

NYSCADV 2022 VIRTUAL LEGISLATIVE DAY OF ACTION TALKING POINTS FOR LEGISLATIVE MEETINGS

New York State has the Highest Demand for Domestic Violence Services in the Country

***More New Yorkers are Experiencing Domestic Violence Than Ever Before and
Every Day, Hundreds of Victims are Not Getting the Services They Need***

New York State continues to have the highest demand for domestic violence services in the country. The National Domestic Violence Counts survey provides a one-day, unduplicated count of adults and children seeking services from DV programs in all states and the U.S. territories. Data from the most recent survey indicate that:

- On one day alone in New York in 2021, 6,646 victims of domestic violence received services.
- More than 4,000 victims found refuge in emergency shelter or transitional housing provided by domestic violence programs. Another 2,500 adults and children received non-residential assistance and services, including individual counseling, legal advocacy and support groups.
- Most troubling, on that same day, 766 requests for domestic violence services went unmet in New York because of critical funding and staffing shortages at local domestic violence agencies.

Domestic violence advocates from around the state are joining together to advocate for the following legislative initiatives that will improve the services and supports available for all survivors of domestic violence.

Legislative Priority #1: Fair Access to Compensation

A.8619A Meeks/S.7573 Myrie

Assembly Status: In Governmental Operations Committee

Assembly Co-Sponsors: Abinanti, Burgos, Clark, Cruz, Cunningham, Darling, De Los Santos, Fall, Fernandez, Forrest, Galef, Gallagher, Gibbs, Gonzalez-Rojas, Gottfried, Hevesi, Jackson, Jean-Pierre, Kelles, McMahon, Niou, Paulin, Quart, L. Rosenthal, Simon, Taylor, Walker, Zinerman

If meeting with Assembly Member not listed above, ask them to co-sponsor bill, or thank them for being a co-sponsor if they are listed above. If they are a member of the Governmental Operations Committee, ask them to (1) ask Committee Chair Ken Zebrowski to move the bill for a vote, and (2) vote to support the bill in Committee.

Senate Status: In Crime Victims, Crime and Correction Committee

Senate Co-Sponsors: Bailey, Biaggi, Brouk, Cleare, Gianaris, Gounardes, Harckham, Hoylman, Jackson, Kaminsky, Kennedy, Ramos, Reichlin-Melnick, Rivera, Salazar, Thomas

If meeting with Senator not listed above, ask them to co-sponsor bill, or thank them for being a co-sponsor if they are listed above. If they are a member of the Crime Victims Committee, ask them to (1) ask Committee Chair Julia Salazar to move the bill for a vote, and (2) vote to support the bill in Committee.

We need this law because:

- Financial compensation in the aftermath of a crime gives victims of domestic violence and their families increased stability by covering costs such as hospital bills, mental health counseling, lock replacement, installation of security systems, or replacement of private property. Yet several eligibility requirements make it difficult for victims to obtain compensation. These requirements include report harmful incidents to law enforcement within one year of the crime occurring. For a variety of reasons, including fear of retaliation or blame, stigma, shame or mistrust in law enforcement, victims may wait to report or even choose not to report a crime to law enforcement. Limiting access to crime victim funding to victims who are comfortable interacting with the police further disenfranchises victims and perpetuates inequality in a system created to help, not harm, them.
- New York's current eligibility requirements for victim compensation funds also require claimants to include a police report with their request for funding. Permitting victims to self-attest to the crimes they experienced, or include other documentation that a crime has been committed, will ensure more New Yorkers receive the financial support they deserve.

This bill would:

- Specify that a victim is eligible for compensation regardless of whether a suspect has been arrested, charged, apprehended or prosecuted
- Specify that a victim is eligible for compensation regardless of whether the victim interacted with the law enforcement agency investigating the crime
- Expand the types of documentation a victim can provide with a claim to include self-attestation or a statement by a third party such as a DV advocate, medical/mental health provider, an Order of Protection, or a video, audio or photo recording the crime
- Extend the timeframe for filing claims from one year to seven years

Legislative Priority #2: Reduce Barriers to Break Phone, TV and Utility Contracts

A.6207B L. Rosenthal/S.7157A Parker

Assembly Status: In Codes Committee

Assembly Co-Sponsors: Barron, Fahy, Forrest, Frontus, Glick, Otis, Quart, Simon

If meeting with Assembly Member not listed above, ask them to co-sponsor bill, or thank them for being a co-sponsor if they are listed above. If they are a member of the Codes Committee, ask them to (1) ask Committee Chair Jeffrey Dinowitz to move the bill for a vote, and (2) vote to support the bill in Committee.

Senate Status: On Floor Calendar

Senate Co-Sponsors: Cleare

Bill passed unanimously in Senate last year. If Senator you are meeting with voted on the bill last year, thank them for support. Ask all to co-sponsor the bill, to communicate their support of the bill to Senate Majority

Leader Stewart-Cousins (so it comes to the Senate floor for a vote) and to vote in support of the bill when it does.

We need this law because:

- Domestic violence survivors can already break family or bundled plan contracts for phone, satellite TV, cable TV, and utility services. However, they must present a police report, a Domestic Incident Report, an Order of Protection or a third-party attestation signed by a medical/mental health provider, court employee, DV advocate, social worker or rape crisis counselor. This is a burdensome process for DV victims, especially as many do not want to involve the criminal justice system.
- This legislation would permit DV victims to provide a self-attestation in writing of their eligibility as a victim to obtain the accommodation. Similarly, the bill would permit DV victims to self-attest to their status to phone companies to obtain a modified or alternative name for phone listings or to get fees waived to obtain a non-published phone listing.

This bill would also:

- Prohibit companies from refusing to break the contracts unless billing responsibility is maintained, the primary account holder approves of the change or arrears on the account are paid in full
- Prohibit companies from refusing to break the contracts if the victim asks for a new phone number
- Restrict companies from requesting confidential information from the victim
- Require companies to provide the accommodation within seven days of receipt of the request
- Require companies to destroy any information they receive from a victim within 30 days in a manner that preserves the confidentiality of the information.

Legislative Priority #3: Healthy Relationships/Sex Education Curriculum

A.6616 Nolan/S.2584A Brouk

Assembly Status: In Education Committee

Assembly Co-Sponsors: Abinanti, Anderson, Barrett, Bichotte Hermelyn, Bronson, Burdick, Burke, Carroll, Clark, Cook, Cruz, Darling, De Los Santos, Dickens, Dinowitz, Epstein, Fahy, Fernandez, Forrest, Galef, Glick, Gonzalez-Rojas, Gottfried, Griffin, Hevesi, Hunter, Hyndman, Jacobson, Jean-Pierre, Kelles, Lavine, Lunsford, Lupardo, Magnarelli, Mamdani, McDonald, McMahon, Meeks, Niou, O'Donnell, Otis, Paulin, Perry, Pretlow, Quart, Rajkumar, Ramos, Reyes, Rosenthal L., Rozic, Sayegh, Seawright, Simon, Steck, Sillitti, Stirpe, Thiele, Walker, Wallace

If meeting with Assembly Member not listed above, ask them to co-sponsor bill, or thank them for being a co-sponsor. If they are a member of the Education Committee, ask them to (1) ask Committee Chair Michael Benedetto to move the bill for a vote, and (2) vote to support the bill in Committee.

Senate Status: In Education Committee

Senate Co-Sponsors: Biaggi, Breslin, Brisport, Cleare, Gaughran, Gianaris, Gounardes, Harckham, Hoylman, Jackson, Kaplan, Krueger, Liu, May, Myrie, Ramos, Rivera, Salazar, Serrano, Stavisky, Thomas
If meeting with Senator not listed above, ask them to co-sponsor bill, or thank them for being a co-sponsor. If they are a member of the Education Committee, ask them to (1) ask Committee Chair Shelley Mayer to move the bill for a vote, and (2) vote to support the bill in Committee.

We need this law because:

- Nationally, more than two-thirds of teenagers who are or have been in a relationship report experiencing some form of sexual, physical or emotional abuse. Studies show that violence in adolescent relationships sets the stage for violence in future relationships, including intimate partner violence and sexual violence perpetration.
- The provision of education about healthy relationships and reproductive and sexual health in schools is inconsistent and varies from classroom to classroom. This means that many of New York State's children cannot identify healthy relationships from unhealthy ones.
- Comprehensive sex education teaches students about bodily autonomy, personal boundaries, privacy and how to tell the difference between health and unhealthy relationships. It instills in students of all ages empathy and respect for each other and lets students know how and where to get help if they are being abused or harassed. This curriculum will be age appropriate for students in grades K-12.

This bill would:

- Direct the State Education Department, the Department of Health and a broad range of experts to create age-appropriate, K-12 comprehensive sexual education programming to be taught in all public and charter schools, including instruction on healthy relationships, bullying, consent, and reproductive and sexual health
- Direct the State Education Department to provide resources to support school implementation and monitor compliance
- Provide an opt-out provision for parents and caregivers who do not want their children to participate

Legislative Priority #4: State-Funded Internet Services for Shelter Residents

A.8552 Reyes/S.3593A Biaggi

Assembly Status: In Social Services Committee

Assembly Co-Sponsors: Gonzalez-Rojas, Griffin, Gunther, Hevesi, Mamdani, Thiele, Simon
If meeting with Assembly Member not listed above, ask them to co-sponsor bill, or thank them for being a co-sponsor. If they are a member of the Social Services Committee, ask them to (1) ask Committee Chair Linda Rosenthal to move the bill for a vote, and (2) vote to support the bill in Committee.

Senate Status: In Social Services Committee

Senate Co-Sponsors: Bailey, Brisport, Cleare, Gianaris, Gounardes, Harckham, Hinchey, Hoylman, Jackson, Kaminsky, Kennedy, Myrie, Ramos, Rivera, Salazar, Sanders, Sepulveda, Serrano

If meeting with Senator not listed above, ask them to co-sponsor bill, or thank them for being a co-sponsor.

If they are a member of the Social Services Committee, ask them to (1) ask Committee Chair Roxanne Persaud to move the bill for a vote, and (2) vote to support the bill in Committee.

We need this law because it:

- No one can dispute how important it is for individuals to have access to the Internet. It has transformed the way we communicate with each other, the way we access information, the way we learn and work, and the way we obtain healthcare. Yet only a small number of homeless residents have Internet access through their shelter.
- Although there has been increasing attention paid to the need for high quality, reliable Internet access, and steps are being taken across the State to close the digital divide, New Yorkers experiencing homelessness and residing in temporary housing and shelters cannot, for example, search and apply for permanent housing and jobs, reliably participate in remote schooling, apply for government benefits or obtain necessary medical care via telehealth visits.
- Internet access can be expensive, and many domestic violence and homeless shelters cannot afford the costs of providing Internet for their residents.

This bill would:

- Require local departments of social services (DSS) to cover the full costs of Internet access for residents of family shelters, adult shelters, DV shelters, runaway and homeless youth shelters, and safe houses for refugees
- Require DSS to submit a plan to the state Office of Children and Family Services detailing how each intends to provide such access
- Permit DSS to obtain 100% reimbursement of the costs for providing Internet access to shelter residents from New York State

Legislative Priority #5: Access to Forensic Child Custody Evaluation Reports
A.8110 Weinstein/S.753 Biaggi

Assembly Status: In Judiciary Committee

Assembly Co-Sponsors: Durso, Englebright, Hunter, Seawright, Taylor

Assembly Multi-Sponsors: Braunstein, Cook, Glick

If meeting with Assembly Member not listed above, ask them to co-sponsor bill, or thank them for being a co-sponsor or multi-sponsor. If they are a member of the Judiciary Committee, ask them to (1) ask Committee Chair Chuck Lavine to move the bill for a vote, and (2) vote to support the bill in Committee.

Senate Status: In Children and Families Committee

Senate Co-Sponsors: Cleare, Krueger, Reichlin-Melnick, Sepulveda, Skoufis, Thomas

If meeting with Senator not listed above, ask them to co-sponsor bill, or thank them for being a co-sponsor. If they are a member of the Children and Families Committee, ask them to (1) ask Committee Chair Jabari Brisport to move the bill for a vote, and (2) vote to support the bill in Committee.

We need this law because:

- The Governor’s Blue-Ribbon Commission on Forensic Evaluations concluded that forensic evaluators “may rely on principles and methodologies of dubious validity. In some custody cases, because of lack of evidence or the inability of parties to pay for expensive challenges of an evaluation, defective reports can escape meaningful scrutiny and are often accepted by the court, with potentially disastrous consequences for parents and children... [T]he process is fraught with bias, inequity and a statewide lack of standards, and allows for discrimination and violations of due process.”¹ Custody evaluators also often fail to identify domestic violence or they minimize or dismiss such allegations.
- Litigants’ review of these reports is crucial. They need sufficient time to review these reports so they can challenge the conclusions in court, or make counsel aware of the flaws and inadequacies in the report. Yet there is inconsistency in how and to whom forensic evaluation reports are provided. Some judges do not permit litigants or attorneys to obtain copies. Some permit attorneys, but not litigants to receive a copy. And others only permit attorneys to view the evaluations in court. Pro se litigants representing themselves rarely are able to obtain copies.
- Several states already permit litigants and counsel to obtain copies of forensic child custody reports, and the evaluator’s supporting file.

This bill would:

- Permit litigants, their attorneys, the attorney for the child, and anyone retained to assist counsel or litigants in the court proceeding to obtain a copy of the forensic evaluation report and the evaluator’s supporting file
- Permit the court to place conditions or limitations on the distribution of reports
- Require the court to notice the parties that willful failure to comply with any conditions or limitations placed on the distribution of the report would be contempt of court punishable by fine, imprisonment or both
- Permit either party to object to the report and/or the evaluator’s file from being admitted into evidence
- Require all information related to the report and the evaluator’s file to be subject to cross-examination

¹ Report of the Blue-Ribbon Commission on Forensic Custody Evaluations, December 2021, Page 4.

Legislative Priority #6: Adult Survivors Act

A.648A L. Rosenthal/S.66A Hoylman

Assembly Status: In Judiciary Committee

Assembly Co-Sponsors: Abinanti, Anderson, Aubry, Barrett, Barron, Benedetto, Bichotte Hermelyn, Brabenec, Bronson, Burdick, Burgos, Buttenschon, Carroll, Clark, Cruz, Cunningham, Darling, Davila, De Los Santos, Destefano, Dickens, Dinowitz, Epstein, Fahy, Fernandez, Forrest, Frontus, Galef, Gallagher, Gandolfo, Gibbs, Giglio J.A., Glick, Gonzalez-Rojas, Gottfried, Gunther, Hevesi, Hunter, Jackson, Jacobson, Kelles, Kim, Lupardo, Mamdani, McDonald, McDonough, Mikulin, Mitaynes, Niou, Paulin, Perry, Quart, Ramos, Reyes, Richardson, Rivera J.D., Seawright, Septimo, Sillitti, Simon, Smith, Solages, Steck, Stirpe, Taylor, Walker, Wallace, Weprin, Woerner

Assembly Multi-Sponsors: Englebright, Griffin

If meeting with Assembly Member not listed above, ask them to co-sponsor bill, or thank them for being a co-sponsor or multi-sponsor. If they are a member of the Judiciary Committee, ask them to (1) ask Committee Chair Chuck Lavine to move the bill for a vote, and (2) vote to support the bill in Committee.

Senate Status: On Senate Calendar

Senate Co-Sponsors: Bailey, Biaggi, Brooks, Cleare, Gaughran, Gianaris, Gounardes, Harckham, Hinchey, Jackson, Kaplan, Kennedy, Krueger, Liu, May, Mayer, Myrie, Ramos, Reichlin-Melnick, Rivera, Salazar, Sepulveda, Skoufis, Stavisky

Bill passed unanimously in Senate last year. If Senator you are meeting with voted on the bill last year, thank them for support. If meeting with Senator not listed above, ask them to co-sponsor bill, or thank them for being a co-sponsor. Ask all to communicate their support of the bill to Senate Majority Leader Stewart-Cousins (so it comes to the Senate floor for a vote) and to vote in support of the bill when it does.

We need this law because:

- The link between sexual assault and domestic violence is clear; a majority of women who are physically assaulted by an intimate partner have been sexually assaulted by that same partner.
- When sexual assault occurs, all survivors deserve the opportunity to seek justice. But because recent changes to the state's statute of limitations for sexual assaults were not retroactive, victims who were assaulted before 2019 are not able to file civil lawsuits against their offenders.
- Healing for sexual violence is a journey. For a variety of reasons, survivors of sexual assault may not come forward for several years following an attack. A majority of survivors know their abuser and may be reluctant to report the incident due to fear of retaliation or exposure to intimate details. They may also feel that they will be blamed, defamed, or won't be taken seriously if they report their experience.

This bill would:

- Open a one-year “lookback window” to allow adult survivors of sexual assault who are currently barred from pursuing a civil claim as a result of the statute of limitations, to pursue a civil claim
- Provide that the one-year window will begin six months after the legislation becomes law
- Give courts three months to prepare for the filing of cases resulting from the one-year lookback window.

April 25, 2022