. 373, Title XIX, § 1904, as added Aug. 13, 1981, Pub.L. 97-35, Title IX, § 901, 95 Stat. 537.)

## Historical Note

**Effective Date.** Section effective Oct. 1, 1981, see section 901 of Pub.L. 97-35, set out as an Effective Date note under section 300w of this title.

**Legislative History.** For legislative history and purpose of Pub.L. 97-35, see 1981 U.S. Code Cong. and Adm. News, p. 396.

### § 300w-4. Application and description of activities

#### Submission, form, and assurances

(a) In order to receive an allotment for a fiscal year under section 300w-1 of this title each State shall submit an application to the Secretary. Each such application shall be in such form and submitted by such date as the Secretary shall require. Each such application shall contain assurances that the legislature of the State has complied with the provisions of subsection (b) of this section and that the State will meet the requirements of subsection (c) of this section.

#### Public hearings

(b) After the expiration of the first fiscal year in which a State receives an allotment under section 300w-1 of this title, no funds shall be allotted to such State for any fiscal year under such section unless the legislature of the State conducts public hearings on the proposed use and distribution of funds to be provided under section 300w-2 of this title for such fiscal year.

#### Certifications by chief executive officer of State

(c) As part of the annual application required by subsection (a) of this section, the chief executive officer of each State shall certify that the State—

(1) agrees to use the funds allotted to it under section 300w-1 of this title in accordance with the requirements of this part;

(2) except as provided in subsection (e) of this section, shall make grants for fiscal year 1982 to each entity within the State which received a grant or contract under section 300d-1, 300d-2, or 300d-3 of this title in fiscal year 1981 and which would be eligible to receive a grant or contract under such section (as in effect on September 30, 1981) for such fiscal year if such grants or contracts were made under such section;

(3) agrees to establish reasonable criteria to evaluate the effective performance of entities which receive funds from the allotment of the State under this part and procedures for procedural and substantive independent State review of the failure by the State to provide funds for any such entity.<sup>1</sup>

(4) agrees to make grants for preventive health service programs for hypertension in amounts equal to—

(A) for fiscal year 1982, 75 percent of the total amount provided by the Secretary in fiscal year 1981 to the State and entities in the State under section 247b of this title for such programs,

(B) for fiscal year 1983, 70 percent of such total amount, and

(C) for fiscal year 1984, 60 percent of such total amount.

(5) agrees to permit and cooperate with Federal investigations undertaken in accordance with section 300w-6 of this title;

(6) has identified those populations, areas, and localities in the State with a need for the services for which funds may be provided by the State under this part;

(7) agrees that Federal funds made available under section 300w-2 of this title for any period will be so used as to supplement and increase the level of State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs and activities for which funds are provided under that section and will in no event supplant such State, local, and other non-Federal funds; and

(8) has in effect a system to protect from inappropriate disclosure patient and rape victim records maintained by the State in connection with an activity funded under this part or by any entity which is receiving payments from the allotment of the State under this part.

The Secretary may not prescribe for a State the manner of compliance with the requirements of this subsection.

**Description of intended use of funds; public access; revision**

(d) The chief executive officer of a State shall, as part of the application required by subsection (a) of this section, also prepare and furnish the Secretary (in accordance with such form as the Secretary shall provide) with a description of the intended use of the payments the State will receive under section 300w-2 of this title for the fiscal year for which the application is submitted, including information on the programs and activities to be supported and services to be provided. The description shall be made public within the State in such manner as to facilitate comment from any person (including any Federal or other public agency) during development of the description and after its transmittal. The description shall be revised (consistent with this section) throughout the year as may be necessary to reflect substantial changes in the programs and activities assisted by the State under this part, and any revision shall be subject to the requirements of the preceding sentence.

**Grants by States**

(e) A State shall be required to make a grant to an entity as prescribed by subsection (c)(2) of this section unless—

(1) the State recommends on the basis of—

(A) any Federal finding, Federal administrative action, or judicial proceeding with respect to any such entity, or

(B) a review of such entity in accordance with the criteria and procedures required under subsection (c)(3) of this section,

that the State not be required to make such grants; and

(2) the Secretary approves the recommendation of the State under paragraph (1) based upon a substantive and procedural review of the

record made by the State in making its recommendation under paragraph (1).

(July 1, 1944, c. 373, Title XIX, § 1905, as added Aug. 13, 1981, Pub.L. 97-35, Title IX, § 901, 95 Stat. 538.)

<sup>1</sup>So in original. Probably should be a semicolon.

#### Historical Note

**Effective Date.** Section effective Oct. 1, 1981, see section 901 of Pub.L. 97-35, set out as an Effective Date note under section 300w of this title.

**Legislative History.** For legislative history and purpose of Pub.L. 97-35, see 1981 U.S. Code Cong. and Adm. News, p. 396.

### § 300w-5. Reports and audits

#### Annual reports; contents; copies

(a)(1) Each State shall prepare and submit to the Secretary annual reports on its activities under this part. Such reports shall be in such form and contain such information as the Secretary determines (after consultation with the States and the Comptroller General) to be necessary (A) to determine whether funds were expended in accordance with this part and consistent with the needs within the State identified pursuant to section 300w-4(c) (6) of this title, (B) to secure a description of the activities of the State under this part, and (C) to secure a record of the purposes for which funds were spent, of the recipients of such funds, and of the progress made toward achieving the purposes for which the funds were provided. Copies of the report shall be provided, upon request, to any interested person (including any public agency).

(2) In determining the information that States must include in the report required by this subsection, the Secretary may not establish reporting requirements that are burdensome.

**Fiscal control; accounting procedures; annual audits; repayments and offsets; public inspection; Comptroller General evaluations; report to Congress**

(b)(1) Each State shall establish fiscal control and fund accounting procedures as may be necessary to assure the proper disbursement of and accounting for Federal funds paid to the State under section 300w-2 of this title and funds transferred under section 300w-3(c) of this title for use under this part.

(2) Each State shall annually audit its expenditures from payments received under section 300w-2 of this title. Such State audits shall be conducted by an entity independent of any agency administering a program funded under this part and, in so far as practical, in accordance with the Comptroller General's standards for auditing governmental organizations, programs, activities, and functions. Within 30 days following the date each audit is completed, the chief executive officer of the State shall transmit a copy of that audit to the Secretary.

(3) Each State shall, after being provided by the Secretary with adequate notice and opportunity for a hearing within the State, repay to the United

States amounts found not to have been expended in accordance with the requirements of this part or the certification provided by the State under section 300w-4 of this title. If such repayment is not made, the Secretary shall, after providing the State with adequate notice and opportunity for a hearing within the State, offset such amounts against the amount of any allotment to which the State is or may become entitled under this part.

(4) The State shall make copies of the reports and audits required by this section available for public inspection within the State.

(5) The Comptroller General of the United States shall, from time to time, evaluate the expenditures by States of grants under this part in order to assure that expenditures are consistent with the provisions of this part and the certification provided by the State under section 300w-4 of this title.

(6) Not later than October 1, 1983, the Secretary shall report to the Congress on the activities of the States that have received funds under this part and may include in the report any recommendations for appropriate changes in legislation.

**Inapplicability of Title XVII of Omnibus Budget  
Reconciliation Act of 1981**

(c) Title XVII of the Omnibus Budget Reconciliation Act of 1981 shall not apply with respect to audits of funds allotted under this part.

(July 1, 1944, c. 373, Title XIX, § 1906, as added Aug. 13, 1981, Pub.L. 97-35, Title IX, § 901, 95 Stat. 540.)

**Historical Note**

**References in Text.** Title XVII of the Omnibus Budget Reconciliation Act of 1981, referred to in subsec. (c), is Title XVII of Pub.L. 97-35, §§ 1701 to 1745, Aug. 13, 1981, 95 Stat. 753 to 764. For complete classification of such Title to the Code, see Tables volume.

as an Effective Date note under section 300w of this title.

**Legislative History.** For legislative history and purpose of Pub.L. 97-35, see 1981 U.S. Code Cong. and Adm. News, p. 396.

**Effective Date.** Section effective Oct. 1, 1981, see section 901 of Pub.L. 97-35, set out

**§ 300w-6. Withholding of funds**

**Prerequisites**

(a)(1) The Secretary shall, after adequate notice and an opportunity for a hearing conducted within the affected State, withhold funds from any State which does not use its allotment in accordance with the requirements of this part or the certification provided under section 300w-4 of this title. The Secretary shall withhold such funds until the Secretary finds that the reason for the withholding has been removed and there is reasonable assurance that it will not recur.

(2) The Secretary may not institute proceedings to withhold funds under paragraph (1) unless the Secretary has conducted an investigation concerning whether the State has used its allotment in accordance with the requirements of this part or the certification provided under section 300w-4 of this

title. Investigations required by this paragraph shall be conducted within the affected State by qualified investigators.

(3) The Secretary shall respond in an expeditious manner to complaints of a substantial or serious nature that a State has failed to use funds in accordance with the requirements of this part or certifications provided under section 300w-4 of this title.

(4) The Secretary may not withhold funds under paragraph (1) from a State for a minor failure to comply with the requirements of this part or certifications provided under section 300w-4 of this title.

#### Investigations

(b)(1) The Secretary shall conduct in several States in each fiscal year investigations of the use of funds received by the States under this part in order to evaluate compliance with the requirements of this part and certifications provided under section 300w-4 of this title.

(2) The Comptroller General of the United States may conduct investigations of the use of funds received under this part by a State in order to insure compliance with the requirements of this part and certifications provided under section 300w-4 of this title.

#### Availability of books, documents, papers, and records

(c) Each State, and each entity which has received funds from an allotment made to a State under this part, shall make appropriate books, documents, papers, and records available to the Secretary or the Comptroller General of the United States, or any of their duly authorized representatives, for examination, copying, or mechanical reproduction on or off the premises of the appropriate entity upon a reasonable request therefor.

#### Information not readily available

(d)(1) In conducting any investigation in a State, the Secretary or the Comptroller General of the United States may not make a request for any information not readily available to such State or an entity which has received funds from an allotment made to the State under this part or make an unreasonable request for information to be compiled, collected, or transmitted in any form not readily available.

(2) Paragraph (1) does not apply to the collection, compilation, or transmittal of data in the course of a judicial proceeding.

(July 1, 1944, c. 373, Title XIX, § 1907, as added Aug. 13, 1981, Pub.L. 97-35, Title IX, § 901, 95 Stat. 541.)

#### Historical Note

**Effective Date.** Section effective Oct. 1, 1981, see section 901 of Pub.L. 97-35, set out as an Effective Date note under section 300w of this title.

**Legislative History.** For legislative history and purpose of Pub.L. 97-35, see 1981 U.S. Code Cong. and Adm. News, p. 396.

**§ 300w-7. Nondiscrimination provisions****Programs and activities receiving Federal financial assistance**

(a)(1) For the purpose of applying the prohibitions against discrimination on the basis of age under chapter 76 of this title, on the basis of handicap under section 794 of Title 29, on the basis of sex under chapter 38 of Title 20, or on the basis of race, color, or national origin under sections 2000d to 2000d-4 of this title, programs and activities funded in whole or in part with funds made available under this part are considered to be programs and activities receiving Federal financial assistance.

(2) No person shall on the ground of sex or religion be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity funded in whole or in part with funds made available under this part.

**Failure to comply**

(b) Whenever the Secretary finds that a State, or an entity that has received a payment from an allotment to a State under section 300w-1 of this title, has failed to comply with a provision of law referred to in subsection (a)(1) of this section, with subsection (a)(2) of this section, or with an applicable regulation (including one prescribed to carry out subsection (a)(2) of this section), the Secretary shall notify the chief executive officer of the State and shall request him to secure compliance. If within a reasonable period of time, not to exceed sixty days, the chief executive officer fails or refuses to secure compliance, the Secretary may—

(1) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted,

(2) exercise the powers and functions provided by sections 2000d to 2000d-4 of this title, chapter 76 of this title, or section 794 of Title 29, as may be applicable, or

(3) take such other action as may be provided by law.

**Civil actions by Attorney General**

(c) When a matter is referred to the Attorney General pursuant to subsection (b)(1) of this section, or whenever he has reason to believe that a State or an entity is engaged in a pattern or practice in violation of a provision of law referred to in subsection (a)(1) of this section or in violation of subsection (a)(2) of this section, the Attorney General may bring a civil action in any appropriate district court of the United States for such relief as may be appropriate, including injunctive relief.

(July 1, 1944, c. 373, Title XIX, § 1908, as added Aug. 13, 1981, Pub.L. 97-35, Title IX, § 901, 95 Stat. 542.)

# UNITED STATES CODE ANNOTATED

**Title 42**

**The Public Health and Welfare**

**§§ 1 to 300**

**1989**

**Supplementary Pamphlet**

*Covering Years 1983 to 1988*

Replacing 1988 Supplementary Pamphlet

Includes the Laws of the  
100th CONGRESS, SECOND SESSION (1988)

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§§ 300u-6 to 300u-9. Repealed. Pub. L. 98-551, § 2(c), Oct. 30, 1984, 98 Stat. 2816

Section 300u-6, Acts July 1, 1944, c. 373, Title XVII, § 1707, as added Nov. 10, 1978, Pub. L. 95-626, Title V, § 502, 92 Stat. 3593, and amended July 10, 1979, Pub. L. 96-32, § 6 (k), 93 Stat. 84, related to project grants to State Councils on Physical Fitness for physical fitness improvement. See section 300u(a)(10)(D) of this title.

Section 300u-7, Acts July 1, 1944, c. 373, Title XVII, § 1708, as added Nov. 10, 1978, Pub. L. 95-626, Title V, § 502, 92 Stat. 3594, and amended July 10, 1979, Pub. L. 96-32, § 6(j), 93 Stat. 84, related to project grants for physical fitness improvement and research projects. See section 300u(a)(10)(D) of this title.

Section 300u-8, Acts July 1, 1944, c. 373, Title XVII, § 1709, as added Nov. 10, 1978, Pub. L. 95-626, Title V, § 502, 92 Stat. 3594, related to the establishment of a national program on sports medicine research. See section 300u(a)(10)(D) of this title.

Section 300u-9, Acts July 1, 1944, c. 373, Title XVII, § 1710, as added Nov. 10, 1978, Pub. L. 95-626, Title V, § 502, 92 Stat. 3594, and amended Oct. 17, 1979, Pub. L. 96-88, Title III, § 301(b)(2), Title V, § 507, 93 Stat. 678, 692, related to a Conference on Education in Lifetime Sports.

#### SUBCHAPTER XVI—PRESIDENT'S COMMISSION FOR THE STUDY OF ETHICAL PROBLEMS IN MEDICINE AND BIOMEDICAL AND BEHAVIORAL RESEARCH

##### § 300v. Commission

###### EXECUTIVE ORDER NO. 12184

Ex.Ord. No. 12184, Dec. 17, 1979, 44 F.R. 75091, relating to the President's Special Commission for the Study of Ethical Problems in Medi-

cine and Biomedical and Behavioral Research, was revoked by Ex.Ord. No. 12553, Feb. 25, 1986, 51 F.R. 7237...

#### SUBCHAPTER XVII—BLOCK GRANTS

Codification. Sections 300w to 300w-8, 300x to 300x-9, and 300y to 300y-11 of this title were formerly classified to subchapter XIX of this chapter prior to transfer to this subchapter.

##### Law Review Commentaries

The "baby doe" dilemma: Withholding treatment from disabled infants. Dolores M. Coulter, 66 Mich.B.J. 40 (1987).

#### PART A—PREVENTIVE HEALTH AND HEALTH SERVICES BLOCK GRANT

##### § 300w. Authorization of appropriations

(a) For the purpose of allotments under section 300w-1 of this title, there is authorized to be appropriated \$95,000,000 for fiscal year 1982, \$96,500,000 for fiscal year 1983, \$98,500,000 for fiscal year 1984, \$98,500,000 for the fiscal year ending September 30, 1985, \$98,500,000 for the fiscal year ending September 30, 1986, \$98,500,000 for the fiscal year ending September 30, 1987, \$110,000,000 for fiscal year 1989, and such sums as may be necessary for each of the fiscal years 1990 and 1991.

(b) Of the amount appropriated for any fiscal year under subsection (a) of this section, at least \$3,500,000 shall be made available for allotments under section 300w-1(b) of this title.

(As amended Oct. 30, 1984, Pub. L. 98-555, § 4, 98 Stat. 2855; Nov. 4, 1988, Pub.L. 100-607, Title III, § 301(a), 102 Stat. 311.)

1984 Amendment. Subsec. (a). Pub. L. 98-555, § 4(a), substituted "—, \$98,500,000 for the fiscal year ending September 30, 1985, \$98,500,000 for the fiscal year ending September 30, 1986, and \$98,500,000 for the fiscal year ending September 30, 1987" for "and" after "1983".

Subsec. (b). Pub. L. 98-555, § 4(b), substituted "\$3,500,000" for "\$1,000,000" before "shall be made available".

Legislative History. For legislative history and purpose of Pub. L. 98-555, see 1984 U.S. Code Cong. and Adm. News, p. 4804. See, also, Pub.L. 100-607, 1988 U.S. Code Cong. and Adm. News, p. 4167.

##### Library References

United States ⇐82.  
C.J.S. United States § 122.

## § 300w-1. Allotments

References in Text. Sections 247b-1 and 247b-2 of this title, referred to in subsec. (a)(2)(D), sections 246(d) and 255(a) of this title, referred to in subsec. (a)(2)(E) and (F), and sections 300d-1 to 300d-3 of this title, referred to in subsec. (a)(2)(G), were repealed, respectively, by Pub.L. 97-33, Title IX, §§ 902(a), 902(b), and 902(d)(1), Aug. 13, 1981, 95 Stat. 559 and 560.

## Library References

Indians ☞ 7.

United States ☞ 82.

C.J.S. Indians § 22.

C.J.S. United States § 122.

## § 300w-2. Payments under allotments to States

(a)(1) For each fiscal year, the Secretary shall make payments, as provided by section 6503(a) of Title 31, to each State from its allotment under section 300w-1 of this title (other than any amount reserved under section 300w-1(d) of this title) from amounts appropriated for that fiscal year.

[See main volume for text of (2); (b)]

Codification. In subsec. (a)(1), "section 6503(a) of Title 31" was substituted for "section 4213 of this title" on authority of Pub.L. 97-258, § 4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

## Library References

United States ☞ 82.

C.J.S. United States § 122.

## § 300w-3. Use of allotments

(a) Preventive health services, comprehensive public health services, emergency medical services, etc.

(1) Except as provided in subsections (b) and (c) of this section, amounts paid to a State under section 300w-2 of this title from its allotment under section 300w-1(a) of this title and amounts transferred by the State for use under this part may be used for the following:

[See main volume for text of (A)]

(B) Establishing and maintaining preventive health service programs for screening for, the detection, diagnosis, prevention, and referral for treatment of, and follow-up on compliance with treatment prescribed for, hypertension and elevated serum cholesterol.

(C) Community based programs for the purpose of demonstrating and evaluating optimal methods for organizing and delivering comprehensive preventive health services to defined populations, comprehensive programs designed to deter smoking and the use of alcoholic beverages among children and adolescents, and other risk-reduction and health education programs, including programs designed to reduce the incidence of chronic diseases.

(D) Comprehensive public health services, including immunization services.

[See main volume for text of (E)]

(F) Feasibility studies and planning for emergency medical services systems and the establishment, expansion, and improvement of such systems. Amounts for such systems may not be used for the costs of the operation of the systems or the purchase of equipment for the systems, except that such amounts may be used for the payment of not more than 50 percent of the costs of purchasing communications equipment for the systems.

(G) Providing services to victims of sex offenses and for prevention of sex offenses.

Amounts provided for the activities referred to in the preceding sentence may also be used for related planning, administration, and educational activities.

(H) Establishing and maintaining preventive health service programs for screening for, the detection, diagnosis, prevention, and referral for treatment of,

and follow-up on compliance with treatment prescribed for, uterine cancer and breast cancer.

*[See main volume for text of (2) and (3); (b) to (d)]*

(As amended Jan. 4, 1983, Pub.L. 97-414, § 8(e), 96 Stat. 2062; Nov. 10, 1986, Pub.L. 99-646, § 87(d)(1)(A), 100 Stat. 3623; Nov. 14, 1986, Pub.L. 99-654, § 3(b)(1)(A), 100 Stat. 3663; Nov. 4, 1988, Pub.L. 100-607, Title III, § 301(b), 102 Stat. 3111.)

**Codification.** Pub.L. 99-646 and Pub.L. 99-654, cited to the credit of this section, made identical amendments.

**1986 Amendment.** Subsec. (a)(1)(G). Pub.L. 99-646 substituted "victims of sex offenses and for prevention of sex offenses" for "rape victims and for rape prevention".

Pub.L. 99-654 made an amendment identical to Pub.L. 99-646.

**1983 Amendment.** Subsec. (a)(1)(F). Pub.L. 97-414 added "(other than systems with respect to which grants were made as prescribed by section 300w-4(c)(2) of this title)" after "equipment for the systems".

**Effective Date of 1986 Amendments.** Amendment by section 3(b)(1)(A) of Pub.L. 99-654 effective 30 days after Nov. 14, 1986, see section 4 of

Pub.L. 99-654, set out as a note under section 2241 of Title 18.

Amendment by section (d)(1)(A) of Pub.L. 99-646 effective 30 days after Nov. 10, 1986, see section 87(e) of Pub.L. 99-646, set out as a note under section 2241 of Title 18.

**Legislative History.** For legislative history and purpose of Pub.L. 97-414, see 1982 U.S. Code Cong. and Adm. News p. 3577. See, also, Pub.L. 99-646, 1986 U.S. Code Cong. and Adm. News, p. 6139; Pub.L. 99-654, 1986 U.S. Code Cong. and Adm. News, p. 6186; Pub.L. 100-607, 1988 U.S. Code Cong. and Adm. News, p. 4167.

**Library References**

United States ⇐82.  
C.J.S. United States § 122.

**§ 300w-4. Application and description of activities**

*[See main volume for text of (a) and (b)]*

**(c) Certifications by chief executive officer of State**

As part of the annual application required by subsection (a) of this section, the chief executive officer of each State shall certify that the State—

(1) agrees to use the funds allotted to it under section 300w-1 of this title in accordance with the requirements of this part;

(2) agrees to establish reasonable criteria to evaluate the effective performance of entities which receive funds from the allotment of the State under this part and procedures for procedural and substantive independent State review of the failure by the State to provide funds for any such entity;<sup>1</sup>

(3) agrees to permit and cooperate with Federal investigations undertaken in accordance with section 300w-6 of this title;

(4) has identified those populations, areas, and localities in the State with a need for the services for which funds may be provided by the State under this part;

(5) agrees that Federal funds made available under section 300w-2 of this title for any period will be so used as to supplement and increase the level of State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs and activities for which funds are provided under that section and will in no event supplant such State, local, and other non-Federal funds; and

(6) has in effect a system to protect from inappropriate disclosure patient and sex offense victim records maintained by the State in connection with an activity funded under this part or by any entity which is receiving payments from the allotment of the State under this part.

The Secretary may not prescribe for a State the manner of compliance with the requirements of this subsection.

**(d) Description of intended use of funds; public access; revision; statement of public health objectives**

The chief executive officer of a State shall, as part of the application required by subsection (a) of this section, also prepare and furnish the Secretary (in accordance with such form as the Secretary shall provide) with a description of the intended use of the payments the State will receive under section 300w-2 of this title for the fiscal year for which the application is submitted, including information on the programs

and activities to be supported and services to be provided. The description shall be made public within the State in such manner as to facilitate comment from any person (including any Federal or other public agency) during development of the description and after its transmittal. The description shall be revised (consistent with this section) throughout the year as may be necessary to reflect substantial changes in the programs and activities assisted by the State under this part, and any revision shall be subject to the requirements of the preceding sentence. The description shall include a statement of the public health objectives expected to be achieved by the State through the use of the payments the State will receive under section 300w-2 of this title.

(c) Repealed. Pub. L. 98-555, § 5(d), Oct. 30, 1984, 98 Stat. 2858

(As amended Oct. 30, 1984, Pub.L. 98-555, § 5(a), (d), 98 Stat. 2855, 2856; Nov. 10, 1986, Pub.L. 99-646, § 87(d)(1)(B), 100 Stat. 3624; Nov. 14, 1986, Pub.L. 99-654, § 3(b)(1)(B), 100 Stat. 3663; Nov. 4, 1988, Pub.L. 100-607, Title III, § 301(c), 102 Stat. 3112.)

1 So in original. Probably should be a semicolon.

**References in Text.** Sections 300d-1 to 300d-3 of this title, referred to in subsec. (c)(2), were repealed by Pub.L. 97-35, Title IX, § 902(d)(1), Aug. 13, 1981, 95 Stat. 560.

**Codification.** Pub.L. 99-646 and Pub.L. 99-654, cited to the credit of this section, made identical amendments.

**1986 Amendment.** Subsec. (c)(6). Pub.L. 99-646 substituted "sex offense" for "rape".

Pub.L. 99-654 made an amendment identical to Pub.L. 99-646.

**1984 Amendment.** Subsec. (c)(2). Pub. L. 98-555, § 5(a), redesignated par. (3) as par. (2). Former par. (2) which related to grants for fiscal year 1982, was struck out.

Subsec. (c)(3). Pub. L. 98-555, § 5(a), redesignated par. (5) as par. (3). Former par. (3) was redesignated par. (2).

Subsec. (c)(4). Pub. L. 98-555, § 5(a), redesignated par. (6) as par. (4). Former par. (4) which related to grants for preventive health service programs for hypertension was struck out.

Subsec. (c)(5). Pub. L. 98-555, § 5(a), redesignated par. (7) as par. (5). Former par. (5) was redesignated par. (3).

Subsec. (c)(6). Pub. L. 98-555, § 5(a), redesignated par. (8) as par. (6). Former par. (6) was redesignated par. (4).

Subsec. (c)(7). Pub. L. 98-555, § 5(a), redesignated par. (7) as par. (5).

Subsec. (c)(8). Pub. L. 98-555, § 5(a), redesignated par. (8) as par. (6).

Subsec. (e). Pub. L. 98-555, § 5(d), struck out subsec. (e) which related to grants by States.

**Effective Date of 1986 Amendments.** Amendment by section 3(b)(1)(B) of Pub.L. 99-654 effective 30 days after Nov. 14, 1986, see section 4 of Pub.L. 99-654, set out as a note under section 2241 of Title 18.

Amendment by section 87(d)(1)(B) of Pub.L. 99-646 effective 30 days after Nov. 10, 1986, see section 87(c) of Pub.L. 99-646, set out as a note under section 2241 of Title 18.

**Legislative History.** For legislative history and purpose of Pub. L. 98-555, see 1984 U.S. Code Cong. and Adm. News, p. 4804. See also, Pub.L. 99-646, 1986 U.S. Code Cong. and Adm. News, p. 6139; Pub.L. 99-654, 1986 U.S. Code Cong. and Adm. News, p. 6186; Pub.L. 100-607, 1988 U.S. Code Cong. and Adm. News, p. 4167.

**Library References**

United States Code  
C.J.S. United States § 122.

§ 300w-5. Reports and audits

(a) Annual reports; contents; copies

(1) Each State shall prepare and submit to the Secretary annual reports on its activities under this part. Such reports shall be in such form and contain such information as the Secretary determines (after consultation with the States and the Comptroller General) to be necessary (A) to determine whether funds were expended in accordance with this part and consistent with the needs within the State identified pursuant to section 300w-4(c)(6) of this title, (B) to secure a description of the preventive health and preventive health services programs in the State assisted by funds from allotments under this part, including a summary of the services which were provided, the providers of such services, and the individuals who received such services, and (C) to secure a record of the purposes for which funds were spent, of the recipients of such funds, and of the progress made toward achieving the purposes for which the funds were provided. Copies of the report shall be provided, upon request, to any interested person (including any public agency).

[See main volume for text of (2)]

(3) Each annual report required in paragraph (1) shall include—

(A) information and data on the number of individuals who received services provided through the use of payments under section 300w-3 of this title, the types of such services provided, the types of health care providers that delivered such services, and the cost of each type of such service;

(B) such other information and data as the Secretary may require; and

(C) an evaluation of the extent to which such services have been effective toward meeting the public health objectives described in the statement submitted to the Secretary pursuant to section 300w-4(d) of this title.

(b) Fiscal control; accounting procedures; annual audits; repayments and offsets; public inspection; Comptroller General evaluations; report to Congress

*[See main volume for text of (1) to (5)]*

(6) Not later than October 1, 1990, the Secretary shall report to the Congress on the activities of the States that have received funds under this part and may include in the report any recommendations for appropriate changes in legislation.

*[See main volume for text of (c)]*

(d) Development of model criteria and forms; collection of data and information

The Secretary, in consultation with appropriate national organizations, shall develop model criteria and forms for the collection of data and information with respect to services provided under this part to enable States to share uniform data and information with respect to the provision of such services.

(As amended Oct. 30, 1984, Pub. L. 98-555, § 5(b), (c), 98 Stat. 2855, 2856; Nov. 4, 1988, Pub. L. 100-607, Title III, § 301(d), 102 Stat. 3112.)

**References in Text.** The Omnibus Budget Reconciliation Act of 1981, referred to in subsec. (c), is Pub. L. 97-35, Aug. 13, 1981, 95 Stat. 357. Title XVII of the Omnibus Budget Reconciliation Act of 1981 enacted sections 3595, and 4511 to 4514 of Title 5, Government Organization and Employees, amended sections 3542, 3543, 3593, 3596, 4501, 4502, 4505, 4506, 8340, and 8345 of Title 5, and sections 2003 and 2401 of Title 39, Postal Service, and enacted provisions set out as notes under sections 3595, 4501, 5305, 5343, 8343, and 8345 of Title 5, section 1243 of Title 31, Money and Finance, and sections 403, 2003, 2004, and 2401 of Title 39. For complete distribution of such Act to the Code, see Tables volume. 1984 Amendment. Subsec. (a)(1)(B). Pub. L. 98-555, § 5(b), substituted "preventive health and preventive health services programs in the State

assisted by funds from allotments under this part, including a summary of the services which were provided the providers of such services, and the individuals who received such services" for "activities of the State under this part".

Subsec. (d). Pub. L. 98-555, § 5(c), added subsec. (d).

**Legislative History.** For legislative history and purpose of Pub. L. 98-555, see 1984 U.S. Code Cong. and Adm. News, p. 4804. See, also, Pub. L. 100-607, 1988 U.S. Code Cong. and Adm. News, p. 4167.

**Library References**

United States ¶82.

C.J.S. United States § 122.

#### § 300w-6. Withholding of funds

**Library References**

United States ¶82.

C.J.S. United States § 122.

#### § 300w-7. Nondiscrimination provisions

**West's Federal Forms**

Jurisdiction and venue in district courts, matters pertaining to, see § 1003 et seq.

Preliminary injunctions and temporary restraining orders, matters pertaining to, see § 5271 et seq.

**Library References**

Civil Rights ¶9.5.

C.J.S. Civil Rights §§ 56 to 58.

#### § 300w-8. Criminal penalty for false statements

**Library References**

United States ¶120 to 122.

C.J.S. United States § 168 et seq.

**§ 300w-9. Emergency medical services for children****(a) Grant authority**

For activities in addition to the activities which may be carried out by States under section 300w-3(a)(1)(F) of this title, the Secretary may make not more than four grants in any fiscal year to States or accredited schools of medicine in States to support a program of demonstration projects in such States for the expansion and improvement of emergency medical services for children who need treatment for trauma or critical care. Any grant made under this subsection shall be for not more than a two-year period, subject to annual evaluation by the Secretary.

**(b) Renewals**

The Secretary may renew a grant made under subsection (a) of this section for one additional one-year period only if the Secretary determines that renewal of such grant will provide significant benefits through the collection, analysis, and dissemination of information or data which will be useful to States in which grants under such subsection have not been made.

**(c) Definitions**

For purposes of this section—

(1) the term "school of medicine" has the same meaning as in section 292a(4) of this title; and

(2) the term "accredited" has the same meaning as in section 292a(5) of this title.

**(d) Authorization of appropriations**

To carry out this section, there are authorized to be appropriated \$2,000,000 for fiscal year 1985 and for each of the two succeeding fiscal years, \$3,000,000 for fiscal year 1989, \$4,000,000 for fiscal year 1990, and \$5,000,000 for fiscal year 1991.

(July 1, 1944, c. 373, Title XIX, § 1910, as added Oct. 30, 1984, Pub. L. 98-555, § 7, 98 Stat. 2856; Apr. 7, 1986, Pub. L. 99-272, Title XVII, § 17004, 100 Stat. 360, and amended Nov. 4, 1988, Pub. L. 100-607, Title III, § 302, 102 Stat. 3112.)

1986 Amendment. Subsec. (a). Pub. L. 99-272, § 17004(1), (2), substituted "not more than four grants in any fiscal year to States or accredited schools of medicine in States" for "grant to not more than four States in any fiscal year", and added "Only one grant under this subsection may be made in a State (to a State or to a school of medicine in such State) in any fiscal year."

Subsec. (b). Pub. L. 99-272, § 17004(3), substituted "States in which grants under such subsection have not been made" for "other States".

Subsec. (c). Pub. L. 99-272, § 17004(5), added subsec. (c). Former subsec. (c) was redesignated as (d).

Subsec. (d). Pub. L. 99-272, § 17004(4) redesignated subsec. (c) as (d).

Legislative History. For legislative history and purpose of Pub. L. 98-555, see 1984 U.S. Code Cong. and Adm. News, p. 4804. See, also, Pub. L. 99-272, 1986 U.S. Code Cong. and Adm. News, p. 42; Pub. L. 100-607, 1988 U.S. Code Cong. and Adm. News, p. 4167.

**§ 300w-10. Repealed. Pub. L. 100-607, Title III, § 303, Nov. 4, 1988, 102 Stat. 3112**

Section, Act July 1, 1944, c. 373, Title XIX, § 1910A, as added Oct. 30, 1984, Pub. L. 98-555, § 8, 98 Stat. 2857, related to State planning grants.

**PART B—ALCOHOL AND DRUG ABUSE AND MENTAL HEALTH SERVICES BLOCK GRANT****Subpart 1—Block Grant****§ 300x. Authorization of appropriations**

(a) For the purpose of carrying out this subpart and section 290aa-11 of this title, there are authorized to be appropriated \$1,500,000,000 for fiscal year 1989 and such sums as may be necessary for each of the fiscal years 1990 and 1991.

(b) For the purpose of carrying out section 290aa-11 of this title and sections 300x-9 through 300x-9b of this title, the Secretary shall obligate not less than 5 percent, and not more than 15 percent, of the amounts appropriated for a fiscal year pursuant to subsection (a) of this section.

(As amended Oct. 19, 1984, Pub. L. 98-500, Title I, §§ 101, 106(a), 98 Stat. 2353, 2358; Nov. 18, 1988, Pub. L. 100-690, Title II, § 2021, 102 Stat. 4119.)

**APPENDIX E**

**DEPARTMENT OF HEALTH RAPE CRISIS PROGRAMS:**

**FISCAL YEAR 1987-88**

NYS Department of Health  
Rape Crisis Programs  
Fiscal Year 1987

New York Women Against Rape  
666 Broadway, 6th Floor  
New York, NY 10012  
(212) 477-0819 Office  
(212) 777-4000 Hotline

Brooklyn Women's Anti-Rape  
Exchange  
30 Third Avenue  
Brooklyn, NY 11217  
(718) 330-0311 Office  
(718) 330-0310 Hotline

Kingsbridge Heights Community  
Center  
3101 Kingsbridge Terrace  
Bronx, NY 10463  
(212) 884-0700 Office

Victims Information Bureau of  
Suffolk County, Inc.  
515 Route 111  
Hauppauge, NY 11788  
(516) 360-3730 Office  
(516) 360-3606 Hotline

VSA-BRAVA  
247 Herkimer Street  
Brooklyn, NY 11201  
(718) 783-3700 Office  
(212) 577-7777 Hotline

Rape Crisis Program  
Dept. of Social Services  
D Building, Room 20  
Queens Hospital Center  
82-68 164th Street  
Jamaica, NY 11432  
(718) 990-2486 Office

Queens Rape Survivors Program  
Victim Services Agency  
89-31 161st Street  
Jamaica, NY 11532  
(718) 291-2555 Office  
(718) 577-7777 Hotline

Rape Intervention Program  
St. Luke's Roosevelt Hospital  
419 West 114th Street  
Room 522  
New York, NY 10025  
(212) 523-4728 Office

Victim Service Agency  
2 Lafayette Street  
New York, NY 10007  
(212) 577-7700 Office  
(212) 577-7777 Hotline

Rockaway Rape Counseling Unit  
c/o VSA Jamaica Community  
Office  
89-31 161 Street, 3rd Fl.  
Jamaica, NY 11432  
(718) 327-5662 Office  
(212) 577-7777 Hotline

Project Oasis/VSA  
Staten Island  
c/o Bayley-Seton Hospital  
Bay Street & Vanderbilt Ave.  
Staten Island, NY 10304  
(718) 447-5454 Office  
(212) 577-7777 Hotline

Rape Crisis Program  
St. Vincent's Hospital and  
Medical Center  
153 West 11th Street  
New York, NY 10011  
(212) 790-8068 Office

Victim of Violent Assault  
Asst. Program  
Bellevue Hospital Center  
Room GC-49  
27th Street & First Avenue  
New York, NY 10016  
(212) 561-3755 VoVAAP

NYC Gay & Lesbian Anti-  
Violence Project  
208 W. 13th Street  
New York, NY 10011  
(212) 807-6761 Office

Services to Rape Victims  
Adelphi University School of  
Social Welfare  
Garden City, NY 11530  
(516) 228-7407 Office  
(516) 222-2293 Hotline

Rape Crisis Intervention  
Program  
Mount Sinai Medical Center  
Department of OB/GYN  
Klingstein Pavilion  
2nd Floor  
One Gustave - Levy Place  
New York, NY 10029  
(212) 241-5461 Office

Crime Victims Assistance Unit  
Bronx District Attorney's  
Office  
215 East 161st Street  
New York, NY 10451  
(212) 590-2115 Office

Jewish Board of Family &  
Children Services  
26 Court Street  
Suite 800  
Brooklyn, NY 11201  
(718) 855-6900 Office

Rape Crisis Intervention  
Program  
The Long Island College  
Hospital  
354 Henry Street  
Brooklyn, NY 11201  
(718) 780-1572 Ext. 1459  
Office  
(718) 780-1459 Hotline

Suicide Prevention and Crisis  
Service, Inc.  
3258 Main Street  
Buffalo, NY 14214  
(716) 834-3131 Office &  
Hotline

Rape Crisis Service of Genesee  
County  
Masse Mall - Suite 21  
Batavia, NY 14020  
(716) 344-0541 Office  
1-800-527-1757 Hotline

Rape Crisis Service of Orleans  
County  
151 Platt Street  
Albion, NY 14411  
(716) 589-5682 Office  
1-800-527-1757 Hotline

Rape Crisis Service of Wayne  
County  
165 E. Union Street  
Newark, New York 14513  
(315) 331-1171 Office  
1-800-527-1757 Hotline

Ontario County  
Kinde Block Suite 9  
181 South Main Street  
Canandaigua, NY 14424  
(716) 394-5820 Office  
1-800-527-1757 Hotline

Rape Crisis Service  
PP of Rochester/Genesee Valley  
114 University Avenue  
Rochester, NY 14605  
(716) 546-2777 Office &  
Hotline

Rape Crisis Counseling  
Service,  
AMICAE  
P.O. Box 0023  
Fredonia, NY 14063  
(716) 672-8423 Office  
(716) 672-8484 Hotline

Cattaraugus Community Action,  
Inc.  
25 Jefferson Street  
Salamanca, NY 14779  
(716) 945-1041 Office  
(716) 945-3970 Hotline

Ned Watson, Advocate  
210 East Elm Street  
Olean, NY 14760  
(716) 373-4027 Office  
(716) 945-3970 Hotline

Rape Crisis Service of  
Livingston County  
4241 Lakeville Road  
Geneseo, NY 14454  
(716) 243-0576 Office  
1-800-527-1757 Hotline

Sexual Assault Victim's  
Advocate Resource  
P.O. Box 71  
Auburn, NY 13021

Aid to Women Victims-Violence  
YWCA-Cortland  
14 Clayton Avenue  
Cortland, NY 13045  
(607) 753-3639 Office  
(607) 756-6363 Hotline

Ithaca Rape Crisis Group  
Box 713  
Ithaca, NY 14851  
(607) 273-5589 Office  
(607) 277-5000 Hotline

Rape Crisis Center of Syracuse  
423 West Onondaga Street  
Syracuse, NY 13202  
(315) 422-7273 Office &  
Hotline

Planned Parenthood of the  
Finger Lakes, Inc.  
601 West Washington Street  
Geneva, NY 14456  
(315) 568-8378 Office-RCS  
(315) 781-1749-PPFL  
1-800-247-7273 Hotline

Neighborhood Justice Project  
Chemung County  
451 East Market Street  
Elmira, NY 14901  
(607) 734-3338 Office &  
Hotline

Rape Crisis Service of Yates  
Co.  
Rushville Health Center, Inc.  
P.O. Box 624  
Penn Yan, NY 14527  
(315) 536-9654 Office  
(315) 536-2897 Hotline

Child Sexual Abuse Prevention  
Project  
P.O. Box 164  
Ithaca, NY 14851  
(607) 277-3203 Office

Neighborhood Justice Project  
of the Southern Tier  
Steuben County  
147 East Second Street  
Corning, NY 14830  
(607) 936-8807 Office &  
Hotline

Neighborhood Justice Project  
of the Southern Tier  
P.O. Box 642  
Bath, NY 14810  
(607) 776-4077 Office

Albany County Rape Crisis Ctr.  
Room 1100  
112 State Street  
Albany, NY 12207  
(518) 447-7100 Office  
(518) 445-7547 Hotline

Rensselaer County Rape Crisis  
Samaritan Hospital  
2215 Burdett Avenue  
Troy, NY 12180  
(518) 271-3445 Office  
(518) 271-3257 Hotline

New York State Coalition  
Against Sexual Assault  
P.O. Box 4055  
Schenectady, NY 12304  
(518) 372-0683

Saratoga Rape Crisis Services,  
Inc.  
238 Church Street  
Saratoga Springs, NY 12866  
(518) 583-2734 Office  
(518) 587-2336 Hotline

Washington County Rape Crisis  
Mary McClellan Hospital  
1 Myrtle Avenue  
Cambridge, NY 12816  
(518) 677-3019 Office  
(518) 747-6412 Hotline

NJP of the Southern Tier  
Schuyler County  
111 9th Street  
Watkins Glen, NY 14891  
(607) 535-4757 Office &  
Hotline

Victims of Violence Program  
Programs and Domiciles, Inc.  
134 Vanderbilt Avenue  
Oneida, NY 13421

Citizens Against Violent Acts  
P.O. Box 174  
Canton, NY 13617  
(315) 386-3777 Office  
(315) 265-2422 Hotline

Jefferson County Women's  
Center  
131 Franklin Street  
Watertown, NY 13601  
(315) 782-1823 Office  
(315) 782-1855 Hotline

SAF Rape Crisis Program  
101 West Utica Street  
Oswego, NY 13126  
(315) 342-1600 Office &  
Hotline

HELP Hotline  
Lewis County Opportunities  
P.O. Box 111  
New Bremen, NY 13412  
(315) 376-8202 Office  
(315) 376-4357 Hotline

Oswego County Opportunities  
SAF  
101 West Utica Street  
Oswego, NY 13126  
(315) 342-1600 Abuse/Assault  
Hotline  
(315) 342-1544 Office

Niagara County Hotline and  
Crisis Intervention Services  
775 Third Street  
Niagara Falls, NY 14302  
(716) 285-9636 Office  
(716) 285-3518 Hotline

Oneonta Rape Crisis Network  
c/o Opportunities for Otsego  
32 Main Street  
Oneonta, NY 13820  
(607) 432-8937 Office  
(607) 432-8088 Hotline

Crime Victim/Witness Asst.  
Chenango Catholic Charities  
19 Prospect Street  
Norwich, NY 13815  
(607) 334-3532 Office  
(607) 336-1101 Hotline

Delaware Opportunities, Inc.  
119 Main Street  
Delhi, NY 13753  
(607) 746-2992 Office  
(607) 746-6278 Hotline

Rape & Abuse Crisis Center  
P.O. Box 836  
Binghamton, NY 13902  
(607) 723-3200 Office  
(607) 722-4256 Hotline

Rape Crisis Service  
YWCA-Utica  
100 Cornelia Street  
Utica, NY 13502  
(315) 732-2159 Office  
(315) 733-0665 Hotline

Victim/Witness Asst. Center  
77 North Avenue  
Owego, NY 13827  
(607) 687-6866 Office &  
Hotline

Mental Health Association in  
Orange County, Inc.  
223 Main Street  
Goshen, NY 10924  
(914) 294-7411 Office  
1-800-832-1200 Hotline

CEF Crisis/Helpline  
34 Brinkerhoff Street  
Plattsburgh, NY 12901  
(518) 561-2330/2331 Office  
1-800-DIAL-SOS Hotline

Crime Victims/Sexual Assault  
Program Advocate  
P.O. Box 611  
Malone, NY 12953  
(518) 483-8211 Office  
1-800-DIAL-SOS Hotline

Crime Victims/Sexual Assault  
Program Advocate  
P.O. Box 566  
Elizabethtown, NY 12932  
(518) 873-6514 Office  
1-800-DIAL-SOS Hotline

Sexual Assault Coordinator  
HCR 650 - Route 30  
Indian Lake, NY 12842  
(518) 648-5911 Office  
(518) 793-5888 Hotline

Planned Parenthood Health  
Services of Northeastern New  
York, Inc.  
414 Union Street  
Schenectady, NY 12305  
(518) 374-5353/5236 Office  
(518) 346-2266 Hotline

Rape Crisis Service of PPSAC  
23 Main Street  
Cobleskill, NY 12043  
(518) 234-4844 Office  
(518) 234-4949 Hotline

Rape Crisis Service of PPSAC  
Amsterdam Memorial Hospital  
Route 30 - North  
Amsterdam, NY 12010  
(518) 843-4367 Office  
1-800-446-2346 Hotline

Montgomery County Office  
257 Kingsborough Avenue  
Gloversville, NY 12078  
(518) 773-7303 Office  
1-800-662-2006 Hotline

Adirondack Prevention Service,  
Inc.  
48 Lawrence Street  
Glens Falls, NY 12801  
(518) 792-1268 Office  
(518) 793-5888 Hotline

Columbia-Greene Rape Crisis  
P.O. Box 1073  
Hudson, NY 12534  
(518) 828-5556 Office  
(518) 758-6696 Hotline

Dutchess County Crime Victim  
Assistance Program  
St. Francis Hospital  
North Road  
Poughkeepsie, NY 12601  
(914) 431-8808 Office  
(914) 431-8220 Hotline

Planned Parenthood of Orange/  
Sullivan, Inc.  
10 Prince Street  
Monticello, NY 12701  
(914) 794-3704 Office  
1-800-832-1200 Hotline

Rape Crisis Program  
Rockland Family Shelter  
39 South Main Street  
Spring Valley, NY 10977  
(914) 425-0112 Office &  
Hotline

VAS Westchester, Inc.  
3 Carhart Avenue  
White Plains, NY 10605  
(914) 684-6871 Office  
(914) 684-9877 Hotline

Ulster County CVAP  
P.O. Box 1800  
Kingston, NY 12401  
(914) 331-9300 Ext. 443 Office

Putnam-North Westchester  
Women's Resource Center  
2 Mahopac Place  
Mahopac, NY 10541  
(914) 628-9284 Office  
(914) 628-2166 Hotline

APPENDIX F  
CHAPTER 960 OF THE LAWS OF 1984

## CHILDREN AND FAMILY TRUST FUND ACT

*Memoranda relating to this chapter, see Legislative and Executive Memoranda, post*

## CHAPTER 960

Approved Aug. 6, 1984, effective Oct. 1, 1984

AN ACT to amend the social services law, in relation to enacting the children and family trust fund act and making an appropriation therefor

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The social services law is amended by adding a new article ten-A to read as follows:

## ARTICLE 10-A

CHILDREN AND FAMILY TRUST FUND ACT

Section 481-a. Legislative findings and purpose.

481-b. Short title.

481-c. Definitions.

481-d. Children and family trust fund advisory board.

481-e. Children and family trust fund; awarding of grants.

481-f. Children and family trust fund.

§ 481-a. Legislative findings and purpose. For the past decade, society has witnessed broad changes in family structure. These changes have created unique stresses on our children as well as on those who care for them. Among the most dire results of family stresses is the increasing frequency of child abuse and maltreatment, represented by a steady increase in reports of abuse and maltreatment to the statewide central register of child abuse and maltreatment. Additionally nearly one-fifth of homicides, and an even larger proportion of assaults occur within the home between members of families. Among the contributing causes of family violence are economic stress, social isolation, drug and alcohol abuse, parental attitude regarding discipline and child rearing, as well as acceptance of violence as a way of life. The reported incidents of both adult domestic violence and child abuse and maltreatment (including intergenerational family violence) represent only a portion of the total number of incidents in the pervasive and persistent problem of family violence. The development and support of prevention programs for child abuse and maltreatment and domestic violence (including intergenerational family violence) and services to victims of family violence is, therefore, of major importance to the state.

It is the intent of the legislature that the funds for the children and family trust fund shall be a new source of funding which shall increase the funds available for prevention and treatment services to victims of family violence. The legislature does not intend that these funds be used as a substitute for any funds currently available from federal, state or local sources for the provision of prevention or treatment services to these victims.

§ 481-b. Short title. This article shall be known and may be cited as the "children and family trust fund act".

deletions by [brackets]

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LAWS OF NEW YORK

.d1-c. Definitions. As used in this article:

1. "Domestic violence" shall mean any crime or violation, as defined in the penal law, which has been alleged to have been committed by any family or household member against any member of the same family or household.

2. "Family or household members" shall mean persons related by consanguinity or affinity or unrelated persons who are continually or at regular intervals living or in the past continually or at regular intervals lived in the same household, including victims and persons accused of having committed acts of domestic violence.

3. "Child abuse and maltreatment" shall have the same meaning as provided for in section four hundred twelve of this chapter.

4. "Public agency" shall mean a state or local office, board, department, bureau, commission, division, agency, other instrumentality of state or local government, or public or private educational institution.

5. "Family violence" shall mean any act which would constitute domestic violence as defined in subdivision one of this section or any act which would constitute child abuse and maltreatment as defined in subdivision three of this section.

6. "Primary prevention" shall mean strengthening family functioning to insure that family violence never takes place or is less likely to occur. Primary prevention shall include: educating family or household members or prospective parents in order to avoid patterns which can lead to family violence; increasing in-home services to new and prospective parents; strengthening the relationships among community resources, child protective service units and citizen groups to promote and encourage the development of family violence prevention programs; increasing the awareness of professionals and the public to the effects of stress, social isolation and the lack of social and parenting skills for the purpose of making available programs deemed helpful for children and adults; and any other program deemed helpful in the primary prevention of family violence.

7. "Secondary prevention" shall mean addressing the early signs of family violence or risk of family violence through treatment of presenting problems to prevent further problems from developing. Secondary prevention shall include: providing supportive services and temporary shelter to family or household members who are considered at risk of family violence; strengthening self-help groups composed of individuals with a history of or at risk of family violence; increasing in-home services to families at risk of violence; promoting and encouraging the development of community resources for the treatment of, and improving the response to family violence; providing information and referral services to resources and/or establishing linkages among services which are in the community; and any other program deemed helpful in the treatment of persons at risk of family violence.

§ 481-d. Children and family trust fund advisory board. 1. There is hereby established in the department, a children and family trust fund advisory board. The board shall meet regularly for the purpose of assisting the department in developing program standards, receiving and reviewing applications for funding, making recommendations relating to the establishment of family violence (including intergenerational family violence) prevention and service programs and evaluating the effectiveness of funded programs. The members of the board shall receive no com-

penetration for their services, but shall be reimbursed for their actual and necessary expenses incurred during the performance of their duties.

2. The board shall consist of seventeen members to be appointed by the governor, three of whom shall be appointed upon the recommendation of the speaker of the assembly, two of whom shall be appointed upon the recommendation of the minority leader of the assembly, three of whom shall be appointed upon the recommendation of the temporary president of the senate, and two of whom shall be appointed upon the recommendation of the minority leader of the senate. The governor shall designate one member to serve as chairman of the board. To the maximum extent possible members shall be chosen to represent equally those knowledgeable in, concerned with or committed to the field of domestic violence and/or child abuse. Members of the board shall be chosen from among the following groups: local social services districts; local youth boards or youth bureaus; child abuse and neglect task forces; statewide coalitions against domestic violence; alcoholism services; public agencies, not-for-profit corporations and educational institutions concerned with or providing professional training in family violence and child welfare services; family violence self-help and advocacy groups; the legal, social work, mental health, medical, clergy, judicial and law enforcement professions; groups dealing with services to the abused elderly; other professionals that provide family violence services and other concerned individuals or organizations.

§ 481-e. Children and family trust fund; awarding of grants. 1. The commissioner, with the advice and recommendations of the children and family trust fund advisory board, is hereby authorized to issue grants from funds credited to the children and family trust fund as provided in section four hundred eighty-one-f of this article to public agencies or not-for-profit corporations for the purpose of establishing or extending any or all of the following:

(a) primary prevention programs;

(b) secondary prevention programs;

(c) programs which provide services to victims of family violence, such as establishing temporary shelters and other emergency services; programs which provide or facilitate counseling, or other appropriate follow-up services to victims and their family or household members; and any other program deemed helpful in the treatment of victims of family violence.

2. (a) funds shall be awarded in the following manner: forty percent for local child abuse prevention programs, forty percent for local domestic violence prevention or service programs and twenty percent for regional or statewide family violence prevention programs; provided, however, that any unexpended portion of such twenty percent as allocated shall be made available for local family violence prevention programs and provided further, however, that in determining the eligibility of any regional or statewide family violence prevention program or of any local family violence prevention program for any part of such unexpended portion, the commissioner shall give first consideration to those programs which combine both child abuse prevention and domestic violence prevention.

(b) For a program which combines child abuse prevention and domestic violence prevention, the commissioner shall predetermine, to the extent feasible, the percentage of concentration for each within such program

and shall apportion the total amount awarded between such forty percent allocation in the same proportion.

3. No moneys from the fund established pursuant to section four hundred eighty-one-f of this article shall be granted for services mandated under this chapter.

4. The commissioner, with the advice and recommendations of the children and family trust fund advisory board, shall promulgate rules and regulations necessary and proper to implement and administer this section within one hundred twenty days after the effective date thereof. Such rules and regulations shall specify methods to evaluate the effectiveness of proposed programs and shall include but not be limited to the following:

(a) appropriate accounting and fiscal control procedures which shall include the filing of an annual financial statement by each provider so as to ensure the proper disbursement and accounting for funds received by public agencies and not-for-profit corporations for services; and

(b) appropriate written records regarding the population served and type and extent of services rendered by the provider; and

(c) confidentiality standards in conformance with appropriate federal and state standards so as to ensure the confidentiality of records of persons receiving services; and

(d) nature and quality of services provided and impacts upon the populations and communities served.

5. The first requests for proposals shall be issued within thirty days of the promulgation of such rules and regulations. On such proposals and for all subsequent proposals application for grants shall be filed within sixty days after such request is issued. Public agencies and not-for-profit corporations shall be eligible for purposes of application for grants provided for herein and subject to any rules and regulations promulgated pursuant to subdivision four of this section.

6. The commissioner, with the advice and recommendations of the children and family trust fund advisory board, shall publicize the availability of funds to be used for purposes of this section. The commissioner shall request, on prescribed forms, information determined to be necessary and relevant for the evaluation of each application. The commissioner and the advisory board may solicit comments on the applications from concerned individuals and agencies. Applications for local grants shall be submitted simultaneously to the department and to the local commissioner of social services and to the local youth bureau in the locality in which the program will operate. Such local commissioner and such local youth bureau shall have thirty days in which to send written comments on the proposal to the department. The commissioner shall either approve or disapprove an application within ninety days after the last day upon which such application may be submitted. When a local grant is approved following a negative comment from the local commissioner of social services or a local youth bureau, such local commissioner or such local bureau shall be informed of the reasons for the approval of the grant. No fewer than ten local child abuse prevention programs, no fewer than ten local domestic violence programs and no fewer than three statewide or regional family violence prevention programs per fiscal year shall be funded as far as practical. No grant award shall be for a period in excess of twelve months unless renewed by the commissioner, with the advice and recommendation of the advisory board. The

initial grant and the first year renewal, if any, shall not exceed one hundred percent of the cost of providing the service. The third year grant, if any, shall not exceed seventy-five percent of the initial grant. The fourth year grant and any grant thereafter, if any, shall not exceed fifty percent of the initial grant. No program shall receive funding after the fourth year unless the commissioner, annually, with the advice and recommendation of the advisory board finds that the program effectively prevents family violence or provides a necessary service to victims of family violence.

7. Pursuant to subdivision one of this section, the commissioner shall ensure that grants are awarded evenly across the state with consideration given to geographic areas with the greatest need and that priority is given to programs:

- (a) which are innovative; or
- (b) of demonstrated effectiveness; and/or
- (c) illustrates the capacity to coordinate with established community programs; and/or
- (d) which can demonstrate a potential for future financial self-sufficiency.

8. The commissioner with the advice and recommendations of the children and family trust fund advisory board shall submit a report prior to the fifteenth day of December beginning in nineteen hundred eighty-five and annually thereafter to the governor and the legislature regarding the implementation and evaluation of the effectiveness of prevention and treatment services related to family violence. Such report shall include:

- (a) the number of persons estimated to have been assisted in programs covered by this section;
- (b) the number, recipients and amounts of grants to public agencies and not-for-profit corporations;
- (c) the amount of public and private funds used for approved programs by service type;
- (d) the amount of funds used for the administration of such services;
- (e) a description of the nature and quality of services provided and the impact upon the populations and communities served and their potential for being replicated elsewhere; and
- (f) all such other matters as may be necessary to inform the governor and the legislature regarding the implementation and evaluation of the effectiveness of programs covered by this section and the success of such programs in accomplishing the intent of the legislature.

§ 481-f. Children and family trust fund. 1. There is hereby established within the general fund a separate and distinct account, to be known as the children and family trust fund. Such account shall consist of any moneys appropriated to the department for the purposes of the programs authorized pursuant to this article and funds from any other source, including but not limited to, federal funds, donations from private individuals, corporations or foundations, for the implementation of programs provided for in this article. All funds received by the comptroller on behalf of the children and family trust fund shall be deposited by the comptroller to the credit of the children and family trust fund. Notwithstanding the provisions of this subdivision, funds granted to the department pursuant to the federal child abuse prevention and treatment act shall not be deposited to the credit of children and family trust fund.

2. Donations from private individuals, corporations, or foundations deposited in the children and family trust fund may be invested by the comptroller pursuant to the provisions of section ninety-eight-a of the state finance law. Any income from such investments shall be deposited to the credit of the children and family trust fund.

<sup>1</sup> 42 U.S.C.A. § 5101 note.

§ 2. The sum of two hundred fifty thousand dollars (\$250,000), or so much thereof as may be necessary and available, is hereby appropriated from any moneys in the general fund to the credit of the state purposes account to the department of social services to the credit of the children and family trust fund for expenses of the advisory board and for the direct and indirect costs associated with the program established pursuant to this act. Such sums shall be payable on the audit and warrant of the state comptroller on vouchers certified or approved by the commissioner of social services in the manner provided by law. Funds shall not be expended until a certificate of approval is issued by the director of the budget with copies thereof filed with the chairman of the senate finance and assembly ways and means committee.

§ 3. This act shall take effect October first, nineteen hundred eighty-four.

**SUBTRACTION FROM FEDERAL ADJUSTED GROSS INCOME  
—DISABILITY PAYMENTS BY EMPLOYER RECEIVED BY FORMER  
EMPLOYEE UNDER AGE 65 RETIRED BECAUSE OF PERMANENT AND TOTAL  
DISABILITY**

**CHAPTER 961**

Approved Aug. 6, 1984, effective as provided in section 3

AN ACT to amend the tax law and the administrative code of the city of New York, in relation to permitting a reduction from federal adjusted gross income of certain disability income included in federal gross income for purposes of the tax on personal income imposed under article twenty-two of such law

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Paragraph three-b of subsection (c) of section six hundred twelve of the tax law is renumbered paragraph three-c and a new paragraph three-b is added to read as follows:

(3-b) (i) Disability income included in federal gross income, to the extent that such disability income would have been excluded from federal gross income pursuant to the provisions of subsection (d) of section one hundred five of the internal revenue code had such provisions continued in effect for taxable years commencing after December thirty-first, nineteen hundred eighty-three as they were in effect immediately prior to the repeal of such subsection. Notwithstanding the foregoing, the sum of disability income excluded pursuant to this paragraph, and pension

APPENDIX G  
CHAPTER 838 OF THE LAWS OF 1987

## Chapter 838

## SOCIAL SERVICES LAW--NOT-FOR-PROFIT CORPORATION

## LAW--DOMESTIC VIOLENCE PREVENTION ACT

## ESTABLISHED--FUNDING AND GRANTS

AN ACT to amend the social services law and the not-for-profit corporation law, in relation to the establishment of a permanent funding mechanism for domestic violence programs and to repeal subdivision thirty-two of section two and subdivision twenty-two of section three hundred seventy-one of the social services law relating to the definition of a special care home

Approved and effective August 7, 1987.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The legislature hereby finds that the development and funding of programs providing emergency intervention, shelter, and assistance to victims of domestic violence is of major importance to this state. § 1

The legislature further finds that domestic violence programs are experiencing severe financial difficulties due to inadequate levels of state, local, and private funding. Some programs are at risk of permanent closure. To prevent this loss and to ensure that adequate ongoing financial support for these programs is available, it is the intent of this act to create a funding mechanism for domestic violence programs.

matter in brackets [ ] is old law to be deleted.

§ 2 § 2. Subdivision thirty-two of section two of the social services law is REPEALED and subdivisions thirty-three and thirty-four are renumbered subdivisions thirty-two and thirty-three.

§ 3 § 3. Subdivision five of section sixty-two of such law is amended by adding a new paragraph (f) to read as follows:

(f) (1) The social services district in which a victim of domestic violence, as defined in section four hundred fifty-nine-a of this chapter, was residing at the time of the alleged domestic violence shall be responsible for the cost of shelter and care provided to such victim and his or her children at a residential program for victims of domestic violence located in another social services district if such victim:

a. was receiving public assistance at the time of entry to the program

or  
b. applies for public assistance and care during the time of residing in such program and is found eligible therefor.

(2) The social services district to which such application is submitted shall forward the completed application to the district in which the victim resided at the time of the alleged domestic violence.

(3) Responsibility for the cost of shelter and care pursuant to this paragraph shall be limited to the period during which the victim and his or her children, if any, reside in such program. Responsibility for public assistance and care for any period after termination of such residency shall be determined pursuant to other provisions of this section.

§ 4 § 4. Such law is amended by adding a new section one hundred thirty-one-u to read as follows:

§ 131-u. Domestic violence services to eligible persons. 1. Notwithstanding any inconsistent provision of law, social services officials shall, in accordance with the provisions of this section and regulations of the department, offer and provide emergency shelter and services at a residential program for victims of domestic violence, as defined in article six-A of this chapter, to the extent such shelter is necessary and available to persons who are:

(a) victims of domestic violence, as defined in article six-A of this chapter, and in need of emergency shelter and services; and

(b) eligible for assistance under one of the following programs:

(i) emergency assistance to needy families, pursuant to section three hundred fifty-j of this chapter;

(ii) aid to dependent children, pursuant to section three hundred forty-nine of this chapter;

(iii) home relief, pursuant to sections one hundred fifty-seven and one hundred fifty-eight of this chapter; or

(iv) any other form of public assistance and care pursuant to sections one hundred thirty-one and one hundred thirty-one-a of this chapter.

2. Social services officials shall establish a daily rate of reimbursement for any residential program for victims of domestic violence, as defined in article six-A of this chapter, which provides emergency shelter and services to persons eligible for assistance pursuant to this section. The daily reimbursement rate shall be:

EXPLANATION--Matter underlined or in italics is new;

(a) based upon the reasonable operational expenses of each individual program, and § 4

(b) submitted to the department as part of the social services multi-year services plan and annual implementation report pursuant to section thirty-four-a of this chapter. Each such rate shall be subject to the review and approval process set forth in subdivision four of section thirty-four-a of this chapter.

§ 5. Subdivision twenty-two of section three hundred seventy-one of such law is REPEALED. § 5

§ 6. Such law is amended by adding a new article six-A to read as follows: § 6

ARTICLE 6-A

DOMESTIC VIOLENCE PREVENTION ACT.

Section 459-a. Definitions.

459-b. Grants to residential programs for victims of domestic violence.

459-c. Grants to provide services to victims of domestic violence.

459-d. Standards of eligibility.

459-e. Reporting requirements.

459-f. Technical assistance.

459-g. Fees for services.

459-h. Confidentiality.

§ 459-a. Definitions. As used in this article: 1. "Victim of domestic violence" means any person over the age of sixteen, any married person or any parent accompanied by his or her minor child or children in situations in which such person or such person's child is a victim of an act which would constitute a violation of the penal law, including, but not limited to acts constituting disorderly conduct, harassment, menacing, reckless endangerment, kidnapping, assault, attempted assault, or attempted murder; and

(i) such act or acts have resulted in actual physical or emotional injury or have created a substantial risk of physical or emotional harm to such person or such person's child; and

(ii) such act or acts are or are alleged to have been committed by a family or household member.

2. "Family or household members" mean the following individuals:

(a) persons related by consanguinity or affinity;

(b) persons legally married to one another;

(c) persons formerly married to one another regardless of whether they still reside in the same household;

(d) persons who have a child in common regardless of whether such persons are married or have lived together at any time;

(e) unrelated persons who are continually or at regular intervals living in the same household or who have in the past continually or at regular intervals lived in the same household; or

(f) any other category of individuals deemed to be a victim of domestic violence as defined by the department in regulation.

§ 6

3. "Parent" means a natural or adoptive parent or any individual lawfully charged with a minor child's care or custody.

4. "Residential program for victims of domestic violence" means any residential care program approved by the department and operated by a not-for-profit organization for the purpose of providing emergency shelter, services and care to victims of domestic violence. Residential programs for victims of domestic violence shall include, but shall not be limited to:

(a) "Domestic violence shelters", which shall include any residential care facility organized for the exclusive purpose of providing emergency shelter, services and care to victims of domestic violence and their minor children, if any;

(b) "Domestic violence programs" which shall include any facility which otherwise meets or would meet the requirements of paragraph (a) of this subdivision, except that victims of domestic violence and their minor children, if any, constitute at least seventy percent of the clientele of such program; and

(c) "Safe home networks" which shall include any organized network of private homes offering emergency shelter and services to victims of domestic violence and their minor children, if any. Such network shall be coordinated by a not-for-profit organization.

5. "Non-residential program for victims of domestic violence" means any program operated by a not-for-profit organization, for the purpose of providing non-residential services, including, but not limited to, referral to emergency shelter, referral to medical services and counseling to victims of domestic violence. Victims of domestic violence and their children, if any, shall constitute at least seventy percent of the clientele of such programs.

6. "Applicant" means any program defined under subdivisions four and five of this section which provides emergency services to victims of domestic violence. Emergency services shall include, but shall not be limited to arranging for or providing food, crisis counseling, emergency medical services, and assistance in obtaining legal services and public assistance benefits when necessary.

§ 459-b. Grants to residential programs for victims of domestic violence. 1. Subject to amounts expressly appropriated therefor, the commissioner is authorized to award funding to applicants approved by the department. Funds shall be made available to reimburse eligible applicants for approved operational expenditures based on costs which are not subject to federal, state or local government reimbursement and such other factors as may be determined by the department. Approved operational expenditures shall be defined by the department in regulation and shall include but shall not be limited to, the cost of providing care to persons not eligible for public assistance and care. Nothing herein shall require the department to award a grant equal to full deficit of such approved operational expenses.

2. The commissioner shall provide notification to the appropriate local social services commissioner of any grants awarded pursuant to

EXPLANATION--Matter underlined or in *italics* is new;

this section.

§ 6

§ 459-c. Grants to provide services to victims of domestic violence.  
1. The commissioner is authorized, within the amounts appropriated specifically therefor, to award grants: (i) on a non-competitive basis to non-residential programs; (ii) on a competitive basis to residential and non-residential programs; (iii) on a competitive basis for training and technical assistance to not-for-profit organizations; and (iv) on a non-competitive basis for emergency grants to programs which, due to financial constraints, are in danger of closing. Grants awarded pursuant to paragraphs (i), (ii) or (iii) of this subdivision may be used for, but not limited to, the start-up of services to unserved and underserved communities, the expansion of existing services, the provision of transitional services, and community education.

2. Grants shall be awarded in accordance with standards set forth by the commissioner which shall include, but not be limited to:

- (a) the geographic area served or to be served;
- (b) the demonstrated need for the service;
- (c) program quality; and
- (d) financial and administrative viability.

3. The commissioner shall provide notification to the appropriate local social services commissioner of any grants awarded pursuant to this section.

§ 459-d. Standards of eligibility. 1. Upon request of the department, any applicant seeking funding pursuant to this article shall provide the department with a complete description of its operational plans, an annual budget and any other information requested by the department to assess the fiscal viability or adequacy of the program.

2. For fiscal years commencing on or after April first, nineteen hundred eighty-eight, grants shall be awarded in accordance with standards set forth by the department, which shall include, but shall not be limited to:

- (a) the geographic area served by the applicant and the demonstrated need for services in this area;
- (b) the extent to which the applicant assisted persons receiving shelter and services in applying for public assistance benefits;
- (c) the average monthly occupancy rates of programs offering emergency shelter; and
- (d) The extent to which private dollars were utilized to the fullest extent possible to fund approved operational expenses.

§ 459-e. Reporting requirements. The commissioner shall submit a report prior to December fifteenth, nineteen hundred eighty-eight and annually thereafter to the governor and the legislature regarding the implementation of this article. Such report shall include:

- 1. the number of persons estimated to have been assisted in programs covered by this article;
- 2. the number of persons estimated to have been denied shelter and/or services;
- 3. the amount of public and private funds for approved programs by

- § 6 service type;  
4. the amount of funds used for the administration and staffing of such programs;  
5. the occupancy rate and length of stay by residential program;  
6. the name and description of new programs developed by service type;  
7. the name and description of programs in danger of closing that received funds and the status of such programs;  
8. the name and description of programs that closed during the reporting year and the reason for such closure;  
9. the number of individuals who requested and received transitional services and the effect of providing such services to victims of domestic violence and their families;  
10. the name and description of programs which received technical assistance and the effect of such assistance;  
11. a schedule showing the approved daily rates of reimbursement payable to residential programs for victims of domestic violence pursuant to section one hundred thirty-one-u of this chapter; and  
12. all such other matters as may be necessary to inform the governor and the legislature regarding the implementation and effectiveness of programs covered by this article.

§ 459-f. Technical assistance. To the extent funds are available, the department shall arrange for or provide technical assistance to programs eligible for financial assistance pursuant to sections four hundred fifty-nine-b and four hundred fifty-nine-c of this article. Technical assistance shall include, but shall not be limited to, budgeting techniques, fund raising and program management.

§ 459-g. Fees for services. Any program defined in subdivisions four and five of section four hundred fifty-nine-a of this article may charge a service fee to persons who are not eligible for assistance pursuant to section one hundred thirty-one-u of this chapter and whose income exceeds one hundred fifty percent of the poverty level for such person and their dependents, if any, as set forth in the federal poverty income guidelines published by the department of health and human services.

§ 459-h. Confidentiality. The street address of any residential program for victims of domestic violence applying for funding pursuant to this article shall be confidential and may be disclosed only to persons designated by rules and regulations of the department.

- § 7 § 7. Subdivision one of section four hundred sixty-a of such law, as amended by chapter six hundred one of the laws of nineteen hundred eighty-one, is amended to read as follows:

1. Unless the written approval of the department and of a justice of the supreme court shall have been endorsed on or annexed to a certificate of incorporation, no such certificate shall hereafter be filed which includes among its corporate purposes the care of destitute, delinquent, abandoned, neglected or dependent children; the establishment or operation of any aged care accommodation, as defined in the private housing finance law or adult care facility; the placing-out or boarding-out of children, as defined in this chapter; the establishment

EXPLANATION--Matter underlined or in *italics* is new;

or operation of a home or shelter for unmarried mothers or a [special care home] residential program for victims of domestic violence as defined in subdivision five of section four hundred fifty-nine-a of this chapter; or the solicitation of contributions for any such purpose or purposes, provided, however, that the approval of the department shall not be required for filing of a certificate of incorporation which is restricted in its statement of corporate purposes to the establishment or operation of a facility for which an operating certificate is required by article twenty-three, nineteen or thirty-one of the mental hygiene law, or to the establishment or operation of a hospital, residential health care facility, or a home health agency, as those terms are defined in article twenty-eight of the public health law.

§ 7

§ 8. Subdivision one of section ~~four hundred sixty-c~~ of such law, as amended by chapter six hundred one of the laws of nineteen hundred eighty-one, is amended to read as follows:

§ 8

1. Excepting state institutions for the education and support of the blind, the deaf and the dumb, facilities subject to the approval, visitation and inspection of the state department of mental hygiene or the state commission of correction, facilities operated by or under the supervision of the division for youth and facilities subject to the supervision of the department of health pursuant to article twenty-eight of the public health law, the department shall inspect and maintain supervision over all public and private facilities or agencies whether state, county, municipal, incorporated or not incorporated which are in receipt of public funds, which are of a charitable, eleemosynary, correctional or reformatory character, including facilities or agencies exercising custody of dependent, neglected, abused, maltreated, abandoned or delinquent children, agencies engaged in the placing-out or boarding-out of children as defined in section three hundred seventy-one of this chapter, homes or shelters for unmarried mothers, [special care homes] residential programs for victims of domestic violence as defined in subdivision five of section four hundred fifty-nine-a of this chapter and adult care facilities.

§ 9. Paragraph (b) of section four hundred four of the not-for-profit corporation law, as separately amended by chapters eight hundred four and eight hundred fifty-six of the laws of nineteen hundred eighty-five, is amended to read as follows:

§ 9

(b) Every certificate of incorporation which includes among its purposes the care of destitute, delinquent, abandoned, neglected or dependent children; the establishment or operation of a day care center for children; the establishment or operation of day care development programs which are funded pursuant to section three hundred ninety-a of the social services law; the establishment or operation of any aged care accommodation, or adult care facility, or the establishment or operation of a [special care home] residential program for victims of domestic violence as defined in subdivision [thirty-one] four of section [two] four hundred fifty-nine-a of the social services law, or the placing-out or

matter in brackets [ ] is old law to be deleted.

- § 9 boarding-out of children or a home or shelter for unmarried mothers, excepting the establishment or maintenance of a hospital or facility providing health-related services as those terms are defined in article twenty-eight of the public health law and a facility for which an operating certificate is required by articles sixteen, nineteen, twenty-three and thirty-one of the mental hygiene law; or the solicitation of contributions for any such purpose or purposes, shall have endorsed thereon or annexed thereto the approval of a justice of the supreme court of the judicial district in which the office of the corporation is to be located and the commissioner of social services.
- § 10 § 10. Funds appropriated pursuant to chapter fifty-three of the laws of nineteen hundred eighty-seven for shelter, safe homes and apartments and services to victims of domestic violence shall be made available for the purposes of section four hundred fifty-nine-b of the social services law, provided, however, that such funds shall be used exclusively for residential programs for victims of domestic violence.
- § 11 § 11. Funds appropriated pursuant to chapter fifty-three of the laws of nineteen hundred eighty-seven for services and expenses to administer and implement contracts for demonstration projects for supportive services to victims of domestic violence shall be available for the purposes of section four hundred fifty-nine-c of the social services law. Up to eight percent of the amounts appropriated pursuant to such chapter may be transferred to the general fund-state purposes account for the administrative costs of implementing this act.
- § 12 § 12. The department shall develop a plan, which shall be submitted to the legislature on or before January first, nineteen hundred eighty-eight, describing the method of distribution of any funds that may be appropriated pursuant to law for the nineteen hundred eighty-eight--nineteen hundred eighty-nine state fiscal year for victims of domestic violence and used for the purposes described in section six of this act.
- § 13 § 13. This act shall take effect immediately.

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EXPLANATION--Matter underlined or in *italics* is new;

**APPENDIX H**

**TITLE 18 NYCRR PARTS 452-455 AND SECTION 481.1(a)**

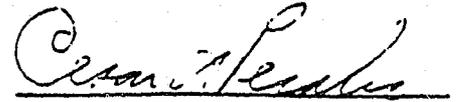
STATE DEPARTMENT OF SOCIAL SERVICES

ALBANY, NEW YORK

Pursuant to the provisions of Sections 20(3)(d), 34(3)(f) and Article 6-A of the Social Services Law, I, Cesar A. Perales, Commissioner of Social Services, do hereby repeal Part 452; add Parts 452, 453, 454 and 455; and amend Section 481.1(a) of the Official Regulations of the State Department of Social Services, being Chapter II of Title 18 NYCRR, effective 21 days after filing with the Secretary of State.

Dated: January 30, 1989

Signed:

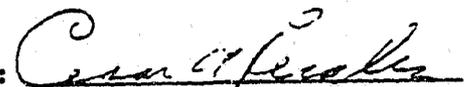


Commissioner

This is to certify that this is the original of an order of the State Department of Social Services, made on January 30, 1989 repealing Part 452; adding Parts 452, 453, 454 and 455; and amending Section 481.1(a) of the Official Regulations of the State Department of Social Services, being Title 18 NYCRR, a summary of which was published in the New York State Register on August 3, 1988.

Dated: January 30, 1989

Signed:



Commissioner

Part 452 is repealed.

Articles four, five and six of Subchapter C are renumbered articles five, six and seven and a new Article four is enacted to read as follows:

Article 4 Residential Programs for Victims of Domestic Violence.

Part 452

General Provisions

Section 452.1 Scope

Section 452.2 Definitions

Section 452.3 Application for operating certificate

Section 452.4 Required documentation in support of an application to operate a residential program for victims of domestic violence

Section 452.5 Issuance, condition, duration and revocation of operating certificate

Section 452.6 Renewal of the operating certificate

Section 452.7 Amendment of the operating certificate

Section 452.8 Supervision and inspection by the department

Section 452.9 General operational standards

Section 452.10 Confidentiality

Section 452.1 Scope. The provisions of this Part apply to any program defined herein as a residential program for victims of domestic violence, and will be considered separate from Parts 485-491 of this Title.

452.2 Definitions. For the purpose of this Article the following definitions apply:

(a) Domestic violence safe dwelling means a self-contained residence which is owned, leased, rented or otherwise under the direct control and

supervision of a domestic violence sponsoring agency, meets the daily living needs of the residents, has a capacity of nine or fewer persons including adults and children, is secured as specified in section 455.8 of this Article, and has been designated by the domestic violence sponsoring agency to provide temporary shelter exclusively to victims of domestic violence.

(b) Not-for-profit organization means any organization which is a public agency or incorporated as a not-for-profit corporation or religious corporation under the laws of this State or which provides care and services in this State and has been granted federal tax exempt status.

(c) Parent means a natural or adoptive parent or any individual lawfully charged with a minor child's care or custody.

(d) Resident means any victim of domestic violence who receives temporary shelter and emergency services in a residential program for victims of domestic violence.

(e) Residential program for victims of domestic violence means any residential care program approved by the department and operated by a not-for-profit organization for the purpose of providing temporary shelter, emergency services and care to victims of domestic violence. Residential programs for victims of domestic violence include:

(1) domestic violence shelters which are congregate residential facilities with a capacity of 10 or more persons, including adults and children, organized for the exclusive purpose of providing temporary shelter, and emergency services and care to victims of domestic violence and their minor children, if any;

(2) domestic violence programs which are facilities which would meet the definition of domestic violence shelter, except that victims of domestic violence and their minor children, if any, constitute at least 70 percent of the clientele of such programs. The remaining 30 percent of the clientele of

such programs may only consist of persons who will not be disruptive of the provision of services and will not jeopardize the safety and well being of the residents;

(3) safe home networks which are organized networks of private homes offering temporary shelter and emergency services to victims of domestic violence and their minor children, if any. Such networks must be coordinated by a not-for-profit organization.

(4) domestic violence sponsoring agencies which are not-for-profit organizations offering temporary shelter at a domestic violence safe dwelling and emergency services to victims of domestic violence and their minor children, if any.

(f) Safe home means a self-contained private residence which is owned, leased, rented, or otherwise under the direct control of a single person or family or two or more unrelated persons which has been approved by a safe home network for the purpose of providing temporary shelter to victims of domestic violence and their minor children, if any.

(g) Victim of domestic violence means any person 16 years of age or older, any married person or any parent accompanied by his or her minor child or children in situations in which such person or such person's child is a victim of an act which would constitute a violation of the Penal Law, including, but not limited to acts constituting disorderly conduct, harassment, menacing, reckless endangerment, kidnapping, assault, attempted assault, or attempted murder; and

(1) such act or acts have resulted in actual physical or emotional injury or have created a substantial risk of physical or emotional harm to such person or such person's child; and

(2) such act or acts are or are alleged to have been committed by a family or household member. "Family or household members" means the following individuals:

- (i) persons related by blood or marriage;
- (ii) persons legally married to one another;
- (iii) persons formerly married to one another regardless of whether they still reside in the same household;
- (iv) persons who have a child in common regardless of whether such persons are married or have lived together at any time;
- (v) unrelated persons who are continually or at regular intervals living in the same household or who have in the past continually or at regular intervals lived in the same household; or
- (vi) unrelated persons who have had intimate or continuous social contact with one another and who have access to one another's household.

452.3 Application for operating certificate. (a) No place, person, association, corporation, institution or agency may operate a residential program for victims of domestic violence without a current certificate issued by the department.

(b) All applications for a certificate to operate a residential program for victims of domestic violence must be made to the department in the manner prescribed in this Part and on forms furnished by the department.

(c) Upon request, the department will furnish application forms and a list of required supporting documentation necessary to complete an application for an operating certificate.

(d) Applicants for a certificate to operate a residential program for victims of domestic violence must submit the documentation as required in section 452.4 of this Part within 90 days of the date of filing an application with the department. Failure to comply with these requirements will be considered a withdrawal from the application process.

(e) Written notice of any omissions or deficiencies in the application or supporting documentation will be given by the department to the applicant.

(f) An applicant for a certificate to operate a residential program for victims of domestic violence or a residential program for victims of domestic violence may submit to the department an alternative plan to satisfy any non-statutory requirement of this Article. The plan must include the regulatory requirement involved and how the alternative plan will satisfy the intended purpose of the requirement. The department must approve the alternative plan where the department determines that such plan satisfies the intent of the regulatory requirement.

(g) A review to determine the applicant's compliance with department requirements will be conducted by the department after the receipt of the application and all required supporting documentation.

(h) A notice of approval or denial of the application will be issued by the department after the completion of the review and, if the application is approved, an operating certificate will be issued to the applicant.

(i) If an application is denied, the department will give written notice of the denial to the applicant, informing him or her of the reasons therefor and of the applicant's right to request a hearing before a hearing officer designated by the department in accordance with the procedures set forth in Part 343 of this Title.

(j) The applicant's request for a hearing to review the denial of an application for an operating certificate must be made within 60 days after written notice of denial. The department will respond to an applicant's request for a hearing within 90 days after the receipt of the request for a hearing.

452.4 Required documentation in support of an application to operate a residential program for victims of domestic violence. The completed application to the department must include the following:

- (a) the name of the program;
- (b) the type of residential program for victims of domestic violence which the applicant seeks to operate;
- (c) with the exception of safe home networks, safe homes, domestic violence sponsoring agencies, and safe dwellings, evidence of inspection and approval from applicable local authorities and officials, regarding compliance with health, sanitation, fire safety and building code requirements;
- (d) the name and address of the not-for-profit organization operating the program, and, where applicable, either
  - (1) a copy of the articles of association and proof of federal tax exempt status or
  - (2) a copy of the certificate of incorporation and verification of filing with the Secretary of State for incorporation;
- (e) satisfactory evidence of finances sufficient to operate properly and in accordance with this Part, including
  - (1) a projected annual budget showing anticipated operating expenses and income; and
  - (2) a copy of the most recent financial report prepared by a certified public accountant or most recent State and federal tax returns of the applicant organization. If an organization has been in existence for less than one year and if neither are available, a statement of the organization's assets and liabilities, signed by an officer of the organization;
- (f) a description of the program of care and services which must include the following:
  - (1) a description of how the required emergency services for the particular program will be delivered, the methods by which persons will gain access to the program, intake procedures for persons in need of temporary

shelter, and rules regarding length of stay for persons receiving temporary shelter;

(2) a description of community support and efforts to establish community linkages with police, family courts, local social services district, other domestic violence programs, and other community agencies;

(3) a copy of any program rules;

(4) a plan to ensure the safety and security of residents and a statement indicating the extent to which the site location is known to the general public;

(5) a description of a disaster emergency plan which must include provision for obtaining emergency medical care;

(6) a description of the type of meals provided or a description of food service arrangements when meals are not provided onsite;

(7) with the exception of safe home networks and domestic violence sponsoring agencies, a description of the method and frequency of fire drills; and

(8) any other information required by the department to further the purposes of this Article.

(g) a description of staffing which must include:

(1) copies of all personnel policies and practices; staff orientation policies; job descriptions for each position; education, experience and other qualifications required for each position; salaries; resumes of all employed staff, including age, education and experience; hours of work; and specific assignments of all staff;

(2) a description of the pattern of supervision of staff by the director or other responsible person, schedule and content of training and use of training resources (such as other agencies, conferences, college courses); and

(3) a sample of all forms used by the program including admission forms, agreements with residents and medical forms; and

(h) with the exception of safe home networks and domestic violence sponsoring agencies, a description of the proposed or actual facility' site, including its location, construction characteristics, use of the building for purposes other than the provision of services to victims of domestic violence and a diagrammatic floor plan of the entire facility. The diagram must be labeled with the planned use of all program areas, and must indicate plumbing fixtures, such as toilets, sinks and bathtubs and/or showers and the means of egress. The diagram must also reflect the facility's security plan. A facility may not expand its services or increase its capacity unless it has received prior written approval of the department and has complied with all applicable department regulations.

452.5 Issuance, condition, duration and revocation of operating certificates.

(a) An operating certificate will be issued to a residential program for victims of domestic violence only when it has been determined after an onsite inspection of the domestic violence shelter or domestic violence program, a review of the completed application and supporting documentation submitted by the shelter, program, network or sponsoring agency, and a finding that such shelter, program, network, or sponsoring agency is in compliance with department regulations.

(b) An operating certificate will be valid for up to three years from date of issuance and only for the premises occupied and may be suspended or revoked at any time for failure to comply with regulations of the department or for just cause.

(c) The certificate must be prominently displayed in the shelter, program, network, or sponsoring agency office.

(d) The maximum number of residents who may be in the care of the residential program or victims of domestic violence at any one time or the maximum number of safe homes or safe dwellings which may be approved will be

the number specified in the certificate. In addition, for domestic violence sponsoring agencies, the certificate will also specify the maximum number of residents who may be cared for in safe dwellings at any one time.

(e) There will be no fee for the issuance of an operating certificate.

(f) Certificates are not transferrable.

452.6 Renewal of the operating certificate. (a) An operator of a residential program for victims of domestic violence must submit an application for renewal of the operating certificate to the department at least 45 days prior to the expiration of said certificate. Such application must be made on the forms prescribed by the department and, with the exception of safe homes and safe dwellings, must include a copy of the most recent local and departmental inspection of the facility.

(b) Failure to submit an application for renewal of an operating certificate within the time limits established by subdivision (a) of this section may, at the discretion of the department, constitute grounds for denial of any subsequent application for renewal.

(c) Renewal will be dependent upon current fiscal viability, demonstration of the continued ability of the operator to operate the residential program in compliance with departmental regulations and for programs for which section 452.4(c) of this Part applies, to demonstrate satisfactory compliance with the State and local health, sanitation, fire safety and building code requirements where applicable.

(d) Following review of the renewal application and any required inspection report the department will make a determination whether the program is in compliance with department regulations, and if a satisfactory recommendation is issued, the operating certificate will be renewed for a period up to, but no more than, three years.

(e) If the department proposes to deny the application for renewal, the operator will be notified of the reasons for denial and the right to request a hearing.

452.7 Amendment of the operating certificate. (a) The operator must submit an application to amend an operating certificate in such manner and on such forms as prescribed by the department prior to:

(1) any change in the identity of the not-for-profit organization operating the program, the location of the program, or the capacity of the program; or

(2) the purchase, transfer, assignment or lease of a residential program.

For the purpose of this section, capacity with respect to a safe home means the number of safe homes approved by a safe home network and with respect to a safe dwelling means the number of safe dwellings operated by a domestic violence sponsoring agency and the maximum number of residents cared for in safe dwellings at any one time.

(b) The department must be notified 30 days in advance of the closure of the program and such change will require the operator to surrender its operating certificate to the department.

(c) Failure to notify the department of those changes listed in subdivisions (a) and (b) of this section will constitute grounds for the limiting, suspending or revoking of an operating certificate.

452.8 Supervision and inspection by the department. (a) Residential programs for victims of domestic violence are subject to the inspection and supervision of the department. The purpose of such supervision and inspection is to ensure that such programs are in compliance with all applicable State and local laws and regulations, and to determine that the services and care provided are adequate, appropriate, and in accordance with the operating certificate.

(b) With the exception of safe home networks, which only must allow the department access to safe homes under circumstances specified in Section 454.12(e) of this Title, residential programs for victims of domestic violence must allow the department, as specified in subdivisions (c) and (d) of this section, to any building or property owned, leased, rented, or directly controlled by the program and any books, papers, employees, and residents of the program in order to determine, and if necessary effect compliance with applicable laws and regulations and with the operator's application and operating certificate. Failure to allow such access constitutes grounds for the limitation, suspension, or revocation of an operating certificate.

(c) Inspection means the process of inquiry and investigation and includes periodic, announced or unannounced onsite investigations, as set forth in paragraph (d) of this section, private interviews with residents, review and investigation of books and records, compilation of written, photographic or other physical evidence and such collateral contact as the department deems necessary for the purpose of determining compliance with applicable laws or regulations. A resident will be interviewed only when the resident has consented to a private interview.

(d) The department may conduct unannounced inspections:

(1) upon the receipt of any complaint involving a residential program for victims of domestic violence which is related to the operation of the program;

(2) in relation to the initial application or a renewal of an operating certificate of any residential program for victims of domestic violence; or

(3) as follow-up to determine whether corrective action has been taken on deficiencies noted during previous inspections.

(e) Inspections, other than those specified in subdivision (d) of this section, will be conducted upon at least 24 hour notice to the operator of the residential program for victims of domestic violence.

(f) A written report of an inspection will be sent to the operator and will include:

(1) identification of any areas which are in violation of requirements of this Article;

(2) the steps which must be taken to correct any violations; and

(3) the timetable for correction.

Reports of inspection may require immediate corrective action by the operator to protect the health, safety and welfare of residents.

(g) Upon receipt of the report of inspection, the operator must:

(1) correct the violations in accordance with the timetable for correction; or

(2) in the event that correction cannot be completed within the time frame set forth in the report, obtain immediate written approval from the department to modify the corrective action plan. A request for modification may be denied if the department has cited conditions which could endanger the health, safety, and welfare of residents. In such cases, admissions to the program will be limited or prohibited until corrective action is implemented.

(h) Failure on the part of the operator to complete corrective action within the timetable specified or approved by the department will constitute sufficient cause for the department to limit, suspend or revoke an operating certificate.

(1) Limiting an operating certificate refers to the ability of the department to restrict any aspect of program operation until such time as the deficient conditions are corrected and the program is deemed to be in compliance with department regulations. Limiting an operating certificate includes, but is not restricted to, such actions as the closing or reducing of program admissions, reducing the total number of persons who may receive

services through the program or eliminating or modifying any aspect of the program or program services.

(2) Suspending an operating certificate refers to the ability of the department to withdraw a program's operating certificate for a period of time until the program can demonstrate that it has corrected the endangering conditions or deficiencies and is in compliance with department regulations. During the period of suspension a program must not provide care, services or shelter to eligible individuals.

(3) Revoking an operating certificate refers to the ability of the department to withdraw an operating certificate for the remainder of its designated term. In this situation a program is deemed to be terminated and is no longer authorized to provide care, residential services or other services to eligible individuals.

(i) No operating certificate will be limited, suspended or revoked without a hearing held in accordance with the procedures established in Part 343 of this Title, except an operating certificate may be temporarily suspended or limited in its terms, without a hearing for a period not in excess of 30 days, upon written notification to the operator following a finding by the department that the health, safety or welfare of a resident is in imminent danger. In such event, the operator will be required to request a hearing before the department within 10 days of the written notice of suspension or limitation. Failure to make such a request is prima facie evidence that the finding of imminent danger is valid, and temporary suspension or limitation will continue in effect until the condition requiring such suspension or limitation is corrected or until the permit is permanently suspended or revoked in accordance with department regulations.

(j) A notice of hearing will be served in person or by certified mail addressed to the operator, at least 30 days prior to the date of the hearing.

The notice will specify the time and place of the hearing, the proposed action and the charges which are the basis for the proposed actions. The charges will specify the statutes, rules and regulations, or other applicable requirements of law with which the operator failed to comply and will include a brief statement of the facts pertaining to such noncompliance.

452.9 General operational standards. (a) Admission standards. (1) With the exception of those persons described in paragraph (2) of this subdivision and to the extent space is available, residential programs for victims of domestic violence must provide emergency services and temporary shelter to any victim of domestic violence, as defined in section 452.2(g) of this Part. Each program must either be available to victims and their minor children who have special needs, including but not limited to physically handicapped, hearing impaired and non-English speaking victims, or have a plan to refer such persons to any available appropriate programs, including residential programs for victims of domestic violence.

(2) Programs may not accept or retain any person who:

(i) is likely to cause danger to himself/herself or others or to substantially interfere with the health, safety, welfare or care of other residents;

(ii) is in need of a level of medical, mental health, nursing care or other assistance that cannot be rendered safely and effectively by the particular program, or that cannot be reasonably provided by the program through the assistance of other community resources;

(iii) has a generalized systemic communicable disease or a readily communicable local infection which could be easily transmitted under normal shelter conditions to other residents and cannot be properly isolated. For the purpose of this Article, a communicable disease includes: measles, mumps, rubella, chicken pox, viral hepatitis, active or non-treated tuberculosis,

severe or persistent diarrhea of a parasitic or infectious etiology, pertussis, diphtheria, or meningitis; or

(iv) refuses to sign a written agreement as specified in paragraph (5) of this section.

(3) Prior to the admission of a person to a residential program for victims of domestic violence a face-to-face interview must be conducted with the potential resident to determine whether such person is a victim of domestic violence as defined in section 452.2(g) of this Part, whether such person fits any of the criteria described in paragraph (2) of this subdivision, and whether the individual program can appropriately meet such person's physical and personal needs, including medically prescribed diets. Persons who do not meet admission criteria must be referred to appropriate community resources.

(4) Where an adult or child resident appears to be physically injured or seriously ill and/or makes statements indicating the possibility of serious physical injury or illness such resident must have a preliminary health examination conducted by an appropriate medical professional within 48 hours of admission to a residential program for victims of domestic violence.

(5) Within the first working day following admission to a residential program for victims of domestic violence, the program must enter into a written agreement with each adult resident which specifies the rules of the program governing day-to-day life and activities including the maximum length of stay in such program and the conditions for eviction of residents. In such agreement, the resident will agree to comply with such terms and conditions.

(6) Additional requirements for the written agreement utilized by a safe home network and a domestic violence sponsoring agency are set forth in sections 454.6 and 455.3 of this Title respectively.

(7) Within the first working day following admission to a residential program for victims of domestic violence, the program must provide the resident with a written notice of the following:

(i) the right of the resident to receive confidential treatment and to reside in a safe and secure environment;

(ii) the requirement for programs to report all suspected cases of child abuse and maltreatment to the State central register of child abuse and maltreatment, as specified in subdivision (e) of this section;

(iii) the right to have or refuse private written, verbal and telephonic communications including the right to leave the facility, safe home or safe dwelling to meet with legal representatives and legal counsel. Any limitations on the use of the facility, safe home or safe dwelling for such meetings or communications including prior notice, hours of access, or access to private areas or any outright prohibition must be set forth in the resident rules;

(iv) the right to leave and return to the facility, safe home or safe dwelling at reasonable hours in accordance with the written rules of the program;

(v) the right to confidential treatment of personal, social, financial, and medical records as well as any other information which may result in the disclosure of the presence of the resident at the program, except where contrary to any law or regulation;

(vi) the right to receive courteous, fair and respectful care and treatment;

(vii) the availability of and assistance in securing legal support and advocacy;

(viii) the types of services available through the program and the frequency with which such services are offered including whether storage facilities to secure possessions are available;

(ix) the right of programs to evict residents who are disruptive of the program's operation or who are a threat to the well-being of other residents, household members, and/or staff;

(x) the requirement for programs to allow the department access to the grounds, buildings, books, papers, employees, and residents of the program for the purpose of supervision and inspection;

(xi) the right to present grievances on one's own behalf, or on behalf of other residents, to the program operator or operator's designee, the local social services district and/or the department without fear of reprisal and the procedures to voice such grievances;

(xii) the right to manage one's own financial affairs;

(xiii) the right to be free from restraint or confinement;

(xiv) the right to receive and send mail or any other correspondence without interception or interference in a manner consistent with section 452.10(c) of this Part;

(xv) the right to exercise one's civil rights; and

(xvi) the right to religious liberty.

(b) Personnel policies.

(1) Programs must develop a plan to recruit paid and volunteer staff who are representative of the cultural values and ethnic composition of the community being served. This includes the recruitment of bilingual staff when the program is located in an area serving a significant non-English speaking population. Such bilingual staff must speak the language of the community being served.

(2) There must be written job descriptions developed for each staff category. Each job description must include the title of the job, a statement of duties and responsibilities, skills needed and any special physical requirements of the job. The description must additionally specify the educational and experiential qualifications required of any applicant for the job. All staff persons must possess the necessary skills and training required for the job.

(3) There must be written personnel policies which include a non-discrimination clause and which describe the terms and conditions of employment including hours of work, salary, vacation and sick leave, benefits, overtime policy, and any requirements regarding attendance at educational and training programs.

(4) Complete paid employee records must be maintained. Such records must be current, accurate and available to the department. Such records must include the following information regarding each paid employee:

(i) name, age, social security number, current home address, telephone number, and person to contact in an emergency;

(ii) names and addresses of educational institutions attended, dates of graduation, degrees or certificates conferred and information regarding any training received which will be used as a substitute for education and/or work experience with respect to the hiring of such employee;

(iii) all professional experience and previous employment, with name and location of employer, dates of employment and reasons for terminating employment;

(iv) payroll and time records; and

(v) where relevant, New York or other state licensure or registration number, year of original issuance and expiration date.

(5) Complete records must be maintained for volunteers. Such records must be current, accurate and available to the department. Records must include the following:

- (i) the volunteer's name, age, address, telephone number and person to contact in an emergency;
- (ii) the volunteer's applicable skills, experience and job qualifications;
- (iii) the volunteer's work responsibilities and scheduled work hours;
- (iv) the name of the volunteer's supervisor and records of supervisory conferences; and
- (v) any relevant New York or other state licensure or registration number, year of original issuance and expiration date.

(6) The program must maintain at the program's office documentation of the required orientation and training sessions as applicable to said program including the date, time, topic and name of persons conducting and attending such orientation and training sessions.

(c) Records and reports. (1) Programs must maintain individual case records, by individual resident or by adult resident and related family member, including the following information:

- (i) resident's prior home address and listing of family members receiving residential services from the program;
- (ii) identification of person or persons to be contacted in case of emergency;
- (iii) referrals for any physical examination(s) of resident(s) pursuant to section 452.9(a)(4) of this Part;
- (iv) information on the status of any court proceeding to which the resident is a party or a complainant if such proceedings are directly related to the reasons the resident is in need of a residential program for victims of domestic violence;

(v) information on any special medical conditions or medications prescribed for any resident family members, the prescribed regimen to be followed, and the names and telephone numbers of medical doctors to contact should an emergency arise concerning these conditions;

(vi) the resident's description of the situation which caused the resident to enter the program as a victim of domestic violence;

(vii) entries indicating the dates and the emergency services provided pursuant to Parts 453, 454 or 455; and

(viii) where appropriate, documentation that a follow-up plan has been discussed with the resident, which includes, discussion on community services and programs which may be helpful to the individual resident upon departure and documentation of any referrals to other residential programs for victims of domestic violence.

(2) The program must maintain at the program office or the program's principal place of business personnel records as outlined in subdivision (b)(4) and (5) of this section.

(3) The program must maintain at the program office or the program's principal place of business payroll records and appropriate financial records and reports accounting for the revenues and expenditures and the financial status of the program.

(4) The program must maintain at the program office a daily roster or other mechanism to record the number of residents in the program at all times.

(5) The program must maintain at the program office records of all fires, accidents or violent incidents occurring at the domestic violence shelter, domestic violence program, safe home or safe dwelling, including a description of each incident and steps taken to control, manage or prevent the recurrence of such an incident.

(6) The program, with the exception of safe homes, must have written disaster and emergency plans.

(7) Records must be retained by the program upon change of staff or ownership, and must be retained for six years following termination of operation of the program.

(d) Maximum length of stay. (1) With the exceptions of those provisions contained in paragraph (2) of this subdivision, the maximum continuous length of stay for residents in one or more residential programs for victims of domestic violence may not exceed 90 consecutive days. Potential residents of each program must be informed of this policy at their initial admission interview and subsequently in writing, and all counseling of the residents must recognize this limitation and the need for future alternative arrangements.

(2) The maximum length of stay may be extended up to an additional 45 days for residents who continue to be in need of temporary shelter and emergency services and who are:

(i) in receipt of or eligible for emergency or recurring public assistance and care, but neither the local social services district nor the program is able to secure any appropriate alternative source of housing, or

(ii) not in receipt of or eligible for emergency or recurring public assistance and care but have been assisted by the residential program in their efforts to secure any appropriate alternative source of housing and have been unable to secure such housing. Efforts to assist residents with housing must be documented in the resident's case record.

(3) A former resident of a residential program for victims of domestic violence may reenter a residential program for victims of domestic violence if such person is a victim of domestic violence as defined in section 452.2 (g) of this Part as a result of a new domestic violence incident occurring

subsequent to the previous stay at a residential program for victims of domestic violence. For purposes of calculating the length of stay of such residents, the day of readmission will be counted as day one.

(e) Reporting of child abuse. (1) All suspected cases of child abuse or maltreatment occurring while a family is in residence at a residential program for victims of domestic violence must be reported immediately by telephone to the State central register of child abuse and maltreatment.

(2) Programs must report by telephone to the State central register of child abuse and maltreatment whenever a staff person has reasonable cause to suspect that a child coming before him/her has been abused or maltreated, or when the child's parent makes statements from personal knowledge, facts, conditions, or circumstances to a staff person, which if correct, would render a child abused or maltreated.

(3) Programs must designate an employee to be responsible for ensuring that all suspected cases of child abuse or maltreatment are reported.

#### 452.10 Confidentiality.

(a) Access to information. All records, books, reports and papers established and maintained pursuant to this Part and Parts 453, 454 and 455 of this Title relating to the operation of residential programs for victims of domestic violence and to the residents of such programs are confidential. Access to such information will be permitted only as follows:

(1) the department will have full access to all books, records, reports and papers relating to the operation of residential programs for victims of domestic violence and to the residents of such programs including access to any client identifiable information for purposes of inspection and supervision as required by section 452.8 of this Part;

(2) any person or entity will have access to information as permitted by an order of a court of competent jurisdiction;

(3) a residential program for victims of domestic violence will have access to information maintained in a resident's case record by another residential program for victims of domestic violence, excluding any information identifying the actual street address where the resident is sheltered, in those situations where a resident continues to be in need of a residential program for victims of domestic violence beyond the current program's length of stay policy and a referral has been made to another available residential program for victims of domestic violence;

(4) a local social services district will have access: (i) to fiscal records and non-identifiable information which is deemed necessary by the department to establish an approved per diem rate pursuant to section 131-u(2) of the Social Services Law. This will not include access to information identifying the actual street address where residents are being sheltered or any identifying information on safe home providers;

(ii)(a) to resident case records, including any resident identifiable information, for purposes of investigating a report of suspected child abuse and maltreatment pursuant to Title 6 of Article 6 of the Social Services Law;

(b) to resident case records, excluding information identifying the actual street address where residents are being sheltered, when a resident has voluntarily given written authorization for the release of such information. A local social services district cannot require that a resident sign such authorization as a condition for receiving public assistance or services; and

(c) to those elements of the resident case record as listed below for purposes of reimbursing a residential program for victims of domestic violence the approved per diem rates:

(1) the name of the resident for whom an approved per diem rate will be paid;

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(2) the name of any minor children for whom an approved per diem rate will be paid;

(3) the business address of the residential program for victims of domestic violence;

(4) the date the resident entered the program;

(5) the date of the resident's departure from the program; and

(6) other relevant information which identifies a resident's service and safety needs and which is necessary to ensure the provision of appropriate services to the resident;

(5) a resident as defined in this Part and Parts 453, 454 and 455 of this Title will have access to all information maintained in his/her resident case record maintained in accordance with subdivision (c)(1) of section 452.9 of this Part.

(6) an employee or official of a federal, State or local agency will have access to records relating to the financial operation of a residential program for victims of domestic violence other than to a resident's case record and to records identifying the actual shelter site for purposes of conducting a fiscal audit.

(b) Disclosure.

(1) An agency or person given access to any books, records, reports and papers relating to the operation of a residential program for victims of domestic violence pursuant to subdivision (a) of this section or to the residents of such program must not divulge or make public such information except:

(i) where authorized by a court of competent jurisdiction;

(ii) where expressly authorized by a resident of a residential program for victims of domestic violence;

(iii) to a person or entity otherwise authorized to have access pursuant to subdivision (a) of this section for purposes directly related to the administration of a residential program for victims of domestic violence; or

(iv) where otherwise authorized by statute.

(2) Employees of the New York State Department of Social Services and a local social services district given access to information pursuant to this section who redisclose information in a manner which is not consistent with the provision of this Part are subject to disciplinary action in accordance with appropriate collective bargaining agreements and applicable law and regulation.

(c) Confidentiality of facility address.

Each program must maintain a business mailing address separate and distinct from the actual address where residents are sheltered. When releasing the address of any resident, programs must release only the business address of the program and not the actual address where the resident is being sheltered. For the purposes of applying for and receiving public assistance, medical assistance and/or community services, residents must use the business mailing address of the program and not the actual street address of the shelter.

(d) Local district access to residents.

(1) A local social services district will have access to a resident of a residential program for victims of domestic violence at the facility or safe home only under the following circumstances:

(i) where authorized by an order of a court of competent jurisdiction;

(ii) notwithstanding the requirements of this Title, for purposes of investigating a report of suspected child abuse or maltreatment in which the subject of a report is a resident of a residential program for victims of domestic violence or a safe home provider. Nothing in this subparagraph

prevents a local child protective service from interviewing residents of a residential program for victims of domestic violence at a location other than the facility or safe home; and

(iii) where authorized by the policies of a residential program for victims of domestic violence and with the concurrence of the resident.

(2) A local social services district will have access to the residents of a residential program for victims of domestic violence, where the program policies do not permit access on site, at a location other than the confidential location of the actual facility site or safe home when such access is necessary in order for the local social services district to determine a resident's length of stay at a residential program for victims of domestic violence, to assess the service and safety needs of the resident and/or to assist a resident in finding appropriate alternative housing.

Notwithstanding the requirements of this section, nothing in this subdivision prevents a local social services district from having access to a facility site where such access is permitted by the policies of a residential program for victims of domestic violence.

Part 453

Standards for Domestic Violence

Shelters and Domestic Violence Programs

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453.1 Scope. The provisions of this Part apply solely to facilities defined as domestic violence shelters and domestic violence programs in sections 452.2(a)(1) and (2) of this Article.

453.2 Definitions. For the purpose of this Part, the following definitions will apply:

(a) Domestic violence program means a facility which would meet the definition of domestic violence shelters, except that victims of domestic violence and their minor children, if any, constitute at least 70 percent of the clientele of such programs. The remaining 30 percent of the clientele of such programs may only consist of persons who will not be disruptive of the provision of services and will not jeopardize the safety and well being of the residents.

(b) Domestic violence shelter means a congregate residential facility with a capacity of 10 or more persons, including adults and children, organized for the exclusive purpose of providing temporary shelter, and emergency services and care to victims of domestic violence and their minor children, if any.

(c) Family or household member means the following individuals:

- (1) persons related by blood or marriage;
- (2) persons legally married to one another;
- (3) persons formerly married to one another regardless of whether they still reside in the same household;
- (4) persons who have a child in common regardless of whether such persons are married or have lived together at any time;
- (5) unrelated persons who are continually or at regular intervals living in the same household or who have in the past continually or at regular intervals lived in the same household; or
- (6) unrelated persons who have had intimate or continuous social contact with one another and who have access to one another's household.

(d) Resident means any victim of domestic violence who receives temporary shelter and emergency services in a residential program for victims of domestic violence.

(e) Victim of domestic violence means any person 16 years of age or older, any married person or any parent accompanied by his or her minor child or children in situations in which such persons or such person's child is a victim of an act which would constitute a violation of the Penal Law, including, but not limited to acts constituting disorderly conduct, harassment, menacing, reckless endangerment, kidnapping, assault, attempted assault, or attempted murder; and

(1) such act or acts have resulted in actual physical or emotional injury or have created a substantial risk of physical or emotional harm to such person or such person's child; and

(2) such act or acts are alleged to have been committed by a family or household member.

453.3 General requirements for operation. (a) In addition to the requirements specified in Part 452 of this Article, buildings, equipment and services must be adequate to meet the physical and social needs of all residents and to protect their health, safety, comfort, and well-being.

(b) All applicable local and State codes, regulations, ordinances and laws relating to health, safety, sanitation, fire prevention and building standards must be complied with.

(c) All requirements of this Part and Part 452 of this Article must be met unless an exception has been granted pursuant to section 452.5 of this Article.

453.4 Emergency services. In addition to the provision of temporary shelter at the facility which must be available on a 24 hour basis, seven days a week, including weekends and holidays, the following emergency services must be provided directly by the operator of the facility or, in the case of medical services, through a linkage agreement:

(a) Twenty-four hour access to the program which means the provision of immediate assistance to victims of domestic violence through a telephone hotline which provides crisis intervention counseling and information and referral, including referrals to other available residential programs when the facility is filled to capacity. Such assistance, including admission to the program, must be made available on a 24 hour basis, seven days a week, including weekends and holidays. Such assistance may be provided directly by the program or by an employee or volunteer of a designee of the program, with such designation documented by a letter of agreement between the program and the designee. Staff or volunteers responsible for the provision of such services must be knowledgeable about the dynamics of domestic violence intervention, facility services and the availability of community resources.

(b) Information and referral which means: (1) the provision by the program of information about and referral to community services and programs which meet the individual needs of residents. Referrals to such services must be made available to residents on a daily basis during regular business hours. Information and referral must be provided to any battering spouse or partner requesting services; and

(2) the program maintaining and making accessible to all residents a list of community services and programs which may be reasonably required by victims of domestic violence, their minor children and other dependent family members.

(c) Advocacy which means the provision by a program of liaison services or active intervention with community resources and services on behalf of a resident. Advocacy services must be made available to residents on a daily basis during regular business hours. Such services must include assistance in accessing legal remedies and protections; obtaining medical care, social services, employment and housing; and obtaining and submitting public assistance applications where appropriate. Staff persons or trained volunteers responsible for advocacy services must be knowledgeable about community services and agencies, and the rights of victims of domestic violence to obtain necessary services and assistance.

(d) Counseling which means the provision by a program of individual counseling which stresses self sufficiency. Appropriate counseling must be made available to adult residents. Such counseling must be provided by a qualified staff person or trained volunteer with appropriate skills and training. Counseling provided must address:

- (1) needs identified by the resident;
- (2) options to ensure a resident's safety;
- (3) an understanding of the nature of family violence;
- (4) legal options; and
- (5) skills in problem solving.

(e) Children services which means the program: (1) making appropriate arrangements to provide for the education of school-aged children in compliance with Article 65 of the New York State Education Law, Part 1, section 3201 et seq;

(2) assisting parents, as needed, in arranging care for their children when such care is necessary to enable the parent to seek employment, housing and/or services or activities necessary to alleviate the parent's need for temporary shelter and emergency services;

(3) offering age appropriate recreational and social activities on a daily basis during regular business hours for children residing in the facility; and

(4) offering and providing appropriate counseling services to children residing in the facility.

(f) Support groups which means the provision by the program of peer support to interested residents through discussing in group settings experiences about family violence. Support groups must be made available to residents at least once each week. Such groups must be coordinated by a qualified employee or trained volunteer and must not replace individual counseling when requested by the resident.

(g) Follow up which means the program: (1) ensuring that prior to a resident's planned departure from the facility, efforts are made to involve the resident in discussions on available community services and programs which may assist the resident in carrying out their intended future plans upon departure. Such follow up services may include, but are not limited to, counseling services, employment or training services, educational services, legal services, medical services, day care and housing services. Any referrals to other residential programs for victims of domestic violence must be documented in the resident's case record; and

(2) recognizing every resident's need for safety and confidentiality and contacting residents after departure only when the residents have given prior written approval. Such approval must be documented in the resident's case record. Nothing in this subparagraph mandates the participation of the resident in follow-up services.

(h) Medical services which means: (1) the program having an established linkage, documented by a letter of agreement, with a fully accredited medical institution or clinic or with qualified medical personnel, which include a physician, physician's assistant or nurse practitioner, for the referral of residents for preliminary health examinations where necessary, and follow-up visits.

(2) When a referral for additional screening for physical examination, laboratory and tuberculin tests, inoculations and other appropriate treatment has been made, the program must assist the resident in arranging for such treatment when requested by the resident.

(i) Transportation which means the program:

(1) to the extent possible, arranging for transportation to the facility in an emergency; and

(2) to the extent possible, making transportation available to residents in order for the residents to secure legal, medical, housing, employment, or public assistance services or assist residents to obtain available public or private transportation where possible.

(j) Community education/outreach which means the provision of educational activities by the program to the community on the need for and benefits of domestic violence services, the dynamics of domestic violence, and prevention

of domestic violence by making presentations, distributing written materials, and utilizing the media. The availability of program services must be made known to police agencies, courts, hospital personnel, and local social services districts. A segment of such community education/outreach must be focused on informing victims of domestic violence about existing services.

453.5 Nutrition. (a) Provision must be made to ensure that three well-balanced and nutritious meals are provided daily to residents either onsite or offsite with reasonable convenience.

(b) Contracted food services are allowable.

(c) Reasonable medically prescribed nutritional needs of any adult or child resident must be met regardless of the food buying and meal preparation arrangements of the program.

453.6 Staffing.

(a) General requirements.

(1) The term staff, as used in this section, means compensated employees and volunteers of the domestic violence program or shelter.

(2) Prior to assuming any responsibilities as an employee or volunteer at a residential program, all staff must receive an orientation to the services provided by the facility, which include confidentiality issues, child abuse reporting requirements, policies and procedures, and job responsibilities. All staff must be provided with a copy of their job description at the time of employment.

(3) Within the first year of becoming an employee or volunteer at the residential program, those staff who are involved in the direct provision of emergency services specified in section 453.4 of this Part must be provided with training. Training must include, but need not be limited to, the following topics:

- (i) dynamics of family violence;
- (ii) child abuse reporting requirements;
- (iii) confidentiality issues;

- (iv) legal remedies; and
- (v) community resources and services.
- (4) Health requirements.

(i) When staff contract a communicable disease as defined in section 452.9(a)(2)(iii) of this Article which can easily be transmitted to others under normal shelter conditions, the program must take timely and adequate measures to prevent exposure of other staff and residents to such disease.

(ii) No individual who is known to be actively addicted to or dependent on alcohol, narcotics, or other illegal drugs may be hired or used as a volunteer worker.

(5) Staff/resident ratios. (i) A sufficient number of competent staff must be on duty and onsite at all times to supervise, operate and maintain the premises in a safe and sanitary condition, and to ensure the delivery of program services to all residents. There must be an employee responsible for supervising any volunteers.

(ii) There must be a minimum of one employee on duty and onsite at all times there are individuals residing in the facility.

(iii) During the non-business sleeping hours the following minimum number of staff must be on duty and onsite at all times:

Range of Number of Residents in the Facility	Minimum Number of Staff
1-40	1 staff person
41-80	2 staff persons
81-120	3 staff persons
121 -	For each additional increment of 40 residents over 120, one additional staff person must be added upon entering into the next range of the number of residents.

(iv) During the non-business waking hours the following minimum number of staff must be on duty and onsite at all times except where otherwise indicated:

Range of Number of Residents in the Facility	Minimum Number of Staff
1-15	1 staff person
16-20	1 staff person plus one staff person on call, or 2 staff persons
21-35	2 staff persons
36-50	3 staff persons
51-65	4 staff persons
66 -	For each additional increment of 15 residents over 65, one additional staff person must be added upon entering the next range of the number of residents.

(v) For all other hours, in accordance with the program and services provided pursuant to this Part, the following minimum number of staff must be on duty:

Range of Number of Persons in the Facility	Minimum Number of Staff
1-10	1 employee onsite. For each additional increment of 10 residents, one additional staff person, who must be on duty, must be added upon entering the next range of the number of residents as reflected in paragraph (b) above.

(vi) At all times, whether or not there are any residents being sheltered in the facility, there must be one employee or volunteer of the domestic violence shelter or the domestic violence program or an employee or volunteer of a designee of such program on call to receive crisis calls as set forth in section 453.4(a) of this Title.

(vii) During regular business hours whether or not there are any residents being sheltered in the facility there must be at least one employee on duty.

(viii) For purposes of calculating the minimum staff, food service and transportation personnel are not counted.

(b) Staff responsibilities and qualifications.

(1) Administration. The residential program must employ a qualified director who is responsible for the general management and administration of the facility, supervision of all staff and delivery of emergency services to all residents. A director must have four years of relevant work experience, one year of which must include supervisory experience.

(i) Two years of college in a related course of study may be substituted for up to two years of the non-supervisory work experience. One year of college in a related course of study will be equivalent to one year of work experience. College credits will be accepted on a prorated basis.

(ii) Relevant work experience includes paid or volunteer work experience with victims of domestic violence and/or in the direct provision of human services.

(2) Emergency services.

(i) The director must designate and identify a sufficient number of qualified staff who will be responsible for directly providing the emergency services set forth in section 453.4 of this Part. The director may be designated to perform these functions in lieu of a qualified staff person.

(ii) Any staff person designated to provide one or more of the emergency services specified in subdivisions (a)-(e)(1), (2) and (4), (f) and (g) of section 453.4 of this Part must have one year relevant work experience which includes paid or volunteer work experience with victims of domestic violence and/or in the direct provision of human services. Twelve hours of training provided by the facility program and/or other agencies on the topics specified in subdivision (a)(3) of this section and relevant to such person's job responsibilities may be substituted for the one year relevant work experience. Six hours of training will be equivalent to six months of work experience. Any staff designated to provide children's counseling must also have relevant work experience, or have an educational background or training in child development.

(iii) Any employee or volunteer of a designee of a domestic violence shelter or a domestic violence program designated to provide emergency assistance to victims of domestic violence through a telephone hotline must have the qualifications specified in subparagraph (2)(ii) of this subdivision.

(3) Other activities. The director must designate and identify a sufficient number of qualified staff to perform the following activities:

(i) Meal preparation. When food is provided onsite a staff person must be designated to assist residents as needed in meal preparation.

(ii) Transportation. Persons providing transportation must have a valid driver's license.

(iii) Community education/outreach. A staff person must be designated to perform or coordinate the activities set forth in section 453.4(j) of this Part. A staff person performing community education and outreach must have one year of relevant work experience which must include paid or volunteer work

experience with victims of domestic violence and/or in the direct provision of human services. Twelve hours of training provided by the facility program and/or other agencies in the topics specified in paragraph (3) of subdivision (a) of this section and relevant to such person's job responsibility may be substituted for the one year relevant work experience. Six hours of training will be equivalent to six months of relevant work experience. The director may be designated and identified to perform these activities in lieu of another qualified staff person.

(c) Personnel policies must be in compliance with the requirements set forth in Part 452 of this Article.

453.7 Security. The program must provide security at the facility to ensure the physical safety of residents and staff on a 24 hour basis. A description of the security system must be submitted to the department for review and approval. Based upon the individual characteristics of each program, including, but not limited to, location of the facility and the extent to which the location is known in the community, size of the facility, construction characteristics of the facility, and use of the building or site location for purposes other than the provision of services to victims of domestic violence, additional security measures, including, but not limited to, the hiring of staff and installation of security devices may be required. At a minimum, each facility must have safety locks on all exit and entry doors. These doors must be secured at all times and specific admittance procedures must be in place for anyone entering the facility.

453.8 Environmental standards.

(a) Each facility must be in conformance with applicable State and local laws, regulations and ordinances relating to health, sanitation, fire safety, and building construction standards. Each program must submit evidence of

local inspection and approval with respect to all standards specified in this subdivision.

(b) Each facility must demonstrate compliance with the following requirements:

(1) General requirements.

(i) Each facility must be maintained in a good state of repair and sanitation and must be free of safety hazards.

(ii) All areas of the facility, including exits which are accessible to residents, must be well lighted.

(iii) A multi-story combustible dwelling must have a minimum of one exit stairway from each floor above the first floor and at least one additional alternate, safe means of emergency egress from each floor above the first floor.

(iv) All lavatories, sleeping areas, recreational areas, hallways and other living areas must be kept clean and sanitary. Procedures must be established and implemented for the cleaning and maintenance of the entire facility.

(v) Heating systems must be maintained in good working order.

(2) Sleeping rooms. (i) Sleeping rooms must be separate and distinct from other living areas.

(ii) Sleeping rooms must be adequately lighted and ventilated.

(iii) Multi-resident or dormitory-type sleeping rooms will be acceptable provided the following minimum requirements are met:

(a) natural light and ventilation must be available in each sleeping area in accordance with generally accepted standards and State and local codes; and

(b) adequate accommodations must be made for the storage of personal belongings and clothing.

(3) Bathing facilities.

(i) There must be at least one sink and one toilet for every 10 residents.

(ii) There must be at least one bathtub or shower for every 10 residents.

(iii) Bathrooms must be cleaned, sanitized with disinfectant and maintained daily and more often if necessary to ensure cleanliness and sanitation.

(iv) All toilet and bathing areas must be vented by means of natural or mechanical ventilation to the outside air.

(v) All bathtubs and showers must have a non skid surface.

(vi) Bathing and toilet facilities must be located within the residential program and must be in good working order with hot and cold water available 24 hours a day. If a program provides temporary shelter to the physically handicapped, toilet and bathing facilities must be handicapped accessible.

(4) Living areas. Lounging and recreation areas must be provided to serve the recreational and social needs of the residents.

(5) Dining facilities must be provided with adequate space and furnishings to serve all the residents.

(6) Child services and recreation areas. Facilities must designate an area exclusive of living and dining areas for the purposes of children services and recreation.

(7) Kitchens, sanitation and sanitary procedure. (i) All kitchens or food preparation areas must be adequately lighted, ventilated, and provided with essential and proper equipment for food storage, refrigeration, freezing, preparation and serving for the number of residents to be served.

(ii) All kitchen equipment and surroundings must be kept clean, and garbage and trash must be kept in suitable covered containers and removed daily.

(iii) Dishes, glassware, eating and cooking utensils and food containers must be properly washed and dried.

(iv) Staff members hired for the specific purpose of food preparation and handling must meet all State and local health requirements. Residents and staff members participating in the handling and preparation of food for consumption by the resident community must be in good health, take proper sanitary precautions, and wash hands prior to engaging in such activity.

(v) The food service areas must be provided with sufficient and suitable space and equipment to maintain efficient and sanitary operation of all required functions, in compliance with Part 14 of the New York State Sanitary Code (Title 10 NYCRR). In addition, all other State, county, and local health and fire department regulations relating to kitchen operations for fire protection, safety, sanitation and health must be complied with.

(8) Furnishings and equipment. (i) The facility must provide furnishings and equipment, including toys, which do not endanger resident health, safety and welfare and which support daily activities.

(ii) All furnishings and equipment must be durable, clean and appropriate to the residential program.

(iii) The facility must furnish each resident, whether an adult or child, with a clean bed (or cribs for infants), a minimum of 27 inches in width, solidly constructed, and in good repair which has a clean, comfortable and well-constructed mattress, standard in size for the bed and a clean and comfortable pillow of standard size.

(iv) Each resident must be supplied with adequate personal hygiene articles and, where needed, diapers for children.

(v) Bed linens, blankets and towels must be available, clean and in good condition.

(vi) All operable windows must be equipped with screens and guards or locks. All windows in sleeping areas must have shades or other appropriate window coverings to ensure privacy.

(vii) All electrical outlets accessible to children must be adequately protected.

(viii) Dining areas must be furnished with dining tables and chairs appropriate to the size and function of the facility.

(ix) Living rooms, sitting rooms, lounges and recreation areas must be furnished with tables, chairs, lighting fixtures and other equipment appropriate to the size and function of the specific area and of the facility.

(x) The facility must maintain areas suitable for posting required notices, documents and other written materials in locations visible and accessible to residents, staff and visitors.

(xi) A secured area or container must be maintained by each facility to secure valuable personal belongings of any residents requesting such security.

(9) Safety procedures.

(i) Prescription medicines and dangerous drugs must be kept by residents or staff in a secure place so as not to be accessible to children or other adult residents.

(ii) Containers of chemical cleaning agents and other toxic material must be labeled, stored and secured in places out of reach of children.

(iii) Hallways and corridors may not be used for storage of equipment or trash.

(iv) Sidewalks, fire escape routes, and entrances must be kept free of any hazards, including ice, snow and debris.

(v) Stairways must have sturdy and securely fastened handrails.

(vi) Radiators with heating pipes which could cause burns must be shielded.

(vii) All electrical cords and plugs must be in good condition with no exposed or frayed wiring.

(viii) Children may not be permitted to operate any power equipment or electrical appliances except under the close supervision of a responsible staff member or the children's parents.

(10) Fire safety procedures. Suitable precautions must be taken to eliminate all conditions which may contribute to or create a fire.

(i) Except in facilities where a stricter standard is required by State or local code requirement, each facility must be equipped with at least one battery operated smoke detector located on each corridor ceiling adjacent to a sleeping area.

(ii) Each facility must be equipped with an ABC rated fire extinguisher in the kitchen which meets National Fire Protection Association standards. The extinguisher must be properly installed, charged, and maintained. Staff and volunteers must be knowledgeable and trained in the use of the fire extinguisher.

(iii) Building exits must be clearly marked and free from obstructions at all times.

(iv) The following are fire hazards and are prohibited:

- (a) smoking in other than designated areas;
- (b) portable space heaters of any type;
- (c) non-metal containers which contain residue from solid fuel burning appliances;
- (d) accumulation of combustible materials in any part of the building;
- (e) storage of flammable or combustible liquids in anything other than closed containers listed by an accepted testing laboratory;
- (f) cooking appliances in resident bedrooms; and
- (g) overloaded electrical circuits.

(11) A telephone with emergency telephone numbers for fire, police and medical assistance posted nearby must be made available to residents.

453.9 Disaster and emergency plans. (a) Each facility must have a written plan detailing the procedures to be followed in caring for residents in the event of an emergency or disaster, such as fire, flood or power failure. Such plan must include a medical care plan for obtaining emergency professional assistance on a 24 hour basis, seven days a week, including weekends and holidays. All employees and volunteers of the program must be knowledgeable of the emergency and disaster plan and of their responsibilities under such plan.

(b) Evacuation procedures outlining the method and manner in which residents and staff are to evacuate the facility in the event of a fire or other emergency must be conspicuously posted on each floor of the facility.

(c) Fire drills must be held on a monthly basis and a record of such drills must be maintained.

PART 454

STANDARDS FOR SAFE HOME NETWORKS  
AND SAFE HOMES

Sec.

- 454.1 Scope
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454.1 Scope. The provisions of this Part, along with the provisions of Part 452 of this Title, apply to safe home networks and safe homes for victims of domestic violence, and are separate from Parts 453 and 455 of this Title.

454.2 Definitions. For the purposes of this Part the following definitions apply:

(a) Family or household member means the following individuals:

- (1) persons related by blood or marriage;
- (2) persons legally married to one another;

(3) persons formerly married to one another regardless of whether they still reside in the same household;

(4) persons who have a child in common regardless of whether such persons are married or have lived together at any time;

(5) unrelated persons who are continually or at regular intervals living in the same household or who have in the past continually or at regular intervals lived in the same household; or

(6) unrelated persons who have had intimate or continuous social contact with one another and who have access to one another's household.

(b) Resident, for the purposes of this Part, means any individual who is permitted to receive temporary shelter and emergency services as set forth in section 454.7 of this Part.

(c) Safe home means a self-contained private residence which is owned, leased, rented or otherwise under the direct control of a single person or family or two or more unrelated persons which has been approved by a safe home network as defined in subdivision (d) of this section for the purpose of providing temporary shelter to victims of domestic violence, as defined in Part 452 of this Title, and their minor children, if any.

(d) Safe home network means an organized network of private homes offering temporary shelter and emergency services to victims of domestic violence as defined in subdivision (f) of this section, and their minor children, if any. Such network must be coordinated by a not-for-profit organization.

(e) Safe home provider means a person who has been approved by a safe home network to provide temporary shelter in his/her residence to victims of domestic violence.

(f) Victim of domestic violence means any person 16 years of age or older, any married person or any parent accompanied by his or her minor child or children in situations in which such person or such person's child is a victim of an act which would constitute a violation of the Penal Law, including, but not limited to acts constituting disorderly conduct, harassment, menacing, reckless endangerment, kidnapping, assault, attempted assault, or attempted murder; and

(1) such act or acts have resulted in actual physical or emotional injury or have created a substantial risk of physical or emotional harm to such person or such person's child; and

(2) such act or acts are alleged to have been committed by a family or household member.

454.3 General requirements for operation of a safe home network.

(a) Safe home networks are responsible for approving safe homes and ensuring that residents are only placed in those safe homes which have met the requirements for approval as contained in section 454.9 of this Title.

(b) Safe home networks having a maximum length of stay policy of less than 90 days must have an established linkage, to the extent shelters and services are available, with an approved domestic violence shelter or domestic violence program to refer safe home residents who continue to be in need of temporary shelter and emergency services beyond the stay permitted at a safe home.

(c) Safe home networks must ensure that three well balanced and nutritious meals are available daily to residents either at the safe home or off-site.

454.4 Responsibility for placement.

In addition to the admission standard set forth in section 452.9(a)(4) of this Title, prior to each placement, safe home networks must make an inquiry into the general health and well being of each member of the safe home household and arrange to place prospective residents in only those approved homes that the network has ascertained have no health problems which could endanger the health, safety or well being of prospective residents.

454.5 Maximum length of stay. The provisions of section 452.9(d) of this Title apply to the maximum length of stay of residents in safe homes, provided however, that networks may impose a length of stay which is less than the maximum set forth in such section.

454.6 Safe home network responsibilities/resident responsibilities. In addition to the provisions set forth in section 452.9(a)(5) of this Title, the written agreement entered into by the safe home network and the resident must contain:

- (a) the rules of the safe home provider;
- (b) the requirement for residents to keep confidential the name and address of the safe home provider and any other residents and to disclose such information only to those persons authorized by the network;
- (c) the requirement of residents to be responsible for the supervision and management of their children during their stay in a safe home; and
- (d) the requirement for safe home networks to have contact with each adult resident twice each week.

454.7 Emergency services. (a) In addition to temporary shelter at a safe home, the following emergency services are considered resident services:

(1) Twenty-four hour access to the safe home network which means the provision of immediate assistance to victims of domestic violence through a telephone hotline which provides crisis intervention counseling and information and referral. Such assistance may be provided directly by the safe home network or by an employee or volunteer of a designee of the safe home network with such designation documented by a letter of agreement between the safe home network and the designee. Such telephone hotline assistance must be made available on a 24 hour basis, seven days a week, including weekends and holidays. Admission to safe homes will be determined by the safe home network's policies and may be limited to regular business hours. Staff or volunteers responsible for the provision of such services must be knowledgeable about the dynamics of domestic violence intervention, network services and the availability of community resources.

(2) Information and referral services which means:

(i) the provision by the safe home network of information about and referral to community services and programs which meet the individual needs of residents. Referrals to such services must be made available to residents on a daily basis during regular business hours. Information and referral must be provided to any battering spouse or partner requesting services; and

(ii) the safe home network maintaining and making accessible to all residents a list of community services and programs which may be reasonably required by victims of domestic violence, their minor children and other dependent family members.

(3) Advocacy which means the provision by a safe home network of liaison services or active intervention with community resources and services on behalf of a resident. Advocacy services must be made available to residents on a daily basis during regular business hours. Such services must include assistance in accessing legal remedies and protections; obtaining medical care, social services, employment and housing; and obtaining and submitting public assistance applications

where appropriate. Staff persons or trained volunteers responsible for advocacy services must be knowledgeable about community services and agencies, and the rights of victims of domestic violence to obtain necessary services and assistance.

(4) Counseling which means the provision by the safe home network of individual counseling which stresses self sufficiency. Appropriate counseling must be made available to adult residents. Such counseling must be provided by a qualified staff person or trained volunteer with appropriate skills and training. Counseling provided must address:

- (i) needs identified by the resident;
- (ii) options to ensure a resident's safety;
- (iii) an understanding of the nature of family violence;
- (iv) legal options; and
- (v) skills in problem solving.

(5) Children services which means the safe home network:

(i) making appropriate arrangements to provide for the education of school-aged children in compliance with Article 65 of the New York State Education Law, Part 1, section 3201 et. seq.;

(ii) assisting parents, as needed, in arranging care for their children when such care is necessary to enable the parent to seek employment, housing and/or services or activities necessary to alleviate the parent's need for temporary shelter and emergency services;

(iii) offering age appropriate recreational and social activities on a daily basis during regular business hours for children residing in a safe home; and

(iv) offering and providing appropriate counseling services to children residing in a safe home.

(6) Medical services which means: (i) the network having an established linkage, documented by a letter of agreement, with a fully accredited medical institution or clinic or with qualified medical personnel, which include a physician, physician's assistant or nurse practitioner, for the referral of residents for preliminary health examinations where necessary, and follow up visits.

(ii) When a referral for additional screening for physical examination, laboratory and tuberculin tests, inoculations and other appropriate treatment has been made, the program must assist the resident in arranging for such treatment when requested by the resident.

(7) Transportation which means the safe home network arranging, to the extent possible, for transportation to a safe home in an emergency and making transportation available to secure legal, medical, housing, employment or public assistance services available directly through the safe home network or by assisting residents in arranging available public or private transportation where possible.

(8) Support groups which means the provision by the safe home network of peer support to interested residents through discussing in group settings experiences about family violence. Support groups must be made available to residents at least once each week. Such groups must be coordinated by a qualified employee or trained volunteer and must not replace individual counseling when requested by the resident.

(9) Follow up which means the safe home network:

(i) ensuring that prior to a resident's planned departure from a safe home, efforts are made to involve the resident in discussions on available community services and programs which may assist the resident in carrying out his/her intended future plans upon departure. Such follow up services may include, but need not be limited to, counseling services, employment or training services, educational services, legal services, medical services, day care and

housing services and referrals to domestic violence shelters or programs, to the extent such emergency shelter and services are necessary and available. Any referrals to other residential programs for victims of domestic violence must be documented in the resident's case record; and

(ii) recognizing every residents' need for safety and confidentiality and contacting residents after departure only when the residents have given prior written approval. Such approval must be documented in the resident's case record. Nothing in this subparagraph mandates the participation of the resident in follow-up services.

(10) Community education/outreach which means the provision of educational activities by the safe home network to the community on the need for and benefits of domestic violence services, the dynamics of domestic violence, and prevention of domestic violence, by making presentations, distributing written materials, and utilizing the media. The availability of program services must be made known to police agencies, courts, hospital personnel, and local social services districts. A segment of such community education/outreach must be focused on informing victims of domestic violence about existing services.

(b) The following emergency services are considered core emergency services and must be offered and provided directly by the safe home network:

- (1) twenty-four hour access to the safe home network;
- (2) information and referral;
- (3) advocacy;
- (4) counseling for adult residents;
- (5) access to medical services;
- (6) transportation;

(7) arranging for access to education of school age children in compliance with Article 65 of the New York State Education Law, Part 1, section 3201 et. seq.;

(8) follow up; and

(9) community education/outreach.

(c) Emergency services as set forth in subdivision (a) of this section, which are not considered as core emergency services in subdivision (b) of this section, may be provided by the networks to residents as appropriate.

454.8 Staffing. (a) General requirements. (1) The term staff, as used in this section, means compensated employees and volunteers of the safe home network.

(2) Prior to assuming any responsibilities as an employee or volunteer at a safe home network, all staff must receive an orientation to the safe home network program, which includes confidentiality issues, child abuse reporting requirements, policies and procedures, and job responsibilities. All staff must be provided with a copy of their job description at the time of employment.

(3) Within the first year of becoming an employee or volunteer at the safe home network, those staff who are involved in the direct provision of emergency services specified in section 454.7 of this Part must be provided with training. Training must include, but need not be limited to, the following topics:

(i) dynamics of family violence;

(ii) child abuse reporting requirements;

(iii) confidentiality issues;

(iv) legal remedies; and

(v) community resources and services.

(4) No individual who is known to be actively addicted to or dependent on alcohol, narcotics, or other illegal drugs may be hired or used as a volunteer worker.

(b) Staff/resident ratios.

(1) There must be at a minimum one employee who is designated director of the safe home network and who is responsible for the general management and administration of the network and safe home program. The director is responsible for the supervision of volunteers and safe home providers, or for the designation of an employee to supervise volunteers and safe home providers, and for identifying and designating a sufficient number of qualified staff to ensure the delivery of core emergency services and, if available, optional emergency services specified in section 454.7 of this Part to all eligible residents.

(2) A minimum of one employee or volunteer of the safe home network or an employee or volunteer of a designee of the safe home network must be on call at all times to receive crisis calls as set forth in section 454.7(a)(1) of this Title.

(c) Staff responsibilities and qualifications.

(1) Administration. The safe home network must employ a qualified director who is responsible for the general management and administration of the safe home program, supervision of all staff and delivery of emergency services to all residents. A director must have four years of relevant work experience, one year of which must include supervisory experience.

(1) Two years of college in a related course of study may be substituted for up to two years of non-supervisory work experience.

One year of college in a related course of study will be equivalent to one year of work experience. College credits will be accepted on a prorated basis.

(ii) Relevant work experience includes paid or volunteer work experience with victims of domestic violence and/or in the direct provision of human services.

(2) Core emergency services.

(i) The director must designate and identify a sufficient number of qualified staff who will be responsible for directly providing the core emergency services set forth in subdivision (b) of section 454.7 of this Part. The director may be designated to perform these functions in lieu of a qualified staff person.

(ii) Any staff person designated to provide one or more of the core emergency services specified in subdivision (b)(1) - (5) and (7), (8) and (9) of section 455.7 of this Title must have one year relevant work experience which includes paid or volunteer work experience with victims of domestic violence and/or in the direct provision of human services. Twelve hours of training provided by the network and/or other agencies on the topics specified in subdivision (a)(3) of this section and relevant to such person's job responsibilities may be substituted for the one year relevant work experience. Six hours of training will be equivalent to six months of work experience.

(iii) Any employee or volunteer of a designee of a safe home network designated to provide emergency assistance to victims of domestic violence through a telephone hotline must have the qualifications specified in paragraph (2)(ii) of this subdivision.

(3) Transportation. The director must identify and designate a sufficient number of qualified staff to provide transportation to residents of safe homes. Staff persons providing transportation must have a valid driver's license. The director may be designated to provide transportation in lieu of a qualified staff person.

(4) Optional emergency services.

(i) As set forth in section 454.7(c) of this Title, a safe home network may provide emergency services which are not defined as core services. If a network provides such optional emergency services, the director must identify and designate a sufficient number of qualified staff who will be responsible for providing these optional emergency services. The director may be designated to perform this function in lieu of a qualified staff person.

(ii) Any staff person designated to provide one or more of the optional emergency services, except for those staff providing children's social and recreational activities, must have one year of relevant work experience which includes paid or volunteer work experience with victims of domestic violence and/or in the direct provision of human services. Twelve hours of training provided by the safe home network and/or other agencies on the topics specified in subdivision (a)(3) of this section and relevant to such person's job responsibilities may be substituted for the one year relevant work experience. Six hours of training will be equivalent to six months of work experience. Any staff designated to provide children's counseling must also have relevant work experience or have an educational background or training in child development.

454.9 Requirements for approving safe homes. The safe home network is responsible for approving safe homes and such approval is dependent upon a visit to the prospective safe home by the safe home network and the safe home provider meeting the following requirements:

(a) Each safe home provider must be at least 18 years old.

(b) Staff of the safe home network, who have qualifications to administer the safe home network or provide core emergency services as specified in paragraphs (1) and (2) of subdivision (c) of section 454.8 of this Part, must conduct at least one face-to-face interview with each adult

member of the household of the prospective safe home to ascertain the following:

- (1) the person's understanding of the nature of family violence;
- (2) the person's ability to be non-judgmental;
- (3) the person's attitude and, where possible, the attitude of any minor children in the household about establishing a safe home;
- (4) the hours of availability of the prospective safe home; and
- (5) that each member of the safe home household is reported to be in good general health and that there are no health or other family problems that could negatively affect residents.

(c) Orientation/training. Prior to the placement of residents into the safe home, the safe home provider must receive an orientation to the safe home network program. When the safe home provider has no previous experience or training in the field of domestic violence, appropriate training on domestic violence must also be provided.

(d) Safe homes must meet the following environmental standards:

(1) Safe homes must provide an atmosphere of privacy, support and understanding, and one which is safe and confidential.

(2) Safe homes must be maintained in a state of good repair and sanitation, be free of safety hazards and be in substantial compliance with all applicable local and State health and safety laws or regulations for one or two family dwellings or multiple family dwellings classified for permanent occupancy.

(3) Sleeping space must be provided for each child and adult resident and must have adequate heat, light and ventilation.

(4) Safe homes must provide a sleeping area for adult residents which is separate from the sleeping area of safe home household members.

(5) Children residing in safe homes may share a sleeping area with members of their own family or with other children in the safe home household.

(6) Each resident must be provided with clean bedding, basic toilet articles such as towels and washcloths and space for his/her personal possessions.

(7) There must be adequate bathing, toilet and lavatory facilities which must be kept in sanitary condition.

(8) No hazardous conditions must be permitted to exist in any part of the safe home. The following requirements must be complied with in order to eliminate hazardous conditions:

(i) hallways and corridors must not be used for storage of equipment or trash;

(ii) stairways must have sturdy and securely fastened handrails; and

(iii) all electrical cords and plugs must be in good condition with no exposed or frayed wiring.

In addition, the following safety requirements must be met by safe homes providing emergency shelter to residents who are children and safe home networks must not arrange to place a child in a safe home which does not meet the following requirements:

(a) prescription medicines and dangerous drugs must be kept in a secured place and out of reach of children; and

(b) containers of chemical cleaning agents and other toxic material must be labeled, stored and secured in places out of reach of children.

(9) Each safe home must be free from fire hazards and must be equipped with at least one operational smoke detector and a fire extinguisher or a sprinkler system which is also operational.

(10) Each safe home provider must have disaster and emergency procedures to be followed in the event of an emergency or disaster, such as a fire or a flood, which must be explained to new residents upon arrival.

(11) A telephone with emergency telephone numbers for fire, police and medical assistance posted nearby must be made available to residents.

(e) Each safe home provider must enter into an agreement with the safe home network which contains the network's/safe home's responsibilities as specified in section 454.10 of this Part.

454.10 Responsibilities of safe home networks and safe homes. Upon a determination by the safe home network that the safe home is in full compliance with all regulatory standards contained in section 454.9 of this Part, the network must issue a written approval to the safe home provider(s). Such approval, which is non-transferrable to another person or location, will be for a one year duration and must contain:

(a) a statement which clearly specifies: the name of the provider, the location of the safe home, the date of approval, the non-transferrable status of the approval, the purpose of the approval which must be to provide temporary shelter to victims of domestic violence, and the maximum number of adults and children, if any, who can be admitted as residents of the safe home and authorized to receive emergency shelter in such home; and

(b) an agreement signed by the safe home network and the safe home provider which includes, but need not be limited to, the following responsibilities:

(1) Safe home network responsibilities:

(i) to refer only residents appropriate for admission as specified in section 454.4 of this Part;

(ii) to the extent possible, to arrange for the resident's transportation to the safe home;

(iii) to reimburse safe home providers for temporary shelter and other needs met by the safe home provider subject to payment under the per diem rate negotiated between the safe home network and a local social services district;

(iv) to evict residents from a safe home who the provider finds to be disruptive to the safe home or a threat to the well being of other individuals residing in the safe home;

(v) to develop a plan which addresses how damages to the safe home will be handled in the event any damage occurs which was caused by residents;

(vi) to develop a plan for resolving conflicts between the safe home provider and residents;

(vii) to inform the safe home provider that the department has access to the safe home provider's name and the location of the safe homes;

(viii) to maintain regular contact with the safe home provider whenever residents are being sheltered; and

(ix) to have follow up contact with the safe home provider within a week following a resident's departure.

(2) Safe home responsibilities:

(i) to abide by the safe home network's rules;

(ii) to inform the safe home network of any changes that affect the safe home household composition;

(iii) to maintain, in a manner consistent with the records and reports and confidentiality provisions of sections 452.9(c) and 452.10 of this Title, the confidentiality of the purpose and location of the safe home and any residents they shelter;

(iv) to provide emergency shelter to residents for only the length of time determined appropriate by the safe home network;

(v) to be available to communicate with the safe home network whenever residents are being sheltered;

(vi) to notify the safe home network of any resident's unplanned departure from the safe home;

(vii) to notify the safe home network immediately of any problems occurring while residents are being sheltered;

(viii) to be available to the safe home network for a follow up contact after the departure of a resident; and

(ix) to explain to each new adult resident upon arrival the procedures to be followed in the event of a disaster and/or emergency.

454.11 Records and reports. (a) In addition to the records and reports requirements of section 452.9(c) of this Title, the safe home network must maintain an individual record for each safe home which includes the following information:

(1) the date(s) the required interview(s) with each adult member of the safe home household, as required by subdivision (b) of section 454.9 of this Part, was held and a summary of the interview(s). Such summary must include an evaluation of the individual's understanding of family violence, the ability of such members to be non-judgmental, the household members' attitudes about being a safe home provider and, where possible, the attitudes of the minor children in the household, the general health of the members of the safe home household and a description of the availability of the safe home;

(2) the date the provider attended orientation and training;

(3) a description of the safe home environment which includes a listing of all rooms in the home, the sleeping arrangements for residents, the safety procedures followed in the home, and the location of all smoke detectors, fire extinguishers and telephone(s);

(4) a list of the specific safe home rules to be discussed with residents prior to placement;

(5) a copy of the approved statement which contains the agreement signed by the safe home network and safe home provider specifying the network responsibilities/safe home responsibilities;

(6) a copy of the annual reevaluation of the safe home which is issued under section 454.12(b) of this Part; and

(7) a record of complaints and of follow up meetings and other contacts with the safe home provider, and of any fires, accidents or serious incidents occurring in the safe home, including a description of

each incident, steps taken to control or manage the cause of the incident, and the steps taken to prevent the recurrence of such an incident.

(b) The network must maintain the following identifying information for every safe home provider:

- (1) the name and address of the safe home provider, and
- (2) a listing of all safe home family and household members residing in the safe home.

If the information required by this subdivision is maintained separately from the safe home records, it must be made immediately available to the department if such information is requested by the department.

454.12 Supervision of safe homes. (a) Each safe home network is responsible for ensuring that safe homes approved by a safe home network pursuant to this Part operate in compliance with department regulations.

(b) The safe home network must reevaluate each approved safe home on an annual basis using the standards contained in section 454.9 of this Part. Reapproval of safe homes will be conditioned upon compliance by such safe home with the provisions of section 454.9 of this Part. This reevaluation must be documented in the safe home record.

(c) The safe home network is required, where it determines that a safe home is operating in a manner which is contrary to the provisions of section 454.9 of this Part or which poses a threat to the life, health or safety of the residents, to direct the removal of the residents from the safe home.

(d) In the event that a complaint has been made against a safe home provider and the department has found the health, safety and/or welfare of any resident of the safe home to be in imminent danger, the safe home network must cease using the safe home. The network must remove any residents from the safe home and must not place nor arrange to place any other residents in such home until the network can demonstrate to the department that the endangering condition(s) have been corrected.

(e) The department may conduct an on-site inspection of a safe home only:

(1) upon receipt of a complaint involving a safe home provider which is related to the operation of the safe home; or

(2) upon 24 hour notice to the safe home network for the purpose of conducting an audit of the safe home network where access is necessary to verify the existence of the safe home or other elements of the participation of the safe home provider with the safe home network, provided that prior to any onsite inspection of a safe home, the following occurs:

(i) the department requests a meeting with the safe home network and/or safe home provider at the network office and the safe home network is unable to meet with the department in a timely manner; or

(ii) the department has met with the safe home network and/or the safe home provider and the department has made a determination that the information required for audit purposes cannot be obtained by any other means than by access to the safe home; or

(3) upon the written approval of the safe home provider.

Nothing in this subdivision prevents a local child protective service from investigating a report of suspected child abuse or maltreatment in which the subject of the report is a safe home provider or a resident of a safe home.

PART 455  
STANDARDS FOR DOMESTIC VIOLENCE  
SPONSORING AGENCIES AND SAFE DWELLINGS

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455.1 Scope. The provisions of this Part, along with the provisions of Part 452 of this Title, apply to domestic violence sponsoring agencies and domestic violence safe dwellings and are separate from Parts 453 and 454 of this Title.

455.2 Definitions. For the purpose of this Part the following definitions apply:

(a) Domestic violence safe dwelling means a self contained residence which is owned, leased, rented or otherwise under the direct control and supervision of the domestic violence sponsoring agency, meets the daily living needs of the residents, has a capacity of nine or fewer persons including adults and children, is secured as specified in section 455.8 of this Part and has been designated by the domestic violence sponsoring agency to provide temporary shelter exclusively to victims of domestic violence as defined in subdivision (e) of this section and their minor children, if any, pursuant to the standards contained in this Part.

(b) Domestic violence sponsoring agency means any not-for-profit organization offering temporary shelter at a domestic violence safe dwelling and emergency services to victims of domestic violence as defined in subdivision (e) of this section, and their minor children, if any.

(c) Family or household member means the following individuals;

(1) persons related by blood or marriage;

(2) persons legally married to one another;

(3) persons formerly married to one another regardless of whether they still reside in the same household;

(4) persons who have a child in common regardless of whether such persons are married or have lived together at any time;

(5) unrelated persons who are continually or at regular intervals living in the same household or who have in the past continually or at regular intervals lived in the same household; or

(6) unrelated persons who have had intimate or continuous social contact with one another and who have access to one another's household.

(d) Resident, for the purposes of this Part, means any individual who is permitted to receive temporary shelter and emergency services as set forth in section 455.6 of this Part.

(e) Victim of domestic violence means any person 16 years of age or older, any married person or any parent accompanied by his or her minor child or children in situations in which such person or such person's child is a victim of an act which would constitute a violation of the Penal Law, including, but not limited to acts constituting disorderly conduct, harassment, menacing, reckless endangerment, kidnapping, assault, attempted assault, or attempted murder; and

(1) such act or acts have resulted in actual physical or emotional injury or have created a substantial risk of physical or emotional harm to such person or such person's child; and

(2) such act or acts are alleged to have been committed by a family or household member.

455.3 General requirements for operation of a domestic violence sponsoring agency.

(a) Domestic violence sponsoring agencies are responsible for approving domestic violence safe dwellings, placing residents in domestic violence safe dwellings which exclusively serve victims of domestic violence and ensuring that residents are only placed in those domestic violence safe dwellings which have been approved as meeting the security standards contained in section 455.8 of this Part and the environmental standards contained in section 455.9 of this Part.

(b) Prior to the approval of a domestic violence safe dwelling and placement by a domestic violence sponsoring agency of a resident in a domestic violence safe dwelling, the domestic violence sponsoring agency must obtain the approval of the department of a security plan for a particular domestic violence safe dwelling in the form and manner prescribed by the department. The security plan must include a diagram of the domestic violence safe dwelling and the security precautions to be implemented for such domestic violence safe dwelling. The department will review the security plan to determine compliance with the security standards of section 455.8 of this Part. Any subsequent changes to a security plan must be submitted to the department for review and approval before such changes are implemented.

(c) Domestic violence sponsoring agencies having a maximum length of stay policy at a domestic violence safe dwelling of less than 90 days must have an established linkage, to the extent shelter and services are available, with an approved domestic violence shelter or domestic violence program to refer domestic violence safe dwelling residents who continue to be in need of temporary shelter and emergency services beyond the stay permitted at a domestic violence safe dwelling.

(d) If a domestic violence safe dwelling does not have an on-site staff person, an employee or volunteer of the sponsoring agency must, at a minimum, visit the domestic violence safe dwelling on a weekly basis whenever there are residents being sheltered in the domestic violence safe dwelling in order to ensure that the safe dwelling is being maintained in a safe and sanitary manner and that the personal needs of the residents are being met.

(e) Domestic violence sponsoring agencies must ensure that cooking facilities and nutritious foods for meal preparation are available at each domestic violence safe dwelling.

455.4 Maximum length of stay. The provisions of section 452.9(d) of this Title apply to the maximum length of stay of residents in domestic violence safe dwellings, provided however, that domestic violence sponsoring agencies may impose a length of stay which is less than the maximum set forth in such section.

455.5 Domestic violence sponsoring agency and resident responsibilities. In addition to the provisions set forth in section 452.9(a)(5) of this Title, the written agreement entered into by the domestic violence sponsoring agency and the resident must contain:

- (a) the rules of the domestic violence safe dwelling;
- (b) the plan for emergency medical care to obtain emergency medical assistance on a 24 hour basis;
- (c) the requirement for a sponsoring agency staff person to visit the safe dwelling on a weekly basis;
- (d) the requirement for residents to keep confidential the name and address of the domestic violence safe dwelling and the names of any other residents, and to disclose such information only to those persons authorized by the domestic violence sponsoring agency;

(e) the requirement for residents to be responsible for the supervision and management of their children during their stay in a domestic violence safe dwelling; and

(f) the requirement for the domestic violence sponsoring agency to have contact with each adult resident every 48 hours if the domestic violence safe dwelling does not have an onsite employee or volunteer.

455.6 Emergency services. (a) In addition to temporary shelter at a domestic violence safe dwelling, the following services are considered resident services:

(1) Twenty-four hour access to domestic violence sponsoring agencies which means the provision of immediate assistance to victims of domestic violence through a telephone hotline which provides crisis intervention counseling and information and referral. Such assistance may be provided directly by the domestic violence sponsoring agency or by an employee or volunteer of a designee of the domestic violence sponsoring agency, with such designation documented by a letter of agreement between the domestic violence sponsoring agency and the designee. Such telephone hotline assistance must be made available on a 24 hour basis, seven days a week, including weekends and holidays. Admission to safe dwellings will be determined by the domestic violence sponsoring agency's policies and may be limited to regular business hours. Staff or volunteers responsible for the provision of such services must be knowledgeable about the dynamics of domestic violence intervention, domestic violence sponsoring agency services and the availability of community resources.

(2) Information and referral services which means:

(i) the provision by the domestic violence sponsoring agency of information about and referral to community services and programs which meet the individual needs of residents. Referrals to such services must be made available to residents on a daily basis during

regular business hours. Information and referral must be provided to any battering spouse or partner requesting services; and

(ii). the domestic violence sponsoring agency maintaining and making accessible to all residents a list of community services and programs which may be reasonably required by victims of domestic violence, their minor children and other dependent family members.

(3) Advocacy which means the provision by a domestic violence sponsoring agency of liaison services or active intervention with community resources and services on behalf of a resident. Advocacy services must be made available to residents on a daily basis during regular business hours. Such services must include assistance in accessing legal remedies and protections; obtaining medical care, social services, employment and housing; and obtaining and submitting public assistance applications where appropriate. Staff persons or trained volunteers responsible for advocacy services must be knowledgeable about community services and agencies, and the rights of victims of domestic violence to obtain necessary services and assistance.

(4) Counseling which means the provision by the domestic violence sponsoring agency of individual counseling which stresses self sufficiency. Appropriate counseling must be made available to adult residents. Such counseling must be provided by a qualified staff person or trained volunteer with appropriate skills and training. Counseling provided must address:

- (i) needs identified by the resident;
- (ii) options to ensure a resident's safety;
- (iii) an understanding of the nature of family violence;
- (iv) legal options; and
- (v) skills in problem solving.

(5) Children services which means the domestic violence sponsoring agency:

(i) .making appropriate arrangements to provide for the education of school-aged children in compliance with Article 65 of the New York State Education Law, Part 1, section 3201 et. seq.;

(ii) assisting parents, as needed, in arranging care for their children when such care is necessary to enable the parent to seek employment, housing and/or services or activities necessary to alleviate the parent's need for temporary shelter and emergency service;

(iii) offering age appropriate recreational and social activities on a daily basis during regular business hours for children residing in a safe dwelling; and

(iv) offering and providing appropriate counseling services to children residing in a domestic violence safe dwelling.

(6) Medical services which means: (i) the domestic violence sponsoring agency having an established linkage, documented by a letter of agreement, with a fully accredited medical institution or clinic or with qualified medical personnel, which include a physician, physician's assistant or nurse practitioner, for the referral of residents for preliminary health examinations where necessary, and follow up visits.

(ii) When a referral for additional screening for physical examination, laboratory and tuberculin tests, inoculations and other appropriate treatment has been made, the program must assist the resident in arranging for such treatment when requested by the resident.

(7) Transportation which means the domestic violence sponsoring agency:

(i) to the extent possible, arranging for transportation to a safe dwelling in an emergency; and

(ii) to the extent possible, making transportation available directly through the program or by assisting residents in arranging available public or private transportation in order for residents to attend support groups where such groups are available and their activities are provided in accordance with this Part; and

(iii) to the extent possible, making transportation available directly through the program or by assisting residents in arranging available public or private transportation to secure legal, medical, housing, employment, or public assistance services.

(8) Support groups which means the provision by the domestic violence sponsoring agency of peer support to interested residents through discussing in group settings experiences about family violence. Support groups must be made available to residents at least once each week. Such groups must be coordinated by a qualified employee or trained volunteer and must not replace individual counseling when requested by the resident.

(9) Follow up which means the domestic violence sponsoring agency:

(i) ensuring that prior to a resident's planned departure from a domestic violence safe dwelling, efforts are made to involve the resident in discussions on available community services and programs which may assist the resident in carrying out his/her intended future plans upon departure. Such follow up services may include, but need not be limited to, counseling services, employment or training services, educational services, legal services, medical services, day care and housing services and referrals to domestic violence shelters or programs, to the extent such emergency shelter and services are necessary and available. Any referrals to other residential programs for victims of domestic violence must be documented in the resident's case record; and

(ii) recognizing every resident's need for safety and confidentiality and contacting residents after departure only when

the residents have given prior written approval. Such approval must be documented in the resident's case record. Nothing in this subparagraph mandates the participation of the resident in follow-up services.

(10) Community education/outreach which means the provision of educational activities by the domestic violence sponsoring agency to the community on the need for and benefits of domestic violence services, the dynamics of domestic violence, and prevention of domestic violence by making presentations, distributing written materials, and utilizing the media. The availability of program services must be made known to police agencies, courts, hospital personnel, and local social services districts. A segment of such community education/outreach must be focused on informing victims of domestic violence about existing services.

(b) (1) The following emergency services are considered core emergency services and must be offered and provided directly by the domestic violence sponsoring agency:

(i) twenty-four hour access to the program;

(ii) information and referral;

(iii) advocacy;

(iv) counseling for adult residents;

(v) access to medical services;

(vi) transportation;

(vii) arranging for access to education of school age children in compliance with Article 65 of the New York State Education Law, Part 1, section 3201 et. seq.;

(viii) follow up; and

(ix) community education/outreach.

(2) If a domestic violence sponsoring agency operates more than one domestic violence safe dwelling, support group services, as defined in paragraph (8) of subdivision (a) of this section, are considered a core emergency service and where practicable, support group services must be offered to all eligible residents and provided when requested.

(c) Emergency services, as set forth in subdivision (a) of this section, which are not considered as core emergency services in subdivision (b) of this section, may be provided by the sponsoring agency to residents as appropriate.

455.7 Staffing. (a) General requirements. (1) The term staff, as used in this section means compensated employees and volunteers of the domestic violence sponsoring agency.

(2) Prior to assuming any responsibilities as an employee or volunteer at a domestic violence sponsoring agency, all staff must receive an orientation to the domestic violence sponsoring agency program, which includes confidentiality issues, child abuse reporting requirements, policies and procedures, and job responsibilities. All staff must be provided with a copy of their job description at the time of employment.

(3) Within the first year of becoming an employee or volunteer at the domestic violence sponsoring agency, those staff who are involved in the direct provision of program services specified in section 455.6(a) of this Part must be provided with training. Training provided must include, but need not be limited to, the following topics:

(i) dynamics of family violence;

(ii) child abuse reporting requirements;

(iii) confidentiality issues;

(iv) legal remedies; and

(v) community resources and services.

(4) (1) Where any onsite staff contract a communicable disease as defined in section 452.9(a)(2)(iii) of this Article, which can easily be transmitted to others under normal shelter conditions, the program must take timely and adequate measures to prevent exposure of other staff and residents to such disease.

(ii) No individual who is known to be actively addicted to or dependent on alcohol, narcotics, or other illegal drugs may be hired or used as a volunteer worker.

(b) Staff/resident ratios.

(1) There must be at a minimum one employee who is designated director of the domestic violence sponsoring agency and who is responsible for the general management and administration of the domestic violence sponsoring agency and domestic violence safe dwelling program. The director is responsible for the supervision of volunteers or for the designation of an employee to supervise volunteers. Each domestic violence sponsoring agency must provide a sufficient number of staff to supervise the general management of each domestic violence safe dwelling in order to ensure that the safe dwelling is maintained in a safe and sanitary condition, to supervise sponsoring agency volunteers and to ensure the delivery of core emergency services and, if available, optional emergency services specified in section 455.6 of this Part to all eligible residents.

(2) Each domestic violence sponsoring agency must have, at a minimum, one employee or volunteer of the domestic violence sponsoring agency or an employee or volunteer of a designee of the domestic violence sponsoring agency on call at all times to provide crisis intervention, counseling and information and referral as set forth in section 455.6(a)(1) of this Title.

(3) Whenever residents are being sheltered, each domestic violence sponsoring agency must have, at a minimum, one employee or volunteer onsite or on call at all times to respond to resident needs and emergency situations. The telephone number for residents to call in an emergency must be posted nearby a telephone as specified in section 455.9(j) of this Part.

(4) During regular business hours when there are residents being sheltered, the following minimum number of staff must be on duty which at a minimum includes one employee:

<u>Range of Number of Residents</u>	<u>Staff</u>
1 - 9 residents	1 staff person
10 - 21	2 staff persons
22 - 33	3 staff persons
34 - 45	4 staff persons
46+	For each additional increment of 12 residents over 46, one additional staff person must be added upon entering the next range of the number of residents.

(c) Staff responsibilities and qualifications.

(1) Administration. The domestic violence sponsoring agency must employ a qualified director who is responsible for the general management and administration of the domestic violence safe dwelling program, supervision of all staff and delivery of emergency services to all residents. A director must have four years of relevant work experience, one year of which must include supervisory experience.

(i) Two years of college in a related course of study may be substituted for up to two years of the non-supervisory work experience. One year of college in a related course of study will be equivalent to one year of work experience. College credits will be accepted on a prorated basis.

(ii) Relevant work experience includes paid or volunteer work experience with victims of domestic violence and/or in the direct provision of human services.

(2) Core emergency services.

(1) The director must designate and identify a sufficient number of qualified staff who will be responsible for directly providing the core emergency services set forth in subdivision (b) of section 455.6 of this Part. The director may be designated to perform these functions in lieu of a qualified staff person.

(ii) Any staff person designated to provide one or more of the core emergency services specified in subdivision (b)(1)(i)-(v) and (vii)-(ix) of section 455.6 of this Title must have one year relevant work experience which includes paid or volunteer work experience with victims of domestic violence and/or in the direct provision of human services. Twelve hours of training provided by the domestic violence sponsoring agency and/or other agencies on the topics specified in subdivision (a)(3) of this section and relevant to such person's job responsibilities may be substituted for the one year relevant work experience. Six hours of training will be equivalent to six months of work experience. Any staff designated to provide children's counseling must also have relevant work experience, or have an educational background or training in child development.

(iii) Any employee or volunteer of a designee of a domestic violence sponsoring agency designated to provide emergency assistance to victims of domestic violence through a telephone hotline must have the qualifications specified in paragraph (2)(ii) of this subdivision.

(3) Transportation. The director must designate and identify a sufficient number of qualified staff to provide transportation to residents of domestic violence safe dwellings. Staff persons providing transportation must have a valid driver's license. The director may be designated to provide transportation in lieu of a qualified staff person.

(4) Optional emergency services.

(i) As set forth in section 455.6(c) of this Title, a domestic violence sponsoring agency may provide emergency services which are not defined as core services. If a sponsoring agency provides such optional emergency services, the director must designate and identify a sufficient number of qualified staff who will be responsible for providing these optional emergency services. The director may be designated to perform this function in lieu of a qualified staff person.

(ii) Any staff person designated to provide one or more of the optional emergency services, except for those staff providing children's social and recreational activities, must have one year of relevant work experience which includes paid or volunteer work experience with victims of domestic violence and/or in the direct provision of human services. Twelve hours of training provided by the domestic violence sponsoring agency and/or other agencies on the topics specified in subdivision (a)(3) of this section and relevant to such person's job responsibilities may be substituted for the one year relevant work experience. Six hours of training will be equivalent to six months of work experience. Any staff designated to provide children's counseling must also possess relevant work experience, or have an educational background or training in child development.

455.8 Security. Each domestic violence safe dwelling must be secured to ensure the physical safety of residents on a 24 hour basis. Based upon the individual characteristics of each domestic violence safe dwelling, including, but not limited to, location of the domestic violence safe dwelling and the extent to which the location of the dwelling is known in the community, construction characteristics of the domestic violence safe dwelling and use of the building for purposes other than the provision of services to victims of domestic violence, additional security measures, including, but not limited to, the hiring of staff and installation of security devices may be required

by the department. At a minimum, each domestic violence safe dwelling must have safety locks on all exit and entry doors. These doors must be secured at all times and specific admittance procedures must be in place for anyone entering the safe dwelling.

455.9 Environmental standards for safe dwellings. (a) Each domestic violence safe dwelling approved by a domestic violence sponsoring agency must be maintained in a state of good repair and sanitation, be free of safety hazards and be in substantial compliance with all applicable local and State health and safety laws. In addition, safe dwellings must be of sufficient size to provide adequate living accommodations for the residents, must be suitably furnished and equipped, must maintain the temperature in the safe dwellings at a comfortable level, and must assure that all rooms are adequately lighted and ventilated.

(b) Sleeping areas. (1) Sleeping areas must be separate and distinct from other living areas and must have adequate heat, light and ventilation.

(2) Sleeping areas must be equipped with a bed for each resident and with clean and suitable bedding. Cribs which meet federal standards must be provided for infants.

(c) Supplies. (1) Each resident must be supplied with adequate personal hygiene articles and, where needed, diapers for children.

(2) Bed linens, blankets and towels must be available, clean, and in good condition.

(d) Bathing facilities.

(1) There must be at a minimum one sink, toilet and bathtub or shower per domestic violence safe dwelling.

(2) Each resident must be provided with toilet articles such as towels and washcloths.

(3) Bathrooms must be cleaned, sanitized with disinfectant, and maintained regularly to ensure cleanliness and sanitation.

(4) All toilet and bathing areas must be vented by means of natural or mechanical ventilation to the outside air.

(5) All bathtubs and showers must have a non-skid surface.

(e) Living area. A lounging and recreation area must be provided to serve the recreational and social needs of the residents.

(f) A dining area must be provided with adequate space and furnishings to serve all the residents.

(g) Kitchens, sanitation and sanitary procedure. (1) All kitchens or food preparation areas must be adequately lighted, ventilated, and provided with essential and proper equipment for food storage, refrigeration, freezing, preparation and serving for the number of residents to be served.

(2) All kitchen equipment and surroundings must be kept clean, and garbage and trash must be kept in suitable covered containers and removed daily.

(3) Dishes, glassware, eating and cooking utensils and food containers must be properly washed and dried.

(4) Residents, volunteers and employees participating in the handling and preparation of food for consumption by the residents must be in good health, take proper sanitary precautions, and wash hands prior to engaging in such activity.

(5) All lavatories, sleeping areas, recreational areas, hallways and other living areas must be kept clean and sanitary. Domestic violence safe dwellings must conspicuously post the procedures for cleaning and maintaining the entire domestic violence safe dwelling.

An employee of the domestic violence sponsoring agency must be responsible for assuring that the procedures contained in this subdivision are implemented.

(h) Safety procedures. (1) Prescription medicines and dangerous drugs must be kept by residents or any on-site staff in a secure place so as not to be accessible to children or other adult residents.

(2) Containers of chemical cleaning agents and other toxic material must be labeled, stored and secured in a place out of reach of children.

(3) Children must not be permitted to operate any power equipment or electrical appliances except under the close supervision of a responsible staff member, or the children's parents.

(4) No hazardous condition must be permitted to exist in any part of the safe dwelling. The following requirements must be complied with in order to eliminate hazardous conditions:

(i) hallways and corridors must not be used for storage of equipment or trash;

(ii) stairways must have sturdy and securely fastened handrails; and

(iii) all electrical cords and plugs must be in good condition with no exposed or frayed wiring.

(i) Fire safety procedures. Suitable precautions must be taken to eliminate all conditions which may contribute to or create a fire.

(1) Each safe dwelling must be equipped with a smoke detector.

(2) Each safe dwelling must be equipped with an ABC rated fire extinguisher in the kitchen which meets National Fire Protection

Association standards. The extinguisher must be properly installed, charged, and maintained. Onsite staff must be knowledgeable and trained in the use of the fire extinguisher. Upon arrival to a safe dwelling, all new adult residents must be trained in the use of the fire extinguisher.

(3) Building exits must be clearly marked and free of obstructions at all time.

(4) Smoking must not be permitted in sleeping areas.

(5) The following are fire hazards and are prohibited:

(i) portable space heaters of any type;

(ii) non-metal containers which contain residue from solid fuel burning appliances;

(iii) accumulation of combustible materials in any part of the safe dwelling;

(iv) storage of flammable or combustible liquids in anything other than closed containers listed by an acceptable testing laboratory;

(v) cooking appliances in resident bedrooms; and

(vi) overloaded electrical circuits.

(j) A telephone with emergency telephone numbers for fire, police and medical assistance posted nearby must be made available to residents. Domestic violence safe dwellings that do not have an onsite employee or volunteer must include on this list of emergency numbers the telephone number of the person on call specified in section 455.7(b)(3) of this Part.

(k) Each domestic violence safe dwelling must have disaster and emergency procedures to be followed in the event of an emergency or disaster such as a fire or a flood, or power failure which must be explained to new residents prior to the placement of the residents in the safe dwelling. Such procedures must include a plan for emergency medical care in order for residents to obtain emergency medical assistance on a 24 hour basis. Emergency procedures outlining the method and manner in which residents are to evacuate the domestic violence safe dwelling in the event of fire and other emergencies must be conspicuously posted on each floor of the domestic violence safe dwelling.

455.10 Records and reports. In addition to the records and reports requirements of section 452.9(c) of this Title, the domestic violence sponsoring agency must maintain an individual record for each domestic violence safe dwelling which includes the following information:

(a) the location and capacity of the domestic violence safe dwelling, a description of the domestic violence safe dwelling's physical plant, the security plan as required by section 455.3(b) of this Part, a diagram of the rooms which must be labeled with the planned use of all areas, and must indicate plumbing fixtures, such as toilets, sinks and bathtubs and/or showers, and the location of smoke detectors, fire extinguishers and telephones;

(b) a list of specific domestic violence safe dwelling rules to be discussed with residents prior to placement;

(c) a record of all fires or accidents or incidents involving residents occurring in safe dwellings, including a description of each incident, steps taken to control or manage them, and steps taken to prevent the recurrence of such an incident; and

(d) a copy of the annual reevaluation of the domestic violence safe dwelling which is issued under section 455.11(b) of this Part.

455.11 Supervision of domestic violence safe dwellings. (a) Each domestic violence sponsoring agency is responsible for ensuring that domestic violence safe dwellings approved by the domestic violence sponsoring agency pursuant to this Part operate in compliance with department regulations.

(b) The domestic violence sponsoring agency must reevaluate each approved domestic violence safe dwelling on an annual basis using the standards contained in sections 455.8 and 455.9 of this Part. This reevaluation must be documented in the domestic violence safe dwelling record.

(c) In the event that a complaint has been made against a domestic violence safe dwelling and the department has found the health, safety and/or welfare of any resident of the domestic violence safe dwelling to be in imminent danger, the domestic violence sponsoring agency must cease using the domestic violence safe dwelling. The sponsoring agency must remove any residents from the domestic violence safe dwelling and must not place nor arrange to place any other residents in such domestic violence safe dwelling until the sponsoring agency can demonstrate to the department that the endangering condition(s) have been corrected.

Subdivision (a) of section 481.1 is amended to read as follows:

Section 481.1 Applicability. (a) This Subchapter [shall apply] applies to all certificates of incorporation of not-for-profit or business corporations and amendments thereof that require department approval for filing in accordance with the provisions of the Social Services Law, the Executive Law, the Not-for-Profit Corporation Law or the Business Corporation Law, when such certificates include among their corporate purposes:

- (1) the care of destitute, delinquent, abandoned, neglected or dependent children;
- (2) the placing-out or boarding-out of children, as defined in the Social Services Law;
- (3) the establishment or operation of a home or shelter for unmarried mothers, excepting the establishment or operation of a hospital or facility providing health-related services, as those terms are defined in article 28 of the Public Health Law;
- (4) the establishment or operation of a day-care center for children;
- (5) the establishment or operation of any psychiatric clinic;
- (6) the study, prevention or combating of juvenile delinquency;
- (7) the study or prevention of poverty;
- (8) the relieving or reducing of unemployment among youth;
- (9) the promoting or providing employment of youth;

(10) the establishment or operation of a residential program for victims of domestic violence as defined in subdivision (e) of section 452.2 of this Title;

(11) the solicitation of contributions for any of the above purposes.

**APPENDIX I**

**DEPARTMENT OF SOCIAL SERVICES  
DOMESTIC VIOLENCE PROGRAMS: FISCAL YEAR 1987-88**

NYS Department of Social Services  
Domestic Violence Programs  
Fiscal Year 1987

RESIDENTIAL PROGRAMS

Accord  
84 Schuyler Street  
Belmont, NY 14813  
(716) 257-7605

SOS Shelter  
P.O. Box 393  
Endicott, NY 13760  
(607) 748-7453

Cattaraugus Community Action  
P.O. Box 308  
Salamanca, NY 14779  
(716) 945-1041.

Cayuga County Battered  
Women's Program  
87 North Street  
Auburn, NY 13021  
(315) 255-1703

AMICAE  
P.O. Box 0023  
Fredonai, NY 14063  
(716) 672-8432

The Salvation Army  
414 Lake Street  
Elmira, NY 14902  
(607) 732-0314

DVAC  
19 Prospect Street  
Norwich, NY 13815  
(607) 334-8244

Stop Domestic Violence  
57 Clinton Street  
Plattsburgh, NY 12901  
(518) 563-6904

YMCA Aid to Women's  
Victims of Violence  
14 Clayton Avenue  
Cortland, NY 13045  
(607) 753-7639

Delaware Opportunities  
47 Main Street  
Delhi, NY 13753  
(607) 746-2992

Grace Smith House, Inc.  
P.O. Box 5205  
Poughkeepsie, NY 12602  
(914) 471-3033

Haven House  
P.O. Box 45 - Niagara Square  
Buffalo, NY 14201  
(716) 884-6000

Tri-Lakes Community Center  
P.O. Box 589  
Saranac Lake, NY 12913  
(518) 891-3173

YWCA of Genesee County  
301 North Street  
Batavia, NY 14020  
(716) 343-5808

Greene Co. Community Action  
1 Bridge Street  
Catskill, NY  
(518) 943-9205

Jefferson County Women's  
Shelter  
131 Franklin Street  
Watertown, NY 13601  
(315) 782-1823

Chances and Changes  
P.O. Box 326  
Geneseo, NY 14454

Alternatives for Battered  
Women  
50 Chestnut Plaza  
Rochester, NY 14604  
(716) 232-7353

Montgomery Co. Task Force  
24 Division Street YMCA  
Amsterdam, NY 12010  
(518) 842-6145

Nassau Co. Coalition Against  
Domestic Violence  
P.O. Box 285G  
East Meadow, NY 11554  
(516) 542-2596

Gustave Hartman YM-MWHA's  
Trans. Center  
710 Hartman Lane  
Far Rockaway, NY 11691  
(718) 327-7660

Project Return-Aegis  
133 W. 21st Street  
New York, NY 10007  
(212) 733-4440.

Sanctuary for Families  
P.O. Box 413 - Times Sq. Sta.  
New York, NY 10108  
(212) 582-2091

Urban Resource Institute  
22 Chapel Street  
Brooklyn, NY 11201  
(718) 260-2933

Niagara Falls Passages  
Program  
826 Chilton Avenue  
Niagara Falls, NY 14301  
(716) 285-6984

YWCA Lockport  
32 Cottage Street  
Lockport, NY 14096  
(716) 443-6714

YWCA of Utica  
1000 Cornelia Street  
Utica, NY 13502  
(315) 797-7740

Vera House<sup>2</sup>  
P.O. Box 365  
Syracuse, NY 13502  
(315) 468-3260

Orange County Safe Homes  
P.O. Box 649  
Newburgh, NY 12550  
(914) 562-5365

Oswego Co. Opportunities,  
Inc.  
223 Oneida Street  
Fulton, NY 13069  
(315) 342-1609

OURS  
9 South Main Street  
Oneonta, NY 13820  
(607) 432-0061

Putnam No. Westchester  
2 Mahopac Plaza  
Mahopac, NY 10541  
(914) 628-9284

Unity House  
2900 5th Avenue  
Troy, NY 12180  
(518) 272-2392

Rockland Family Shelter  
39 South Main Street  
Spring Valley, NY 10977  
(914) 425-0112

St. Lawrence Valley Renewal  
House  
P.O. Box 468  
Canton, NY 13617  
(315) 379-0945

YWCA of Schenectady  
44 Washington Avenue  
Schenectady, NY 12305  
(518) 374-3394

Long Island Women's Coalition  
P.O. Box 183  
Islip Terrace, NY 11752  
(516) 666-7181

Sullivan Co. Alternatives to  
Family Violence  
21 Hamilton Avenue  
Monticello, NY 12701  
(914) 794--4600

Tompkins Co. Task Force-  
Battered Women  
P.O. Box 164  
Ithaca, NY 14851  
(607) 277-3203

Family of Woodstock  
UPO Box 3516  
Kingston, NY 12401  
(914) 331-7080

Northern Westchester Shelter  
P.O. 105  
Thornwood, NY 10594  
(914) 747-0828

Yonker's Women's Task Force,  
Inc.  
P.O. Box 1245  
Yonkers, NY 10702  
(914) 969-5800

#### EMERGENCY GRANT RECIPIENTS

Circulo de la Hispanidad  
54 West Park Avenue  
Long Beach, NY  
(516) 889-3831

Edenwald Gunhill Neighborhood  
Center  
1150 East 229th Street  
Bronx, NY  
(212) 652-2232

Montgomery County Task Force  
24 Division Street  
Amsterdam, NY  
(518) 842-3384

TIP Neighborhood House  
1030 East 178th Street  
Bronx, NY  
(212) 893-1224

YWCA of Genesee County  
301 North Street  
Batavia, NY  
(716) 343-5800