

NYSCADV 2022 VLDA QUESTIONS AND ANSWERS

Preparing for legislative meetings ahead of time can help you feel confident and relaxed. One of the best methods to prepare is to identify questions you may be asked in advance, then rehearse potential answers.

We've identified a few potential questions here, and have provided a guide for answering each one. Don't try to memorize these responses verbatim. Rather, use them as a guide to formulate your own answers. And if a legislator asks a question that you do not feel comfortable answering, feel free to offer to have NYSCADV follow up with them after your meeting.

Q1: The Legislature has now set aside \$15 million over the last three State Budgets for a domestic violence pilot program. Can you explain the intended purpose for the pilot? Is the pilot project being conducted now?

A1: For many years, DV advocates have been urging New York State to modernize its method for providing domestic violence services in the state. The system has not been updated since it was created more than 30 years ago and does not meet the needs of today's DV survivors or their families. This pilot study, which will be conducted by OCFs, is intended to identify a better way to fund DV services in the State. The pilot was supposed to be initiated in 2020 but was placed on hold due to the Pandemic. We are optimistic the pilot will begin this year. It is the first step to modernizing the State's outdated system and hopefully will lead to a more innovative model that better addresses the needs of all DV survivors.

Q2: What is wrong with the current model for funding DV services?

A2: Most of the funding New York earmarks to support DV services is provided to DV programs when DV survivors are in shelter. This per diem reimbursement model diminishes the critical need DV survivors have for non-residential supports and assistance, which DV service providers are required to offer whether survivors are in shelter or not. The current system requires DV service providers to place an inordinate amount of time chasing down payments from county Departments of Social Services, rather than providing direct care to survivors. Often, counties halt payments to DV agencies when they deny fiscal responsibility. In some cases, DV programs have waited years to be reimbursed. DV programs sometimes stop pursuing reimbursement as the increasing staff time involved would make the financial loss even worse than simply writing off the uncollectible "bad debt" with the counties. Further, external factors like the current pandemic impact the number of survivors that seek shelter, which negatively impacts the revenue a DV program will receive.

Q3: Is more money needed to support DV services in the State?

A3: Frankly, yes. Available funding for New York's DV services has either decreased or remained flat for years, drastically impacting the ability of DV service providers to keep up with the demand for DV services. New York continues to have the highest demand for DV services in the country, based on a national survey conducted by the National Network to End Domestic Violence. What's worse is that, according to that survey, on just one day in 2021, nearly 1,000 requests for DV services were not met.

Q4: This year, the Governor proposed requiring DV advocates to obtain 40 hours of training and creating a training institute at OPDV. The proposal was not approved by the Legislature and not included in the Final Budget. Did you support or oppose the proposal?

A4: The New York State Coalition Against Domestic Violence, the New York State Coalition Against Sexual Assault and the Seven Dancers Coalition all opposed the proposal. As federally-recognized coalitions supporting DV and sexual assault advocacy services and survivors in New York, these coalitions are responsible for providing trauma-informed, survivor-centered training and technical assistance for New York's DV and sexual assault service providers. They collaborate together on a wide array of training and TA opportunities for program staff providing direct care to survivors. Replacing the coalitions' long-standing training responsibilities with a state-directed, mandated initiative is not needed, nor is it desirable. We thank the Legislature for removing the proposal and an accompanying appropriation for OPDV from the Final Budget.

Q5: There were many media reports at the beginning of the Pandemic suggesting the incidence of domestic violence increased during the Pandemic. Is that what you're finding?

A5: Many DV programs across the State are reporting increased volume to their hotlines, an increased number of clients, an increase in the severity of violence related to DV incidents, and an increase in the complexity of service requests. *[Provide information regarding your program]*

We know from past natural disasters like Hurricane Katrina and Superstorm Sandy that incidence of domestic violence increases in times of crisis. I am certain that, as the Pandemic continues to evolve, we will discover more evidence that the incidence of DV has increased, as has the resulting need for services. It may be difficult for us to assess right now because DV survivors may be reluctant to leave their homes now to enter emergency shelter. Several programs report a decrease in occupancy rates at their local shelters.

One of the most significant and lingering impacts on the provision of services to DV survivors during the pandemic is the difficulty we've been experiencing retaining and recruiting staff. The country is experiencing The Great Resignation, and not-for-profits like domestic violence agencies are not immune. That being said, because funding levels for DV services have been stagnant for many years, we are unable to pay staff a decent wage. Many advocates can make more money working at a Starbucks than working in a shelter, and it's a much less traumatic, stressful job to boot. *[Provide information regarding your program]*

Q6: Didn't the final budget include a COLA for DV advocates?

A6: The Final Budget included funding to raise the hourly wage of home care aides for several years. Unfortunately, DV advocates were not included in the COLA, despite the fact that hourly wages for many DV advocates are barely higher than minimum wage. And DV program staff weren't alone in being excluded from this year's COLA. Many other not-for-profit, human services staff were included either. You can be sure we will be advocating for a COLA for our staff next year.

Q7: New York State approved new criminal justice reforms in this year's budget. Were these changes good for DV survivors?

A7: The most significant, positive change for DV survivors were the changes made to the discovery law.

After the initial reforms were put in place in 2019 and 2020, we began to see DV criminal cases dismissed in record numbers for mere technical violations of discovery rules. This left vulnerable survivors without urgently needed Orders of Protection and dashed hopes of justice. We also saw prosecutors plead down or adjourn in contemplation of dismissal serious DV cases because they were too overburdened with overwhelming discovery compliance to provide survivors with the protection they need. The new amendments prevent cases from being dismissed for minor technical violations of discovery rules. This is a very significant change that will protect DV survivors who turn to the criminal courts for justice, while protecting a defendant's right to receive the prosecution's evidence in a timely manner.

On the bail side, the reforms were intended to stop trafficking of illegal guns, stop the cycle of repeat offenders and invest in New York's mental health infrastructure. We prefer that our courts don't regularly use bail as a means to hold defendants pre-trial. We don't believe any individual should be incarcerated merely because they have limited financial means. That being said, under the new reforms, judges will be able to consider a number of factors when setting bail, such as if there is a history of gun use or possession, if there is a previous violation of an order of protection, or whether the defendant is alleged to have caused serious harm. We will be assessing these changes in the field and their impact on DV criminal cases. I'd be happy to report back to you with more information on that in the coming months.

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