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 | ADMINISTRATIVE DIRECTIVE |
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TRANSMITTAL: 94 ADM-11

TO: Commissioners of
 Social Services

DIVISION: Services and
 Community
 Development and
 Economic
 Security

DATE: June 22, 1994

SUBJECT: Domestic Violence: Eligibility and Payment for Residential
 Services for Victims

SUGGESTED DISTRIBUTION:	Directors of Services Child Welfare Staff Directors of Income Maintenance Income Maintenance Staff Domestic Violence Service Providers Food Stamp Directors Medical Assistance Staff Child Support Enforcement Units Staff Development Coordinators
CONTACT PERSON:	See Attachment E
ATTACHMENTS:	Attachment A-List of Fiscal Forms (Available on-line) Attachment B - List of Instructions for Completing (DSS-2654) - Report of Actual Income Form (Available on-line) Attachment B.1 - Allocation Examples (Not Available on-line) Attachment C - Fiscal Forms (Not Available on-line) Attachment D - ABEL Budget (Not Available on-line) Attachment E - Contact Person (Available on-line)

FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
86 INF-21	78 ADM-114	Parts 310	Art. 6A-SSL	PASB	91 LCM-149
93 INF-3		350, 351	Chap. 53 of	XXIII-B-a11	92 LCM-34
93 INF-32		352, 369	the Laws of	FSSB	92 LCM-104
93 INF-41		370, 372	91 and 92	IV-C-3	
78 ADM-114		408,	62.5 - SSL	X-B-7-a11	
86 ADM-7		452, 453	131-u - SSL	V-D-1.2-1.3	
93 ADM-35		454, 455		V-D-2.2-2.3	
93 ADM-43				V-D-3.4	

TABLE OF CONTENTS

	Page Number
I. Purpose.....	5
II. Background.....	5
III. Program Implications.....	7
A. Residential Program for Victims of Domestic Violence.....	7
B. Length of Stay.....	9
C. Confidentiality.....	10
1. Local District Access to Information.....	11
2. Disclosure.....	12
3. Local District Access to Residents at the Confidential Facility Site.....	13
D. Availability of Residential Program for Victims of Domestic Violence.....	14
E. Programmatic Eligibility.....	14
1. Definition of a Victim of Domestic Violence.....	14
2. Admission to a Residential Program.....	15
F. Financial Eligibility.....	16
G. Reimbursement.....	16
H. Establishing Per Diem Rates.....	16
IV. Required Action.....	17
A. Admission Responsibilities.....	17
1. Determine Eligibility for Admission.....	17
2. Arrange for Admission.....	19
3. Designate a Liaison.....	20
B. Fiscal Responsibilities.....	21
1. General Requirements.....	21
2. Application Procedures.....	22
a. Complete Common Application Form.....	22
b. Incapacity/Designated Representative.....	24
c. Procedures in Cross County Situation.....	24

	Page Number
3. Public Assistance (PA).....	24
a. General Financial Requirements for PA.....	24
b. PA Programs for Domestic Violence Victims.....	25
c. Application of Income and Resources.....	26
d. Documentation for PA/Collateral Contacts.....	28
e. Scope of Assistance.....	30
f. Fiscal Responsibility After Stay at Residential Program Ends.....	31
g. Fair Hearings.....	31
4. 50/50 Title XX Overclaim.....	31
a. General Requirements.....	31
b. Determining A Person's Fee.....	32
c. Budgeting Methodology.....	33
d. State Reimbursement.....	33
5. Notification/Collection of Fees.....	33
C. Contract Requirements.....	34
1. General Requirements.....	34
2. Length of Stay.....	35
3. Assessment of Service Needs.....	36
4. Extensions.....	37
D. Responsibilities/Roles of Local Districts/Residential Programs When No Contract Exists.....	38
1. Payment.....	38
2. Length of Stay.....	38
3. Service Needs Assessments.....	39
4. Extensions.....	39
E. Standards of Payment.....	39
1. General Requirements.....	39
2. Extensions/Penalties.....	41
V. Systems Implications.....	43
A. PA.....	43
1. ABEL.....	43
2. MBL.....	44
B. Services Systems Instructions.....	44

	Page Number
VI. Additional Information.....	44
A. Food Stamps Implications.....	44
B. Medical Assistance Implications.....	45
1. Medical Assistance (MA) Eligibility.....	45
2. Urgent Medical Need.....	46
3. Fiscal Responsibility.....	46
4. Third Party Health Insurance.....	46
VII. Effective Date.....	47

I. PURPOSE

The purpose of this directive is to inform you of the provisions of Department regulations 18 NYCRR Part 408 and the amendments to Department regulations Sections 352.8 and 311.4(b). These provisions are authorized by Article 6-A of the Social Services Law (SSL) and Chapter 53 of the Laws of 1991 and 1992 (the Aid to Localities Budgets), pertaining to establishing per diem rates and social services district payment responsibility for persons in licensed residential programs for victims of domestic violence.

Social services districts are required to offer and provide to victims of domestic violence, emergency shelter and services at a licensed residential program for victims of domestic violence, when such residential program is necessary and available. This directive also clarifies social services district payment responsibility for persons in residential domestic violence programs located in another social services district. The directive explains the relationship between social services districts and residential programs for victims of domestic violence for determining a person's programmatic eligibility and length of stay, and explains the methodology for establishing per diem rates for domestic violence residential programs.

II. BACKGROUND

Prior to Chapter 838 of the Laws of 1987, some social services districts referred domestic violence victims to programs providing specialized emergency shelter and services to victims of domestic violence. A negotiated room and board allowance was often paid to the residential program based upon a victim's eligibility for public assistance (PA). However, the rate varied by district and often was not paid if the victim went out of county to a program. Persons in shelters for brief periods of time were often unable to initiate and complete the public assistance eligibility determination process. The enactment of Chapter 838 was the first major effort to respond to the need to increase the availability of emergency shelter and services to victims of domestic violence and improve the fiscal viability of domestic violence programs. Chapter 53 of the Laws of 1991 and 1992 furthered this goal.

With the enactment of Chapter 838, Subdivision 32 of Section 2 and Subdivision 22 of Section 371 of the SSL relating to the definition of a Special Care Home were repealed, and a new Article 6-A was added establishing definitions for a victim of domestic violence and residential program for victims of domestic violence. Section 459-a requires the Department to approve residential programs for victims of domestic violence and assume supervisory responsibilities over

such residential programs. The implementing regulations became effective on February 20, 1989 and establish the program standards for domestic violence residential programs. The regulations consist of the following four Parts: Part 452 (General Provisions for Residential Programs for Victims of Domestic Violence including licensing application procedures), Part 453 (Standards for Domestic Violence Shelters and Programs), Part 454 (Standards for Safe Home Networks and Safe Homes), and Part 455 (Standards for Domestic Violence Sponsoring Agencies and Safe Dwellings). The per diem rates for domestic violence residential programs are based upon these program standards.

Additionally, Chapter 838 added Section 131 of the SSL by the addition of a new Section 131(u) of the SSL. Section 131(u)(1) mandates social services districts to refer a victim of domestic violence who is eligible for public assistance to a licensed residential program for victims of domestic violence, to the extent such residential program is considered necessary and available. Finally, Chapter 838 amended Section 62(5) by the addition of a new paragraph (f) which requires the social services district in which the domestic violence victim is residing at the time of the domestic violence incident to be responsible for the cost of temporary shelter, emergency services and care provided to a domestic violence victim and any minor children by a residential domestic violence program located in another social services district.

The implementing regulations, Part 408, became effective June 5, 1991, and establish standards for determining when a residential program for victims of domestic violence is considered available, a person's programmatic and financial eligibility, and a victim's length of stay at a residential program for victims of domestic violence. The regulations also contain standards for the per diem rate methodology and establishment and approval of per diem rates. In addition, the regulations establish contract requirements for social services districts. The amendments to Department regulations, Parts 311 and 352 were promulgated on April 29, 1991 to clarify local district responsibility in cross county situations and payment for persons in residential programs for victims of domestic violence.

Section 131(u)(2) had required social services districts to establish a per diem rate of reimbursement for licensed residential programs for victims of domestic violence. However, with the enactment of Chapter 53 of the Laws of 1991 and succeeding Aid to Localities Budgets, the Department, rather than social services districts, was given authority to establish these per diem rates with such rates subject to approval by the State Division of the Budget and economic lines. Chapter 53 of the Laws of 1991 expanded social services districts' responsibility for offering and providing shelter and services to victims of domestic violence regardless of the victim's

eligibility for public assistance. Additionally, these provisions ensured that the reimbursement to domestic violence residential programs is reasonable. The provisions of Chapter 53 relating to residential domestic violence services became effective January 1, 1992, and include the following additional requirements regarding local district responsibility related to domestic violence residential programs: (1) mandates that social services districts offer and provide emergency shelter and services at a licensed domestic violence residential program to victims of domestic violence who are not eligible for public assistance when such residential program is necessary and available; (2) authorizes the Department to establish rates for residential programs for victims of domestic violence, with the rates being subject to approval by the State Division of the Budget; and (3) provides, to the extent funds are appropriated and a social services district has exhausted its Title XX allocation, that 50% state reimbursement is available for domestic violence residential services to victims of domestic violence who are not eligible for public assistance. Chapter 53 of the Laws of 1992 contain the same requirements regarding residential services for victims of domestic violence as were set forth in Chapter 53 of the Laws of 1991.

As a result of the new provisions authorized by Chapter 53, amendments to Department regulations Part 408 were necessary. These amendments, which became effective September 23, 1992, require: (1) social services districts to offer and provide emergency shelter and services at a domestic violence residential program to a domestic violence victim whether or not a person is eligible for public assistance; and (2) authorizes the Department, rather than social services districts, to establish per diem rates for residential programs, which are subject to approval by the Division of Budget.

III. PROGRAM IMPLICATIONS

A. Residential Program for Victims of Domestic Violence

Social services districts should be aware that a residential program for victims of domestic violence is defined in Article 6-A of the SSL and Department regulation, Section 452.2(e), as any residential care program approved by the Department and operated by a not-for-profit organization for the purpose of providing emergency shelter, services and care to victims of domestic violence. A residential program is considered "approved" when the Department has determined that the residential program is in compliance with Departmental regulations and issues the residential program an operating certificate. In addition to licensing residential programs, the Department is responsible for supervising such programs for

ongoing compliance with applicable regulations. This ensures that victims of domestic violence have available temporary shelter that is safe and secure and emergency services to enable them to become self-sufficient and establish violence-free households.

There are four types of residential programs for victims of domestic violence that are licensed by the Department for purposes of social services district referral of domestic violence victims who are in need of emergency shelter and services:

1. Domestic Violence Shelters are congregate residential facilities with a capacity of 10 or more persons, including adults and children, organized for the exclusive purpose of providing temporary shelter and emergency services and care to victims of domestic violence and their minor children, if any. Domestic violence shelters are licensed by the Department in accordance with Department regulations 18 NYCRR Parts 452 and 453.
2. Domestic Violence Programs are facilities which would meet the definition of domestic violence shelters, except that victims of domestic violence and their minor children, if any, constitute at least 70 percent of the clientele of such programs. The remaining 30 percent of the clientele may only consist of persons who will not be disruptive of the provision of services and will not jeopardize the safety and well-being of the residents. Domestic violence programs are licensed by the Department in accordance with Department regulations 18 NYCRR Parts 452 and 453.

The Department determines the 70 percent minimum requirement by calculating the monthly average of bed nights utilized by victims of domestic violence and their minor children.

3. Safe Home Networks are organized networks of private homes offering temporary shelter and emergency services to victims of domestic violence and their minor children, if any. They are coordinated by a not-for-profit organization and licensed by the Department in accordance with Department regulation 18 NYCRR Parts 452 and 454.

A Safe Home is defined in Department regulations, Section 454.2(e), as a self-contained private residence which is owned, leased, rented or otherwise under the direct control of a single person or family or two or

more unrelated persons and has been approved by a safe home network for the purpose of providing temporary shelter to victims of domestic violence and their minor children, if any.

4. Domestic violence sponsoring agencies are not-for-profit organizations offering temporary shelter at a domestic violence safe dwelling and emergency services to victims of domestic violence and their minor children, if any. Domestic violence sponsoring agencies are licensed by the Department in accordance with Department regulations 18 NYCRR Parts 452 and 455.

Domestic Violence Safe Dwelling is defined by Department regulations as a self-contained residence which is owned, leased, rented or otherwise under the direct control and supervision of a domestic violence sponsoring agency, meets the daily living needs of the residents; has a capacity of nine or fewer persons including adults and children; is secured as specified in Department regulation 18 NYCRR Section 455.8; has been designated by the domestic violence sponsoring agency to provide temporary shelter exclusively to victims of domestic violence; and has been approved by a domestic violence sponsoring agency pursuant to the standards contained in Department regulation, 18 NYCRR Part 455.

Safe home networks and domestic violence sponsoring agencies, and not the Department, are responsible for approving, supervising, and annually reevaluating individual safe homes and domestic violence safe dwellings to ensure that they operate in compliance with Department regulations.

PLEASE NOTE: When a social services district has reason to believe that a residential program is not in compliance with Department regulations, the district should contact its regional office representative.

B. Length of Stay at Residential Programs for Victims of Domestic Violence

Although each residential program determines its policy on length of stay, the maximum continuous length of time a domestic violence victim may stay in one or more residential programs is 90 consecutive days.

EXCEPTION: The maximum length of stay may be extended for up to an additional 45 days beyond the 90 consecutive days when a domestic violence victim is in need of alternative housing and the victim, the social services district and/or the residential program are not able to secure alternative housing for the victim. In no case may a victim remain in a residential for more than a maximum of 135 consecutive days.

Alternative housing means a transitional service program as defined in Department regulation Section 408.2(g) or permanent housing that reasonably assures the victim's safety.

A transitional service program is temporary housing for victims of domestic violence which provides:

1. an independent living arrangement in a congregate facility or self-contained unit with a length of stay requirement of more than 90 consecutive days; and
2. housing assistance and other support services designed to prepare residents for permanent housing.

A resident of a program continues to be eligible to stay at the program for the maximum period of time permitted by the program provided the person is unable to secure a domestic violence transitional services program or permanent housing that reasonably assures the victim's safety.

C. Confidentiality

Confidentiality is crucial to ensuring the personal safety of victims of domestic violence. To safeguard confidentiality, Section 459-h of the SSL and Department regulation Section 452.10(c) require that the street address of a residential program for victims of domestic violence be kept confidential. Domestic violence residential programs must maintain a business address that is separate and distinct from the actual address where residents are sheltered. When releasing the address of a resident, residential programs must release only the business address of the program and not the actual street address where the person is sheltered. Districts should be aware that a resident of a residential program for victims of domestic violence must use the business mailing address of the residential program and not the actual street address of the shelter site when applying for and receiving public assistance, medical assistance, food stamps and/or community services.

Department regulations specify circumstances under which social services districts are permitted access to information maintained by a residential program and to residents at the facility site.

1. Social Services District Access to Information

Department regulations Section 452.10(a)(4) permit social services districts access to information maintained by a residential program as follows:

- a. When a resident has voluntarily given written authorization for the release of such information, social services districts have access to resident case records, excluding information identifying the actual street address where residents are being sheltered. A social services district cannot require that a resident sign such authorization as a condition for receiving public assistance.
- b. For purposes of investigating a report of suspected child abuse and maltreatment pursuant to Title 6 of Article 6 of the Social Services Law, social services districts have access to resident case records, including any identifiable information.
- c. For purposes of reimbursing a residential program for victims of domestic violence for the provision of emergency shelter, services and care, social services districts have access to:
 - (1) the name of the resident for whom the per diem rate will be paid;
 - (2) the name of any minor child(ren) for whom a per diem rate will be paid;
 - (3) the business address of the residential program for victims of domestic violence;
 - (4) the date of the resident's admission and departure from the program;
 - (5) other relevant information which identifies a resident's service and safety needs and which is necessary to ensure the provision of appropriate services to the resident.

Specifically "other relevant information" refers to the list of services identified by a residential program as necessary to address an individual resident's safety and service concerns and includes all the services identified as needed by the resident which are provided by the residential program, the social services district, and community providers. The list of services are documented in the resident's service needs assessment(s) detailed in Section IV. C. of the Required Action Section of this ADM. Although districts are permitted access to information concerning the status of the services identified (e.g., counseling accepted and begun), districts are not permitted access to the entire case record (e.g., any information relating to the provision of services such as details of counseling sessions).

In addition, for purposes of reimbursing a residential program, see Section IV.B of the Required Action Section of this ADM.

PLEASE NOTE: Department regulations Section 452.10(a)(4)(i) gives social services districts access to fiscal records and non-identifiable information which is maintained by a residential program and the Department deems necessary for a district to have to establish a per diem rate for the residential program. Because the Department rather than social services districts is now authorized by Chapter 53 to establish the rate for residential programs, the Department plans to amend the regulation relating to residential programs for victims of domestic violence by deleting Department regulations Section 452.10(a)(4)(i). The statutory change has superseded the regulation. Therefore, social services districts may not access fiscal records and non-identifiable information necessary to establish a per diem.

2. Disclosure

An employee of a social services district given access to any books, records, reports and papers relating to the operation of a residential program or to the residents of the program must not divulge or make public such information except:

- (a) where authorized by a court order;
- (b) where expressly authorized by a resident of a residential program;

- (c) to a person or entity otherwise authorized to have access for purposes directly related to the administration of a residential program; or
- (d) where otherwise authorized by statute.

Unauthorized redisclosure of information by an employee of a social services district may be grounds for disciplinary action in accordance with appropriate collective bargaining agreements and applicable law and regulation.

3. Social Services District Access to Residents at the Confidential Facility Site

Department regulation Section 452.10(a) permit social services districts access to a resident of a domestic shelter, domestic violence program, domestic violence safe dwelling or safe home at the confidential location where the resident is being sheltered only under the following circumstances:

- a. where authorized by a court order;
- b. for purposes of investigating a report of child abuse or maltreatment in which the subject of a report is a resident of a residential program for victims of domestic violence or a safe home provider; or
- c. where authorized by the policies of the residential program for victims of domestic violence, and with the concurrence of the resident.

Access will not be allowed except as permitted above even at times when there are no residents being sheltered at the facility site, unless the policy of the residential program permits such access.

Where the residential program policies do not permit access on site, a social services district is permitted access to the residents of a residential program at a location other than the location of the actual facility or safe home if access is necessary, for example, to determine a resident's length of stay at a residential program, conduct a face-to-face interview for purposes of applying for public assistance, assess the service and safety needs of the resident, and/or assist a resident in finding appropriate alternative housing.

D. Availability of a Residential Program for Victims of Domestic Violence

When a domestic violence residential program is available, social services districts have a responsibility to offer and pay for the provision of emergency shelter and services at such a residential program for victims who are seeking emergency shelter and services as detailed in Section IV.B of the Required Action section of this ADM.

A residential program for victims of domestic violence is considered available under the following circumstances according to Department regulation Section 408.3:

1. When a person goes directly to any residential program for victims of domestic violence within the State regardless of whether there is a contract between the social service district and the residential program.
2. When a person goes directly to any residential program for victims of domestic violence located within the State by transportation arranged or provided by the residential program, regardless of whether there is a contract between the social services district and the residential program.
3. When a person goes directly to a social services district seeking temporary shelter and there is a residential program located within the district which has a bed or beds available.
4. There is a residential program for victims of domestic violence in a contiguous social services district which has a bed or beds available.

PLEASE NOTE: When there is no residential program for victims of domestic violence located in a contiguous social services district, the residential program located closest to the social services district will be considered available if there is a bed or beds available.

E. Programmatic Eligibility

1. Definition of a Victim of Domestic Violence

Section 459-a of the SSL and Department regulation Section 408.2(h) define the following terms:

A victim of domestic violence means any person 16 years of age or older, any married person or any parent accompanied by his or her minor child or children in situations in which such person or such person's child is a victim of an act which would

constitute a violation of the Penal Law, including, but not limited to acts constituting disorderly conduct, harassment, menacing, reckless endangerment, kidnapping, assault, attempted assault, or attempted murder;

and

such act or acts have resulted in actual physical or emotional injury or have created a substantial risk of physical or emotional harm to such person or such person's child;

and

such act or acts are, or are alleged to have been, committed by a family or household member.

A family and household member means:

- o persons related by blood or marriage;
- o persons legally married to one another;
- o persons formerly married to one another regardless of whether they still reside in the same household;
- o persons who have a child in common regardless of whether such persons are married or have lived together at any time;
- o unrelated persons who are continually or at regular intervals living in the same household or who have in the past continually or at regular intervals lived in the same household;

or

- o unrelated persons who have had intimate or continuous social contact with one another and have access to one another's household.

2. Admission to a Residential Program

When a person meets the regulatory definition of a victim of domestic violence as defined in Department regulation section 452.2(h) and is seeking temporary shelter, the person will be eligible for admission to a residential program provided the person meets any additional criteria established by the residential program. Any minor child(ren) accompanying his or her parent will also be eligible for admission to the residential program regardless of whether the minor child(ren) is a victim of domestic violence in his or her own right.

Additionally, a former resident of a residential program for victims of domestic violence will be eligible to re-enter the same or a different residential program for victims of domestic violence when the person meets the definition of a victim of domestic violence as a result of a new incident of domestic violence occurring subsequent to the resident's discharge from a previous residential program for victims of domestic violence.

For purposes of calculating the length of stay of former residents who re-enter a residential program, the day of readmission will be counted as day one. A person will be able to stay in the program up to 90 consecutive days following readmission.

F. Financial Eligibility

Social services districts are responsible for offering and providing residential domestic violence services to victims regardless of a person's eligibility for public assistance. However, persons with income who are able to pay all or part of the costs of such residential services will be expected to pay a fee. The method of calculating a person's fee for such residential services will be discussed in Section IV B(3)(c).

G. Reimbursement

Social services districts should be aware that 50 percent State reimbursement is available for expenditures for domestic violence residential services to victims of domestic violence who are ineligible for public assistance, to the extent funds are appropriated and a social services district has exhausted its Title XX allocation.

PLEASE NOTE: Reimbursement will not be made by the Department to a social services district until the Department has promulgated an approved per diem rate for that residential program.

H. Establishing Per Diem Rates

Chapter 53 of the Laws of 1991 and 1992 granted the Department authority to establish an approved per diem rate for each licensed residential program for victims of domestic violence. Attachment A contains the required fiscal forms used in determining the program's Domestic Violence State Aid Rates (DVSAR). This rate will apply to any social services district financially responsible for a victim of domestic violence residing in the program. The per diem rate, which is not negotiable, will be:

- (1) based upon the reasonable operating expenses of the residential program, including the costs of complying with the program standards set forth in Department regulations, Part 408, 452, 453, 454, and 455; and
- (2) subject to the approval of the Director of the Budget.

Costs used in determining the per diem rates may be reduced by the amount of any government grants, including grants from the Department, awarded to a residential program pursuant to Article 6-A of the SSL.

Social services districts will be advised of the Domestic Violence State Aid Rates (DVSAR) for Domestic Violence Residential programs in New York State via Local Commissioners Memorandums (LCM). In addition, social services districts in which the program is located will be advised of any rate revision.

PLEASE NOTE: A food add-on is available for programs that provide 3 meals a day to all clients. Programs that have an approved food add-on to their per diem will continue until there is a change in the provision of meals. Programs which do not have an approved food add-on must obtain approval from the district in which their program is located. The local district must send a letter to the Bureau of Resource Management requesting that a food add-on be added to the per diem rate. Regional Office must verify that the program provides three meals a day to its clients. Bureau of Resource Management staff will then promulgate a per diem rate with a food add-on component.

IV. REQUIRED ACTION

A. Admission Responsibilities

1. Determine Eligibility for Admission

- a. When a victim of domestic violence comes directly to a social services district seeking emergency shelter, the district is responsible for ensuring that the person's program eligibility for admission to a residential program is determined. The social services district must:

- (1) determine whether the person is programmatically eligible for admission to a residential program;
or

- (2) refer the person to a domestic violence residential program for a program eligibility determination.
- b. When a person goes directly to a residential program seeking emergency shelter and services, the residential program will have responsibility for determining the person's program eligibility.
- c. A social services district or residential program must deem a person programmatically eligible for admission to a residential program when a person provides sufficient information that he or she meets the definition of a victim of domestic violence found in 18 NYCRR 408.2(i). The person may provide either verbal or documentary information to establish eligibility. When a person provides sufficient information that he or she meets the definition of a victim of domestic violence, a social services district or residential program must not require a person to provide any additional information to substantiate his/her eligibility.

The following are examples of what would constitute sufficient information for purposes of determining that a person meets the definition of a victim of domestic violence. In each example the person is seeking temporary shelter for domestic violence. Therefore, because they meet the definition of a victim of domestic violence and are seeking temporary shelter they are eligible for admission to a residential program for victims of domestic violence.

- Example 1: A person states that her husband threatened to harm her. Although he did not actually harm her, she feared that he would. She went to stay with relatives because he threatened her. She is unable to remain with relatives any longer.
- Example 2: A person provides a hospital report which indicates he or she sought treatment for a back injury caused by a fall. The report indicates the person's partner shoved him/her causing the person to fall.
- Example 3: A person appears in a social services district office with a black eye and indicates it was caused by the person's former spouse.

In each of the above examples, the person has provided sufficient information to establish that the person is a victim of domestic violence and eligible for admission to a residential program. No further information or documentation may be required.

PLEASE NOTE: A person deemed eligible for admission to a residential program must also meet any additional admission criteria established by the residential program.

2. Arrange for Admission

- a. When a person comes directly to a social services district seeking emergency shelter and it is determined that the person is programmatically eligible for admission to a residential program for victims of domestic violence, a social services district must arrange for the victim's admission to such a residential program provided:
 - (1) there is a residential program for victims of domestic violence located in the social services district which has a bed(s) available; or
 - (2) there is such a residential program located in a contiguous social services district which has a bed(s) available.

PLEASE NOTE: When there is no residential program for victims of domestic violence located in a contiguous social services district, the residential program located closest to the social services district will be considered available if there is a bed(s) available.

- b. A social services district must ask a victim if they prefer to enter a residential program located in another social services district. If a victim chooses to seek shelter in another social services district, the district must contact at least one residential program located in a contiguous district to see if there is a bed(s) available.

- c. In the event a social services district determines there is not a bed(s) available at a domestic violence residential program located in the social services district or in a contiguous social services district, the district must then arrange for another form of emergency shelter and assistance such as hotels/motels and homeless shelters until a domestic violence residential program becomes available. When a bed becomes available at a residential program for victims of domestic violence located within the district or in a contiguous district, the social services district must arrange for the victim's admission to such residential program if the victim wants to enter the residential program.

PLEASE NOTE: A social services district must determine that there is not a bed(s) available at a residential program for victims of domestic violence located in the district or in a contiguous district prior to arranging for emergency shelter at a hotel/motel or homeless shelter. Such other forms of emergency shelter must only be used for victims as a last resort when a residential program for victims of domestic violence is not available.

3. Designate a Liaison

- a. Each social services district must designate a liaison to be available during regular business hours to receive notification of admissions to residential programs for victims of domestic violence and serve as a liaison to residential programs on any program or payment issues relating to the admission of victims.
- b. When a victim is admitted into a residential program, the residential program must notify by telephone the district financially responsible for the cost of emergency shelter, services and care, and if the residential program is located in a different district, the district where the victim plans to apply for public assistance. (If a residential program is not located in the social services district in which the domestic violence occurred, the victim may submit his/her public assistance application to the district in which the program is located.) Such notification must be provided to the social services district(s) within the first working day following the admission.

- c. When a liaison receives notification that a victim for whom that social services district is financially responsible was admitted to a residential program located in another district, that responsible district must inform the victim if there is an available residential program located in the victim's home district. It will then be the victim's choice whether to leave the residential program located outside the district and obtain services from a residential program located in the home district. In some instances a victim will choose to return to their home district and in other instances a victim will choose to remain in the program located outside of their district. If this liaison is someone other than the person listed in 90-LCM-75, "Interjurisdictional Contact Staff Listing," the local district should inform the Department's Local District Liaison Unit.

B. Fiscal Responsibilities

1. General Requirements

- a. The social services district in which a victim of domestic violence was residing at the time of the domestic violence incident is fiscally responsible for the cost of emergency shelter and services provided to a victim and his or her minor children by a domestic violence residential program, whether or not the person is eligible for public assistance (PA) if:
 - (1) a victim is programmatically eligible for admission to the residential program; and
 - (2) the social services district receives a common application (DSS-2921/DSS-2921/NYC) on behalf of the victim; and
 - (3) as long as the victim remains in the residential program, completes the application process for PA.
- b. This fiscal responsibility continues for the time the victim remains in the residential program. Fiscal responsibility after the victim leaves the residential program will be detailed in section B.3.f.

- c. The social services district in which the victim was residing at the time of the domestic violence incident will be responsible for determining the victim's financial eligibility for public assistance or the Title XX Overclaim funding.

PLEASE NOTE: When a victim enters a New York State domestic violence residential program from another state, responsibility for any public assistance needs rests with the social services district where the victim is found in need, if the victim is otherwise eligible for public assistance. This will generally be the district in which the residential program is located. If eligible for public assistance, the victim would be a State charge for a year from the date the victim entered New York State (unless the victim had been a resident of New York State within a year of entering the New York State residential program). In such situations, the public assistance needs would consist of a negotiated rate plus either a personal needs (if three meals a day are provided by the program) or the basic, home energy allowance (hea) and supplemental home energy allowance (shea) allowances (if less than three meals a day are provided). Although the State per diem rates are not mandated for these victims, we encourage social services districts to use these rates for DV victims who enter DV residential programs from another state.

2. Application Procedures

a. Complete Common Application Form

In order for a residential program to receive reimbursement for the provision of emergency shelter and services to a victim of domestic violence, a residential program must ensure the following:

- (1) The victim completes, signs, dates and submits to the social services district a common application form (DSS-2921/DSS-2921/NYC) as soon as possible after admission; and
- (2) to the extent a person remains in the shelter, the person complies with the face to face interview and any other PA requirements.

- (3) if the application is completed at the residential program, it must be forwarded as soon as possible to the social services district.

If the victim is in a residential program located outside of the district in which he/she resided at the time of the domestic violence incident, the victim can apply in the district in which the residential program is located or in the district in which he/she resided. See Section IV.B.2.C. Because of the face-to-face interview requirement for PA, it may be better for the residential program to mail the application to the district in which it is located so that district can do the face-to-face interview within 5 days of receiving the application. If the application is mailed to the district which is fiscally responsible for the victim and that district is far from the residential program, there may be difficulty in arranging the face-to-face interview.

PLEASE NOTE: When a victim is in receipt of PA at the time of entry into a domestic violence residential program, the person does not have to complete another public assistance application for payment for the residential program. However, the victim is responsible for notifying the social services district as soon as possible of the change in circumstances.

When these procedures are followed and a person is determined ineligible for PA, the victim's shelter stay may be eligible for reimbursement under the 50/50 Title XX overclaim funding. This includes:

- (1) persons who complete the common application but are in the residential program for only a short period of time and leave the program prior to having the required face to face interview for public assistance or before submitting any required documentation;
- (2) persons who have been determined to have sufficient available income and/or resources to meet the full cost of shelter and services, and therefore, are deemed ineligible for any PA program including EAF; and
- (3) persons who have been sanctioned from PA.

b. Incapacity/Designated Representative

If a victim is unable to file the application or come to the face-to-face interview because he/she is physically or mentally unable to do so, the victim may designate someone to act as a representative for purposes of applying for PA. To become a designated representative, the victim would have to designate this person in writing. This should be a rare occurrence and should only be used in extreme circumstances, since the victim is the primary source of the information/documentation necessary to determine eligibility. Unless incapable of doing so because of his/her incapacity, the victim must sign and date the application.

If there are safety concerns about a victim coming into the social services district office, the social services agency should make arrangements for the face-to-face interview to be conducted at an alternative site.

c. Procedures in Cross County Situations

When a victim enters a domestic violence residential program located in a social services district other than the one in which he or she resided in at the time of the domestic violence incident, the victim may apply for PA in the district in which he/she resided or in the district in which such residential program is located. If he/she applies in the district in which the residential program is located, that district must conduct the face-to-face interview and forward the completed application within five days of its receipt to the district in which the victim resided at the time of the incident. The completed application should contain as much information and documentation as possible to make a determination of eligibility.

3. PA

a. General Financial Requirements for PA

Any victim of domestic violence who does not have income/resources sufficient to meet the full cost of care in a residential program for victims of domestic violence is potentially eligible for assistance under ADC, PG-ADC, Home Relief, Emergency Assistance for Families (EAF) or Emergency Home Relief (EHR), if the financial and categorical requirements of the particular program are met.

PLEASE NOTE: Sanctioned persons are ineligible for PA, including emergency assistance. However, the children of sanctioned persons may be eligible for public assistance.

EAF may be used to pay for the cost of care in residential programs for victims of domestic violence for undocumented persons. (See 92 INF-32.) The children of undocumented persons may also be eligible for recurring PA if they were born in the U.S. or are otherwise here legally. If the victim claims that she/he is lawfully residing in the U.S., but her/his documentation is with the batterer and therefore is unable to secure it, the victim should be referred to the nearest Immigration and Naturalization Service to obtain verification of her/his status.

b. PA Programs Applicable for Domestic Violence Victims

- (1) Emergency Assistance to Families With Children (EAF) - a federal program to meet emergency needs of families with children under 21 years of age. Pregnant women with no other children are also categorically eligible for EAF at any time in a verified pregnancy. Individuals under the age of 21 are also categorically eligible for EAF if the individual has resided with a relative specified in Department regulation Section 369.1 within six months of the emergency. A family does not have to be eligible for recurring assistance to receive EAF. However, actually available income and resources must be applied to meet the emergency need (see Section IV B c). EAF can be authorized during only one period of 30 consecutive days in any 12 consecutive months. However, it can be authorized to meet needs which arose before the 30 day period or which extend beyond it, if the emergency needs being met are related to the original emergency.

PLEASE NOTE: Victims who are in a residential program for victims of domestic violence meet the categorical definition of having an emergency for the emergency programs. This includes those victims whose immediate needs are being met by the residential program.

- (2) Aid to Families With Dependent Children (ADC) - provides for needs of families with minor children as defined in Department regulation Section 369.2(c), where the child(ren) is deprived of parental support due to a parents' death, absence, incapacity or unemployment.
- (3) Home Relief (HR) or PG-ADC - provides financial assistance to individuals and families who do not meet the categorical requirements of the federal ADC program.
- (4) Emergency Home Relief (EHR) - A state/local program intended to meet emergency needs of individuals and families not eligible for ADC, recurring HR, or EAF. Although eligibility for recurring assistance does not have to be met, there is a gross income standard of 125% of the federal poverty income guidelines that must be met. All actually available income and resources must be applied to meet the emergency need (as described in section IV B(3)(c)).

PLEASE NOTE: Generally the cost of PA provided to persons in a residential program for victims of domestic violence should be claimed according to the following hierarchy: EAF, ADC, PG-ADC, and HR provided that the costs are allowable under the PA regulations for the respective programs. If EAF is claimed for a case that is ADC, PG-ADC or HR, the case type should remain ADC, PG-ADC or HR and the costs of care are claimed as EAF by using the special "f" claiming code on the DSS-3209 upstate or the emergency indicator on the DSS-3517 in New York City.

c. Application of Income and Resources

- (1) Income and resources which belong to the victim's spouse or are jointly owned are not considered to be available to the victim unless the victim has access to them without putting the victim in danger, or can obtain access through legal means. (This is true even if the victim returns to the spouse after leaving the program. When determining eligibility in such a situation, a social services district must look only at the eligibility of the victim during the month(s) the victim was in the domestic violence residential program.) Such limitations must be taken into consideration when making any eligibility determinations.

PLEASE NOTE: The concept of actual availability of income and resources is important in domestic violence situations. The circumstances under which victims leave their homes often mean that they may not have income and/or resources with them, such as cash, bank books, credit cards, etc. Also, they usually do not have ready access to this income and/or resources while they are in the domestic violence residential program.

- (2) In determining eligibility for any PA program, all available unearned income, such as SSI or Social Security benefits, must be budgeted against the person's cost of care in the residential program, provided such income is actually available to the victim. See Attachment D - ABEL Budget.

Available earned income (wages) also must be budgeted against the person's cost of care in the program, using normal budgeting procedures and all appropriate earned income disregards.

Regardless of the category of assistance used, the budgeting is done on a monthly basis, even if the person is not in the program for the full month. When the person is in the program less than the full month, the daily PA deficit is computed by dividing the monthly deficit by the actual number of days in the month. This amount is then multiplied by the actual number of days the person was in the program to determine the social services district's payment. The remainder of the per diem not paid by the social services district, using this budgeting methodology, is the victim's "fee".

If a victim has been in the program less than a full month and returns to or establishes his/her own residence in the community, a community budget must also be done for that month and prorated for the number of days in the community to see if the victims require public assistance for that time also.

For PA purposes, any resources, such as a bank account, certificates of deposit, etc. that can be accessed by a person must be used to pay toward the cost of care in a domestic violence

residential program. If the resources do not cover the full cost of care, the social services district will make a partial payment to cover the difference if the person is PA eligible. For example, the cost of care in the program is \$1,200 and the person has no income but does have access to \$900 in the bank. The social services district would pay \$300 toward the cost of care and the victim's fee would be \$900 under PA.

If a victim has income and resources, the resources are applied after the budgeting of income has been done. For example, the PA budget deficit is \$500 for the month. However, the victim has \$300 in the bank. The \$300 is applied to reduce the social service district's payment to \$200.

The Title XX overclaim funds cannot be used to reduce the victim's "fee" under a public assistance program.

PLEASE NOTE: Liens can be placed on real property used as a home as a condition of eligibility for temporary, emergency assistance.

d. Documentation for PA/Collateral Contacts

- (1) In many instances, victims of domestic violence will be unable to produce all or any documentation necessary to verify eligibility for public assistance. Due to the circumstances surrounding the need to enter a residential program for victims of domestic violence, access to this documentation may not be possible. Nevertheless, social services districts must attempt to make as complete an eligibility determination as possible, using whatever information is available, including collateral contacts. Collateral contacts include such persons as clergy, friends or relatives who are familiar with the victim's circumstances and whose names the victim provides as collateral contacts. Social services districts must also assist the victim in obtaining any necessary documentation that the victim is unable to obtain himself/herself. Under no circumstances should the batterer be contacted.

- (2) Local districts must maintain the confidentiality of the client's location when making any collateral contacts.

PLEASE NOTE: Any applicant/recipient may claim to have "good cause" for refusing to cooperate in establishing paternity or in securing support if cooperation can reasonably be anticipated to result in physical and/or emotional harm to the child for whom public assistance is being sought or to the parent or caretaker relative with whom the child is living. If the person from whom support is being sought is the batterer from whom the victim of domestic violence is fleeing, such claims of good cause by the victim of domestic violence must be given very serious consideration. However, it should be noted that even when a victim has good cause not to cooperate, the local district can pursue support on its own if it has sufficient information to do so.

In on-going public assistance cases (i.e., ADC, Home Relief, and MA-Only) there may already have been an assignment of support rights and a requirement to cooperate with the child support program to establish paternity and secure support. The child support program may have already received the referral and may be in the process of providing appropriate services, which in many instances will involve interaction with the absent parent (batterer). Therefore, it is very important that either the designated liaison or the victim's public assistance worker notify the child support enforcement unit in any situation of domestic violence in order to ensure the victim's safety. The victim may now have reason to claim good cause, where before she/he may not have. Prompt notification will prevent exacerbating dangerous circumstances, as well as improper claims of non-cooperation. For example, there may be claims of non-cooperation made by the child support program which would cause the denial of eligibility to a victim who did not answer requests to be interviewed. If the child support program knew that the victim was failing to respond to a notice because he/she was a resident of a residential program for victims of domestic violence, they would not claim non-cooperation.

e. Scope of Assistance

- (1) ADC, PG-ADC, HR, EAF and emergency HR will cover the per diems under Department Regulations 352.8 and 408. PA will also cover an additional \$45 monthly personal needs allowance (PNA) for each member of the family in the residential program per Department regulation 352.8(c) when three meals a day are provided in the program. The PNA should be provided to the family as soon as possible. If fewer than 3 meals a day are provided in the residential program, public assistance would cover the per diem rate, plus a basic allowance, two energy allowances, a restaurant allowance, if appropriate, and not a PNA. PNA's are only given when 3 meals per day are provided.

PLEASE NOTE: Since the rate established for the residential program for victims of domestic violence is included in the standard for budgeting purposes, individuals and families who would generally be above the income limits for recurring PA programs may be eligible for ADC, PG-ADC, or Home Relief while in the residential program for victims of domestic violence.

- (2) All public assistance programs (including emergency programs) may cover the following items if the local social services official determines that these items are appropriate under the provisions outlined in Part 352 of Department regulations:
 - (a) Security
 - (b) Moving expenses
 - (c) Furniture allowances for the establishment of a home
 - (d) Storage of furniture and personal belongings
 - (e) Transportation for children to remain in school or for parents to search for permanent housing can be provided under EAF if necessary.
 - (f) broker's/finder's fees

f. Fiscal Responsibility After Stay at Residential Program Ends

As stated previously in this directive, when a victim is in a residential program for victims of domestic violence which is located in a social services district other than the one the victim resided in at the time of the domestic violence incident, the social services district in which the victim resided (the "from district") is fiscally responsible for the victim. If upon leaving the residential program, the person decides to remain in the district in which the residential program is located in or decides to move to a third social services district, the person continues to be the fiscal responsibility of the "from district" for the remainder of the month the person leaves the residential program and the following month, provided the person is eligible for assistance. This is true regardless of the category of assistance used to pay for the residential program. Such items as moving expenses, security and broker's fees are the fiscal responsibility of the "from" district during this time. This is true even if the victim will not be eligible for recurring assistance, but requires and is eligible for emergency assistance to get settled into the new apartment. These needs should be dealt with prior to the victim leaving the residential program. As with all other situations where a recipient moves from one social services district to another, the district "where found" is responsible for meeting emergency needs.

g. Fair Hearings

As with any applicant/recipient who is dissatisfied with a social services district decision on his/her application or case, a victim of domestic violence may request a Fair Hearing. Generally the victim must request and appear at a Fair Hearing. However, if the victim is unable to request or appear at a Fair Hearing, the victim can designate someone to appear and act on the victim's behalf at the Fair Hearing if this person is designated in writing as an authorized representative for the purpose of pursuing the victim's eligibility for PA.

4. 50/50 Title XX Overclaim

a. General Requirements

When a social services district receives a common application on behalf of a victim and determines that the person is ineligible for one of the PA programs, the social services district must then determine the person's eligibility for reimbursement under the 50/50 Title XX overclaim. When a person is ineligible for one of the PA

programs due to excessive income, (i.e. the income is sufficient to cover the full cost of the residential program), a person will also be ineligible for reimbursement under the 50/50 Title XX overclaim.

b. Determining A Person's Fee

A social service district must determine a person's financial eligibility for services within 30 days of the date of application in accordance with 18NYCRR Section 404.1(d)(1)(i). The social services district must notify the applicant of the determination of eligibility within 15 calendar days of determining the person's eligibility or ineligibility for services. Such written notice must include any required fee for services.

To determine eligibility for the 50/50 Title XX overclaim, a social services district must determine the victim's ability to pay all or a part of the costs of residential services. When evaluating a victim's ability to pay a fee, a social services district must use only the information the victim provided on the common application form. The social services district must not require that the victim or the residential program provide further documentation for purposes of verifying eligibility under the 50/50 Title XX overclaim. In accordance with Department Regulations, Section 404.5, financial eligibility for services must be based only on the victim's monthly gross income. Resources must not be explored.

The following persons will be eligible for reimbursement under the 50/50 Title XX overclaim:

- (1) persons who have completed the PA application but are in the residential program for only a short period of time and leave the program prior to having the required face to face interview for public assistance or before submitting required documentation.
- (2) persons who have been determined to have a combination of income and resources, or resources sufficient to meet the full cost of shelter and services, and therefore, are deemed ineligible for any PA program including EAF. For example, a person who has income which is insufficient to meet the full cost of shelter and services, but who has resources, which in combination with the income, is sufficient; or a person whose resources by themselves are sufficient to meet the full cost of shelter and services. As stated on page 33, a person whose income is sufficient to meet the full cost of shelter and services is not eligible for the Title XX Overclaim."

(3) persons who have been sanctioned from PA.

c. Budgeting Methodology

When a victim fills out, signs, dates and submits a common application and the person is determined ineligible for a PA program (e.g., the person has left the program after a short stay and did not go to the face-to-face interview; person sanctioned for employment reasons), the social services district must evaluate, using the information on the person's common application, eligibility for reimbursement under the 50/50 Title XX overclaim. For this funding source, resources are not counted in determining eligibility, but income is. When income is present, the same budgeting methodology is used to determine the district's payment under the Title XX overclaim as is used to determine that payment under PA. To determine the availability of income refer to Section IV.B.3.c. The amount not paid under the 50/50 Title XX overclaim by the social services district toward the per diem is the victim's fee under the 50/50 Title XX overclaim.

d. State Reimbursement

Expenditures made by social services districts for the provision of domestic violence residential services to persons who are ineligible for PA are subject to 50 percent State reimbursement. Such expenditures must be reduced by the sum of all fees received from a victim of domestic violence who is able to pay all or part of the costs of such services.

5. Notification/Collection of Fees

As soon as a social services district determines that a victim is responsible for all or a part of the cost of emergency shelter and services, the social services district must notify the residential program of the amount the district will pay.

Residential programs, not social services districts, are responsible for collecting fees for services. At the time of admission, the residential program must arrange with the victim how any fee will be paid, including how payment will be made after the person leaves the residential program.

C. Contract Requirements

1. General Requirements

- a. Each social services district must enter into a contract with at least one residential program for victims of domestic violence located in the social services district or in a contiguous social services district. Additionally, when a social services district contracts with a residential program which has a length of stay of less than 30 days, the district must also enter into a contract with a residential program for victims of domestic violence which has a length of stay policy of 30 days or more, when there is such a residential program located within the district or in a contiguous district.

EXCEPTION: A social services district which operates its own domestic violence residential program will not be required to enter into a contract with another such residential program provided the district's program has a length of stay policy of at least 30 days.

- b. In accordance with 93 ADM-24, a social services district is permitted to enter into one contract with a not-for-profit organization that operates more than one residential program. However, the contract must specify a separate approved per diem rate for each type of domestic violence residential program operated by the organization.
- c. Each contract a social services district negotiates and enters into with a residential program in accordance with the model contract requirements specified in 93 ADM-24 must:
 - (1) specify the approved per diem rate established by the Department for the domestic violence residential program;
 - (2) remain in effect for no more than a 12 month period;
 - (3) include all the terms of the contract in one instrument; be dated and executed by an authorized representative of each party to the contract prior to the date of implementation;
 - (4) have a definite effective and termination date.

- (5) specify the agreed upon terms for the following: the method of determining a victim's length of stay at the residential program; the frequency of and procedures for conducting service needs assessments; and the procedures for handling extensions. These terms will apply only to residents of the program who were residing in the social services district at the time of the domestic violence incident.

PLEASE NOTE: the terms of the contract cannot require a residential program to disclose identifying information regarding safe home providers or on-site access by the district to a safe home.

2. Length of Stay in a Residential Program

- a. A resident's length of stay at a residential program must be based upon the individual safety and service needs of the resident. The contract must specify which one of the following methods will be used to determine the length of stay of residents who were residing in the district at the time of the domestic violence incident:

- (1) At the time of admission, the social services district automatically authorizes a length of stay of up to 90 days depending upon the length of stay policy of the residential program. Subsequently, the residential program will be responsible for assessing the resident's continuing eligibility according to the criteria listed below.

- (2) At the time of admission, a social services district authorizes a length of stay for a predetermined period of time which is redetermined at regular intervals. The social services district, in consultation with the program, will then be responsible for redetermining the victim's continuing eligibility according to the criteria listed below. The social services district must consult with the residential program when assessing the resident's safety and service needs.

A consultation with a residential program must include a review by the social services district of a resident's most recent service needs assessment and a telephone contact with the residential program regarding any safety and service issues.

b. Social services districts and residential programs must assess a resident's continuing eligibility based upon the following criteria:

(1) A resident must continue to be in need of temporary shelter and emergency services provided by the residential program because alternative housing is not available. Alternative housing specifically refers to a domestic violence transitional services program or permanent housing that reasonably assures the victim's safety. When a victim is in need of emergency shelter because he/she lacks alternative housing, the social services district must assume that the person is also in need of emergency services.

PLEASE NOTE: If a person secures a domestic violence transitional program or permanent housing which reasonably assures his/her safety, the person no longer continues to be eligible for emergency shelter at the residential program. Under such circumstances, services must be provided on a non-residential basis.

(2) A resident must continue to meet any additional admission criteria established by the residential program; and

(3) A resident must continue to abide by the rules of the residential program.

3. Assessment of Service Needs.

a. A resident's need for temporary shelter, emergency services, and care, must be assessed at regular intervals. This assessment must include an evaluation of the individual safety and service needs of the resident and the resident's children. For purposes of arranging needed services for a resident during their stay at a residential program, the evaluation must identify the comprehensive array of services needed by the resident and the resident's children.

b. Residential programs must provide the social services district financially responsible for the resident with relevant information identifying the resident's safety and service needs related to the resident's need for temporary shelter and emergency services provided by the residential

program. This is to ensure that a resident receives all needed services including those provided by the residential program as well as those offered and provided by the social services district (e.g. preventive services, day care).

PLEASE NOTE: Relevant information refers to the information which is deemed as necessary to address an individual resident's safety and service needs and does not include all information maintained in a resident's entire case record. Residential programs are permitted to extract relevant information from the case record to provide to social services districts.

- c. A contract must specify the frequency of service needs assessments and the roles and responsibilities of the social services district and the residential program in conducting service needs assessments for those residents residing in the district at the time of the domestic violence incident.

4. Extensions.

- a. A resident must be permitted to stay in a residential program for up to an additional 45 days beyond the maximum 90 day period if neither the resident, the social services district, or the residential program is able to secure a domestic violence transitional service program or permanent housing which reasonably assures the victim's safety. Residential programs must notify the social services district financially responsible for the cost of emergency shelter and services when a resident needs such an extension.
- b. The contract must specify the time frames within which the residential program must notify the social services district of a resident's need for an extension. Additionally, the contract must specify the social services district's responsibilities and the residential program's responsibilities for assisting residents of that district in securing housing.

PLEASE NOTE: There is no extension permitted beyond this 135 day period even if a transitional domestic violence program or permanent housing has not been located for the resident.

- c. When a resident is eligible for an extension, the social services district financially responsible for the resident must pay the cost of emergency shelter and services up to an additional 45 days.

D. Responsibilities/Roles of Social Services Districts/Residential Programs When No Contract Exists

When a victim goes directly to an approved domestic violence residential program and the social services district does not have a contract with the residential program, but is financially responsible for the cost of emergency shelter and services provided by the residential program, payment, length of stay, service needs assessments, and extensions must be approached as follows:

1. Payment.

The social services district in which a victim of domestic violence was residing at the time of the domestic violence incident is responsible for payment regardless of whether a contract exists between the district and the program. Additionally, the social services district financially responsible for payment must reimburse the residential program the approved per diem rate (less any fees) established by the Department and approved by the Division of Budget. Fifty percent state reimbursement will be available for the provision of emergency shelter and services to persons who are deemed ineligible for public assistance and care.

2. Length of Stay.

When no contract exists, a person will be automatically authorized to remain in the residential program for up to 90 days depending upon the length of stay policy of the residential program. The residential program rather than the social services district will be responsible for determining the person's continuing eligibility according to the criteria listed above. Further, if a social services district receives notification from a residential program that a resident continues to be in need of a residential program beyond the stay permitted by the program, the social services district must approve a referral to another domestic violence residential program located in the district or in a contiguous district, if such a program has a bed or beds available.

3. Service Needs Assessments.

When no contract exists, the social services district financially responsible for the resident will determine the frequency at which a resident's service and safety needs must be assessed and the district's responsibilities and residential program's responsibilities for conducting service needs assessments.

4. Extensions.

When no contract exists, a residential program must notify the social services district financially responsible for the resident on or before the 75th day of residence that a resident's length of stay needs to be extended for up to an additional 45 days. In the event unforeseen circumstances arise and a resident needs an extension after the 75th day, the residential program must immediately notify the district that such an extension is needed. The social services district financially responsible for the resident must assist the resident in obtaining a domestic violence transitional service program or permanent housing which reasonably assures the his/her safety.

When a resident is eligible for an extension the social services district financially responsible for the resident must pay the cost of emergency shelter, services and care for up to an additional 45 days.

E. Standards of Payment System

1. General Requirements

- a. The standard of payment (SOP) system is used to establish per diem rates for residential programs for victims of domestic violence. The system consists of fiscal, programmatic and statistical reporting requirements. The SOP system then utilizes the data submitted by such residential programs to establish the maximum state aid rates for all domestic violence residential programs licensed in New York State.

- b. Each domestic violence residential program must submit the following SOP forms to the Department:

- DV-1 - Report of Actual Expenditures
- DSS-2654 - Report of Actual Income
- DSS 3307 - Purchase of Services Schedule
- DSS 2856 - Charges from Parent Organization (if applicable)
- DSS 2668 - Supplemental Memorandum Report - Employee Distribution by Job Classification
- DV-2 - Report of Allocation Methods
- CPA Report or Tax Return for the Reporting Year

- c. Unless otherwise notified by the Department, the SOP forms and records must be submitted to the Department by April 15th of each year if the residential program is located outside New York City, and by October 15th of each year if the residential program is located in New York City. See Attachment A for copies of the forms and Attachment B for instructions on completing the forms.
- d. Residential programs will be notified by the Department in writing if any of the forms or reports submitted require clarification or supplemental information. If a program must clarify its forms or reports, the program will be given an additional 30 calendar days from the date of notice to submit the corrected forms or reports.
- e. The following items are allowable costs for purposes of determining an approved per diem rate:
 - (i) Salary expenses:
 - (a) Administrative
 - (b) Program/Support
 - (c) Maintenance
 - (ii) Fringe benefits and payroll taxes:
 - (a) Social Security
 - (b) Insurance - Life/Health
 - (c) Pension and Retirement
 - (d) Workers' Compensation/Unemployment/NYS Disability
 - (e) Vacation accruals
 - (iii) Property expenditures
 - (a) Rental leases (including furnishings, equipment and vehicles)
 - (b) Utilities
 - (c) Supplies and equipment
 - (d) Repair and maintenance of plant, equipment and vehicles
 - (e) Use charges (depreciation of capital expenditures)
 - (f) Taxes
 - (iv) Management expenditures
 - (a) Telephone
 - (b) Postage
 - (c) Dues/Licenses/Permits
 - (d) Office supplies

- (e) Subscriptions/Publications
- (f) Conference expenses
- (g) Administrative expenses
- (h) Staff development
- (i) Publicity
- (j) Audit/Legal and Advisory fees
- (k) Insurance
- (l) Interest expenses
- (m) Charges from parent organization

(v) Other

- (a) Transportation and staff expenses
- (b) Recreational and social activities for children
- (c) Purchase of services
- (d) Food
- (e) Clothing
- (f) Bedding/linen

2. Extensions/Penalties

- a. In the event a residential program is unable to meet the deadline for submitting the required fiscal, programmatic, and statistical forms and reports for a good cause, the program may request an extension of up to 30 days. This request must be submitted in writing to the Department prior to the required deadline date, and must include an explanation of why the extension is needed. When good cause is shown, the Department may grant an extension of up to 30 days. If there are unusual circumstances which are beyond the control of the program and which justify the extension, the Department may grant additional 30 day extensions until the program is able to submit the required forms and reports. The Department will notify the program in writing of any extension granted.
- b. Residential programs will be assessed a penalty if they fail to submit the required forms and reports in a timely fashion, or fail to respond within 30 days to a written request from the Department for clarifying or supplemental information on any forms or reports already submitted. Such penalty will result in a reduction of the administrative component of the approved per diem rate beginning on the first day of the fiscal year for which the new rate applies, and ending on the date in the same fiscal year, according to the following schedule:

Days late reduction of administrative component of the approved	Percentage of reduced rate	Ending date of reduced rate for domestic violence programs in rest of state	Ending date of reduced rate for DV programs in NYC
16 - 30 Days	5 percent	Jan. 15th	July 15th
31 - 45 Days	10 percent	Feb. 1st	Aug. 1st
46 - 60 Days	20 percent	Feb. 15th	Aug. 15th
61 - 90 Days	25 percent	March 1st	Sept. 1st
91 - 180 Days	30 percent	March 1st	Sept. 1st
181 - 270 Days	35 percent	March 1st	Sept. 1st
271 - 365 Days	45 percent	March 1st	Sept. 1st
365+	50 percent	March 1st	Sept. 1st

- c. When a residential program has been granted an extension, the calculation of the number of days the documentation is late will commence on the next business day following the expiration of the extension. When a residential program receives a written request from the Department for clarifying or supplemental information, the calculation of the number of days the documentation is late will commence on the 31st day after the date of such written request, provided the requested material is not submitted before the end of any extension period granted by the Department.
- d. If the due date falls on a weekend or holiday, the calculation of the number of days the documentation is late will commence on the next business day. Every calendar day after the date the calculation commences will be counted when determining the total number of days that a program is late in submitting the required documentation to the Department.
- e. The total number of days beyond the date authorized for submitting required reports or forms, or the date authorized for submitting, clarifying, or supplementing information will be considered in establishing the total number of late days and the amount of the penalty.

V. SYSTEMS Implications

A. PA

1. ABEL

a. Upstate

Workers should complete the Homeless Indicator on the DSS-3209 at case openings and undercare maintenance for applicants/recipients made homeless due to the domestic violence situation. Homeless Indicator Code "E - Domestic Violence" should be used.

ABEL can be used to calculate the correct PA and FS grant amounts. Workers should enter a PA Shelter Type Code of "22 - Residential Program for Victims of Domestic Violence (3 Meals/Day)" or "37 - Residential Program for Victims of Domestic Violence (Less Than 3 Meals/Day)" and the monthly Actual Shelter Amount. For Shelter Type Code 22, ABEL will generate a Personal Needs Allowance (PNA) of \$45.00 per individual and allow the actual shelter amount. For Shelter Type Code 37, ABEL will generate Basic, HEA and SHEA allowances for the number of individuals in the case and also allow the actual shelter amount.

A new payment type, Q6 - Residential Domestic Violence has been developed and should be used to identify payments authorized for PA cases in support of this ADM.

b. Downstate

Currently Downstate ABEL supports two shelter types to be used in the budgeting of Public Assistance and Food Stamp issuances for those individuals residing in "Residential Programs for Victims of Domestic Violence". They include Shelter Type 13 to be used when less than three meals per day are provided and Shelter Type 14 to be used when three meals per day are provided.

For both Shelter Types workers should be instructed to input the actual amount charged by the facility in the PA Shelter Amount field on household screen NSBL02. ABEL will use the input shelter amount to determine eligibility for Public Assistance only. The shelter payment will be issued by a central location directly to the Domestic Violence Facility.

Usage of Shelter Type 13 will result in the issuance of a Basic Allowance and Home Energy Allowances based upon the number of individuals in the Public Assistance household. Shelter Type 14 issues a monthly PNA of \$45 per individual in the Public Assistance household.

2. MBL

MBL may be used to calculate eligibility for person(s) residing in a residential program for victims of domestic violence. Two Shelter Type Codes are available. Code 22 - Shelter for Victims of Domestic Violence will generate a PNA of \$45.00 per individual and the actual shelter amount. Code 37 - Residential Program for Victims of Domestic Violence (less than 3 meals a day) will generate BASIC, HEA and SHEA allowances per individual and the actual shelter amount. (See MBL Manual Special Procedures Section for a detailed explanation of Shelter Codes.)

B. Services Systems Instructions

Open a WMS services case in the usual manner. Service type 23G is to be authorized for residential domestic violence services in both the DIR and POS fields, regardless of the eligibility category. Since this service is no longer an optional one, the use of the suffix G bypasses the Title XX service type/eligibility category edits with no matrix changed required.

For those districts with a local BICS file, the Domestic Violence service providers should be added to the vendor file before attempting to make any payments.

VI. Additional Information

A. Food Stamp Implications

1. Residents of licensed residential facilities as defined in Food Stamp Source Book (FSSB) V-D-1.2 that serve victims of domestic violence are eligible to apply for and receive food stamps. Such residents are considered to be separate household units in determining food stamp household composition. For example, a battered woman and her child, who reside together in the shelter are considered a separate household unit.
2. Individuals who have been in receipt of food stamps prior to entering a domestic violence residential program may receive food stamps for a second time in a month providing the household they left included the person that battered him/her.
3. Residents of residential programs for victims of domestic violence are certified solely on the basis of their income and resources as well as the expenses for which they are responsible. They are certified without regard to the income, resources and expenses of their former household. Jointly-held resources are to be considered inaccessible. Residents of residential programs for victims of domestic violence are to be processed as homeless households. As homeless households they are entitled to expedited service processing as defined in FSSB XIV-B.

4. Public Assistance shelter allowances paid directly to the residential program are excluded as food stamp income. Complete instructions for budgeting residents of residential programs for domestic violence appear in FSSB X-B-7.1.
5. Residents of residential programs for victims of domestic violence that receive Public Assistance have their food stamp case processed by the district that is determined to be fiscally responsible for public assistance.

B. Medical Assistance Implications

1. Medical Assistance (MA) Eligibility

- a. Individuals determined eligible for cash assistance under EHR are not automatically entitled to MA. Individuals should be advised to apply for MA to meet any personal or family medical needs.
- b. Families determined eligible for EAF who are not also eligible for a recurring cash grant are not automatically entitled to MA, and should be advised to apply for MA to meet any medical needs. If such families are not eligible for MA or have an MA application pending, EAF can be authorized to pay for medical care in an emergency situation. (See PA Source Book Section X-C-2 and 86INF-21, page 22.)
- c. With the exception of the policy regarding fiscal responsibility contained in Section 1V, MA-only cases must be determined in accordance with the policy and procedures outlined in this Directive.
- d. The policy and procedures for determining the financial eligibility of a victim of domestic violence in a residential program includes utilizing the actual cost of the residential program in the PA Standard of Need, and determining whether the income and resources of the victim and the victim's spouse are actually available (see Section 1V.B.3.c(1)).
- e. When the applicant cannot be interviewed due to a physical or mental condition, the interview should be conducted with the applicant's designated representative.

2. Urgent Medical Need

- a. Social services districts should process MA-only cases involving domestic violence victims in need of medical care as soon as possible, since domestic violence residential programs generally require that medical needs be met prior to admission to the program.
- b. Applicants who need emergency medical care should be referred to a hospital. Under 10 NYCRR Part 405, hospitals are obligated to render emergency medical care regardless of an individual's ability to pay.
- c. Applicants should be advised to seek medical care and advise the provider that if determined eligible during the period that medical services were rendered, MA reimbursement may be available for up to three months prior to the month of application.

3. Fiscal Responsibility

An individual in a residential program for victims of domestic violence located in a social services district other than the one in which the individual was residing at the time of the domestic violence incident and who was the fiscal responsibility of the "from" district may decide to remain in the social services district in which the residential program is located. If otherwise eligible for MA, the "from" district must provide MA for the month the individual leaves the residential program, and may provide coverage for the following month.

4. Third Party Health Insurance

- a. In situations where a resident of a domestic violence program is covered under the batterer's health insurance policy, and use of the policy would endanger the individual(s) because the batterer would receive information on what medical services were provided to the victim, the health insurance information should not be entered on the WMS system.
- b. In situations where it is documented that use of the policy would not endanger the individual(s), the health insurance information should be entered on WMS.

Date June 22, 1994

Trans. No. 94 ADM-11

Page No. 47

VII. Effective Date

This ADM is effective on July 15, 1994, retroactive to January 1, 1992.

Frank Puig
Deputy Commissioner
Division of Services and
Community Development

Oscar R. Best, Jr.
Deputy Commissioner
Division of Economic Security

LIST OF FISCAL FORMS

Each agency is required to submit the following forms I, II and IV indicated below and when necessary forms, III, IV and V. Copies of these forms are attached.

- I. Report of Actual Income. (DSS 2654).
- II. Report of Actual Expenditures for Reporting Fiscal Year. (DV 1).
- III. Charges from Parent Organization (DSS 2856).
- IV. Supplemental Memorandum Report. Employee Distribution by Job Classification. (DSS 2668-1, 5 and 6).
- V. Report of Allocation Methods (DV 2).
- VI. Purchase of Service Schedule (DSS 3307).
- VII. DV Residential Program Bed Night Statistics (DV-3).

Unless otherwise specified, the time period for these forms is from January 1 through December 31. The figures on these forms should match the figures on the CPA Report or Tax Return submitted with them. If the domestic violence program was not in operation for at least six months in the reporting year, a budget based on current year expenses can be submitted.

These forms must be used by the agency for its fiscal submission and should not be substituted with computer printouts, etc.

Generally Accepted Accounting Principals

GAAP standards are to be used in completing the above reporting forms.

The Accrual Basis for Accounting Required:

- For the accounting methods and reporting periods, any changes will require approval by the New York State Department of Social Services.
- Replacement and acquisitions of property, plant and equipment should be distinguished as minor or major items. Minor items, which may be expensed, are defined as individual items costing less than \$500. Individualized items costing \$500 or more should be depreciated.
- The straight-line method of computing use charges (Depreciation) on owned property, plant and equipment is required.
- Income and expense amounts should be rounded to the nearest whole dollar amount.
- Donated volunteer services and items should not be reported as actual expenditures or income but may be documented on a separate sheet of paper.

I. INSTRUCTIONS FOR COMPLETING (DSS 2654) REPORT OF ACTUAL INCOME FORM

In compliance with New York State's full financial disclosure policy, each agency is required to report all revenue. Revenue must be reported regardless of whether or not it is applied to operating expenses. Each source of revenue must be clearly indicated for the January to December calendar year.

The Report of Actual Income form is divided into three sections:

- Section A - Government Grant Income
- Section B - Fee for Service Income
- Section C - Other Income

The column "EDP Code" should be left blank (DSS Use Only).

All other columns have been labeled by program types. Each Program Type Column is called a "Cost Center."

Income reported in Sections A, B and C must be assigned to the appropriate program cost center. Where income is attributed to more than one program it should be allocated to each affected program. Enter the difference between the gross income for the agency and the Program Cost Centers under the Column headed "Non Domestic Violence".

Section A - Government Grants

Use this section to report grant revenue from all government sources that is used to reduce agency operating expenses. The income must be allocated to the appropriate cost center. List each source of income separately. (Do not lump sum). The following gives examples of the types of income reported under Section A. It is not intended to be all inclusive.

- NYS Crime Victims Board.
- NYS Social Services Maintenance Grants
- Federal Emergency Management Agency Grants
- NYS Department of Health Grants
- Community Service Block Grants
- Local Social Service Department Grants
- Division for Youth Grants

Section B - Fee for Service

Report revenue received from Government and non-Government sources for services provided.

The following is a list of Section B Income. It is not intended to be all inclusive.

- Local Social Services Department
- Third Party Insurance Payments
- Other States (New Jersey, Pennsylvania, etc.) Reimbursements
- Private Fees Collected

Section C - Other Income

Report all other agency income in this section. The sources and amounts must be specifically identified.

The following gives examples of the types of income to be reported under Section C. It is not intended to be all inclusive.

- Grants from Foundations, Corporations or other private sources
- Interest Income
- Capital Gains
- Capital Losses from Investments (should be shown as a negative number and subtracted from the total)
- Private Donations, Legacies and Bequests
- Contribution or Allotments from the United Way, Community Chest, Greater New York Fund, etc.
- Employee Donation - other than to pay for expenses incurred by agency personnel

II. INSTRUCTIONS FOR COMPLETING REPORT OF ACTUAL EXPENDITURES FORM (DV-1)

INSTRUCTIONS FOR PURCHASE OF SERVICES SCHEDULE ARE ALSO IN THIS SECTION. SEE THE INSTRUCTIONS FOR ACCOUNT 04, PURCHASE OF SERVICES.

a) General Instructions:

All agency expenditures must be reported. The total expenditures must agree with the expenditures certified by the C.P.A. report or fiscal year tax return.

All gross expenditures shall be reported by program type (DV shelter, DV program, safe home network, sponsoring agency, non-residential, etc.). Only report allowable items of expense in the program cost centers. Agencies which operate more than one type of residential facility shall report aggregate expenditures for all such similar types under one cost center, (e.g., if an agency operates two safe dwellings, combine all the expenses in one safe dwelling cost center).

ATTACHMENT B

Expense lines 1-30 on the DV-1 form are called "accounts" throughout these instructions. DO NOT ALTER the account titles. If you are not sure where an expense goes, call your Resource Management consultant.

b) Detailed Instructions:

- All agency program expenses must be reported, including non-domestic violence program expenses.
- Column 1, Gross Operating Expenses. Report the total expenses for the reporting period for all programs.
- Columns 2- 7, Program Cost Centers. Enter the total allowable expenses for each cost center. Enter the difference between gross amounts (column 1) and the allowable amounts for all programs in the column headed "Non-Domestic Violence". (Please note that this is different than Account #30 "non-allowable.")
- Allowable Expenses. Those expenses related to the care, maintenance and services provided to victims of domestic violence.
- Non-Allowable Expenses. Those expenses not related to the provision of care, maintenance and services to victims of domestic violence or not allowable for DSS reimbursement. Examples of non-allowable expenses include special research or demonstration projects for public or private organizations. Fund raising expenses and investment counseling fees are also non-allowable. Non-allowable expenses are reported in a column labeled "non-allowable."

Further explanation of non-allowable expenses is included in specific definitions of expense items which follows.

- Central Administration Expenses - If any agency elects to report a central administrative cost center, the amount will be allocated by the Department to specific programs to determine program cost. In such case, the applicant must label a Column on Form DV-1 entitled "Management and General" and breakdown the related expenses under the appropriate accounts.

c) Cost Allocation

Any expenditure which cannot be directly charged to a specific program must be allocated to all programs which benefit from the expenditure.

- Direct Charges -are those expenditures exclusively charged to a specific program. For example, a person who works only in a specific program would have his/her salary and fringe benefits charged directly to that program.

ATTACHMENT B

- Allocated Charges - are general agency shared support and overhead expenses. Agencies shall use a fair and reasonable method to allocate costs that are shared by programs. Any allocation method that provides for a reasonable distribution of cost and can be substantiated at time of audit is acceptable. The allocation method chosen must relate to the type of expense. For example: property expense--sq. feet, food-bed nights, vehicles--percent of use. Agencies which allocate costs must also submit the Report of Allocation Methods Form. (DV-2)

Some examples of acceptable allocation methods are:

- 1) Allocating costs on the percentage basis of direct charges of a specific program to the total of all agency-direct charges.
- 2) Square feet of floor space in the physical plant.
- 3) Percent of residential populations.
- 4) Percent of vehicle use.

The following examples will help to clarify this issue: Let us assume your agency operates a DV shelter, a DV program and a Safe Home Network:

Property Costs - The central office space is 1200 square feet containing desk and file space for one Executive Director, one Secretary, Counselor, one Program Aide, and one Fund Raiser. To simplify, let's assume each worker is assigned 200 square feet and rent for the office space is \$10,000. The Executive Director, the Secretary and the two Counsellors are equally shared by the three programs and the Program Aide is assigned to the safe home network and the fund raiser works full time raising funds.

	DV Shelter	DV Program	Safe Home	Non-Allowable
Direct Sq. Ft.			200	200
Allocated Sq. Ft.	266.7	266.7	266.6	-
Percentage of Sq. Ft.	22.2%	22.2%	38.9%	16.7%
Rental Cost	\$2,220	\$2,220	\$3,890	\$1,670

Food Costs - Food is distributed between the DV Shelter and the DV Program. The DV Shelter provided 5,000 bed nights and the DV Program provided 2,500 bed nights. Therefore, 66.7% of the cost of food is allocated to the DV Shelter and 33.3% is allocated to the DV Program.

Vehicles - This agency has two vehicles which are used by staff in each program. The total annual mileage for both vehicles is 30,000 miles. Staff assigned to the DV Shelter travelled 6,000 miles, staff assigned to the DV Program travelled 9,000 miles and staff assigned to the safe home network travelled the remaining 15,000 miles. The vehicle cost would be allocated 20% to the DV Shelter, 30% to the DV Program and 50% to the Safe Home Network.

ATTACHMENT B

Salaries - The salaries of staff who work in more than one program should be allocated based on hours spent in each program. This can be tracked by time records that show the hours worked in each program.

d) Chart of Accounts (Expense Lines) and Definition of Expenditures:
Each account number 01 through 30 below corresponds to the account numbers on the Report of Actual Expenditures Form

- 01 Salaries: Enter all taxable and non-taxable salaries and wages paid or accrued to employees on the agency payroll.

Include severance pay to regular employees. Credit this account with Worker's Compensation awards, jury duty fees and disability claims received.

Do not include consultant fees, donated services, or the wages paid to the agency personnel who are paid by a source other than the agency, such as Youth Board Workers, teachers, etc. The value of meals and lodging provided to employees in lieu of salaries should not be credited to this account. These costs are credited to the other applicable expense accounts.

Account 01 is separated into three sub-accounts or classifications. A brief description of each sub-account and a partial list of job titles for each of these sub-accounts follows. Employees who spend the majority of their time working in one of the three job classifications should be reported in that job classification. Allocation between job classification may only be done with prior, written approval from the Department.

List of Acceptable Job Titles

- I. ADMINISTRATIVE: Persons whose primary function is the general management and daily administration and operation of the agency in accordance with applicable rules and regulations of the Department of Social Services, all other applicable requirements of law and of the policies of the governing board.

Administrative Job Titles:

Assistant Executive Director	Administrator
Associate Director	Director of Personnel
Director of Division	Financial Director
Executive Director	Accountant
Business Manager	Office Manager
Bookkeeper	Clerk/Office Worker
Receptionist	Typist/Stenographer
Secretary	Program Director
	Administrative Assistant

ATTACHMENT B

- II. PROGRAM/SUPPORT: Persons whose primary function is to provide support, counselling, supervision of the activities of clients in care, and general development, planning and coordination of services to victims of domestic violence.

Program Support Job titles:

Project Director	Advocate
Crisis/Hot Line Worker	Case Aid
Social Worker	Recreation Worker
Counselor	Driver/Escort
Cook	Social Work Supervisor
Dietician	Night Supervisor
Guidance Counselor	Shelter Manager
Volunteer Coordinator	

- III. MAINTENANCE: Persons whose primary function is the maintenance and repair of the buildings and grounds.

Job Titles:

Maintenance Worker	Custodian
Housekeeper/Domestic	Janitor
Watchman/Security	Handyman

02) FRINGE BENEFITS AND PAYROLL TAXES

- A. Social Security - Employer portion of FICA taxes.
- B. Insurance - Life/Health - Agency cost of life, disability, dental and health insurance plan.
- C. Pension and Retirement - Agency cost of employee retirement benefit plan.
- D. Worker's Compensation/U.I.B./N.Y.S. Disability - Agency cost of Worker's Compensation, Unemployment Insurance Benefits and N.Y.S. Disability Premiums., Include credits for premium refunds and employee contributions.
- E. Vacation Accrual and/or Sick Leave - Agency's accrual of vacation and sick leave, that employees have earned but not yet taken, for the reporting fiscal year only, providing the following four conditions are met:
 - 1. The employer's obligation is attributable to employees;
 - 2. The obligation relates to rights that vest or accumulate;
 - 3. Payment of the compensation is probable, and
 - 4. The amount to be paid can be reasonably estimated.

ATTACHMENT B

In order to properly account for all these benefits, a base amount of accrued leave must be established from November 1, 1980 to the current reporting period. The portion of allowable accrued vacation and sick leave to be reported in this account is the amount, positive or negative, of leave accrued during the reporting fiscal year only, not retroactively. The method of charging the vacation or sick leave credits will be similar to the "LIFO" inventory method, or the last accumulated credit is the first charged credit.

The following examples will help to clarify this issue:

- o An agency has an employee who has accumulated 50 days of vacation and sick leave from November 1, 1980 to the current reporting period. During the current fiscal period, the employee earns an additional 15 days of leave. The employee uses seven days of leave during this period. For fiscal reporting purposes, the agency should report dollar value of the eight (8) days as accrued time. The seven (7) days the employee used is offset by the 15 earned days.

- 03) TRANSPORTATION AND WORKER'S EXPENSE: Report expenses incurred by agency employees in connection with the care, counselling, and support of persons in care. These are mileage charges, worker's phone calls, and office visits.

Employee transportation expenses for conferences, seminars or training programs are reported in Account 20, Conference Expense.

- 04) PURCHASE OF SERVICES: Payments for services purchased from independent contractors such as kitchen or dietary services, security guards, temporary office help, garbage collection, maintenance of grounds, data processing, legal services, medical services, etc.

AGENCIES REPORTING COSTS IN THIS ACCOUNT MUST COMPLETE FORM DSS-3307 PURCHASE OF SERVICE SCHEDULE. INDICATE THE TYPE OF SERVICE, THE TOTAL COST AND THE ALLOCATION OF COSTS BY PROGRAM.

EXAMPLE: The first line on this form is labelled "Data Processing". On this line, report all expenditures for data processing included in Account 04.

<u>Type of Service</u>	<u>Total Expense</u>	<u>Allocation by Program</u>		
		<u>Shelter</u>	<u>Safe Home</u>	<u>Non-Allowable</u>
Data Processing	\$10,000	\$5,000	\$4,000	\$1,000

If a parent organization or affiliated agency provides services that would otherwise be provided by agency staff, report these costs in Account 29, Charges from Parent Organization.

ATTACHMENT B

- 05) FOOD: Report the cost of food purchased for the clients and staff. Include the cost of meals purchased off grounds and charges for the delivery of food purchased.
- 06) CLOTHING: Report the cost of clothing and materials and supplies for making clothing. Include clothing purchased for the stockroom and individual cash clothing allowance.
- 07) BEDDING and LINEN: Report the cost of purchased blankets, sheets, rubber sheeting, diapers, pillow cases, pillows, bedding, tablecloths, napkins, towels, wash cloths, staff uniforms, etc. Also report the cost of rental linens. Mattresses and springs are reported in Account 08, Supplies and Equipment.
- 08) SUPPLIES AND EQUIPMENT: Report the cost of consumable supplies including freight and delivery charges for maintenance, household, kitchen, recreation, laundry, etc.
- Replacements and acquisitions should be distinguished as major or minor items. Minor items are defined as individual items costing less than \$500. These are expensed. Items costing \$500 or more should be capitalized and the depreciation reported in Account 28, Use Charges
- 09) RENT: Report the rent for real property and utilities if they are included in the rental agreement. If the utilities expense can be identified separately, it is reported in Account 12, Utilities.
- 10) RENT - FURNISHINGS AND EQUIPMENT: Report the cost, including installation charges, of rented furnishings and equipment.
- 11) RENT - VEHICLES: Report the cost of vehicles rented or leased by the agency. Include services and maintenance costs if they are part of the rental or lease agreement. Employees' personal use of agency vehicles is reported as non-allowable.
- 12) UTILITIES: Report utility costs as follows:
- A. Fuel Oil - Report the cost of fuel oil, coal, kerosene and bottled gas on this line.
- B. Natural Gas - Report the cost of natural gas on this line.
- C. Electric - Report the cost of electricity on this line.
- D. Other - Report the cost of all other utilities not included above on this line. Examples are water and sewer charges, firewood, etc.
- 13) REPAIRS AND MAINTENANCE - PLANT AND EQUIPMENT: Expense for the maintenance, repairs and service contracts for plant, (facility, residence or office), office equipment, stationary and movable equipment. Differentiate between expenses charged to plant (Line A) and equipment (Line B).

ATTACHMENT B

Supplies used for repairs made by agency staff are charged to Account 08, Supplies and Equipment. Expenditures for repairs which prolong the useful life of an asset, increase its value or adapt it to a different use are capitalized with depreciation reported in Account 28, Use Charges.

- 14) REPAIRS AND MAINTENANCE VEHICLES: Report the cost of maintenance, repairs and service contracts on agency vehicles. For rented vehicles, only include repair and maintenance costs not covered by the rental or lease agreement. Costs for employee-owned vehicles are non-allowable.
- 15) TELEPHONE: Report all telephone costs in this account. Include the regular billings from the local telephone companies, answering services, direct lines, etc. Credit this account with refunds for personal telephone calls.
- 16) POSTAGE: Report the cost of postage stamps, postage meter rentals and mailing permits.
- 17) DUES/LICENSES/PERMITS: Report the following costs in this account: Memberships in national or local organizations, professional certificates, birth and death certificates, permits for the storage of fuel, alcohol and other inflammables.
- 18) OFFICE SUPPLIES: Report the cost of consumable office supplies including freight and delivery charges. Include typewriters, adding machines, etc. Capitalize items costing \$500 or more and report the depreciation in Account 28, Use Charges

Include payments to printers and commercial artist for letterheads, pamphlets, financial reports, office forms, checks, annual reports, etc.

- 19) SUBSCRIPTIONS/PUBLICATIONS: Report the cost of books, periodicals, magazines, newspapers, etc. Include subscriptions and single copy purchases.
- 20) CONFERENCE EXPENSE: Report the cost of outside conferences related to agency business. Include registration fees, transportation, lodging and meals.
- 21) ADMINISTRATIVE EXPENSE: Report administrative costs that support the agency service programs but are not directly identified with any particular service function. Examples are agency board and committee meetings, general staff meetings, organization and procedures surveys, gratuities to non-employees, gifts to staff on special occasions, etc.

Include expenses that are administrative in nature, but not specifically identified on this chart of accounts, such as appraisals of plant.

ATTACHMENT B

- 22) STAFF DEVELOPMENT: Report the cost of seminars, training programs and courses authorized by the agency.
- 23) PUBLICITY: Report the cost of informational material that is necessary to the agency program function and activities. Examples are materials for recruiting safe home providers, agency staff, and community education.

General public relations material such as agency films and news releases is considered as fund-raising and must be reported as non-allowable.

- 24) AUDIT, LEGAL AND ADVISORY FEES: Report the cost of audit and legal services.

Purchased Bookkeeping services are reported in Account 04, Purchase of Service.

- 25) INSURANCE: Report the cost of insurance including liability, fire and theft, burglary, plate glass, automobile, etc. Credit this account with dividends, refunds and rebates received from insurance carriers or agents.

Insurance costs related to employee benefits are reported in Account 02, Fringe Benefits and Payroll Taxes.

- 26) INTEREST: Report interest expense that is related to the particular program.

A. Debt Service:- The interest on bank loans, bonds, mortgages, etc. if the expense is to improve the conditions of agency property.

B. Operations:- Interest expenses if incurred in order to solve cash flow problems. This expense is subject to the following conditions:

- 1) The interest is charged by a financial institution such as a bank.
- 2) The interest charges must be reduced by any earnings on the investment portfolio or unrestricted agency funds. This includes board restricted funds.
- 3) The interest expense incurred is for the minimum amount necessary to continue agency operations, i.e., borrowing against receivables in excess of day-to-day operating expenses is not allowable for rate setting.

ATTACHMENT B

- 27) TAXES: Water, school, property and other taxes paid by the agency. Include the New York State Corporation Franchise Tax. Not-for-profit agencies must apply for tax exempt status for property taxes. If an agency does not apply for tax exempt status for property taxes, these taxes are not allowable. Generally, property taxes will be considered allowable the first year a building is obtained by an agency or when a lease agreement specifies that the agency is responsible for the payment of such taxes.

Payments for Federal, State or City income taxes are not allowable.

- 28) USE CHARGES: Report the use charge (depreciation) for owned property, plant and equipment. The basis for the charges is the initial actual cost or historic appraised value (in the cases where the historical cost cannot be determined) of each asset divided by the useful life.

The straight line method of computing use charges (depreciation) on owned property, plant and equipment is required.

Allowable useful lives for facilities, buildings or property owned by the agency are as follows:

Buildings:

Brick and Mortar Construction	40 years
Wood Frame Construction	25 years
Land Improvements	20 years
Furniture and Equipment	10 years
Vehicles	3 - 5 years
Leasehold Improvements	3 -15 years

- 29) CHARGES FROM PARENT ORGANIZATION: Report the cost of support services provided by the agency's parent organization. Examples are clerical staff, supplies, duplication services, technical consultants, bookkeeping services, etc. If costs are reported in this account, Form DSS 2856 Supplemental Memorandum Report Charges from Parent Organization must be submitted.

Charges from parent organizations are allowed only if they are charged to all related agencies on the same basis.

III. INSTRUCTIONS FOR COMPLETING SUPPLEMENTAL MEMORANDUM REPORT CHARGES FROM PARENT ORGANIZATION. (DSS 2856).

This form must be completed if expenditures were reported in Account 29. Charges from Parent Organization.

Elements of Cost Included in Charge

The nature of the service provided (i.e., duplicating materials, clerical staff, supplies, technical consultant, bookkeeping services, EDP Services etc.) must be itemized with the corresponding amount charged. The total parent organization charge must agree with the amount reported in Account 39 (DV-1). If any element of cost is covered by a Purchase of Services Agreement, designate such cost by using the letters P.O.S. after the description of the cost in the "nature of expense" section.

Description of Method by which Parent Organization Determines Charge

Describe how the parent organization allocates the charge to your agency. Charges are allowable only when they are charged on the same basis to all related agencies.

Description of Method by which Parent Organization Charge is Allocated to Program Cost Centers

Describe the allocation methods used to distribute the parent organization charge along with an explanation of how the methods were derived. These methods must conform with the general accounting standards.

Allocation to Program Cost Centers

Record the amounts reported in Account 29.

IV. Instructions for Supplemental Memorandum Report - Employee Distribution by Job Classification

This report is used to distribute salaries and full time equivalent (FTE) positions by job classification to the different program cost centers. A separate page is provided for each of the three job classifications: Administration, Program Support and Maintenance.

Job Classification

Report each job title filled during the reporting period.

Administration, Maintenance and Program Support positions should be reported using the job titles found in the instructions for Account 01 Report of Actual Expenditures.

A job title should be included in only one of the three job classifications unless the Department has given prior, written approval. If a job title has both full and part-time positions, they should be combined on one line. Therefore, each job title should have only one line.

DSS Code (Col. 1)

DSS USE, LEAVE BLANK

Highest Gross Annual Salary (Col. 2)

Indicate the agency's highest annual salary paid for each job title.

Lowest Gross Annual Salary (Col. 3)

Indicate the agency's lowest annual salary paid for each job title.

Salary Agency Total (Col. 4)

List the total salary amount paid for each job title. The sub-total for each job classification must correspond to the total salaries reported on account 1 of the Report of Actual Expenditures.

FTE, Agency Total (Col. 4a)

Indicate the number of full time equivalent positions paid by the salaries listed in Column 4. Full time equivalent (FTE) is defined as the actual fractional or whole number of positions filled during the reporting year. Do not carry out numbers to more than two decimal places.

For example, a full-time worker is hired on June 1, (six months after the start of the reporting year). Since that person was paid for one-half year, .5 FTE of a worker is reported. If the position was half time, .25 FTE should be reported (.5 years x .5 time = .25 FTE).

A formula to determine full time equivalency follows:

FTE = (Number of months worked divided by 12) x (number of hours worked per week divided by the agency standard work week). This formula applied to the half time worker mentioned above would show:

(6 months worked divided by 12) x (20 divided by 40)*

$$.5 \times 5 = .25 \text{ FTE}$$

*Based on a 40-hour work week.

FTE workers who work overtime are also calculated with this formula. For example, a worker with a standard 40 hour work week who also works an average of five hours overtime each week would be shown as follows:

(12 divided by 12) x (45 divided by 40) (Note: The exact answer, 1.125, is rounded up to 1.13 since numbers are not carried out to more than two decimal places.)
1 x 1.125 = 1.13 FTE

ATTACHMENT B

Salary (Cols. 5 through 8) Use additional forms if more columns are needed.

Salaries must be distributed to program cost centers on the same allocation basis used on Report of Actual Expenditures. Salaries for fund raising and investment counseling must be reported in a separate column labelled "Non-allowable."

FTE, (Cols. 5a through 8a) use additional forms if more columns are needed.

Report the full time equivalent positions by job title and program using the formula described above. The total full time equivalent positions must equal the total for each job title listed in Column 4a. USE A SEPARATE SHEET OF PAPER TO REPORT VOLUNTEER WORKER FTE'S IN EACH JOB TITLE. DO NOT COMBINE PAID AND VOLUNTEER FTE'S ON ONE LINE. Do not estimate a cost for volunteer FTE's on this fiscal form.

EXAMPLE DISTRIBUTION OF WORK SALARY AND FULL-TIME EQUIVALENCY

V. Instructions for completing Report of Allocation Methods

All applicants with expenses that are shared among programs, must complete this form.

- Column 1 - "Acct.#" - Use the number for the account from Report of Actual Expenditures.
- Column 2 - "Allocation Method Used" - Indicate the methodology used as a basis for distribution of allocated cost. A complete description is required.
- Column 3 - "Total Expense" - Amount reported in the applicable account from the DV-1 Form.
- Column 4 - "Direct Expense" - Portion of Total Expense (Col. 3) charged directly to the cost center.
- Column 5 - "Allocated Expense" - Portion of Total Expense (Col. 3) allocated to the cost center.
- Column 6 - 10 "Distribution of Allocated Expense" - This portion of the form consists of two parts, Amount and Percent. Each program which generates a portion of the Allocated Expense should be identified with the percent of Allocated Expense and the amount which it contributes.
NOTE: Columns 6 - 10 must equal 100% of Column #5.*

CONTACT		Your Regional Office Director:
PERSON:		BRO - Linda Brown (716) 847-3145 USER ID: 89D421
		RRO - Linda Kurtz (716) 238-8201 USER ID: 0FH010
		SRO - Jack Klump (315) 423-1200 USER ID: 89W005
		ARO - William Dorr (518) 432-2751 USER ID: AV4260
		MRO - Fred Cantlo (212) 383-1788 USER ID: 0FG010
		Economic Security: Maureen Standish (518)473-6555
		USER ID: AY9850
		DV Rate Methodology: Santo Vivona (518) 486-3438
		USER ID: AZ1440
		Medical Assistance: Shari Niedbalec (518) 473-5503
		User ID: AV0410