

**Testimony Of The New York State Coalition Against Domestic Violence  
To The Joint Budget Hearing Of The Senate Finance Committee  
And Assembly Ways And Means Committee  
Regarding Human Services**

**Testimony Presented by Joan Gerhardt  
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The New York State Coalition Against Domestic Violence (NYSCADV) was established more than 40 years ago as a statewide non-profit membership organization comprised of local domestic violence service providers and allied organizations that are committed to preventing and ending domestic violence. In New York, there are nearly 100 residential and non-residential domestic violence programs which operate at approximately 250 locations around the State.

NYSCADV is recognized by the U.S. Department of Health and Human Services and the U.S. Department of Justice as the information clearinghouse, primary point of contact and resource center on domestic violence for the State of New York. Among our roles and responsibilities, we provide education, training and technical assistance to domestic violence service providers; and support the development of policies, protocols and procedures to enhance domestic violence intervention and prevention.

Although thousands of victims rely on the care our provider network administers each year, funding has not kept pace. DV service providers do not receive the funding they need to provide survivor-centered, trauma-informed services for DV victims. They have faced years of cuts or flat funding with increasing administrative burdens, and DV staff have historically been left out of salary increases and cost-of-living adjustments aimed at the nonprofit human services sector. Programs have had to lay off staff, cut programming and obtain interest-bearing loans or lines of credit just to have enough revenue to keep their doors open. In addition, we have seen staff leave positions at DV agencies for better paying positions elsewhere. All of which contribute to staffing crises for DV service providers, which we urge the Legislature to address.

NYSCADV urges the Legislature to support the needs of domestic violence survivors and their families, as well as the not-for-profit and community-based advocacy organizations that support them, by implementing the following recommendations:

1. Accept the Governor's \$120 million earmark in the Aid to Localities (ATL) Budget for the state Office of Victim Services (OVS) (pages 1019-1020) and the \$14.4 million transfer of general funds into the Criminal Justice Improvement Act (PPGG Part X, page 156) to cover significant Victim of Crime Act (VOCA) cuts to non-profit victim assistance providers;
2. Stabilize the DV sector's diminishing workforce and infrastructure by including all staff at the state Office of Children and Family Services (OCFS)-licensed and approved nonprofit DV programs in the group of human services workers that receives cost-of-living salary adjustments;
3. Accept a \$21 million increase in the set aside for state reimbursement to counties for adult protective services and emergency shelter for DV survivors (ATL Budget for OCFS, pages 333-334);

4. Accept a \$5 million appropriation (ATL Budget for the State Office for the Prevention of Domestic Violence [OPDV], page 917) to expand the Survivors Access Financial Empowerment (SAFE) Fund; and,
5. Accept a \$24.54 million transfer of general funds into the Criminal Justice Improvement Act (PPGG Part X, page 156) to cover an anticipated increase in victim compensation applications following passage of the Fair Access to Victim Compensation legislation (Chapter 695 of the Laws of 2023).

**Budget Request #1: Accept the Governor's \$120 million earmark in the ATL Budget for OVS (pages 1019-1020) and the \$14.4 million transfer of general funds into the Criminal Justice Improvement Act (PPGG Part X, page 156) to cover significant Victim of Crime Act (VOCA) cuts to non-profit victim assistance providers.**

Domestic violence service providers rely on a myriad of federal funding streams to support life-changing services for victims of abuse and crime. VOCA is the largest of these funding sources, enabling hundreds of thousands of New Yorkers to access services including shelter, housing, legal assistance, counseling and more. VOCA also funds legal services to help DV survivors obtain divorces and orders of protection, navigate their way through family court, and legally extricate themselves from dangerous living situations. Without VOCA funds, many victim service programs would cease to exist, leaving victims of domestic violence, sexual violence, child abuse and child sexual abuse with nowhere to turn.

***New York's federal VOCA grant has declined \$121.6 million in the past five years, losing 61% of its value. Prior state appropriations covered only 23% of the shortfall. Now, OVS is forecasting New York's 2024 federal VOCA grant will decrease another \$35 million from last year. Catastrophic cuts of this magnitude will decimate New York's safety net infrastructure for vulnerable crime victims.***

Fortunately for the thousands of New Yorkers experiencing crime, Governor Hochul included three critical earmarks for OVS-contracted victim service providers in the Executive Budget. We urge the Legislature to accept these earmarks in their one-house budgets:

- \$20 million in the ATL Budget for OVS (page 1019) that will prevent cuts to the third year of existing OVS contracts with victim service providers, for the period of 10/1/24-9/30/25;
- \$100 million in the ATL Budget for OVS (page 1020) that, when combined with recurring earmarks in the FY'26 and FY'27 budgets and future federal VOCA funding, will ensure the continuity of crime victim services in the next procurement cycle (for the period of 10/1/25-9/30/28); and,
- A \$38.94 million transfer of general funds into the OVS-administered Criminal Justice Improvement Act, which includes \$14.4 million to support existing VOCA contracts (PPGG Part X, page 156).

In 2022, according to OCFs, New York's domestic violence shelter and community-based programs served 53,213 individuals, including 10,374 children. More than 10,000 of those victims and children were provided safe shelter. Domestic violence programs answered more than 277,000 crisis calls that same year.<sup>1</sup>

On just one day of that same year, New York's domestic violence advocacy programs turned away 951 victims because they lacked the services to help them, according to the National Network to End Domestic Violence's 24-hour census survey. More than 9,000 victims received services that day, representing a 38% increase from the year before.<sup>2</sup>

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<sup>1</sup> NYS Office for the Prevention of Domestic Violence (2022). *New York State Gender-based Violence Dashboard 2022*. Albany, NY.

<sup>2</sup> National Network to End Domestic Violence (2023). *17<sup>th</sup> Annual Domestic Violence Counts Report*. Washington, DC. and National Network to End Domestic Violence (2022). *16<sup>th</sup> Annual Domestic Violence Counts Report*. Washington, DC

Without approval of the Governor's appropriations, victim services will be drastically cut, creating an even more serious and dangerous void in services for victims.

**Budget Request #2: Stabilize the DV sector's diminishing workforce and infrastructure by including all staff at OCFS-licensed and approved nonprofit DV programs in the group of human services workers that receives cost-of-living salary adjustments.**

DV providers are dedicated and passionate professionals. 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.

New York State and its local governments have turned to nonprofit DV agencies to provide critical services to families experiencing domestic violence, most of whom are women who live in marginalized or under-served communities. These services come at a cost and it is incumbent upon New York State to value the work and fully pay for it.

But that's not what has occurred over the past several years. Instead, budgets for domestic violence services have been flat or reduced, despite increased demand for such services and the impacts of inflation. **Worse, since New York State passed a statute in 2008 establishing a group of state-contracted programs and services at which staff would receive a COLA, DV advocates have been excluded from every budgetary initiative intended to raise wages for human service workers.**

The failure to include DV advocates in the COLA has had a disastrous impact on the ability of DV programs 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>3</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.

Far too many employees felt they had no other choice but to leave for higher-paying employment within their own multi-service agencies, or for jobs in government, academia or at other human services organizations. Remaining staff have been tasked with covering the work of multiple positions, leading to burnout, illness and additional resignations. All of which impacts the ability of DV agencies to support DV survivors. Victims in New York State deserve better and so do those who support them.

This is unsustainable. DV service providers cannot meet the demand for services with fewer staff. We are already seeing the impacts in the field. As reported above, 951 DV survivors who sought services on one day in September 2022 could not obtain such services. This is a 24% increase from the year prior. Approximately 65% of these unmet requests were for housing and emergency shelter.<sup>4</sup>

This year, as the Governor elevated the needs of domestic violence survivors in her State of the State and Budget presentations, she again chose to exclude DV advocates from her proposed COLA for human service workers -- some who perform similar duties as DV advocates and some who have contracts for the provision of services with OCFS, as DV service providers do.

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<sup>3</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>4</sup> National Network to End Domestic Violence (2023).

For example, this year's 1.5% COLA proposal applies to, among others:

- OCFS-licensed foster care facilities, emergency foster homes, foster family boarding homes and therapeutic foster homes, transitional supervised settings for older youth and supportive housing for young adults leaving foster care. **DV service providers provide similar residential shelter and housing for New Yorkers experiencing domestic violence.**
- OCFS-licensed providers of supportive services to young adults leaving or having recently left foster care. **DV service providers are required by OCFS regulations to provide supportive services to any individual experiencing domestic violence who is over the age of 16 (NYCRR Part 452.2(s)).**
- State Office of Mental Health (OMH)-licensed outpatient programs, including supported single room occupancy, supported housing community services, congregate care settings, youth and children community residences, case management services, advocacy/support services and homeless services. **DV service providers are required by OCFS regulations to provide similar residential and non-residential support services to DV survivors and their families.**
- State Office for the Aging (SOFA)-licensed service providers that provide community services for older adults, in-home services and supplemental nutrition assistance program. **DV service providers are required by OCFS regulations to provide similar support services to DV survivors, including older adults and regardless of where such survivors live. Many DV survivors avail themselves of New York's SNAP program with the assistance of DV advocates during the application process.**

Senator Roxanne Persaud and Assembly Member Andrew Hevesi have introduced S7793/A8437 to right this wrong and include DV service providers and VOCA subgrantees into the pool of human services workers that receive the COLA. We urge the Legislature to support this legislation and include a COLA for all DV advocates and staff at OCFS-licensed facilities in the FY'25 budget.

**Budget Request #3: Accept a \$21 million increase in the set aside for state reimbursement to counties for adult protective services and DV services (ATL Budget for OCFS, pages 333-334).**

For many years, funding for adult protective services and DV residential and non-residential services has been level funded, despite the dramatic increase in demand for services. For example, nearly 3,500 adult and child victims sought non-residential DV services on one day in 2022 – 1,016 more requests than in 2021.<sup>5</sup> OCFS data demonstrate similar increases, with 3,643 more DV survivors and children obtaining non-residential DV services in 2022 than the year before.<sup>6</sup>

The same can be said for residential DV services. According to the annual census survey, 5,673 adult and child victims found refuge in emergency shelters, transitional housing, hotels, motels or other housing provided by DV programs in New York on one day in 2022 – nearly 1,500 more than in 2021.<sup>7</sup>

**In fact, New York State has consistently had the highest demand for DV services in the country.** Yet State funding for adult protective services and domestic violence residential and non-residential services has been flat funded for at least the last 15 years.

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<sup>5</sup> National Network to End Domestic Violence (2023) and National Network to End Domestic Violence (2022).

<sup>6</sup> NYS Office for the Prevention of Domestic Violence (2022).

<sup>7</sup> National Network to End Domestic Violence (2023) and National Network to End Domestic Violence (2022).

Governor Hochul has proposed to increase this appropriation by \$21 million, a much-needed investment that will help thousands of New Yorkers break the cycle of abuse. We urge the Legislature to support this initiative.

**Budget Request 4: Accept a \$5 million appropriation (ATL Budget for OPDV, page 917) to expand the Survivors Access Financial Empowerment (SAFE) Fund.**

Personal safety and economic security are inextricably linked for victims of domestic violence. In fact, for many victims, concerns over their ability to provide financially for themselves and their children are a significant reason for staying in or returning to an abusive relationship. When survivors of DV have stable access to resources that help them build economic resiliency, they and their families are much more likely to remain safe and secure.

In the past, New Yorkers experiencing domestic violence generally had only one option for cash assistance – the federal Temporary Assistance for Needy Families (TANF) program administered by OCFS and the state Office for Temporary and Disability Assistance (OTDA) to help needy families achieve self sufficiency. Even accounting for the Family Violence Option (FVO), which attempts to address the additional challenges that survivors of family violence face, TANF does not work well for many survivors. Funding levels are low, there are burdensome paperwork and documentation requirements, and survivors struggle with the transportation and childcare needed to meet with caseworkers and get to and from their workplaces.

The final FY'24 budget significantly increased the ability of DV survivors to financially stabilize their lives with \$5 million in DV Flexible Funding Assistance, a new program that permits local DV programs to provide direct financial assistance to DV survivors. There are no income, citizenship, familial status, or limitations on eligibility. Despite inclusion in the FY'24 budget which was approved on May 2, 2023, the State has not yet released last year's funding to DV programs for distribution to DV survivors. NYSCADV is hopeful that DV survivors will soon be able to receive this critical aid.

The FY'25 Executive Budget includes another \$5 million to continue this critical financial empowerment program for DV survivors, albeit now rebranded as the Survivors Access Financial Empowerment (SAVE) Fund. We urge the Legislature to support this initiative.

**Budget Request 5: Accept a \$24.54 million transfer of general funds into the Criminal Justice Improvement Act (PPGG Part X, page 156) to cover an anticipated increase in victim compensation applications in light of passage of the Fair Access to Victim Compensation legislation (Chapter 695 of the Laws of 2023).**

New York State obtains federal VOCA funding to support its Victim Compensation program. Victim compensation is used to reimburse victims for crime-related expenses, such as medical and funeral expenses, loss of earnings or support, counseling costs, crime scene clean-up expenses, the cost to repair or replace personal property, etc.

Last year, the Legislature and Governor took a critical step at ensuring equitable access to victim compensation with passage of the Fair Access to Victim Compensation legislation, which permits crime victims to have victim service providers, rather than law enforcement, support their application for victim compensation. This is a significant change that recognizes while law enforcement intervention can be lifesaving for some victims of DV, it can significantly elevate risk and severity of harm for others. In fact, immediately following law enforcement intervention is one of the most dangerous times for victims of DV.

OVS, which administers New York's victim compensation program, supported the Fair Access to Victim Compensation and collaborated closely with victim advocates to champion the legislation. However, OVS warned that removing this barrier could result in significantly more requests for victim compensation.

To ensure all eligible crime victims are able to obtain critical victim compensation when needed, the Executive Budget includes a \$38.94 transfer of general funds to OVS' Criminal Justice Improvement Account in the PPGG Budget Bill, which includes \$24,538,000 to implement the Fair Access to Victim Compensation legislation. NYSCADV urges the Legislature to accept this critical appropriation.

### **NYSCADV Reaction to Governor Hochul's Proposed Initiatives to Prevent and Prosecute Assaults and Domestic Violence**

During her State of the State address and budget presentation, the Governor proposed several initiatives aimed at preventing and prosecuting assaults and domestic violence by bolstering the criminal legal system. While well intentioned, these proposals do not align well with the current priorities and needs of domestic violence survivors and victims.

Each year, NYSCADV engages with DV survivors and advocates to gather insights about their experiences and the challenges they face. Through a combination of listening sessions, one-on-one conversations, discussions and surveys, NYSCADV obtains a greater understanding of local responses to domestic violence and is able to identify system failures in such response. NYSCADV also participates on numerous advisory councils, task forces and the state fatality review board to engage with local, state and federal officials to evaluate prevention, system response and intervention.

This process has led NYSCADV to conclude that DV survivors and advocates are prioritizing the following (presented in no particular order):

- increased funding for supportive services provided by DV advocates;
- increased funding for civil legal services, particularly in Family Court;
- living wages for DV advocates;
- investments in legal advocacy programs and court watch programs;
- robust, high-quality supervised visitation and safe exchange programs;
- the availability of safe and affordable housing and funding to support transitional housing; and,
- enhanced DV training for Family Court judges, referees and court personnel.

According to the National Crime Victimization Survey, 52% of people who experienced domestic violence reported the crime to law enforcement. That means that one of every two New Yorkers experiencing domestic violence chooses not to involve the criminal legal system. Further, the number of DV survivors engaging with police has decreased over time; in 2010, for example, about two-thirds of DV survivors reported to police.<sup>8</sup>

Members of the LGBTQ community and HIV affected survivors are even less likely to report domestic violence to law enforcement. A report from the National Coalition of Anti-Violence Programs found a mere 43% of survey respondents reported interacting with law enforcement as a result of the intimate partner violence they experienced.<sup>9</sup>

According to a survey conducted by the National Domestic Violence Hotline in 2021, of the 1,500 DV survivors responding, 55% of those who contacted the police believe they were discriminated against in some way, 25% were threatened with arrest, and 71% said they would have chosen an alternative over police if other resources had been available. **More importantly, more than twice the number (39%) actually felt less safe after calling, compared to 20% who felt safer.** Of those who reported never having called the police, 92% were

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<sup>8</sup> Bureau of Justice Statistics, National Crime Victimization Survey, 1993-2019. September 2020. <https://bjs.ojp.gov/content/pub/pdf/cv19.pdf>

<sup>9</sup> Waters, E. National Coalition of Anti-Violence Programs (NCAVP). *“Lesbian, Gay, Bisexual, Transgender, Queer, and HIV-Affected Intimate Partner Violence in 2015.”* New York, NY.

very or somewhat afraid about how the police would react.<sup>10</sup> These experiences are exacerbated for women of color, who have historically experienced mistrust and discrimination in the criminal legal system.

According to their recent article in American Progress, Sabrina Talukder and Kierra B. Jones identify some failures of the criminal legal system to meet the needs of DV survivors:<sup>11</sup>

“Underlying the almost exclusive focus on the criminal legal system is the misconception that the system can provide swift accountability, which is necessary to protect survivors, or that it is equipped to address their urgent and wide-ranging needs. Research from the past decade has shown the exact opposite: Despite the fact that 1 in 3 women have experienced domestic violence, rates of arrest, prosecution and conviction remain consistently low. Furthermore, even when an abuser is arrested and prosecuted, it can take years to reach a conviction and for a jail sentence to be issued. These statistics highlight a harsh reality: Even survivors who contact law enforcement or seek protection and accountability through the criminal legal system are unlikely to see their abuser separated from them. This is particularly concerning because the period immediately following a survivor leaving their abuser is the most dangerous, as abusers often escalate their abuse once they find out they are losing control.”

*Thank you for the opportunity to provide this testimony.*

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<sup>10</sup> National Domestic Violence Hotline. “Survivors of Domestic Violence Report Feeling Less Safe After Contacting Law Enforcement.” Sept. 2022. [https://www.thehotline.org/wp-content/uploads/media/2022/09/2209-Hotline-LES\\_FINAL.pdf](https://www.thehotline.org/wp-content/uploads/media/2022/09/2209-Hotline-LES_FINAL.pdf)

<sup>11</sup> Talukder, S. and Jones, K.B., “Domestic Violence Survivors Need More Options for Accountability as the Supreme Court Prepared To Hear Major Gun Case.” American Progress, Nov. 3, 2023. <https://www.americanprogress.org/article/domestic-violence-survivors-need-more-options-for-accountability-as-the-supreme-court-prepares-to-hear-major-gun-case/#:~:text=Only%20an%20estimated%20%20percent,or%20referrals%20for%20support%20services.>