

DV ADVOCATES URGE LEGISLATURE TO ELIMINATE MANDATE FOR DV TRAINING AND CERTIFICATION IN PPGG BUDGET BILL

The FY'22-'23 Executive Budget includes a mandate requiring all domestic violence advocates to obtain 40 hours of training to become certified to provide domestic violence services (see Part H of S8005/A9005). The proposal also includes creation of a Gender-Based Violence Training Institute at OPDV which would be responsible for “providing guidance, training and technical assistance to domestic and gender-based violence programs to implement training programs in accordance with minimum standards.”

DV program leadership report significant challenges in retaining and training new employees as they deal with the myriad day-to-day operational crises that arise. But the answer to this situation does not reside in creating new training mandates or a new certification process for advocates at the state level. Nor is a new state-funded training institute needed. **We ask the Legislature to remove Part H from the PPGG Budget Bill.**

NYSCADV encourages the state to recognize our longstanding role as the primary training and technical assistance provider for New York’s DV service providers. NYSCADV, like all state DV coalitions across the country, is designated by the U.S. Department of Health and Human Services and the U.S. Department of Justice to provide comprehensive training and technical assistance on a multitude of social, legal and economic issues that affect victims’ safety and well-being. In 2020 and 2021, NYSCADV held 93 trainings and webinars which were attended by more than 6,300 participants. An more aggressive training schedule is planned this year.

Further, the proposal would worsen the bureaucratic nightmare that is New York’s over-regulation of not-for-profit organizations in general, and domestic violence service providers in particular. OCFS, OTDA, OVS, DCJS and OPDV share responsibility for implementing New York’s current funding and regulatory framework for DV providers. Rather than attempting to simplify this overly-complicated approach, the Governor’s proposal would add another agency into the mix by giving NYSDOH responsibility to “review all rules and regulations related to training of domestic violence advocates,” a responsibility NYSDOH does not currently have.

In addition:

- OCFS is responsible for licensing and monitoring New York’s DV programs and establishing regulations for such providers – regulations that include training requirements that were most recently updated in April 2020 (see NYCRR Parts 452.11 and 462.5). The Governor’s proposal does not alter OCFS’ responsibilities in these respects, yet inexplicably gives OPDV responsibility for the training and certification of individuals working at OCFS-licensed DV programs.
- The Part H proposal would amend Civil Practice Law and Rules (CPLR) by modifying the definition for a “domestic violence program.” However, similar changes are not made to the definition of a “domestic violence program” in Social Services Law (SSL) Section 459-a. Having different statutory definitions for the same term would cause confusion and potential conflicts among state agencies and funders.
- Mandating training topics in statute, as this proposal does, will make it more difficult for such training to be responsive to current needs, to incorporate evolving best practice and innovation, and be tailored to individual communities.
- The proposal would exempt from the new training mandate any individual that has completed a 40-hour sexual assault training, even though the not-yet-developed training for DV advocates will likely focus on different topic areas than a training developed for sexual assault advocates.

Dated: January 31, 2022