

**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
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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.

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:

- Earmark \$280 million in funding to address OVS' massive cuts to New York's essential crime victim services;
- Remove the Part H proposal from the PPGG Budget;
- Increase the Temporary Assistance for Needy Families (TANF) set aside for non-residential domestic violence services to \$6 million; and,
- Maintain the Governor's \$5 million appropriation in OCFS' Aid to Localities Budget to implement a flexible funding model pilot project.

Budget Request #1: Earmark \$280 Million in Funding to Address OVS' Massive Cuts to New York's Essential Crime Services

New York primarily relies on federal funding streams (e.g., Victims of Crime Act [VOCA] funding, Violence Against Women Act [VAWA] funding, Temporary Assistance for Needy Families [TANF] funding, and Family Violence Prevention and Services Act [FVPSA] funding) to support life-changing services for victims of abuse and crime.

VOCA is the largest of these funding sources. Hundreds of thousands of New Yorkers rely on VOCA funds to access lifesaving services including shelter, housing, legal assistance, counseling and more. 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 annually since 2018. In fact, the latest Federal Fiscal Year VOCA State Assistance Grant award (FY 2021) to New York is \$140 million less than it was in FY 2018. As a result, the state Office of Victim Services (OVS), New York's administrator of VOCA funding, has informed victim service providers that it intends to implement significant cuts to all crime victim service providers in its next round of awards for the period of October 1, 2022-September 31, 2025. Further, OVS cancelled existing contracts for civil legal services for crime victims – contracts that OVS reported total \$16.7 million.

These announcements have already impacted the provision of support services for victims. Legal service providers have stopped taking on new clients out of fear that they will not be able to represent them through the culmination of their court proceedings. Further, victim assistance providers have stopped hiring for open positions and have begun the process of assessing whether lay-offs of existing staff may be needed.

Once implemented, these cuts to programs that already struggle to serve every survivor who walks through their doors would mean thousands of New Yorkers would be unable to access critical life-saving services, programs may be forced to close, and advocates could lose their jobs.

Without immediate intervention, cuts are inevitable to:

- Domestic violence services, rape crisis centers, and child advocacy centers;
- Hospitals and emergency medical facilities performing medical examinations on victims of sexual assault, muggings, gun violence, vehicular accidents and other crimes;
- Prosecutor-based victim services such as victim-witness programs, victim notification, court accompaniment and assisting victims with victim impact statements for court;
- Correction-based services such as victim notification, restitution advocacy, victim-offender mediation programs and victim impact panels;
- Legal assistance and legal services for crime survivors;
- Housing and homelessness responses for crime survivors;
- Local mental health services and child and adult protective services;
- Programs dedicated to traditionally underserved, marginalized and oppressed victim populations, including older adults, youth, victims of hate crimes, persons with disabilities, indigenous peoples and LGBTQ+ individuals;
- Human trafficking services; and,
- Other critically needed victim of crime services.

OVS' cuts coincide with a continued increase in need for victim services during the COVID-19 public health emergency, particularly for disproportionately impacted Black, Indigenous and People of Color, and individuals of other marginalized communities. According to the annual DV Counts nationwide survey¹ conducted by the National Network to End Domestic Violence, on just one day in New York in 2020 (the last year for which data is available), more than 8,300 victims of domestic violence received services – 2,500 more victims than the year prior. **In fact, New**

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

York State had the highest demand for domestic violence services in the country. What's worse, on that same day in 2020, nearly 2,000 domestic violence survivors did not get the services they requested because of critical funding and staffing shortages.

This is not the time to be cutting services and supports for New York's victims and their families.

We urge the Legislature to earmark \$280 million of the surplus funds in the State budget, or the State's American Rescue Plan Act funding, to eliminate the shortfall in New York's VOCA grants, thereby preventing catastrophic cuts to victim service providers throughout New York State.

Budget Request #2: Remove Part H Proposal from PPGG Budget

In the FY'22-'23 Executive Budget, Governor Hochul proposed a mandate requiring all domestic violence advocates to obtain 40 hours of training to become certified to provide domestic violence services. The proposal also includes creation of a Gender-Based Violence Training Institute at the New York State Office for the Prevention of Domestic Violence (OPDV) which would be responsible for "providing guidance, training and technical assistance to domestic and gender-based violence programs to implement training programs in accordance with minimum standards."

NYSCADV has significant concerns about this proposal and we urge the Legislature to remove it from the PPGG Budget.

NYSCADV did not have an opportunity to collaborate on the development of this proposal before it appeared in the Governor's PPGG budget. There was no advance notice that the state was considering creating this mandate, nor was there any opportunity to provide insight, experience and expertise into the framing and development of the proposal. New York State officials had several occasions where collaborative, transparent discussions could have occurred. NYSCADV meets approximately two to three times a month with staff from OPDV and the Office for Children and Family Services (OCFS). NYSCADV also has monthly meetings with staff of OPDV, OCFS, OVS, and the Division of Criminal Justice Services (DCJS). OPDV holds monthly meetings with NYSCADV and domestic and sexual violence service providers. However, state officials did not engage in a discussion with NYSCADV, as the federally-designated statewide resource center on domestic violence, to obtain feedback prior to development of this proposal.

Below are a few specific examples of concerns we have identified in the very short timeframe we have had to assess the proposal:

The Part H proposal would amend Civil Practice Law and Rules (CPLR) by modifying the definition for a "domestic violence program." However, similar changes are not made to the definition of a "domestic violence program" in Social Services Law (SSL) Section 459-a. Having different statutory definitions for the same term would cause confusion and potential conflicts among state agencies, funders, and service providers.

Domestic violence advocates have asked New York State to simplify the multiple definitions for domestic violence programs in SSL Section 459-a, most notably by not basing such definitions on whether programs provide residential services. Unfortunately, this proposal does not simplify definitions. NYSCADV and domestic violence advocates would welcome the opportunity to collaborate with New York State to modify these definitions, but we recommend it be

accomplished by amending the definitions in SSL Section 459-a, the Domestic Violence Prevention Act, rather than the CPLR.

OCFS is responsible for licensing and monitoring New York's domestic violence programs. As such, OCFS is responsible for establishing regulations for such providers – regulations that include training requirements that were most recently updated in April 2020 (see NYCRR Parts 452.11 and 462.5). The Governor's proposal does not alter OCFS' responsibilities in these respects, yet inexplicably gives OPDV responsibility for the training and certification of individuals working at OCFS-licensed domestic violence programs.

This would exacerbate the bureaucratic nightmare that is New York's over-regulation of not-for-profit organizations in general, and domestic violence service providers in particular. NYSCADV is not aware of other service providers who are required to interact with as many state agencies and funders as domestic violence programs. OCFS, OTDA, OVS, DCJS and OPDV share responsibility for implementing New York's current funding and regulatory framework for domestic violence providers. Rather than attempting to simplify this overly-complicated approach, the Governor's proposal would add another agency into the mix by giving the New York State Department of Health (NYSDOH) responsibility to "review all rules and regulations related to training of domestic violence advocates," a responsibility NYSDOH has never had. This is moving us and our state in the wrong direction.

NYSCADV shares the State's concern that a significant number of experienced, trained staff have resigned from domestic violence service provision during the COVID-19 pandemic. Not-for-profit organizations across multiple sectors all over the country are experiencing these challenges. According to a recently released report of the National Council of Nonprofits², of the more than 1,000 nonprofits from all 50 states which responded, 34% shared job vacancy rates of 10%-19%; 26% reported job vacancy rates of 20%-29%; and another 16% reported vacancies greater than 30%.

Domestic violence program leadership report significant challenges in recruiting and retaining new employees as they deal with the myriad of day-to-day operational crises that arise. But the answer to this situation does not reside in creating new training mandates or a new certification process for advocates at the state level.

Instead, NYSCADV encourages the state to recognize our longstanding role as the primary training and technical assistance provider for New York's domestic violence service providers. NYSCADV, like all state domestic violence coalitions across the country, coordinates statewide improvements within local communities, social service systems and programming regarding the prevention and intervention of domestic violence. Every coalition provides comprehensive training and technical assistance on a multitude of social, legal and economic issues that affect victims' safety and well-being. Coalitions play an important role in helping programs develop and continue culturally competent practices consistent with federal guidance, including the promotion of trauma-informed services that help facilitate the social and emotional well-being of victims and their children. In a 2020 nationwide survey,³ 69% of states that responded reported relying on their coalitions – rather than state agencies – to provide training to and/or certify domestic violence advocates.

² National Council of Nonprofits, "The Scope and Impact of Nonprofit Workforce Shortages," <https://www.councilofnonprofits.org/sites/default/files/documents/nonprofit-workforce-shortages-report.pdf>, December 13, 2021.

³ National Network to End Domestic Violence Survey to Statewide Domestic Violence Coalitions (May 2020).

Over the past several years, NYSCADV's training capacity and offerings have increased dramatically. In 2020 and 2021, NYSCADV held 93 trainings, webinars, listening sessions and learning exchanges which were attended by more than 6,300 participants. Topic areas were based on requests from domestic violence advocacy programs, and curricula were regularly updated with new information and best practices. For example, we recently offered a revamped trauma-informed training for advocates that recognizes the centrality of culture and commitments to social justice and human rights.

In 2022, NYSCADV will provide an expanded training schedule and will continue making these events available to domestic violence advocates throughout New York State. In addition, NYSCADV will be converting our DV 101 foundational training for new advocates into a series of e-learning modules housed on our Coalition Manager training platform which will also include hybrid learning opportunities and in-person meetings when it is safe to do so. NYSCADV also will be offering a new training series for program leadership and senior managers, centered on capacity building in such areas as non-profit operations, regulatory compliance, staff recruitment and retention, and fund-raising.

NYSCADV and domestic violence advocates value the work of OPDV. Rather than duplicating work that is already being performed, OPDV could greatly assist New York's domestic violence community by focusing on the following:

- Supporting additional funding for critical domestic violence services, particularly in light of the OVS cuts referenced above;
- Working with OCFS to implement a state-funded pilot project to evaluate a new flexible funding model for New York's domestic violence services that reduces the barriers and challenges for domestic violence service providers assisting survivors;
- Providing training to law enforcement, judges, court personnel, healthcare workers and other systems professionals who interact with domestic violence survivors to ensure services are provided in a trauma-informed, survivor-centered manner, as required in EXEC Section 575.3; and,
- Updating, in collaboration with NYSCADV and domestic violence advocates, a model domestic violence policy for counties, a domestic violence policy for all state agencies and a model domestic violence employee awareness and assistance policy, as required in EXEC Sections 575.7, 575.8 and 575.9, respectively. Some of this work has not been updated for many years.

In the relatively short time that domestic violence advocates have had to review the Governor's proposal, many have raised concerns that establishing mandated requirements for specific training topics in statute will make it difficult for the training to be responsive to current and future needs, to incorporate advocate-identified best practices and innovation, and to be tailored to individual communities. Further, advocates have many questions about how trainings would be offered around the state. Depending on these logistics, state agency provision of mandated training could have the unintended consequence that newly-hired advocates cannot begin work because the mandated, state-provided training is not offered in their community when needed. Concerns were raised that experienced leaders working diligently in the field for many years would not be grandfathered into the training and certification program, requiring them to attend an introductory 40-hour training. And, several suggested it would be inappropriate to exempt individuals who have completed a rape crisis 40-hour training from one focused on issues pertaining to domestic violence.

New York's domestic violence service providers are overwhelmed. They are dealing with staffing shortages, higher demand for services, the ongoing impact of the pandemic, complex client needs, and significant funding cuts. Now is not the time for New York to be placing additional government mandates or requirements on providers. Instead, if funding is available, it should be used to directly support domestic violence survivors and their families, rather than expanding government agencies and oversight.

NYSCADV will continue to obtain feedback from domestic violence providers about the Governor's proposal and will provide additional information to the Legislature as appropriate.

Budget Request #3: Increase TANF Set Aside for Non-Residential Domestic Violence Services to \$6 Million

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 TANF funding. Last year, the Legislature saw fit to slightly increase the level of dedicated TANF funding for non-residential DV services by \$200,000, to \$3.2 million. While we appreciated this incremental increase, it was not sufficient to cover the very high demand for non-residential domestic violence services across the state.

Unfortunately, the Governor's FY'22-'23 decreases this set aside back to \$3 million, the same level as when it was first proposed more than 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 DV services. In addition, the Governor's Aid to Localities budget cuts \$29 million from OCFS' appropriation and nearly \$1 million from DCJS' appropriation that were collectively earmarked in last year's budget for not-for-profit and community service organizations, including domestic violence and legal services providers.

According to the Center on Budget and Policy Priorities, "The annual federal TANF block grant has been frozen since its creation and lost about 40% of its value between 1997 and 2020 due to inflation."⁴ 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 and piecemeal 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 has a direct impact on the delivery of services to survivors.

In 2020, NYS spent \$44 million – only 1% of the total TANF grant and matching funds – on programs related to health, mental health, substance abuse, disability services, housing

⁴ 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 January 21, 2022).

counseling, family support, and DV. **Further, as of 2020, New York has not spent \$897 million of its grant, equal to 37% of the overall annual allocation.**⁵

Budget Request #4: Maintain the Governor’s \$5 Million Appropriation in OCFS’ Aid to Localities Budget To Implement A Flexible Funding Model Pilot Project

The Governor’s Executive Budget includes a \$5 million appropriation to OCFS to pilot a new flexible funding model that reduces the barriers and challenges for domestic violence service providers assisting survivors. This would bring the funding available for such pilot to \$15 million, signaling the Governor’s commitment to having the pilot implemented in the near-term.

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 and we urge the Legislature to maintain this \$5 million appropriation, and the \$10 million re-appropriations.

NYSCADV urges you to implement these recommendations to ensure survivors and their families receive the supports they need. The Legislature must truly value the lifesaving work of advocates, reduce bureaucracy and government barriers, and fund advocacy programs sufficiently to accomplish these essential services. In the midst of the challenges we face, together we can do the right thing for all New Yorkers experiencing domestic violence.

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

⁵ Ibid.