

Safety Shortage: The unmet Housing and Shelter Needs of NYC's DV Survivors

Executive Summary

Each year in New York City thousands of survivors of domestic violence make the decision to leave an abusive partner. In search of safety for themselves and their children, they call the City and ask to be placed in an emergency shelter. Last year, a third of these survivors were told that despite the danger they faced, there was simply no room for them in the City's domestic violence shelters. At the end of 2004, the City implemented a new re-housing policy, and in the months after, the number of survivors seeking shelter decreased. Unfortunately, this did not mean the number of violent incidents decreased. Advocates report that one of the most negative results of the housing policy shift is that survivors might have stayed in dangerous homes longer.¹ With few realistic housing options in place, survivors fear they will have to return to an even angrier abuser soon after they leave.

Those who are placed in an emergency domestic violence shelter find that getting into the system is not enough – they soon have to find a safe way out. Without access to a safe place to live, survivors who reach their time limit in domestic violence shelters may feel they have no choice but to return to their abusive home.

City officials recognize that for low-income individuals and families in New York City, finding safe, affordable housing without government financial assistance is difficult, if not impossible. Yet rather than expand access to housing, a life-saving resource for domestic violence survivors, the City has recently made the housing assistance provided to survivors more difficult to access, resulting in a far less safe environment.

This chapter explores the systems in place to respond to the shelter and housing needs of the City's domestic violence survivors and highlights a number of areas in which change is desperately needed. The Public Advocate would like to draw the Bloomberg Administration's attention most immediately to the serious flaws in the housing subsidy, Housing Stability Plus.

Summary of Findings

- The Housing Stability Plus (HSP) subsidy will not provide stable housing for many domestic violence shelter residents. Domestic violence shelter providers estimate that between 20 and 30 percent of survivors in shelter will not even be eligible to apply, simply because they are not public assistance recipients. For example, those who are employed or disabled and receiving disability benefits, will likely be ineligible for HSP.
- Those survivors who are eligible for HSP must have resided in a domestic violence shelter for 42 days before they apply. Because they may stay in an emergency shelter for only 90 to 135 days, survivors who receive the subsidy

¹ Phone conversation between Allegra Perhaes, Safe Horizon, and Laurel Tumarkin, Office of the New York City Public Advocate, March 28, 2005.

have only between 48 and 93 days to secure permanent safe housing. Given the difficulty of this task, this is too short a period of time.

- The New York City Housing Authority's (NYCHA's) policies, combined with the Department of Homeless Service's (DHS's) recent policy changes, make it difficult for domestic violence survivors to obtain public housing apartments.
- In addition to the lack of available affordable housing, survivors of domestic violence encounter other barriers related to their history of abuse in their search for housing.
- The City's *New Housing Marketplace* plan, as well as its supportive housing loan program, do not take the housing needs of domestic violence survivors into account.
- Despite the growth in the system, the City's domestic violence emergency and transitional shelters still cannot accommodate all of those in danger; last year, a third of the eligible callers to the City's domestic violence hotline were told there was no room for them in an emergency domestic violence shelter.
- The homeless shelter system operated by DHS was never meant to serve survivors of domestic violence and their children, and in general, cannot serve them appropriately.
- Survivors who reach their time limit in domestic violence shelter and have nowhere to turn but the homeless shelter system must apply at the EAU or PATH intake offices, despite the fact that it may be dangerous for them to travel to those locations. This requirement places an unnecessary burden on survivors and their children, who have already demonstrated their need for assistance.

Summary of Recommendations

- Improve the HSP program so that it will provide adequate housing assistance for survivors and their children. The HSP program should be available to survivors not receiving public assistance. Additionally, the annual 20% reduction in the value of the subsidy and the five-year time limit on receipt of the subsidy should be removed.
- Provide domestic violence survivors greater access to NYCHA housing by restoring the "homeless" priority process. The onerous domestic violence documentation required to receive the "DV" priority for NYCHA housing should be carefully reconsidered.
- Increase the supply of permanent affordable housing available to domestic violence survivors.

- Allow emergency domestic violence shelter residents and their children more time in shelter so that they will not be discharged without having a safe place to go.
- Increase the number of domestic violence Tier II units available to survivors.
- Allow survivors who reach their time limit in domestic violence shelter to transfer to a DHS transitional shelter without requiring that they apply at the EAU or PATH intake offices.

Acting Like Adults: Teenagers and Dating Violence **Executive Summary**

Across the country, more and more people are becoming aware of the scourge of domestic violence. Police, politicians, and the press are beginning to acknowledge that domestic violence is a problem that affects millions of people in the United States. Unfortunately, there is still not sufficient awareness of the high numbers of young people who are engaged in violent dating relationships. Many young people, both victims and perpetrators, lack services and support.

This chapter explores the extent to which teen dating violence is a problem in New York City and examines the City's role in educating young people about the risks of dating violence and the steps it has taken, and still needs to take, to keep them safe. It also looks at what assistance and relief may be available to young survivors in New York City.

Summary of Findings

- Ninety-seven percent of teenagers who are in violent relationships do not disclose the abuse to adults. If they speak to anyone, they are most likely to speak to their friends and peers.
- Because of Department of Education (DOE) policy, survivors of relationship abuse often remain in the same schools as their batterers. There are only limited circumstances under which students can be transferred out of schools in the event of a violent incident. The only recourse consistently available to a victim is to request a safety transfer, which she may or may not be granted, and which penalizes her for the abuse she has suffered.
- Suspending batterers from school does not offer victims any real, permanent protection. Suspended batterers return to school after the suspension is over, sometimes just six days later, exposing their victims to a risk that is potentially even greater than before.
- The DOE neither has a uniform policy nor designated personnel to handle teen relationship abuse. The DOE does not have a coordinator specifically designated to address the problems of relationship abuse among youth. The lack of a uniform policy has led to a piecemeal approach in schools that makes the method for handling relationship abuse inconsistent and unpredictable from school to school.
- Teachers and other school staff do not receive training on how to identify and prevent dating violence among their students.
- While the DOE has some programs to teach students about relationship abuse, those programs are only in a limited number of schools. The DOE has

a new health curriculum, which reportedly contains a segment on relationship abuse, but it remains to be seen how extensive and appropriate this curriculum will be.

- The DOE does not track how many students have reported being in a violent relationship or have sought help from their schools during the school day as a result of their violent relationships. Without this critical information, it is impossible to know the extent of the problem in the schools, to figure out the best ways of addressing it, and to know what resources should be dedicated to it.
- Young people who do not have a child in common with their batterer are unable to obtain civil orders of protection from the Family Courts. In order for this to change, the State Legislature would have to amend the law. In 2004, the City Council passed a resolution calling on the State Legislature to allow persons in violent dating relationships to petition the family courts for an order of protection. Related bills have passed the State Assembly a number of times, but they have repeatedly stalled in the State Senate.

Summary of Recommendations

- The DOE should post the City's Domestic Violence Hotline and Youthline phone numbers in all appropriate locations in junior high, middle, and high schools. Locations should include places students are most likely to read the postings, such as bathrooms and locker rooms. Postings should also include an informational checklist of warning signs of abusive behavior.
- The DOE should modify its school transfer policy to require and simplify the transfer of batterers from schools they attend with their victims. It is unacceptable that a victim's only way to feel safe in school is to ask for a safety transfer herself. The DOE transfer policy should not violate the batterer's due process rights, but it should allow for a transfer when violent acts occur either on- or off- campus. At a bare minimum, an order of protection should trigger a hearing for an involuntary transfer of the batterer.
- The DOE should implement a uniform policy in schools for handling teen relationship abuse. A uniform school policy should include a variety of elements, including safety planning with the victim, class and lunch period schedule changes, suspensions or transfers, dissemination of information to teachers and security personnel, counseling for the victim and perpetrator, locker assignment changes, letters to the perpetrator's parents or guardians, and staggered school departure times for the victim and batterer.
- The State Department of Education should include a workshop on teen relationship violence in teacher certification requirements. The workshop should include information on identifying relationship abuse and information

on resources and services available to students experiencing relationship abuse.

- To the extent possible, the DOE should expand its RAPP program, or otherwise ensure that domestic violence advocates, are able to come into each and every junior high, middle, and high school to speak with the students about relationship abuse.
- The DOE should designate a coordinator to combat student dating violence. The position would include responsibility for tracking incidents of teen dating violence, tracking enforcement of orders of protection in schools, and implementing a uniform citywide response to student dating violence.
- The State Legislature should enact legislation allowing persons who are in violent dating relationships to petition for orders of protection in Family Court.

**Caring for the Children: Improving the City’s Relationship with Children Exposed
to Domestic Violence**
Executive Summary

Children are uniquely affected by the presence of domestic violence in the home. Even if they are not on the receiving end of a physical or verbal attack, they may experience lifelong consequences as a result of the exposure. While increased attention is being paid to the impact of domestic violence on child witnesses to domestic violence, more needs to be done to prevent the exposure in the first place and to provide services to those who have already been exposed.

This chapter explores the extent to which New York City has begun to take steps to aid this vulnerable population and identifies areas where improvements still need to be made. The Administration for Children’s Services (ACS) has developed many new initiatives to improve its work with this population, but several of these have not been fully implemented and there are other areas that still need to be addressed. As a whole, the City needs to focus more attention on providing mental health and counseling services to those children who have witnessed domestic violence so that they can recover as fully as possible.

Summary of Findings

- ACS does not screen to determine whether anyone in prospective adoptive and foster homes has a history of perpetrating domestic violence.
- Batterers and their families and friends can continue to perpetrate abuse by calling the state child abuse hotline and making false allegations.
- As the result of a court case against the agency, ACS has dramatically decreased the number of removals of children from mothers who are victims of domestic violence and has implemented a series of initiatives to improve its handling of child welfare cases involving domestic violence.
- ACS is ineffectively and infrequently using Clinical Consultation Teams on domestic violence cases.
- ACS has failed to ensure adequate training for many important frontline workers and has not mandated that supervisors and directors of preventive services agencies receive training in domestic violence dynamics from domestic violence specialists.

Summary of Recommendations

- ACS must screen all potential adoptive and foster homes in the Domestic Violence Registry to ensure that the homes are violence free.

- ACS should make a public service announcement promoting the importance of calling the child abuse hotline if abuse or neglect is suspected but should also warn that deliberately making a false report is a crime.
- ACS must ensure that all workers are adhering to the domestic violence policy reforms the agency has implemented over the past few years and are integrating its Guiding Principles on domestic violence into the daily activities of its frontline caseworkers.
- ACS must mandate caseworkers to utilize Clinical Consultation Teams in every case involving domestic violence.
- ACS must mandate that all caseworkers at foster care contract agencies receive specialized training on domestic violence issues.
- ACS must mandate that all supervisors and directors at preventive services agencies receive training on the dynamics of domestic violence from domestic violence experts.

**Criminal (and Civil) Confusion: Survivors and New York’s Complicated Court
Systems
Executive Summary**

After a survivor of domestic violence separates from her batterer, she may need to seek relief from the court or may be forced to go to court by her batterer. For many survivors, the court process can be baffling, emotionally draining, humiliating and time-consuming.

In New York City, there are several different courts that a survivor may have to navigate. These courts include the Family Court, the Supreme Court, and the Criminal Court. At any one time, a survivor can have simultaneous cases in any combination of these three court systems, depending on her particular circumstances. It is also possible that her cases can be combined and heard in an innovative Integrated Domestic Violence Court (IDV).

The court process can be confusing and overwhelming for a survivor. She may not understand why there are multiple cases going on in multiple courts, and she may not be fully aware of her legal rights if she is unable to find a free or low cost lawyer or has a court-appointed lawyer who does not return her calls. In addition, she may not be able to communicate well if English is not her first language and no interpreters are available. Finally, going to court can be a financial strain if she has hired an attorney or has to miss valuable days of work to appear for her various cases.

A combination of overburdened courts, and shortages of free lawyers, court interpreters, and supervised visitation programs contributes to survivors facing multiple delays and obstacles in accessing justice.

Summary of Findings

- The State Legislature has failed to provide for an adequate number of Family Court judges in New York City and throughout New York State. There are only 47 Family Court judges in New York City, and only a fraction of them hear family offense petitions. The judge-to-case ratio results in survivors’ cases taking an unreasonably long time to get resolved, making it difficult for survivors to move on with their lives.
- Survivors who need court interpreters have delayed cases and may have interpreters that are unable to appropriately translate their testimony. Interpreters are frequently unlicensed, untrained, unevaluated, and unaccountable for their actions.
- Lack of funding and budget cuts have resulted in a limited number of supervised visitation programs in New York City. There are not enough sites to accommodate all of the families who need supervised visitation.

- Domestic violence victims have limited access to legal assistance because there are not nearly enough domestic violence attorneys available in New York City to provide representation for the overwhelming number of victims. In 2002, over 27,000 Family Offense petitions were filed in New York City. Currently, there are approximately 314 lawyers available to be appointed by the court in order of protection proceedings citywide, and fewer than 80 attorneys providing free legal services to domestic violence survivors from non-profit organizations.
- The innovations of the IDV courts have helped ease some of the difficulties survivors have historically had to overcome in the court system. The IDV courts have helped to simplify the system and to connect survivors with much needed services.

Summary of Recommendations

- The State Legislature should expand the number of Family Court judges in New York City. The system is too overburdened to adequately meet the needs of those requiring assistance.
- The State should ensure that all foreign language speakers with cases in court are given certified interpreters who are sensitive to issues surrounding domestic violence and are fluent in their native language and in English.
- The City should increase funding for supervised visitation programs.
- The City should contract with more legal services organizations to accept 18b funds so that they can hire more attorneys to represent survivors of domestic violence.

Arresting Domestic Violence: New York's Criminal Justice System Aids and Hurts
Survivors
Executive Summary

Of the sixty-seven family related homicides committed in 2004 in New York City, close to seventy percent of the cases had no previous contact with the police. It is imperative for all the different components of the criminal justice system to encourage survivors to reach out for help. Police officers are often the first responders to a domestic violence victim's cry for help. It may be that by receiving a positive and effective response from the officers and other members of the criminal justice system, the survivor will have the courage to continue taking steps to free herself from the terrifying situation in which she lives.

All of the different parts of the criminal justice system have made tremendous progress in aiding survivors of domestic violence since the enactment of New York State's mandatory arrest law in 1994. In recent years, new laws and innovative technologies have been helping to fight domestic violence, and improving the criminal justice system's response to domestic violence. District Attorneys in New York City have established specialized prosecution bureaus and victim advocacy programs in their offices. The court system has established specialized criminal court parts in New York City to handle domestic abuse cases. Finally, new evidence-gathering technologies have helped prosecutors develop stronger cases against perpetrators of domestic violence.

However, some improvements in intervention and outreach are still needed. While many police officers respond appropriately to domestic violence calls, there are still some who do not follow protocol. Some survivors are re-victimized by policies that were created to protect them, and others still hesitate to engage the criminal justice system at all.

Summary of Findings

- New York State has not conducted a comprehensive study of its mandatory arrest law to determine its effectiveness locally and the law is scheduled to sunset in 2007.
- The New York Police Department currently has no system to track dual-arrests or cross-complaints in domestic violence cases. Without this information, it is impossible to determine the effectiveness of the State's mandatory arrest law in New York City.
- Advocates report that some law enforcement officers, including those in the NYPD, Department of Probation, Department of Corrections, Division of Parole, and court officers may not act properly when a fellow officer is accused of being a batterer.

- Advocates report that some law enforcement officers are not sensitive to the unique situations and cultures of underserved populations in New York City, including survivors of color, and especially immigrant and LGBT survivors
- The NYPD's LanguageLine pilot project was successful and has been expanded to all precincts.
- When responding to calls, the NYPD is not mandated to give victims of domestic violence information about services that can help protect them from further abuse, such as phone numbers for DV hotlines, information on obtaining an order of protection, or how to access domestic violence shelters.
- Some NYPD officers may not collect all of the admissible evidence at domestic violence crime scenes.
- The District Attorneys of each borough have different philosophies for determining when and how to prosecute domestic violence cases. It is impossible to determine which is the best approach, as simply looking at the numbers of convictions, dismissals, and dropped cases does not tell the full story.
- There is often a delay of up to several days between when an order of protection is issued and the survivor receives a copy in her hands.
- Prosecutors and lawyers defending battered women often disagree as to who the victim is in certain cases.
- Prosecutions of batterers who have violated parole often require survivors to testify against their batterers. Such experiences can be difficult for survivors, and are often unnecessary for successful prosecutions.

Summary of Recommendations

- New York State should extend mandatory arrest so that a study of the true impact of the law in the state can be completed.
- NYPD should modify its on-line booking sheet so that it can track whether or not a case is one-half of a cross-complaint or dual arrest.
- All law enforcement agencies should enforce their procedures and policies around the steps to take when a batterer is a part of the criminal justice system.
- Other officers who act inappropriately when domestic violence cases involve fellow officers, such as using their position to intimidate or discourage a

survivor from filing a complaint, harass a survivor or batterer, or shield a fellow officer, should be held accountable for their actions.

- All law enforcement agencies should ensure that their officers receive ongoing sensitivity training on cultural and immigration issues in domestic violence cases.
- The NYPD should mandate that officers responding to domestic violence calls carry palm cards with them that they can leave with victims.
- The NYPD should continue to work with city District Attorneys around training officers on non-photograph-based evidence collection during responses to domestic violence calls, such as on the importance of information on domestic incident reports, and recording the excited utterances² of victims, batterers, and children.
- District Attorneys should assess each domestic violence case individually and speak with and counsel the survivor as to what actions are most appropriate to her situation.
- District Attorneys, the NYPD, and the criminal court system should work together to ensure that survivors receive their orders of protection as quickly and seamlessly as possible.
- Prosecutors and attorneys defending battered women accused of committing an act against their batterers, should engage in ongoing dialogues about complicated cases, so that a greater understanding can be reached.
- The Department of Parole should develop a policy for pursuing evidence-based prosecution on parole violations in all cases where the perpetrator has a history of domestic violence for all feasible cases.

² An excited utterance is a statement made by a person while s/he is still under the stress of excitement caused by a startling event or condition. The statement must relate to the startling event. American Prosecutors Research Institute, *DV 101*, available at: http://www.ndaa-apri.org/programs/vawa/dv_101.html.

**Fleeing Abuse, Fighting Poverty: New York Law and Policy Challenges Domestic
Violence Survivors Seeking Economic Stability**
Executive Summary

As the title of this report suggests, many survivors of domestic violence who are able to flee their abusers end up fighting poverty as they work to stabilize their new violence-free lives. An extraordinarily high number of public assistance applicants have been or are still victims of domestic violence. In 1998, the United States General Accounting Office reviewed a number of studies and found that between fifty-five and sixty-five percent of women on welfare had been abused by an intimate partner at some point in their lives, and up to fifty-six percent were current victims or had been victims of physical domestic abuse in the past twelve months.³

This report looks at some of the dynamics of intimate partner violence that may lead to the economic instability many women experience after leaving an abusive relationship. It begins by looking at public assistance and recommends improvements to the welfare system that could aid survivors in making the transition to independent lives. Next, the report examines flaws in how New York State handles divorces, describes how those flaws negatively affect women, and suggests improvements that could help women negotiate better financial settlements as part of their divorce proceedings. Finally, it considers the impact of domestic violence in the workplace. It discusses recent improvements to the law that protect the rights of employed domestic violence survivors but also critiques the City's efforts to educate businesses about these rights. Not all survivors are employed, and many are forced to give up their jobs because of the domestic violence they have experienced.

Summary of Findings

- Over fifty percent of women receiving public assistance in the United States have experienced domestic violence at some point during their adult lives. Only three percent of public assistance recipients in New York City identify themselves to HRA as being survivors of domestic violence.
- HRA does not do an effective job of explaining to women why it is in their interest to disclose their status as victims of domestic violence to caseworkers.
- HRA regularly endangers survivors of domestic violence by awarding partial child support and partial employment waivers that are less effective than the full waivers available to survivors of domestic violence.
- HRA's policy of granting the minimum four-month waivers to domestic violence survivors rather than the maximum of six months is a waste of agency resources and is burdensome for survivors.

³ *Domestic Violence: Prevalence and Implications for Employment Among Welfare Recipients*. United States General Accounting Office, November 1998, available at <http://www.gao.gov/archive/1999/he99012.pdf>.

- HRA's ADVENT initiative has been successful, for the most part, and has helped survivors get their lives back in order, but is only located in three job centers.
- HRA's multi-step process for applying for waivers can create delays and the potential for case backlogs.
- The distribution of marital assets and awards of maintenance as part of a divorce are highly unpredictable.
- In the event that New York State adopts a no-fault provision as a ground for divorce, women's financial stability could be protected by legislation creating a formula for maintenance.
- The City needs to make sure all employers and employees are aware of the rights of domestic violence survivors in the workplace.

Summary of Recommendations

- HRA should post highly visible signs in waiting areas, advising that special waivers may be available for domestic violence survivors.
- HRA should be more liberal in awarding full, as opposed to partial, child support and employment waivers.
- HRA should grant initial domestic violence waivers for longer than the minimum four-month period.
- HRA should expand the ADVENT program so that more survivors can benefit from it. ADVENT should be located at more than three locations and should be open to survivors who do not live in shelters.
- The State legislature should mandate uniform standards for maintenance awards in matrimonial cases.
- New York State should allow no-fault divorces only if it also makes corollary provisions to protect the non-monied spouse.
- The City should implement a program requiring the posting of signs about the workplace rights of domestic violence survivors in every place of employment.