

NYSCADV'S 2022 LEGISLATIVE DAY OF ACTION PRIORITIES

During NYSCADV's Virtual Legislative Day of Action, advocates across the State are supporting the following legislation to prevent domestic violence from occurring in the first place and to support DV victims when it does happen:

Fair Access to Compensation (A.8619A Meeks/S.7573 Myrie)

Only 4% of victims of violence receive victim compensation, which is provided by the Office of Victim Services to pay for hospital bills, temporary housing, safety measures like lock replacements, etc. Several eligibility requirements make it difficult for victims to obtain compensation, such as requiring victims to report harmful incidents to law enforcement, requiring a police report to accompany the victim's claim for funds, and a limited timeframe for filing claims.

This bill would resolve those issues by: (1) specifying a victim is eligible for compensation regardless of whether a suspect has been arrested, charged, apprehended or prosecuted, or whether the victim interacted with the law enforcement agency investigating the crime; (2) expanding 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; and, (3) extending the timeframe for filing claims from one year to seven years.

Reduce Barriers to Break Phone, TV and Utility Contracts (A.6207B Rosenthal/S.7157A Parker)

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 bill would make it easier for DV survivors to obtain this accommodation by allowing them to self-attest in writing to their status as a victim. The bill also: (1) prohibits 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; (2) prohibits companies from refusing to break the contracts if the victim asks for a new phone number; (3) restricts companies from requesting confidential information from the victim; (4) requires companies to provide the accommodation within seven days of receipt of the request; and (5) requires companies to destroy any information they receive from a victim within 30 days in a manner that preserves the confidentiality of the information.

Comprehensive Sex Education/Healthy Relationships Curriculum (A.6616 Nolan/S.2584 Brouk)

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.

Comprehensive sex education teaches students about bodily autonomy, personal boundaries, privacy and how to tell the difference between healthy 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 and harassed. This curriculum will be age-appropriate for students in grades K-12 and parents/caregivers will be able to opt their children out of the curriculum if preferred.

State-Funded Internet Services for Shelter Residents (A.8552 Reyes/S.3593A Biaggi)

According to a May 2020 report issued by the City Bar Justice Center, only 6% of homeless residents surveyed had 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 search and apply for permanent housing and jobs, reliably participate in remote schooling, apply for government benefits or obtain necessary medical care.

This bill would require local social service districts to provide and pay for Internet services in DV shelters, family shelters, adult shelters, runaway and homeless youth shelters and safe houses for refugees. The local social service districts would then be able to obtain reimbursement for the full cost of Internet services from New York State.

Litigants' Access to Forensic Child Custody Evaluation Reports (A.8110 Weinstein/S.753 Biaggi)

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 Which is why litigants' review of these reports is so crucial.

This bill would permit litigants, their attorneys, the attorney for the child, and anyone retained to assist counsel with the litigation to obtain a copy of the forensic evaluator report and the evaluator's supporting file. The court would be able to place conditions on distribution of the reports and notice parties that willful failure to comply with the court order would be contempt of court punishable by fine, imprisonment or both. The bill would permit either party to object to the report and/or evaluator's file from being admitted into evidence and would require all information to be subject to cross-examination.

Adult Survivors Act (A.648A Rosenthal L./S.66A Hoylman)

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 for many, by the time they make this pivotal decision in their healing journey, it's too late to seek justice through the courts due to insufficient statute of limitations.

New York took a significant step forward by extending the criminal and civil statutes of limitations for most sexual assaults to 20 years. But this law only applies to assaults that occurred in 2019 or after. The Adult Survivors Act would create a new one-year "lookback window" so adult survivors who experienced assault before 2019 could go to court and seek justice, even if the assault happened many years before.

For more information:

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