

Compilation of Codes, Rules and Regulations of the State of New York <small>Currentness</small>
Title 18. Department of Social Services
Chapter II. Regulations of the Department of Social Services
Subchapter C. Social Services
Article 5. Adult and Family Services
Part 462. Nonresidential Services for Victims of Domestic Violence (Refs & Annos)

18 NYCRR 462.1

Section 462.1. Scope

This Part applies to the provision of nonresidential services for victims of domestic violence by social services districts directly or pursuant to purchase of services contracts with not-for-profit organizations.

**Credits**

Sec. filed Jan. 24, 1978; renum. 425.1, filed April 26, 1978; new filed May 18, 1993 eff. June 2, 1993.

Current with amendments included in the New York State Register, Volume XXLII, Issue 14 dated April 8, 2020. Court rules under Title 22 and Executive Orders under Title 9 may be more current.

18 NYCRR 462.1, 18 NY ADC 462.1

---

End of Document

© 2020 Thomson Reuters. No claim to original U.S. Government Works.

Compilation of Codes, Rules and Regulations of the State of New York <small>Currentness</small>
Title 18. Department of Social Services
Chapter II. Regulations of the Department of Social Services
Subchapter C. Social Services
Article 5. Adult and Family Services
Part 462. Nonresidential Services for Victims of Domestic Violence (Refs & Annos)

18 NYCRR 462.2

Section 462.2. Definitions

For the purposes of this Part, the following definitions apply:

(a) *Nonresidential program for victims of domestic violence* means any program operated by a not-for-profit organization for the purpose of providing nonresidential services for victims of domestic violence including, but not limited to, telephone hotline assistance, information and referral services, advocacy, counseling, and community education/outreach activities pursuant to section 462.4(a) of this Part and which has at least 70 percent of its clientele consisting of victims of domestic violence and their children.

(b) *Not-for-profit organization* means any organization which is a public agency or which is incorporated as a not-for-profit corporation or religious corporation under the laws of this State or which provides care and/or services in this State and has been granted a Federal tax exempt status.

(c) *Office* means the New York State Office of Children and Family Services.

(d) *Residential program for victims of domestic violence* means any residential program as defined in Part 452.2 of this Title, approved by the Office and operated by a not-for-profit organization for the purposes of providing temporary shelter, emergency services to victims of domestic violence. Residential programs for victims of domestic violence include: domestic violence shelter, domestic violence mixed occupancy shelter, domestic violence sponsoring agency, and safe home network.

(e) *Victim of domestic violence* means any person over the age of sixteen, any married person or any parent accompanied by his/her minor child(ren) 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, aggravated harassment, sexual misconduct, forcible touching, sexual abuse, stalking, criminal mischief, menacing, reckless endangerment, kidnapping, an assault, an attempted assault, an attempted murder, criminal obstruction of breathing or blood circulation, strangulation, identity theft, grand larceny or coercion; or through acts including and not limited to, intimidation, coercive control, emotional and psychological abuse and behavior, expressive and psychological aggression, financial abuse, harassment, tormenting behavior, disturbing or alarming to such person or such person's child; and

(1) 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

(2) such act or acts are or are alleged to have been committed by a family or household member. Family or household members means the following individuals:

- (i) persons related by blood or marriage;
- (ii) persons legally married to one another;
- (iii) persons formerly married to one another regardless of whether they still reside in the same household;
- (iv) persons who have a child in common regardless of whether such persons are married or have lived together at any time;
- (v) 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
- (vi) unrelated persons who have had intimate or continuous social contact with one another and who have access to one another's household.

### Credits

Sec. filed Jan. 24, 1978; renum. 425.2, filed April 26, 1978; new filed May 18, 1993 eff. June 2, 1993; amd. filed March 18, 2020 eff. April 1, 2020.

Current with amendments included in the New York State Register, Volume XXLII, Issue 14 dated April 8, 2020. Court rules under Title 22 and Executive Orders under Title 9 may be more current.

18 NYCRR 462.2, 18 NY ADC 462.2

---

End of Document

© 2020 Thomson Reuters. No claim to original U.S. Government Works.

Compilation of Codes, Rules and Regulations of the State of New York <small>Currentness</small>
Title 18. Department of Social Services
Chapter II. Regulations of the Department of Social Services
Subchapter C. Social Services
Article 5. Adult and Family Services
Part 462. Nonresidential Services for Victims of Domestic Violence (Refs & Annos)

18 NYCRR 462.3

Section 462.3. Social services district requirements

(a) *General requirements.*

(1) A social services district must offer and provide nonresidential services to victims of domestic violence whether or not such victims are financially eligible for public assistance and care. A social services district may provide nonresidential services to victims of domestic violence directly or may purchase such nonresidential services from a not-for-profit organization operating a residential program for victims of domestic violence and/or a nonresidential program for victims of domestic violence.

(2)

(i) Non-residential services for victims of domestic violence must be provided in a manner which addresses the needs of victims of domestic violence who have special needs including, but not limited to, victims who are physically handicapped, hearing impaired and non-English speaking

(ii) Nonresidential services for victims of domestic violence must be provided in a manner which addresses the ethnic composition of the community being served. When a social services district includes a significant non-English speaking population, the staff providing the nonresidential services must speak the language of the community being served, whenever possible.

(3) Nonresidential services for victims of domestic violence must be provided at locations which ensure the safety of the persons receiving services and the confidentiality of their identities.

(b) *Planning requirements.* To ensure that nonresidential services are available to victims of domestic violence when such services are needed, each social services district must include in its consolidated services plan:

(1) an estimate of the number of victims of domestic violence needing nonresidential services and a description of the indicators used to determine that estimate;

(2) an assurance that each victim of domestic violence seeking nonresidential services for victims of domestic violence will be provided all needed core services specified in section 462.4(a) of this Part in a timely manner consistent with the requirements of this Part;

(3) (i) a statement indicating whether the social services district will provide nonresidential services for victims of domestic violence directly or will purchase such services; and

(ii) the name, business address and telephone number of any agency providing purchased nonresidential services for victims of domestic violence;

(4) a detailed description of the design of each program providing nonresidential services for victims of domestic violence including a description of:

(i) each of the core services and any optional services provided pursuant to section 462.4 of this Part;

(ii) the frequency with which each such service is provided including the days and hours the service is available;

(iii) an explanation of how the locations where the services are provided ensure the safety of the persons receiving services and the confidentiality of their identities in accordance with this section;

(iv) the number and qualifications of the staff persons responsible for providing the services; and

(5) an assurance that the nonresidential services for victims of domestic violence will be provided in a manner which addresses the needs of victims with special needs and the ethnic composition of the community being served.

(c) *Data collection requirements.* Each social services district must provide the Office, on such forms or in such manner as the Office may require from time to time, with aggregate non-personally identifying data regarding:

(1) the number of victims, children of victims and other family or household members which received services from each non-residential program for victims of domestic violence operated directly by the social services district or by a not-for-profit organization pursuant to a purchase of services contract with the district;

(2) the types of services such persons received;

(3) the number of telephone hotline calls and other telephone calls requesting information and/or referral services received by each program;

(4) and any other data required by the Office.

(d) *Purchase of services contracts.* In addition to the provisions specified in section 405 of this Title, each purchase of services contract for nonresidential services for victims of domestic violence must include, but not be limited to, the following:

(1) a description of each service to be provided

(2) an estimate of the number of persons who will receive each service;

(3) the frequency with which each service will be provided including the days and hours of service availability;

(4) an explanation of how the locations where the services are provided ensure the safety of the persons receiving services and confidentiality of their identities;

(5) the number, qualifications and job descriptions of the staff persons responsible for providing the services;

(6) payment amounts and procedures; and

(7) procedures to ensure client confidentiality.

## Credits

Sec. filed Jan. 24, 1978; renum. 425.3, filed April 26, 1978; new filed May 18, 1993 eff. June 2, 1993; amd. filed March 18,

**Section 462.3. Social services district requirements, 18 NY ADC 462.3**

---

2020 eff. April 1, 2020.

Current with amendments included in the New York State Register, Volume XXLII, Issue 14 dated April 8, 2020. Court rules under Title 22 and Executive Orders under Title 9 may be more current.

18 NYCRR 462.3, 18 NY ADC 462.3

---

End of Document

© 2020 Thomson Reuters. No claim to original U.S. Government Works.

Compilation of Codes, Rules and Regulations of the State of New York <small>Currentness</small>
Title 18. Department of Social Services
Chapter II. Regulations of the Department of Social Services
Subchapter C. Social Services
Article 5. Adult and Family Services
Part 462. Nonresidential Services for Victims of Domestic Violence (Refs & Annos)

18 NYCRR 462.4

Section 462.4. Service requirements

(a) *Core services.* Each non-residential program for victims of domestic violence operated directly by a social services district or by a not-for-profit organization pursuant to a purchase of services contract with a social services district must offer and provide all of the following core services directly. Acceptance of any service on behalf of the victim of domestic violence is voluntary. Core services must be offered on a daily basis, excluding weekends and holidays, during regular business hours:

(1) *Telephone hotline assistance* which means providing immediate crisis intervention counseling and information and referral services to victims of domestic violence through a telephone hotline.

- (i) Such assistance must be provided directly by the non-residential program during regular business hours.
- (ii) When the program is closed, the non-residential program, at a minimum, must have an answering machine that provides victims of domestic violence with a telephone number to call for emergency assistance.
- (iii) The employees and volunteers responsible for providing telephone hotline assistance must have received training on the dynamics of domestic violence, the program's services, and the availability of residential programs for victims of domestic violence and of other community resources.

(2) *Information and referral services* which means:

- (i) providing information about and referral to community services and programs which meet the individual needs of victims of domestic violence including, but not limited to, referral to residential programs for victims of domestic violence and to medical services;
- (ii) providing alleged perpetrators of domestic violence, upon request, with information and referral to existing community services and programs which may meet the individual needs of such persons; and
- (iii) maintaining and making accessible a list of community services and programs which it is reasonable to expect may be required by victims of domestic violence, their minor children and other family or household members.

(3) *Advocacy* which means providing liaison services or active intervention with community services and programs on behalf of victims of domestic violence.

- (i) Such services must include, and are not limited to, assistance in accessing legal remedies and protections and law enforcement personnel; obtaining medical care, social services, employment and housing; and obtaining and submitting public assistance applications.
- (ii) The employees and volunteers responsible for advocacy services must be knowledgeable about the community

services and programs that are available to meet the needs of victims of domestic violence, and of the rights of victims of domestic violence to obtain necessary services and assistance.

(4) *Counseling* refers to crisis intervention, emotional support, guidance and counseling provided by advocates, case managers, counselors or mental health professionals. Such counseling may occur in person or by telephone.

(i) The counseling provided must stress self-sufficiency and must:

- (a) address the needs identified by the victims;
- (b) assist the victims to seek services on their own behalves;
- (c) inform the victims of the options available to enhance their safety and the safety of their minor children;
- (d) inform the victims of the nature of domestic violence and its effects on children as appropriate;
- (e) inform the victims of the legal, financial and housing options available to them; and
- (f) assist the victims to improve their problem-solving skills.

(ii) Mediation or counseling for couples must not replace the individual and/or group counseling which must be made available to victims of domestic violence pursuant to this subdivision. Nothing in this provision requires that mediation or counseling for couples be provided, and would not be considered a core service.

(iii) The employees and volunteers responsible for providing counseling must have the appropriate skills and training.

(5) *Community education/outreach activities* which means providing educational activities to the community regarding the need for and benefits of domestic violence services, the dynamics of domestic violence, and the prevention of domestic violence by making presentations, distributing written materials and using the media.

(i) When there is more than one agency in the community providing non-residential and/or residential services to victims of domestic violence, a non-residential program must make an effort to coordinate its community education/outreach activities with these other agencies.

(ii) A segment of the community education/outreach activities must be focused on informing the personnel of schools, police agencies, courts, hospitals and social services districts about the availability of the program's services.

(iii) A segment of the community education/outreach activities also must be focused on informing victims of domestic violence, including underserved populations, about existing services for such victims. The community education/outreach activities must be relevant to the ethnic composition of the community.

(iv) To ensure the safety of persons receiving services for victims of domestic violence and the confidentiality of their identities, the community education/outreach activities must not identify the location where residential services for victims of domestic violence are provided.

(6) *Language access services*, which means providing interpretation and translation services for limited and/or non-English speaking victims of domestic violence.

(b) *Optional services*. Each nonresidential program for victims of domestic violence operated directly by a social services district or by a not-for-profit organization pursuant to a purchase of services contract with a social services district may provide any of the following optional services:

(1) *Children's services* which means the program, in collaboration with the parent receiving services:

- (i) assisting victims of domestic violence in arranging child care for their children when such care is necessary to enable the victims to seek services or to participate in activities which would alleviate the victims' needs for



nonresidential services for victims of domestic violence; and

(ii) offering and providing appropriate counseling to the children of victims of domestic violence.

(2) *Support groups* which means providing peer support to interested victims of domestic violence by conducting meetings during which groups of victims discuss their experiences with domestic violence.

(i) Support groups must be coordinated by a qualified employee or trained volunteer.

(ii) Support groups may not replace the individual and/or group counseling which must be made available to victims of domestic violence pursuant to subdivision (a) of this section.

(3) *Transportation* which means making transportation available to victims of domestic violence so they can secure legal, medical, housing, employment or public assistance services by providing such transportation directly or by assisting victims to obtain available public or private transportation where possible.

### Credits

Sec. filed Jan. 24, 1978; renum. 425.4, filed April 26, 1978; new filed May 18, 1993 eff. June 2, 1993; amd. filed March 18, 2020 eff. April 1, 2020.

Current with amendments included in the New York State Register, Volume XXLII, Issue 14 dated April 8, 2020. Court rules under Title 22 and Executive Orders under Title 9 may be more current.

18 NYCRR 462.4, 18 NY ADC 462.4

---

Compilation of Codes, Rules and Regulations of the State of New York <small>Currentness</small>
Title 18. Department of Social Services
Chapter II. Regulations of the Department of Social Services
Subchapter C. Social Services
Article 5. Adult and Family Services
Part 462. Nonresidential Services for Victims of Domestic Violence (Refs & Annos)

18 NYCRR 462.5

Section 462.5. Staffing requirements

Each nonresidential program for victims of domestic violence operated directly by a social services district or by a not-for-profit organization pursuant to a purchase of services contract with a social services district must comply with the following staffing requirements:

(a) *General requirements.*

- (1) The term *staff persons*, as used in this Part, means the compensated employees and the volunteers of a program.
- (2) Prior to assuming any responsibilities as a staff person of such program, each staff person must be provided with a copy of the person's job description and must receive an orientation to the services provided by the program which includes a discussion of confidentiality issues, child abuse reporting requirements, program policies and procedures, and job responsibilities.
- (3) A written training plan must be developed for those staff positions involved in the direct provision of core services.
  - (i) This plan must include a description of the content of the orientation as described in this subdivision and address how staff will receive on-going training.
  - (ii) Effective April 20, 2020, the plan must include training in diverse childhood experiences, also known as ACEs for each employee.
  - (iii) The plan may include and need not be limited to training in the following topics:
    - (a) Dynamics of domestic violence, including an understanding of the ongoing patterned use of intimidation, coercion, and violence to establish and maintain dominance over an intimate partner; and an understanding of coercive control tactics which can include physical, psychological, sexual economic and/or emotional abuse;
    - (b) Child abuse reporting requirements, including identification and prevention of child abuse and maltreatment, how to make a report to the state central register, reporting protocols, and what information can be provided during investigations;
    - (c) Statutes and regulations pertaining to non-residential programs for victims of domestic violence;
    - (d) Confidentiality issues which include the protection of personally identifying information of victims of domestic violence; protection of the physical addresses of residential programs for victims of domestic violence; protection of the identity of victims of domestic violence;

(e) Legal remedies including providing an understanding of the legal rights and options available to victims of domestic violence. Legal remedies do not mean providing legal advice and/or representation by someone other than an attorney;

(f) Community resources and services, including community and/or government resources that can help victims of domestic violence meet their basic needs. Basic needs include and are not limited to: food, health, and housing. Services may include and are not limited to: transportation, employment, housing, health care, mental health care, alcohol/substance abuse, and social services;

(g) Organizational policy which includes: reviewing the organization's policies/personnel manual, time and attendance, job descriptions, safety and security, confidentiality, data systems, grievance protocols, etc.;

(h) Substance use, including and not limited to, understanding the needs of individuals struggling with substance use; how and when to seek emergency medical services for overdoses; and information regarding options available for residents who request information and/or referral for substance abuse treatment;

(i) Mental health, including and not limited to, an understanding of the impact of trauma to the health of domestic violence victims and their children; understanding the needs of individuals with developmental disabilities and/or mental health conditions; how to assist residents who request professional mental health services with access to those services;

(j) Diversity and inclusion, which includes: understanding how culture, ethnicity, religion, sexuality and/or gender identity/expression can influence/impact domestic violence victims; how to provide services to victims in a respectful manner as to increase the quality of services and provide better outcomes.

(4) All compensated employees or volunteers providing direct provision of core services must have an individualized development plan that identifies trainings completed and future training topics the individual may need to increase their knowledge and/or skills needed to carry out their duties. The agency may exempt any person from participating in a particular topic upon demonstration of substantially equivalent knowledge or experience to that topic.

(5) The program must maintain verification of completion of training requirements and provide such verification to the upon request.

(b) *Staff qualifications.*

(1) Administration. Each program must employ a qualified director who is responsible for ensuring that all eligible persons receive the core services and available optional services specified in section 462.4 of this Part which are needed by such persons. A director must have four years of relevant work experience, one year of which must include supervisory experience.

(i) Relevant work experience includes paid or volunteer work experience with victims of domestic violence and/or the direct provision of human services.

(ii) College credits in a related course of study may be substituted for the nonsupervisory work experience requirements on a prorated basis.

(2) Services staff.

(i) The director must designate and identify a sufficient number of qualified staff who will be responsible for directly providing the core services and any available optional services specified in section 462.4 of this Part. The director may perform these functions in place of a qualified staff person.

(ii) Any staff person designated to provide one or more of the core services and/or optional services specified in section 462.4 of this Part must have one year of relevant work experience as defined in paragraph (1) of this

subdivision.

(a) Training provided by the program and/or other agencies on the following topics may be substituted for the relevant work experience:

- (1) dynamics of domestic violence;
- (2) child abuse reporting requirements;
- (3) confidentiality issues;
- (4) legal remedies; and
- (5) community resources and services.

Twelve hours of such training may be substituted for one year of relevant work experience. Six hours of such training may be substituted for six months of relevant work experience.

(b) Any staff person designated to provide children's counseling also must have relevant work experience, education or training in child development.

(3) Transportation. Any staff person directly providing transportation services must have a valid New York State driver's license for the types of vehicles which that staff person will use.

### Credits

Sec. filed Jan. 24, 1978; renum. 425.5 filed April 26, 1978; new filed May 18, 1993 eff. June 2, 1993; amd. filed March 18, 2020 eff. April 1, 2020.

Current with amendments included in the New York State Register, Volume XXLII, Issue 14 dated April 8, 2020. Court rules under Title 22 and Executive Orders under Title 9 may be more current.

18 NYCRR 462.5, 18 NY ADC 462.5

---

End of Document

© 2020 Thomson Reuters. No claim to original U.S. Government Works.

Compilation of Codes, Rules and Regulations of the State of New York <small>Currentness</small>
Title 18. Department of Social Services
Chapter II. Regulations of the Department of Social Services
Subchapter C. Social Services
Article 5. Adult and Family Services
Part 462. Nonresidential Services for Victims of Domestic Violence (Refs & Annos)

18 NYCRR 462.6

Section 462.6. Client eligibility requirements

(a) *General requirements.* A person who is a victim of domestic violence, as defined in section 462.2(e) of this Part, is eligible for non-residential services for victims of domestic violence whether or not the person is financially eligible for public assistance and care.

(b) *Method of determining client eligibility.*

(1) Eligibility for nonresidential services for victims of domestic violence will be on a group eligibility basis. Individual applications for such services will not be required.

(2) A person will be deemed eligible for non-residential services for victims of domestic violence when such person provides information that he or she is a victim of domestic violence as defined in section 462.2(e) of this Part. The person may provide oral and/or documentary information to establish such eligibility. Once information is provided which establishes that the person is a victim of domestic violence, the person may not be required to provide any additional information for the purpose of determining eligibility.

(c) Non-residential programs for victims of domestic violence must provide appropriate services for all victims of domestic violence, regardless of race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, marital status, or disability.

**Credits**

Sec. filed Jan. 24, 1978; renum. 425.6, filed April 26, 1978; new filed May 18, 1993 eff. June 2, 1993; amd. filed March 18, 2020 eff. April 1, 2020.

Current with amendments included in the New York State Register, Volume XXLII, Issue 14 dated April 8, 2020. Court rules under Title 22 and Executive Orders under Title 9 may be more current.

18 NYCRR 462.6, 18 NY ADC 462.6

Compilation of Codes, Rules and Regulations of the State of New York <small>Currentness</small>
Title 18. Department of Social Services
Chapter II. Regulations of the Department of Social Services
Subchapter C. Social Services
Article 5. Adult and Family Services
Part 462. Nonresidential Services for Victims of Domestic Violence (Refs & Annos)

18 NYCRR 462.7

Section 462.7. Records and reports

Each nonresidential program for victims of domestic violence operated directly by a social services district or by a not-for-profit organization pursuant to a purchase of services contract with a social services district must comply with the following record and reporting requirements.

(a) *Individual case records.* Each program must maintain an individual case record containing the following information for each family receiving nonresidential services for victims of domestic violence:

- (1) the name of the person requesting services;
- (2) the date the services were requested;
- (3) the reason the services were requested;
- (4) the name(s) of any of the person's minor children and/or other family or household members receiving nonresidential services; and
- (5) the types of core services and optional services provided to the person, the person's minor children and/or other family or household members and the dates such services were provided.

(b) *Program records*

- (1) Daily log. Each program must maintain a daily log recording the number of telephone hotline calls and other telephone calls regarding information and/or referral services received by the program.
- (2) Program policy and personnel records. Each program must maintain the following program policy and personnel records.
  - (i) Written program policies and procedures relating to the provision of nonresidential services for victims of domestic violence must be maintained.
  - (ii) There must be written personnel policies which include a nondiscrimination clause and which describe the terms and conditions of employment including hours of work, salary, vacation and sick leave, benefits, overtime policy, and any requirements regarding attendance at educational and training programs.
  - (iii) Individual personnel records must be maintained for each person responsible for providing non-residential

services for victims of domestic violence. Such records must include the following information:

- (a) the name of the person, age, social security number, current home address and a person to contact in the event of an emergency;
- (b) the names and addresses of the educational institutions the staff person attended, dates of graduation, degrees or certificates conferred, and information regarding any education and/or training received which will be used by the staff person as a substitute for the relevant work experience requirements for the position held by such staff person;
- (c) all professional experience and previous employment, including the names and locations of previous employers and the dates of employment which will be used by the staff person to meet the relevant work experience requirements for the position held by such staff person; and
- (d) the New York or other state licensure or registration number, year of original issuance and expiration date of any relevant license or registration held by the staff person.

(c) *Record retention.*

- (1) Operational records must be maintained for a minimum period of six years.
- (2) Individual case records must be retained by the program for a minimum of six years after the individual stops seeking non-residential services. If the individual returns for non-residential services as a result of a new domestic violence incident, the record retention period starts over.
- (3) Once a program determines the record(s) must be destroyed, it must do so in a manner that maintains the confidentiality of the records.

**Credits**

Sec. filed May 18, 1993 eff. June 2, 1993; amd. filed March 18, 2020 eff. April 1, 2020.

Current with amendments included in the New York State Register, Volume XXLII, Issue 14 dated April 8, 2020. Court rules under Title 22 and Executive Orders under Title 9 may be more current.

18 NYCRR 462.7, 18 NY ADC 462.7

---

Compilation of Codes, Rules and Regulations of the State of New York <small>Currentness</small>
Title 18. Department of Social Services
Chapter II. Regulations of the Department of Social Services
Subchapter C. Social Services
Article 5. Adult and Family Services
Part 462. Nonresidential Services for Victims of Domestic Violence (Refs & Annos)

18 NYCRR 462.8

Section 462.8. Reporting of child abuse

(a) Employees of non-residential program for victims of domestic violence operated directly by a social services district or by a not-for-profit organization pursuant to a purchase of services contract with a social services district must report any incidents of suspected child abuse or maltreatment to the Statewide Central Register of Child Abuse and Maltreatment (SCR), or cause such a report to be made, when an employee has reasonable cause to suspect that a child coming before them has been abused or maltreated, or when a child's parent or other person legally responsible for a child comes before them in their professional or official capacity and provides information that gives the employee a reasonable basis to suspect that a child is being abused or maltreated. This must be done in the following manner:

(1) Non-residential programs for victims of domestic violence must make an immediate report to the SCR by telephone, followed by a written report within 48 hours, in the form and manner prescribed by the Office, to the child protective service of the social services district in the county in which the child resided at the time of the suspected incident.

(2) After making the initial report, the reporting employee must immediately notify the director of the program or a designee that the report was made.

**Credits**

Sec. filed May 18, 1993 eff. June 2, 1993; amd. filed March 18, 2020 eff. April 1, 2020.

Current with amendments included in the New York State Register, Volume XXLII, Issue 14 dated April 8, 2020. Court rules under Title 22 and Executive Orders under Title 9 may be more current.

18 NYCRR 462.8, 18 NY ADC 462.8

---

End of Document

© 2020 Thomson Reuters. No claim to original U.S. Government Works.



Compilation of Codes, Rules and Regulations of the State of New York <small>Currentness</small>
Title 18. Department of Social Services
Chapter II. Regulations of the Department of Social Services
Subchapter C. Social Services
Article 5. Adult and Family Services
Part 462. Nonresidential Services for Victims of Domestic Violence (Refs & Annos)

18 NYCRR 462.9

Section 462.9. Confidentiality

Each nonresidential program for victims of domestic violence operated directly by a social services district or by a not-for-profit organization pursuant to a purchase of services contract with a social services district must comply with the following confidentiality requirements.

(a) *Access to information.* All records, books, reports and papers established and maintained pursuant to this Part relating to the operation of the program and to the persons who receive services from the program are confidential except that the following persons and entities have access to such information under the following circumstances:

(1) the Office and any social services district contracting with the program for the provision of non-residential services for victims of domestic violence will have access, on-site at the program's Office, to the following information:

(i) all books, records, reports and papers relating to the operation of the program;

(ii) the specific information regarding the persons receiving services from the program which must be maintained in individual case records in accordance with section 462.7(a) of this Part; and

(iii) access to personally identifying information is only permitted upon the informed, written, reasonably time-limited consent from the person receiving services;

(2) any person or entity pursuant to an order of a court of competent jurisdiction;

(3) a person receiving services from the program will have access to all information maintained in that person's individual case record in accordance with section 462.7(a) of this Part; provided, however, that a perpetrator or an alleged perpetrator or domestic violence may have access only to the information in the individual case record which pertains to the services provided to the perpetrator or alleged perpetrator;

(4) an employee or official of a Federal, State or local agency will have access, for the purposes of conducting a fiscal audit, to records relating to the financial and program operations of such a nonresidential program for victims of domestic violence other than to the individual case records which must be maintained in accordance with section 462.7(a) of this Part; and

(5) a program may permit a person engaged in a bona fide research purpose access to information consistent with applicable law and regulations; provided, however, that in no case will such person have access to personally identifying information regarding persons receiving services unless such persons have provided informed, written, time-limited consent to their personally identifying information.

(b) *Disclosure.*

(1) An agency or person given access to any books, records, reports and papers relating to the operation of a nonresidential program for victims of domestic violence pursuant to subdivision (a) of this section or relating to persons receiving services from such a program must not disclose or make public such information except:

- (i) an agency or person may disclose such information pursuant to an order of a court of competent jurisdiction;
- (ii) an agency or person may disclose such information to a person or entity otherwise authorized to have access pursuant to subdivision (a) of this section for purposes directly related to the administration of a nonresidential program for victims of domestic violence;
- (iii) an agency or person may disclose such information when otherwise authorized by statute;
- (iv) an agency or person may disclose information pertaining to a person receiving services from such a program pursuant to informed, written, reasonably time-limited consent from the person to whom the information pertains;
- (v) a federal, State or local agency which has conducted a fiscal audit of such a program may disclose a final report regarding the findings of the audit to the public; provided, however, that in no case may information which would identify any person receiving services from the program or the location of the places where residential services for victims of domestic violence are provided be disclosed; or
- (vi) a person engaged in a bona fide research purpose may disclose the findings of such research to the public; provided, however, that in no case may personally identifying information of any victim of domestic violence or the location of the places where residential services for victims of domestic violence are provided be disclosed.

(2) An employee of the New York State Office of Children and Family Services or of a local social services district given access to information pursuant to this section who re-discloses such information in a manner which is not consistent with the provision of this Part may be subject to disciplinary action in accordance with applicable collective bargaining agreements and laws and regulations.

**Credits**

Sec. filed May 18, 1993 eff. June 2, 1993; amd. filed March 18, 2020 eff. April 1, 2020.

Current with amendments included in the New York State Register, Volume XXLII, Issue 14 dated April 8, 2020. Court rules under Title 22 and Executive Orders under Title 9 may be more current.

18 NYCRR 462.9, 18 NY ADC 462.9

---

Compilation of Codes, Rules and Regulations of the State of New York <small>Currentness</small>
Title 18. Department of Social Services
Chapter II. Regulations of the Department of Social Services
Subchapter C. Social Services
Article 5. Adult and Family Services
Part 462. Nonresidential Services for Victims of Domestic Violence (Refs & Annos)

18 NYCRR 462.10

Section 462.10. Reimbursement for social services district expenditures

(a) Expenditures made by a social services district for those non-residential services for victims of domestic violence which are included in the social services district's multiyear consolidated services plan (which has been approved by the Office pursuant to section 34-a of the Social Services Law) will be reimbursed at the applicable percentage as delineated in the enacted budget as follows:

- (1) to the extent funds are appropriated therefore and the social services district has exhausted its allocation under title XX of the Federal Social Security Act; and
- (2) after first deducting therefrom any Federal funds received or to be received therefore.

(b) Reimbursement by the Office to a social services district for nonresidential services for victims of domestic violence must be claimed on such forms and in such a manner as the Office may require.

**Credits**

Sec. Filed May 18, 1993 eff. June 2, 1993; amd. filed March 18, 2020 eff. April 1, 2020.

Current with amendments included in the New York State Register, Volume XXLII, Issue 14 dated April 8, 2020. Court rules under Title 22 and Executive Orders under Title 9 may be more current.

18 NYCRR 462.10, 18 NY ADC 462.10

---

End of Document

© 2020 Thomson Reuters. No claim to original U.S. Government Works.