

**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
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The New York State Coalition Against Domestic Violence (NYSCADV) was established more than 45 years ago as a statewide non-profit membership organization comprised of local domestic violence (DV) 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.

New York's domestic violence programs are in an existential crisis. Several factors are occurring simultaneously to create this serious, unsustainable situation:

- **We estimate that more than 90% of the funding New York State uses to support DV services comes from the federal government.** This includes funding under the Victims of Crime Act (VOCA), Family Violence Prevention and Services Act (FVPSA), Violence Against Women Act (VAWA), Temporary Assistance for Needy Families (TANF), Title XX, and Solutions to End Homelessness Program (STEHP).
- These federal dollars flow to numerous state agencies for distribution to DV programs providing DV services to survivors – services such as emergency shelter, legal advocacy, help getting public assistance, information and referral services, group counseling, and more. Each state agency has its own contracting, reporting and data collection requirements, contracting cycles, and definitions for service units, service provision and the like. **This means that DV programs are investing significant resources on the administration of multiple contracts with the state, rather than on services for DV survivors.**
- New York State's contracts require DV programs to provide services first, submit payment vouchers in the subsequent fiscal quarter, and then wait several more months for reimbursement. State agencies regularly violate the strict timeframes for payments to nonprofits required in State Finance Law Article 11-B. These delays impact a DV program's ability to manage its operational costs and expenses. Several DV 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. Some have, or are contemplating, furloughs or layoffs as they wait for reimbursements.

- DV programs are required to maintain and fully staff emergency shelter for 100% occupancy at all times, yet are only reimbursed for the number of survivors in shelter on any given night – causing a significant differential in their costs versus the reimbursement they receive. To make matters worse, the nightly per diem rate New York sets for shelter reimbursements is hundreds of dollars less than those for related services (e.g., group residences, group homes or boarding homes).
- DV programs remain in a staffing crisis with hundreds of vacancies across the state. This is largely because advocates and staff have historically been left out of salary increases and cost-of-living adjustments aimed at the nonprofit human services sector. Dozens of employees have left positions at DV agencies for better paying positions elsewhere. **Staff vacancies translate into a loss of services for DV victims.**
- Most concerning, the federal government has threatened to freeze and restrict multiple federal funding streams – including those that are used to support vulnerable individuals such as the undocumented, immigrants, LGBTQ+ and transgendered people. New York State law requires DV programs to provide emergency shelter and supportive services to all DV survivors. **If a freeze in federal funding were to occur for any period of time, this would jeopardize DV programs' ability to perform their mission and comply with New York State law.** This situation remains extremely tenuous for DV programs as the federal government continues its assessment of the availability and use of federal funding.

New York's domestic violence services have never been more at risk. And DV victims are paying the price. On just one day in 2023, more than 1,000 requests for DV services could not be fulfilled because DV programs lacked sufficient resources and/or staffing.

It is critical for the Governor and Legislature to act now to transform New York's DV service delivery model – moving away from its near total reliance on federal funding streams; ensuring DV services are sufficiently funded so all victims continue to receive survivor-centered, trauma-informed care; and ultimately ensuring the long-term continuity and sustainability of DV services across the state.

NYSCADV Appropriations Priorities

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 appropriations recommendations:

1. Create a \$200 million DV Services Transformation and Stabilization Program to systemically change New York's method of funding DV programs into a more innovative, sustainable, trauma-informed and survivor-centered system.
2. Increase the Governor's earmark in the Aid to Localities (ATL) Budget for the state Office of Victim Services (OVS) (page 1040) by \$50 million to support the next round of three-year Victims of Crime Act (VOCA) contracts with victim assistance providers;
3. Stabilize the DV sector's diminishing workforce and infrastructure by providing a 7.8% increase on the total value of all NYS contracts with primary purpose domestic violence programs that are licensed by the state Office of Children and Family Services (OCFS);
4. Earmark \$9.6 million of Temporary Assistance for Needy Families (TANF) funding for non-residential DV services to meet demand and account for inflation increases over the last 25 years;

5. Maintain the Governor's \$12.8 million appropriation for rape crisis programs in the ATL budget (page 102)
6. Maintain the Governor's \$14.46 million appropriation for child advocacy centers in the ATL budget (page 351)

This year's Executive Budget also includes several domestic violence and/or sexual assault policy initiatives. NYSCADV's recommendations on these Article VII proposals are provided on pages 6-9.

Appropriations Request #1: Create a \$200 million DV Services Transformation and Stabilization Program to systemically change New York's method of funding DV programs into a more innovative, sustainable, trauma-informed and survivor-centered system.

The goal of a DV Services Transformation and Stabilization Program would be to fundamentally restructure New York's DV service delivery system to expand DV programs' capacity to support DV victims, with a goal of significantly lowering the number of requests for DV services that cannot be fulfilled each year.

Program funding would be used to support development of a more innovative, sustainable, trauma-informed and survivor-centered system, that, at a minimum:

- Relies primarily on state resources, rather than federal funding, to provide greater flexibility to local DV programs and the statewide DV coalition so they can best meet the evolving needs of DV survivors in their communities;
- Reduces the number of state agencies administering funding for DV services;
- Significantly streamlines the process for local DV programs and the statewide DV coalition to contract with the state for DV service provision and reduces DV programs' administrative costs in maintaining such contracts;
- Provides a majority of funding to DV programs via non-competitive grants that do not include match requirements, which often disproportionately impact rural, culturally specific and under-resources organizations;
- Removes the responsibility of county Departments of Social Services to contract with DV programs for residential and non-residential services;
- Permits DV programs to receive funding at the initiation of a contract and to receive subsequent payments in a timely manner; and,
- Supports DV programs' ability to be culturally responsive to their local community; and enhances the work of culturally specific programs created by and for specific unserved, underserved and inadequately served cultural communities.

Program funding also will be used for planning grants and to support the participation of local DV programs and the statewide DV coalition in system transformation efforts without disruption. Further, funding will be used to ensure local DV programs can continue their life-saving supports for all DV victims, in compliance with New York State law, even if federal funding is no longer available or if significant restrictions are placed on the use of federal funding.

Appropriations Request #2: Increase the Governor's earmark in the ATL Budget for OVS (page 1040) by \$50 million to support the next round of three-year VOCA contracts with 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 \$155.4 million since 2018, losing 78% of its value. While the Governor’s \$100 million commitment to address this shortfall is welcome news, and we urge the Legislature to maintain it, it is possible it will not be sufficient to support the next round of VOCA contracts, particularly in light of the potential for freezes or restrictions on federal funding streams. We urge the Legislature to increase the Governor’s earmark by \$50 million to ensure the continuity of these critical safety net services.

Appropriations Request #3: Stabilize the DV sector’s diminishing workforce and infrastructure by providing a 7.8% increase on the total value of all NYS contracts with OCFS-licensed, primary purpose domestic violence programs.

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, DV advocates have been excluded from every budgetary initiative intended to raise wages for human services workers.**

This failure to provide equitable, living wages for DV advocates 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 state¹, 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. And now in 2025, the high number of vacant positions continues to grow.

Far too many employees have left 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, more than 1,000 DV survivors who sought services on one day in September 2023 could not obtain such services. Approximately 65% of these unmet requests were for housing and emergency shelter.²

¹ 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.

² National Network to End Domestic Violence (2024).

This year, the Governor again chose to exclude DV advocates from her proposal to raise the value of state contracts with some human services providers -- 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.

Senator Roxanne Persaud has introduced S3669 to provide a 7.8% targeted inflationary increase for human services programs, including DV service providers and VOCA subgrantees. We urge the Legislature to support this legislation and incorporate it into the FY'26 budget.

Appropriations Request #4: Earmark \$9.6 million of TANF funding for non-residential DV services to meet demand and account for inflation increases over the last 25 years.

The number of domestic violence survivors who request non-residential supportive services such as information and referral, counseling, legal advocacy and financial empowerment assistance, is skyrocketing. According to a recent survey of domestic violence service provision in New York, on just one day in September 2023, more than 4,200 adult and child victims sought non-residential DV services – 45% of all requests received on that day and a 72% increase since 2021.³

Non-residential DV services in New York are funded in part with a dedicated stream of TANF funding. The Governor's FY'25-'26 sets this earmark at \$3 million, **the same level as when it was first proposed 25 years ago**. Although the Legislature slightly increased the earmark last year to \$3.2 million, it was not sufficient to cover the very high demand for non-residential domestic violence services across the state.

New York has significant TANF reserves in place that can support a higher earmark without jeopardizing the sustainability of the reserves. In fact, since 2022, New York has accumulated \$1.3 billion in unspent TANF funds, equal to 52% of its block grant.⁴ Increasing New York's TANF set-aside for non-residential DV services to \$9.6 million represents 0.49% of these unspent funds.

Further, NYS spent only 1% of its total TANF grant and matching funds – \$53 million – on programs related to health, mental health, substance abuse, disability services, housing counseling, family support, and DV. The fact is, these are federal dollars that New York State has in its coffers, but appears unwilling to use to support its most vulnerable people.

Finally, when adjusted for inflation, the \$3 million appropriation first set in 2000 would have to be \$5.5 million today to provide the same level of supports and services for victims.

We urge the Legislature to increase to \$9.6 million the federal TANF set-aside for non-residential DV services to address inflation and the extraordinarily high demand for such services.

Appropriations Request #5: Maintain the Governor's \$12.8 million appropriation for rape crisis programs in the ATL budget (page 102)

Sexual violence is a hidden yet common and complex aspect of domestic violence. Physically abusive partners are often sexually abusive as well. According to the Rape and Incest National Network (RAINN), 33% of rapes are perpetrated by a current or former intimate partner. The National Council Against Domestic Violence reports that 40%-45% of individuals in an abusive relationship will also be sexually assaulted by their partners.

³ National Network to End Domestic Violence (2024). 18th Annual Domestic Violence Counts Report. Washington, DC. and National Network to End Domestic Violence (2021). 16th Annual Domestic Violence Counts Report. Washington, DC.

⁴ Center on Budget and Policy Priorities, "New York TANF Spending". Retrieved from: https://www.cbpp.org/sites/default/files/atoms/files/tanf_spending_ny.pdf

Due to these alarming statistics, NYSCADV supports the Governor's FY'25-'26 proposal to double the amount of funding for rape crisis centers and services. The funding – the largest increase in funding in 10 years -- is critical to enhancing hospital and community services, expanding geographical access to such exams, ensuring support for culturally responsive programs, and improving access to advocates for survivors of sexual assault. Further, the funding is very flexible and allows it to be used for both response and prevention programming.

Appropriations Request #6: Maintain the Governor's \$14.46 million appropriation for child advocacy centers in the ATL budget (page 351)

Child Advocacy Centers coordinate the investigation, treatment and prosecution of child abuse cases by utilizing multi-disciplinary teams of professionals involved in child protective and victim advocacy services, law enforcement and prosecution, and physical and mental health. NYSCADV supports the Governor's proposal to double the amount of funding for Child Advocacy Centers, as these centers have been flat funded for a decade despite the increasing demand for their services.

NYSCADV Recommendations on Article VII Proposals

1) Omit Creation of a Misdemeanor DV Crime (Part D of PPGG Budget):

NYSCADV shares the Governor's goal to keep guns out of the hands of DV abusers by informing the FBI of more convicted abusers who should be unable to purchase or possess firearms. However, the Governor's proposal – creating a DV-specific crime – may not achieve this goal.

Individuals who are convicted of DV offenses are restricted by federal law from receiving or possessing firearms. States are required to report information about such individuals to the federal FBI National Instant Criminal Background Check System (or NICS) which is responsible for screening people before they are permitted to purchase a weapon. In order for an individual's name to be entered into the NICS database, the individual must (1) be charged with a misdemeanor that includes the use or attempted use of physical force or the threatened use of a deadly weapon and, (2) at the time of the offense, have a familial or household relationship, or share a child in common, with the victim.

According to the FBI's list of active records in NICS, as of Dec. 31, 2023, New York (population: 19.57 million) has only 467 active cases for inclusion in NICS due to a qualified conviction. Compare that number to data from less populated states, such as Connecticut (Population: 3.6 million, reported cases: 37,392), Louisiana (Population: 4.6 million, reported cases: 48,621) and New Mexico (Population: 2.1 million, reported cases: 28,464).⁵

One of the potential reasons this data is not being sent to the proper authorities could be attributed to New York's statutory requirements. Currently, district attorneys must provide notice within 45 days of arraignment to those charged with DV offenses alleging a family or household relationship between the defendant and the alleged victim. If the defendant is convicted of the offense, they are entitled to a hearing to prove the relationship between defendant and victim. If necessary, the court may adjourn sentencing until such hearing. If the allegation is sustained, the court must provide the information to the NYS DCJS within three business days.

⁵ Active Entries in the NICS Indices as of December 31, 2023, FBI Criminal Justice Information Services Division, National Instant Criminal Background Check System (NICS).

It is possible that district attorneys are failing to provide the required notice to defendants of their right to a hearing should they be convicted. Or, it is possible that these post-conviction hearings aren't being held due to crowded dockets. Or, it is possible that court clerks aren't providing DCJS with information following the post-conviction hearing. Or, it is possible that DCJS is receiving the information but not submitting it to the FBI.

Instead of researching the root cause(s) of New York's failure to get DV abusers' names submitted to NICS, the Governor proposes to charge defendants with a second crime. NYSCADV has historically opposed efforts to create domestic-violence specific crimes in New York. In states that have such crimes, they are often used as a means of plea bargaining to lesser offenses. A misdemeanor DV crime may be applied inequitably to Black, Brown or marginalized individuals. Most importantly, DV survivors who are erroneously charged and convicted with criminal behavior – which happens with some regularity – will be branded as DV offenders when charged with this second crime. This could impact their efforts to find employment or housing. Two prior attempts by former Governor Cuomo to create a misdemeanor DV crime in 2020 and 2021 failed, and for good reason.

NYSCADV urges the Legislature to omit this proposal from their one-house budget bills and, instead, work with stakeholders to identify the root causes of New York's failure to submit the names of convicted DV abusers to NICS and, if needed, revise statutory provisions to simplify New York's process for providing information to the FBI.

2) Support Two-Year Extensions of Sunset Provisions on Certain Laws (Part A §§ 15, 16 and 17 of Public Protection and General Government (PPGG) Budget)

NYSCADV supports the Governor's proposed two-year extensions of New York's mandatory arrest laws, the use of closed circuit TV and other protective measures for child witnesses, and maximum lengths for criminal Orders of Protection.

3) Support Modifications of State Discovery Law to Prevent Dismissal of DV Cases (Part B of PPGG Budget):

NYSCADV supports the Governor's proposal to modify the state discovery law to: 1) amend the speedy trial statute by requiring proof of prejudice before dismissing a case for discovery noncompliance, 2) require the defense attorney to challenge discovery violations within 35 days of the prosecutor's disclosure certification, 3) expand the scope of automatic redaction to include sensitive details such as witnesses' physical addresses and personal data unrelated to the case, and 4) permit prosecutors to submit a Certificate of Compliance once they have turned over all materials relevant to the charges that are in their actual possession.

4) Support Elimination of Statute of Limitations for Sex Trafficking Cases (Part F of PPGG Budget)

NYSCADV supports the Governor's proposal to allow survivors, who often experience significant trauma and delay in coming forward due to fear, manipulation and stigma, the opportunity to seek justice and hold perpetrators accountable even if the crime occurred years ago. This will give victims the time needed to process their experiences and feel ready to report the abuse without being hindered by an arbitrary deadline.

5) Support Expansion of Victim Services under State's Victim Compensation Program (Part G of PPGG Budget)

NYSCADV supports the Governor's proposal which would increase the maximum reimbursement rate for funeral expenses to \$12,000. In addition, NYSCADV supports the Governor's intention to eliminate consideration of contributory conduct in cases involving the death of a victim. At a minimum, this proposal should also eliminate consideration of contributory conduct in cases where the relevant actions were committed because a victim was forced, defrauded, or coerced, as recommended in the U.S. Department of Justice, Office for Victims of Crime Dear Colleague letter, dated Jan. 17, 2025. However, NYSCADV urges the Legislature to eliminate this consideration in all victim compensation cases. As stated in the OVC Dear Colleague letter, contributory conduct assessments have "the potential for evidentiary incompleteness or inconsistency (e.g., police reports that may lack

complete details or investigatory conclusions, or differences between subjective observations of responding officers) that may underlie contributory-conduct determinations, the potential for bias in such determinations, and the perception by many that such determinations are arbitrary.”⁶

6) Support Funding and Proposal to Increase Reimbursement for Forensic Rape Exams and Expand HIV Treatment for Rape Victims (Part H of PPGG Budget)

NYSCADV supports the Governor’s proposal to make it easier for hospitals and Child Advocacy Centers to recoup Forensic Rape Exam expenses at higher levels and allow survivors of rape to receive a full month of HIV post-exposure treatment, rather than just one week.

7) Support Removal of DSS Credibility Assessments of DV Survivors Seeking Public Assistance (Part I of PPGG Budget)

NYSCADV supports the Governor’s proposal permitting individuals seeking public assistance to self-attest to their status as a domestic violence victim to obtain waivers from certain public assistance requirements and/or employment. The proposal also clarifies that OCFS shall consult with OPDV and NYSCADV when establishing local DSS requirements for procedures involving DV survivors.

8) Support State Agency Requirement to Develop Gender-Based Violence (GBV) And The Workplace Policies (Part J of PPGG Budget)

NYSCADV supports the Governor’s proposal to clarify that all state agencies issue a GBV and the Workplace Policy and identify a DV liaison to ensure agency compliance. Proposed amendments to OPDV’s enabling statute are not needed, however, as OPDV is already statutorily required to develop such a policy.

9) Support Protections for Individuals with Intellectual Disabilities Against Trafficking (Part M of PPGG Budget)

Individuals with disabilities are particularly vulnerable to sex trafficking. NYSCADV supports this proposal to strengthen criminal penalties for traffickers who intentionally advance or profit from the prostitution of someone with an intellectual disability.

10) Support Legislation and Funding to Increase Sexual Assault Forensic Exam (SAFE) Access for Rape Victims (Part T of Health and Mental Hygiene Budget)

NYSCADV supports this legislation to require all hospitals to provide access to trained medical forensic examiners for sexual assault survivors and a corresponding \$2 million appropriation to support the work and potentially expand telehealth capacity where hospitals have difficulties securing their own trained examiners.

11) Part EE: Modify Legislation to Enhance Protections for DV Survivors from Involuntary Commitment (Part EE of Health and Mental Hygiene Budget)

Under this proposal, individuals can be involuntarily committed if medical personnel believe the survivor is at substantial risk of physical harm if they are unable to provide for their essential needs, such as “safety or shelter.” This could have the unintended consequence of justifying involuntary commitment in such instances where a DV survivor’s inability to obtain shelter or services is construed as an inability to provide for their own essential needs. Failure for DV survivors to find safe shelter happens every day in New York. For example, in the last national survey, on one day alone, more than 650 DV victims in New York sought emergency DV shelter or other housing assistance and couldn’t get it. NYSCADV urges the Legislature to revise this language to enhance protections for DV survivors to ensure they are not involuntarily committed for failure to obtain safety or shelter.

Thank you for the opportunity to provide this testimony.

⁶ Kristina Rose, Director, Department of Justice, Office for Victims of Crime, Dear Colleague Letter, dated January 17, 2025.