



George E. Pataki
Governor

NEW YORK STATE
OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE
40 NORTH PEARL STREET
ALBANY, NEW YORK 12243-0001

Brian J. Wing
Commissioner

ADMINISTRATIVE DIRECTIVE

TRANSMITTAL: 99 ADM-8

TO: Commissioners of
Social Services

DIVISION: Temporary
Assistance

DATE: November 02, 1999

SUBJECT: Domestic Violence: Final TANF Regulations and the Family
Violence Option

SUGGESTED
DISTRIBUTION:

- Temporary Assistance Directors
- Food Stamp Directors
- Medical Assistance Directors
- Employment Coordinators
- Child Support Enforcement Units
- Directors of Services
- Child Welfare Staff
- Domestic Violence Service Providers
- Domestic Violence Liaisons
- CAP Coordinators
- Accounting Supervisors
- Staff Development Coordinators

CONTACT
PERSON:

See Attachment A

ATTACHMENTS:

- Attachment A: Domestic Violence FVO State Contacts -
(Available on-line)
- Attachment B: Sample DV Services Plan (Available
on-line)

FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
98 ADM-3		Parts 310,	SSL 62.5		97 LCM-28
97 ADM-23		347, 350, 351,	131-u		96 LCM-59
94 ADM-11		352, 369, 379,	349-a		94 LCM-153
		372, 408, 452,	459-g		92 LCM-104
		453, 453, 455			

I. Purpose

The purpose of this directive is to advise local districts of the final TANF regulations and their impact on the Family Violence Option (FVO).

II. Background

The federal Wellstone-Murray Family Violence Option (FVO) was implemented in New York State effective April 1, 1998 under the Welfare Reform Act of 1997. The FVO allows states to address the safety needs of domestic violence (DV) victims and their children within the State's TANF plan. The FVO includes procedures for screening for DV, assessment, service referrals and temporary waivers of temporary assistance (TA) requirements which would place the victim at further risk.

As a result of the State regulations which implemented the FVO:

- | All applicants for and recipients of TA receive information about DV and the protections and services available;
- | As part of the application and recertification process, applicants/recipients are screened to determine those currently affected by DV;
- | Disclosure is voluntary and confidential; and
- | Individuals who self identify as victims are referred to a specially trained domestic violence liaison (DVL) who assesses whether the DV claim is credible and whether it impacts the individual's ability to meet TA program requirements such as child support cooperation requirements, work activity requirements and other TA requirements. Waivers from program requirements may be granted if necessary.

The final federal regulations provide for the following:

- | States electing the FVO must certify that they have established and are enforcing standards and procedures to:
 - screen and identify individuals receiving TANF and MOE assistance with a history of domestic violence, while maintaining the confidentiality of such individuals;
 - refer such individuals to counseling and supportive services; and
 - provide waivers, pursuant to a determination of good cause, of normal program requirements to such individuals for so long as necessary in cases where compliance would make it more difficult for such individuals to escape domestic violence or unfairly penalize those who are or have been victimized by such violence or who are at risk of further domestic violence.

- | Waivers under the FVO may be for as long as necessary.
- | To be a federally recognized good cause domestic violence waiver, the waivers must:
- identify the specific program requirements that are being waived;
 - be granted appropriately based on need, as determined by an individualized assessment by a person trained in domestic violence and re-determined no less often than every six months;
 - be accompanied by an appropriate services plan that is developed by a person trained in domestic violence, reflects the individualized assessment and any revisions indicated by the re-determination, and to the extent that work is consistent with helping the victim achieve safety, is designed to lead to work.

III. Program Implications

The final TANF regulations are filed and are effective October 1, 1999. New York State currently meets most of the federal regulation requirements for supporting the FVO and for good cause waivers. The final TANF regulations and New York State now require that if a victim is granted a waiver (regardless of the type of waiver): A) the waiver status must be re-determined at least every six months and B) the victim and the DVL must develop a services plan designed to lead to work. Department regulations are being amended to include these new requirements.

IV. Required Action

A. Waiver Re-determination every six months:

Waivers must be granted for an initial period of not less than four months. All waivers are subject to an on-going review of the individual's circumstances and may be extended, modified or terminated based on such review, at any time. Currently there is no maximum time limit on the length of waivers. Waivers are granted for as long as necessary and must be reviewed at the end of each waiver period.

The final federal regulations and New York State now require districts to re-determine the waiver status no less often than every six months to determine if the waiver is necessary. Districts must continue to review the waiver status after the initial period of four months or whenever circumstances change.

B. Services Plan:

The final federal TANF regulations require a services plan when any type of waiver is granted in order for the waiver to be a federally recognized good cause waiver. This Office has defined a services plan as the written summary of the recommendations and referrals discussed with the domestic violence liaison (DVL) and the victim that leads to work when a waiver is granted. A services plan may consist of full and partial employment waivers, recommendations for alternative requirements, safety planning and recommended services. DVLs are currently informing victims about the options available for protection, services and other supports. Most districts have an extensive service provider network and cross-training is available.

The services plan must be designed to lead the victim to safety and self-sufficiency. This plan will give victims a list of recommendations, referrals and/or options that are available to assist them. Most of these services will be available through the DV providers. The DVL's role is to assist the individual in identifying and accessing resources. The DVL's role is not to counsel or provide the recommended services.

The services plan is to be used as a resource for the victim and not as a list of requirements. The individual has the option of whether or not to act on these referrals. Seeking services and/or protections are on a voluntary basis for the victim. In some circumstances, taking certain steps may place the victim at further risk. It is the victim's decision as to what action the victim may want to take, if any. Districts must not require victims to take specific steps. Forcing victims to take specific steps could make the situation worse.

The services plan is designed to be used as a simple tool to help the victim. DVLs are currently giving referrals for services as part of their responsibilities. The services plan is a way of documenting and formalizing these referrals.

Attachment B is a sample DV Services Plan that can be completed with the client at the time a waiver is granted. The services plan must be kept in the DV liaison file. A copy should only be given to the client at her request due to safety reasons. Recommendations should be given to the client the same way they are given now.

The following guidelines must be used for developing a services plan:

- | Inform client that acting on the recommendations and/or referrals are voluntary.
- | Develop a plan in partnership with the victim and respect the victim's safety concerns and assessment of risk.
- | The plan must not be prescriptive. **Victims must not be required to participate in any particular activity (e.g., requiring that an Order of Protection be obtained).** In some instances, this could create more risk.

; Assist individual in identifying internal and external resources and in accessing resources (e.g., housing, employment, transportation, child care and support services).

Depending upon the victim's individualized circumstances the services plan must include, but not be limited to , the following components:

; the specific temporary assistance requirements that are being waived.

; a list of services needed by the victim

; a list of recommended options, steps or activities that the victim, DV liaison and/or approved DV program could take to assist the victim and victim's children in remaining safe from immediate danger.

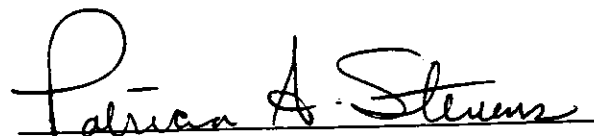
V. Additional Information

If you need any additional information on the FVO, please refer to the list of State contacts (Attachment A).

Medicaid Implications - any good cause waiver of a TA program requirement under the Family Violence Option is honored by Medicaid.

VI. Effective Date

The provisions of this directive are effective immediately.



Patricia A. Stevens
Deputy Commissioner
Division of Temporary Assistance

DOMESTIC VIOLENCE
FAMILY VIOLENCE OPTION
STATE CONTACT

TEMPORARY ASSISTANCE (TA Related Issues)

Regional Teams: 1-800-343-8859
Team I, 3-0332; Team II, 4-9344;
Team III, 4-9307; Team IV, 4-9300;
Team V, 3-1469; Team VI, 212-383-1658

WMS: (Systems Issues)

Mike Zostant 1-800-343-8859, ext. 4-7239

CHILDREN AND FAMILY SERVICES (Services/CPS Related Issues):

Regional Office: Buffalo - Linda Brown (716) 847-3145
Rochester - Linda Kurtz (716) 238-8201
Syracuse - Jack Klump (315) 423-1200
Albany - Bill McLaughlin (518) 432-2751
Yonkers - Pat Sheehy (914) 377-2080
Metropolitan - Gail Hallerdin (212) 383-1788

MEDICAL ASSISTANCE:

Sharon Burgess (518) 473-5536

BUREAU OF FINANCIAL SERVICES:

Regions I - IV, Roland Levie (518) 474-7549
Region V - Marvin Gold (212) 383-1733

(Next section is to be completed by the DV liaison)

3) Referrals:

Types of Referrals Made

Name/Address/Phone # of

Agency/Provider

4). Other Referrals:
