

## MEMORANDUM OF SUPPORT

### STABILIZE THE DOMESTIC VIOLENCE WORKFORCE BY INCLUDING DV ADVOCATES IN COST-OF-LIVING SALARY ADJUSTMENTS

A.2590 Hevesi/S.1580 Persaud

The New York State Coalition Against Domestic Violence (NYSCADV) urges the New York State Legislature to pass legislation that would stabilize the DV sector's diminishing workforce by giving all staff at OCFS-licensed nonprofit DV programs a cost-of-living salary adjustment (COLA).

New York State relies on nonprofit DV agencies to provide critical services to families experiencing domestic violence. The work can be grueling and traumatic. DV advocates meet DV survivors where they are – at the police station, in court, in a medical facility – to provide critical, life-stabilizing services. Their work is challenging and requires specialized preparation and training.

Providing DV services comes at a cost, and it is incumbent upon New York State to value the work of DV programs and fully pay for it. **Nevertheless, DV advocates have been excluded from every budgetary initiative intended to raise wages for human service workers.** The initial COLA statute passed in 2006. Several human service providers that contract with the State, and who provide similar services to domestic violence advocates, were included in that legislation. However, DV service providers were excluded at that time and have therefore never received a COLA on their state contracts.

Failure to include DV advocates in COLA or targeted inflationary increases has had a disastrous impact on DV programs' ability to retain and recruit employees. According to a 2022 survey conducted by NYSCADV and the New York State Coalition Against Sexual Assault (NYSCASA) of DV and sexual assault programs across the state<sup>1</sup>, 90% of respondents reported experiencing staff turnover in 2021. In total, respondents reported 547 voluntary staff departures in 2020 and 645 voluntary staff departures in 2021. Numerous positions still remain vacant across the sector.

This is unsustainable. DV service providers cannot meet the demand for services with fewer staff. New York State has the highest demand for DV services in the country. A national survey found that on one day in September 2024, more than 10,000 DV survivors sought help and assistance, but more than 1,700 of them couldn't get the help they requested due to lack of funding and resources<sup>2</sup> – a 64% increase in unmet demand from the prior year.

A.2590/S.1580 would:

- Ensure staff at residential and non-residential domestic violence programs that are funded, licensed or certified by the state Office of Children and Family Services receive a COLA when one is provided to other human services workers contracted with the State;
- Ensure staff at programs that are funded, licensed or certified by the state Office of Victim Services to provide victim services receive a COLA when one is provided to other human services workers contracted with the State;

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<sup>1</sup> New York State Coalition Against Domestic Violence and New York State Coalition Against Sexual Assault. Sexual Assault & Domestic Violence Programs Salary and Benefits Survey. October 3, 2022.

<sup>2</sup> National Network to End Domestic Violence, 19<sup>th</sup> Annual Domestic Violence Counts Report. Washington, DC. (2025). Retrieved from: [NNEDV.org/DVCounts](http://NNEDV.org/DVCounts)

- Ensure all human services programs that provide services to individuals for the purpose of improving or enhancing their health and/or welfare by addressing social problems receive a COLA when one is provided to other human services workers contracted with the State;
- Provide a 7.8% COLA to all eligible programs and services designated to receive a COLA; and,
- Require state agencies to conduct a five-year lookback to ensure that any uncovered program is included in future COLAs.

The Legislature must right this wrong and include DV service providers and OVS-contracted victim service providers into the pool of human services workers that receive the COLA. We urge the Legislature to support A.2590/S.1580, which would demonstrate that New York values the DV workforce and the services they provide.

**ABOUT NYSCADV:**

Established in 1978, NYSCADV is designated by the U.S. Department of Health and Human Services as the information clearinghouse, primary point of contact, and resource center on domestic violence for the State of New York. NYSCADV is responsible for supporting the development of policies, protocol, and procedures to enhance domestic violence intervention and prevention and also provides education and technical assistance to the network of primary-purpose domestic violence service providers statewide.

**For more information, contact: Joan Gerhardt, Director of Public Policy and Advocacy,  
jgerhardt@nyscadv.org**

Revised: March 26, 2025

## **MEMORANDUM OF SUPPORT**

### **IMPROVE STATE CONTRACTING OBLIGATIONS FOR DOMESTIC VIOLENCE SERVICE PROVIDERS**

A.506 Paulin/S.2075 Mayer

The New York State Coalition Against Domestic Violence (NYSCADV) urges the New York State Legislature to pass legislation that will improve state agencies' ability to meet their obligations when executing contracts for domestic violence services.

New York State relies on nonprofit DV agencies to provide critical services to families experiencing domestic violence. Providing DV services comes at a cost, and it is incumbent upon New York State to pay for these services in a timely manner.

Yet many DV programs report long delays in the execution of new contracts or renewal of existing contracts. During this time, DV programs continue to provide services to DV survivors, but cannot vouch for reimbursement. Some programs report they have been providing services for 10 months into a 12-month contract, without receiving any reimbursement due to the failure of New York to finalize their contracts.

This is not a problem experienced exclusively by DV programs. On the contrary, many not-for-profit organizations that contract with New York State are experiencing similar delays in contract executions. According to a report by the New York State Comptroller, in 2023, 56% of state contracts with the non-profit sector – more than 5,000 contracts – were late, higher than 2019's pre-pandemic level of 50%.<sup>1</sup>

Even after a contract is executed, DV programs then wait many months to be reimbursed by the state for provision of services and expenses. These delays impact a DV program's ability to manage its operational costs and expenses. Several programs are currently in danger of missing payroll, seeking state waivers for reduced personnel levels, cutting programming and/or opening costly lines of credit to maintain operations.

It is essential that state agencies are held accountable for their contracting responsibilities. This bill would define state agencies which fail to execute contracts in required timeframes or fail to fully execute contracts before their start date, as non-complaint. Such non-compliant agencies would then be required to provide monthly progress reports to the State Comptroller, to increase transparency and help DV agencies plan for any delay in reimbursement.

In addition, A.506/S.2075 would:

- Increase the likelihood that programs are promptly reimbursed by requiring non-complaint agencies to submit progress reports to the Legislature and Governor on efforts to remedy deficient contracts.
- Encourage transparency by requiring the provision of the state's payment schedule in all written directives; and,
- Mandate the payment of interest for any late payments.

NYSCADV urges the Legislature to pass this legislation which will help alleviate the contracting delays domestic violence service providers experience when working with state agencies.

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<sup>1</sup> Office of the New York State Comptroller, 2023 Calendar Year, Not-For-Profit Contracting Annual Report

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## MEMORANDUM OF SUPPORT

### PRIORITIZE CHILDREN'S SAFETY IN CHILD CUSTODY PROCEEDINGS

A.6194 Hevesi/S.5998 Skoufis

The New York State Coalition Against Domestic Violence (NYSCADV) urges the New York State Legislature to pass this legislation, which seeks to prioritize the well-being and safety of children during child custody and visitation proceedings, particularly those involving domestic violence and child abuse.

The inability of New York's courts to recognize and appropriately respond to domestic violence and child abuse has led to several tragedies. In 2016, while sleeping in her bed, two-year-old Kyra Franchetti was murdered by her father during a court-ordered unsupervised visit, despite repeated reports to the court of his anger and rage issues, suicidal ideation, stalking and history of coercive control and abuse. **According to research compiled by Kyra's Champions, an organization aimed at ensuring children's safety is prioritized in family courts, 37 additional children have been killed by a parent during custody proceedings in New York since Kyra's death.**

These are not isolated or rare events. Non-offending parents are losing custody of their children at alarming rates. A parent's pleas to protect a child are mistaken for false claims made to obtain sole custody. In fact, DV advocates and many family court attorneys routinely tell DV survivors not to raise family violence allegations in court because if they do, they often end up losing custody of their children to abusive partners.

Groundbreaking research<sup>1</sup> conducted by George Washington University School of Law Professor Joan Meier and her colleagues examined how judges in family court make decisions about child custody when there are allegations of abuse and alienation. The findings were startling. Analysis of more than 2,000 court opinions confirmed that courts are skeptical of mothers' claims of abuse by fathers. This skepticism is greatest when mothers claim child abuse. The findings also confirm that fathers' cross-claims of parental alienation – the idea that one parent deliberately alienates the child from the other parent to win custody – virtually double courts' rejection of mothers' abuse claims, and increases mothers' losses of custody to the father accused of abuse. Fathers who accuse mothers of abuse, on the other hand, do not experience the same losses.

NYSCADV supports the passage of this bill, known as Kyra's Law, which would:

- Require courts to conduct a prompt evidentiary hearing to assess any credible allegations of domestic violence or child abuse that, if true, would pose a substantial risk to the safety of the child, before issuing temporary or final orders of custody or visitation. The bill includes a series of considerations that should be reviewed, including a history of domestic violence or child abuse perpetrated by either parent, police reports, use or threats to use a weapon, and incidents of stalking or cyber stalking, coercive control, etc. Should the court determine limitations or restrictions of a parent's custody, visitation or contact with the child are necessary, the court would be required to set forth conditions in the order that prioritize the child's safety;
- Ensure parents can appeal the court's decision to grant or deny a temporary order, or the terms of such order, and appeal a final order. Appeals would be heard on a preferential timeframe;

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<sup>1</sup> Meier, Joan S. and Dickson, Sean and O'Sullivan, Chris and Rosen, Leora and Hayes, Jeffrey, Child Custody Outcomes in Cases Involving Parental Alienation and Abuse Allegations (2019). GWU Law School Public Law Research Paper No. 2019-56, GWU Legal Studies Research Paper No. 2019-56, Available at SSRN: <https://ssrn.com/abstract=3448062> or <http://dx.doi.org/10.2139/ssrn.3448062>

- Clarify that, when evaluating best interest factors of the child for issuance of a final order of custody or visitation, the court shall prioritize and promote the safety of children by assessing, among other factors, which parent is more likely to protect the safety of the child and whether either parent poses a substantial risk to the safety of the child; any parent's history of domestic violence, child abuse or incidents involving harm to the child; reports or incidents of domestic violence or child abuse; use or threats to use a weapon; threats to harm or kill a child, the other parent, or companion animals; and incidents of stalking, cyber stalking, or coercive control;
- Create a rebuttable presumption that no order of unsupervised visitation or visitation without sufficient protection of the child's safety shall be ordered to a parent who poses a substantial risk to the child's safety;
- In DV and child abuse cases, restrict the court from finding that a protective parent's behaviors to safeguard the child constitutes failure of that parent to support the child's relationship with the other parent;
- Restrict the court from presuming that a child's reluctance to interact with a parent is caused by the other parent and restrict the court from giving custody to a parent for the sole purpose of improving their relationship with the child or to address the child's reluctance to interact with the parent; and,
- Enhance current training requirements for judges, referees and other hearing officers handling child custody proceedings involving domestic violence, child abuse or risk to a child's safety and require such training to be developed, offered and regularly updated by the Office of Court Administration, in consultation with the state Office for the Prevention of Domestic Violence.

New York State must improve family court outcomes for DV survivors and their children or more children's lives will be tragically lost. **NYSCADV urges the NYS Legislature to pass this legislation immediately.**

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## **MEMORANDUM OF SUPPORT**

### **PROTECT DOMESTIC VIOLENCE VICTIMS FROM BEING LIABLE FOR COERCED DEBT**

A.3038A Rosenthal/S.1353A Cleare

The New York State Coalition Against Domestic Violence (NYSCADV) urges the New York State Legislature to pass this legislation which would ensure that victims of domestic violence are not held liable for coerced debt.

According to the National Network to End Domestic Violence, financial abuse occurs in 99% of domestic violence cases. It is one of the primary reasons survivors cite for staying in or returning to an abusive partner. Financial abuse involves maintaining control over financial resources, withholding access to money, sabotaging credit, or attempting to prevent a victim from working in an effort to create financial dependence as a means of control. Little by little, abusers chip away at a victim's financial independence until they gradually become fully dependent.

Coerced debt, which refers to all non-consensual credit-related transactions, is a popular tactic used by people causing harm to maintain power and control over their victims. It can destroy a survivor's credit rating, making it difficult for them to build a future outside of the abusive environment. Abusers gain control over victims by applying for credit cards, obtaining loans, or opening other financial accounts in a victim's name, often without the victim's consent or knowledge. Coerced debt can also involve forcing victims to obtain loans, sign financial documents, or make credit-related transactions by using threats or physical force.

This critical bill would:

- Ensure that survivors are not held liable for "coerced debt," which is defined as debt incurred as a result of economic abuse, including by means of fraud, duress, intimidation, threat, force, coercion, manipulation or exerting undue influence over a person's financial and economic behavior and decisions;
- Authorize survivors to provide a sworn or notarized statement along with documentation (e.g., a police report, federal trade commission identity theft report, court order finding debt was coerced or a notarized third-party attestation from a social worker, attorney, health care professional, victim services advocate, clergy member, elected official or law enforcement, to initiate an investigation of the debt(s) in question;
- Require creditors to cease collection activities and stop reporting the debt to credit reporting agencies if, upon investigation, they find that the debt is coerced;
- Set procedures and timelines for disputes;
- Clarify that a person who causes another person to incur coerced debt is civilly liable to the creditor and/or the victim, if such victim has already paid all or part of the coerced debt, as well as any costs and attorneys' fees incurred by the victim and any creditors;
- Provide victims of coerced debt with a cause of action against a creditor who fails to comply with the provisions of the legislation; and,
- Authorize the NYS Attorney General to seek an injunction and allow the court to impose a civil penalty for each violation of the legislation's provisions of up to five thousand dollars.

NYSCADV urges the Legislature to protect domestic violence victims by not holding them liable for coerced debt.

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