

New York State Coalition Against Domestic Violence 2004 Domestic Violence Handbook

Getting Help From Social Services

In New York State, all victims of domestic violence, regardless of immigration status, can access emergency services including shelter, counseling, support groups, advocacy and other crisis services, regardless of income or resources. In fact, if you are in immediate need, you are entitled to receive help the same day you ask for it. If you have a limited income, you may be eligible for other benefits through the Department of Social Services (DSS), or in New York City, the Human Resources Administration (HRA). Even if you own property, have bank accounts, or other assets, if you're not able to get to them safely, you may also be eligible for other benefits. Certain immigrants, or their children, may also be eligible to receive benefits. If you are an immigrant and are unsure of you or your children's eligibility for social service benefits, it is important that you contact a domestic violence programs or immigrants' rights group to ask them about your status. Do not contact DSS/HRA or the Citizenship and Immigration Services (CIS, former INS) to find out information about your status, as you may risk your ability to remain in this country.

Although requirements for public assistance have become stricter, there are special protections and services for victims of domestic violence. Everyone who applies for public assistance is screened for domestic violence. When you receive your public assistance application (or when you are re-certifying) you will see a page entitled *Domestic Violence Screening Form*. You don't have to answer these questions. However, if you are a victim of domestic violence, it may be to your advantage to answer them. If your answers indicate that you are a victim of domestic violence, you will be referred to a *Domestic Violence Liaison*. In order to be referred to a specially trained Domestic Violence Liaison, you will be asked to sign the Screening Form indicating that you are a victim of domestic violence. Agreeing to meet with the Domestic Violence Liaison will **not** slow down your application for public assistance benefits.

The Domestic Violence Liaison will tell you about services that are available to help you and your children stay safe, but you don't have to use these services if you don't want to. Additionally, victims of domestic violence may be eligible for waivers from certain DSS/HRA requirements if following those requirements would make it difficult for you or your children to escape from domestic violence or if following the requirements would put you or your children at risk of more domestic violence. In

order to qualify for the waivers, you will be asked to show proof of the domestic violence.

Such proof may include hospital records, police reports, an Order of Protection, or minimally, a sworn statement. Initial waivers are granted for a minimum of six months, but they can be extended if you or your children are still in danger. After the initial period, a re-assessment may require that the waiver be extended, modified, or terminated depending on your circumstances at that time.

If you have children, DSS/HRA will ask you to provide the name, address, and other information about the father of these children. DSS/HRA uses this information to locate the father in order to collect child support and to find out if he is able to provide health insurance for the children. A Domestic Violence Liaison can grant a waiver of all or some child support collection requirements if following the requirements would make it difficult for you or your children to escape from domestic violence, or put you or your children at risk of more domestic violence.

Even if you have not been granted a domestic violence waiver, you still have the right to request a *Good Cause Exception* from specific child support requirements if you have other fears or concerns about following those requirements. If you request a Good Cause Exception, the DSS/HRA must investigate your claim. The DSS/HRA can excuse you from all or some child support requirements.

If your abuser is with you when you apply for public assistance, you may decide it is safer to not say anything to the worker about the violence. You can then call the DSS/HRA worker or your nearest domestic violence program later, when it is safe.

If you are currently on public assistance, DSS/HRA workers must provide the Domestic Violence Screening Form to you if you identify yourself, at any time, as a victim of domestic violence or if you request the Domestic Violence Screening Form. You will also have an opportunity to complete the Domestic Violence Screening Form when you apply for re-certification. However, you may apply for a domestic violence waiver **at any time**.

If you are denied a waiver, but believe that the DSS/HRA requirements will place you or your children in danger, you have the right to appeal that decision. You may want to contact a domestic violence advocate for assistance.

Everything you tell the DSS/HRA worker or the Domestic Violence Liaison is

confidential **except** if you report that your children are being abused or neglected. If you tell the worker or the liaison about child abuse or neglect, they must report it to Child Protective Services. In turn, a Child Protective Services worker must investigate the report.

If you are eligible for services, the DSS/HRA may be able to help:

- arrange and pay for you and your children to stay in a domestic violence shelter or, if your local shelter is full, find another safe place for you to stay;
- provide emergency medical assistance (Medicaid);
- arrange for Expedited Food Stamps so that you can buy food right away;
- pay for storing your furniture and other personal belongings;
- pay for moving expenses, rent, security deposit or agreement, or broker's or finder's fees;
- pay for household items needed to set up a home;
- pay for transportation for your children to go to and from school while your family is in emergency housing.

Look in the phone book under the County section to locate your local Department of Social Services (in NYC, look under the Human Resources Administration for your local Income Support Center.) Call before going to make sure that it is the proper office for your address (the place where you are staying, even if it is temporary). Applying for public assistance can be a very confusing process. However, your local domestic violence program can assist you.

If you have been beaten, abused or threatened with violence, DSS/HRA will consider this an "emergency" and must interview you and make a decision regarding emergency assistance on the same day. If you are already getting public assistance and you have an emergency, tell the worker right away. If you are not getting public assistance, fill out an application and tell the worker that you have an emergency. You should complete the application and give it back on the same day you receive it. Your worker will tell you what information you need to provide before you can get assistance to meet your emergency needs. You will be asked for proof of who you are and of who your family members are; you will be finger imaged; and you will be

screened for drug and alcohol abuse.

The worker will also want to know if you have any income or resources, such as bank accounts, vehicles, or property. If you cannot get the information, your worker must try to help you get the information.

If it is determined that your need is immediate, you should receive help to meet this emergency the same day.

If you are not in an emergency, you will be given a list of necessary documents to prove eligibility. Appendix A shows those items you will need to prove certain things. Gather the documents and return to the center on the date of your interview. You will see a worker who will check the form and documents. If you need to bring more documents, you will be given a list of what is needed and a date to return. You should be told within thirty days of the day you turn in your paperwork if your application is approved or denied. If you do not have children, the decision may take up to forty-five days.

Processing Acceptance

Because of the paperwork involved, it can take some time before you actually receive money or other benefits. You may be told verbally or by mail that you have been accepted, but it may be some time before you receive your Benefit ID Card (In NYC, your EPFT photo ID Card) that allows you to pick up your benefits. If you can prove that you have an immediate need, your immediate need should be met sooner.

What To Do If Your Application Is Denied

If your application is denied, you will receive a notice telling you why. You have the right to a conference and a *fair hearing*. To ask for a conference, call your local DSS/HRA. A conference is when you meet with someone other than the person who made the decision about your case. This person will review that decision. If the problem is not settled through a conference, you can ask for a fair hearing. It is a good idea to request a fair hearing at the same time you request the conference because it may take a long time to schedule a fair hearing. The fair hearing can be canceled if the conference satisfactorily resolves the issues. At the fair hearing you will have the opportunity to tell an Administrative Law Judge why you think the

decision about your case was wrong. If the judge agrees, he or she can order the DSS/HRA to correct your case.