

**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 Public Protection**

**Testimony Presented by Joan Gerhardt
NYSCADV Director of Public Policy and Advocacy
February 10, 2021**

The New York State Coalition Against Domestic Violence (NYSCADV) was established 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 approximately 250 facilities around the State.

The purpose of our organization is to serve as an information clearinghouse, primary point of contact and resource center on domestic violence for the State of New York. We also provide education, support and technical assistance to domestic violence service providers; and support the development of policies, protocols and procedures to enhance domestic violence intervention and prevention.

**NEW YORK AGAIN HAS THE HIGHEST DEMAND
FOR DOMESTIC VIOLENCE SERVICES, AND THE HIGHEST NUMBER
OF UNMET REQUESTS FOR SERVICES, IN THE COUNTRY**

According to an annual census conducted by our national partner, the National Network to End Domestic Violence, **New York State has the highest demand for domestic violence services in the country, and the highest number of unmet requests for services in the country.**

The National Census provides a one day, unduplicated count of adults and children seeking services from domestic violence programs in all states and the U.S. territories. Data from the most recent Census¹ indicate that:

- On one day alone in New York in 2020, 8,313 victims of domestic violence received services.
- More than 4,000 victims found refuge in emergency shelter or transitional housing provided by domestic violence programs. Another 4,000 adults and children received non-residential assistance and services, including individual counseling, legal advocacy and support groups.
- **Most troubling, on that same day, 1,921 requests for domestic violence services went unmet in New York because of critical funding and staffing shortages at local**

¹ National Network to End Domestic Violence (2021). 15th Annual Domestic Violence Counts Report. Washington, DC.

domestic violence agencies. This is more than double the number of unmet requests reported on one day in 2019.

These survey results, obtained in September 2020 months after the COVID-19 Pandemic began, demonstrate a troubling fact: **The demand for domestic violence services and supports have increased dramatically during the public health emergency, and domestic violence programs are struggling to ensure the continuity of services.**

Funding for these services is either non-existent, decreasing or flat. Domestic violence programs do their best to provide all of the “emergency core services” they are mandated to provide. However, many domestic violence programs are barely getting by financially and making difficult decisions regarding how to continue providing high-quality, trauma-informed services with the funding available to them. Many programs are using financial reserves or obtaining lines of credit to keep the lights on and shelters staffed. Many domestic violence program executive directors fear they will be unable to maintain services at current levels 90 days from now, without a serious influx of funding.

If New York State wants to ensure domestic violence services are sufficient to address the growing need, it is critical for New York to make a meaningful investment in domestic violence services in our state.

NYSCADV PRIORITIES IN THE FY'21-'22 NEW YORK STATE BUDGET

New York State must modernize its antiquated domestic violence service delivery system to ensure victims receive the support they need to keep themselves and their families safe. The system has not been updated since it was established more than 30 years ago. Then, a majority of domestic violence victims sought emergency shelter. Today, domestic violence victims are in need of a much wider range of services and are not necessarily looking to leave their homes or their communities. New York’s domestic violence service delivery and funding model must evolve to be responsive to what domestic violence victims need today and into the future.

As we work to establish a more innovative, survivor-centered system for provision of domestic violence services, NYSCADV urges New York State to recognize and respond to the alarming and unsustainable funding challenges domestic violence programs are experiencing during the Pandemic – a fact that is significantly jeopardizing the ability for New Yorkers experiencing domestic violence to obtain critical services.

As NYSCADV works with domestic violence advocates around the State, with the Governor and Legislature, and with our State Agency partners, we are advocating for several budgetary priorities this year, including the following:

1. Add a \$10 million emergency fund to ensure sustainability of New York’s domestic violence services during the Pandemic.

As stated above, even before the Pandemic, New York has had the highest demand for domestic violence services, and the highest number of unmet requests for services, in the country. Since the Pandemic began, service requests have significantly increased; calls to emergency hotlines have skyrocketed, as have requests for non-residential services. However, due to New York’s

antiquated funding model, domestic violence programs are receiving less funding now because fewer survivors are entering shelter during this public health emergency. As you likely know, New York's outdated per diem reimbursement model only provides funding to service providers when survivors are in shelter.

Throughout the Pandemic, occupancy rates in many shelters have declined as much as 55%, resulting in a corresponding deficit in revenues. New York's domestic violence programs report having to keep approximately 10% of available shelter beds across New York empty due to social distancing and isolation/quarantine requirements and associated health department regulations. Using an average of the NYC and Rest of State per diem reimbursement rates (or \$120.52), this amounts to a loss to the system of more than \$1 million a month. New York State must provide an influx of funding to domestic violence agencies now to ensure services remain available to all who need them.

2) Increase funding for non-residential domestic violence services.

New York's non-residential DV services, such as hotlines, information and referral services, counseling, legal advocacy and financial empowerment assistance, are funded in part with a dedicated stream of \$3 million in TANF funding. These funds flow from the federal government into New York State and out to local Departments of Social Services (DSSs). Local DSSs are required to provide non-residential domestic violence services directly, or enter into contracts with local domestic violence service providers for service delivery.

The annual federal TANF block grant has been frozen since its creation and lost about 40% of its value between 1997 and 2018 due to inflation.² As a result, New York has not been able to keep pace with inflation, increased costs, and the increased demand for services. This has led to overall funding for New York's domestic violence service providers being flat for years, leading to significant service gaps and inconsistent service delivery across the State. Currently, most providers are focused on the challenges of keeping their doors open, rather than investing in new, innovative programming that could better support DV survivors.

Insufficient funding also restricts domestic violence programs' ability to offer competitive wages and benefits to staff. Today, a significant number of program staff is paid little more than minimum wage, despite the high level of skills needed to provide comprehensive advocacy for adults and children who have experienced significant and severe trauma and abuse. This makes it extremely challenging for advocates to recruit and retain highly-qualified employees, which negatively impacts the delivery of services to survivors.

According to the Center on Budget and Policy Priorities, in 2018, NYS spent \$41 million – only 1% of the total TANF grant and matching funds – on programs related to health, mental health, substance abuse, disability services, housing counseling, family support, and DV. **Further, as of 2019, New York has not spent \$667 million of its grant, equal to about 27% of the overall annual allocation.³**

² Center on Budget and Policy Priorities, 'State Fact Sheets: How States Spend Funds Under the TANF Block Grant', https://www.cbpp.org/sites/default/files/atoms/files/tanf_spending_ny.pdf, (accessed February 25, 2020).

³ Center on Budget and Policy Priorities, 'New York TANF Spending 2019', <https://www.cbpp.org/topics/tanf-in-the-states>, (accessed February 4, 2021).

The level of dedicated TANF funding for non-residential DV services — \$3 million — is at the same level as when it was first proposed 20 years ago in the FY'00-'01 budget. NYSCADV urges the State to increase to \$6 million the federal TANF set-aside for non-residential services.

3) Maintain the Governor's \$5 million re-appropriation in OCFS' Aid to Localities budget to implement a flexible funding model pilot project.

Last year, the Governor and Legislature appropriated \$5 million in the Aid to Localities budget for the NYS Office of Children and Family Services to pilot a new flexible funding model that reduces the barriers and challenges for domestic violence service providers assisting survivors. Transforming New York's antiquated domestic violence service delivery system is critical to ensuring victims and their families receive the support they need immediately and without conditions. The Governor's proposal is based on foundational work conducted by the Governor's Domestic Violence Task Force and is a critical first step for the State to transition to an innovative, survivor-centered service delivery system.

NYSCADV wholeheartedly supports this pilot program, recognizing it to be the next step to transform New York's antiquated system of providing domestic violence services to those who need them. We urge the Legislature to not only maintain the existing re-appropriation, but to consider adding additional funding to assure the pilot can be implemented fully.

4) Restore \$2,356,000 for domestic violence programs and legal services for victims.

Domestic violence survivors turn to legal advocates for assistance obtaining orders of protection, securing child custody orders so that a parent and children can legally and safely leave an abusive parent, and to provide critical assistance during criminal proceedings as well as separation and divorce. For several years, New York State has provided \$950,000 for these critical services. Last year, due to the Pandemic, the appropriation was reduced to \$770,000 and this year, the Governor is proposing to eliminate it. We ask you to restore this appropriation at its 2019-2020 level of \$950,000.

In addition, the Legislature has historically restored \$1,406,000 in grants to domestic violence programs that the Governor proposes to eliminate in DCJS' Aid to Localities budget. This funding is critical to maintain domestic violence services to victims.

5) Provide critical funding for statewide coordination efforts to ensure the voices of domestic violence survivors and advocates are heard.

Governor Cuomo and the Legislature are contemplating momentous changes to the way New York provides services to domestic violence victims. With a system of such great value and importance — one that impacts the lives of thousands of New Yorkers — we must get it right at the outset. This is a tremendous opportunity, but we must take care to ensure that we don't fix the current broken system with one that won't ease the challenges for survivors and advocates.

The Legislature can ensure a better, more efficient and enhanced domestic violence service delivery system by hearing directly from domestic violence survivors and advocates throughout the reform process. As the voice of New York's domestic violence programs, NYSCADV is in a prime position to assist the Legislature during its deliberations. However, unlike many of our peer domestic violence coalitions across the country, we do not receive significant state funding for the

work that we do on behalf of New Yorkers. As a result, NYSCADV's staffing capacity and revenues are well below that of other similarly-situated domestic violence coalitions.

One of the main duties of statewide domestic violence coalitions like NYSCADV is to provide education, support and technical assistance to domestic violence service providers to enable them to provide innovative shelter and supportive services for victims of domestic violence and their dependents. Each year, NYSCADV offers multiple training opportunities and technical assistance to domestic violence service providers and allied organizations on topics such as trauma-informed, survivor-centered service provision and program development; laws and regulations and their impact on service provision; cultural competency; analysis of special considerations for historically marginalized communities; community collaboration; and housing options for survivors. With NYSCADV's current staffing capacity, we cannot satisfy all the requests we receive from domestic violence service providers for training and technical assistance, or from the Legislature and State Agencies for advice and counsel on policy, legislative and regulatory changes.

We are asking the Legislature to provide \$150,000 of state funding in the State Budget to enable NYSCADV to represent the voice of domestic violence providers and survivors to the State, and to enhance its training and technical assistance capacity for local domestic violence service providers.

ARTICLE VII PROPOSAL TO EXPAND OPDV MISSION

Six New York State agencies share responsibility for implementing New York's current funding and regulatory framework for domestic violence providers — OCFS, OTDA, OVS, DCJS, DOH and OPDV. In addition, county DSSs are responsible for providing TANF/Title XX per diem reimbursements to residential domestic violence programs, and contracting with programs for non-residential domestic violence services. Each state agency and DSS has its own reporting and oversight requirements, grant cycles and application process, methodology for tracking services and outcomes, definitions for units of service, inspection/audit process, etc.

Domestic violence providers invest significant staff time and resources satisfying the myriad requirements placed upon them by these multiple agencies — time and resources that would be far better spent on providing direct care to survivors.

As such, NYSCADV and domestic violence advocates have urged New York State to better coordinate the administration of federal funding used to support New York's domestic violence services, and evaluate the potential consolidation of such administration across fewer State Agencies. Further, we have asked New York to improve communication and coordination between state agencies that work on domestic violence-related issues. To the extent the Governor's proposal achieves these objectives, NYSCADV supports it.

NYSCADV is continuing to review the Governor's proposal. In particular, we have questions regarding the following:

1. The proposal includes a new definition for domestic violence that differs from current definitions in Social Services Law, Penal Law, the Family Court Act and NYCRR regulations for domestic violence programs. If this new proposed definition is the one New York State prefers to use to describe domestic violence, should the

other statutory definitions be modified at the same time for consistency and clarity?

2. The proposal includes a new definition for gender-based violence which does not appear to be inclusive of non-binary individuals and does not describe intimate partner violence within the context of oppression and patriarchy. What is the basis for this definition and can it be revised to be more inclusive?
3. The proposal would repeal requirements for OPDV to develop a model policy for counties, a model policy for state agencies and an employee awareness and assistance policy. OPDV developed these policies in the 1990s, but no review or revision has occurred since then. Why is the Governor proposing to remove these requirements, rather than requiring OPDV to regularly review and update these critical policies?
4. The proposal gives OPDV's executive director the authority to "accept as agent of the state any grant, including federal grants, or any gift or donation for any of the purposes of this article. Any moneys so received may be expended by the office to effectuate any purpose of this article, subject to the applicable provisions of the state finance law." Why is this provision needed at this time when the Governor is not proposing any consolidation of the administration of federal funding streams used to support domestic violence?

NEXT STEPS

Since our current system of domestic violence services was established in New York over 30 years ago, we have made some progress in the State's response to domestic violence. However, we have also experienced an increasing demand for domestic violence services across the State, and we have failed to change the fact that New York State has the highest demand for domestic violence services in the country. We still have much work in front of us to ensure no one who is seeking domestic violence services is ever turned away.

NYSCADV urges you to implement strategies within the budget to ensure survivors and their families receive the supports they need. The Legislature must value the lifesaving work of advocates in a way that the State has not done before. Quite simply, if we are not able to reach these goals, we will continue to see tragedies across our State.

In the midst of the challenges and barriers we face, together we can do the right thing for survivors and advocates.

NYSCADV looks forward to working with New York State on these issues.