

STATE OF NEW YORK

8811

IN SENATE

April 19, 2022

Introduced by Sen. SALAZAR -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction

AN ACT to amend the executive law and the civil practice law and rules, in relation to establishing a mandatory training certification for all domestic and gender-based victim advocates and creating the New York state gender-based violence training institute within the office for the prevention of domestic violence

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 1 of section 643 of the executive law, as amended by section 11 of part PP of chapter 56 of the laws of 2022, is amended to read as follows:

1. As used in this section, "crime victim-related agency" means any agency of state government which provides services to or deals directly with crime victims, including (a) the office of children and family services, the office for the aging, the department of veterans' services, the office of probation and correctional alternatives, the department of corrections and community supervision, the office of victim services, the office for the prevention of domestic violence, the department of motor vehicles, the office of vocational rehabilitation, the workers' compensation board, the department of health, the division of criminal justice services, the office of mental health, every transportation authority and the division of state police, and (b) any other agency so designated by the governor within ninety days of the effective date of this section.

§ 2. Paragraphs 4 and 5 of subdivision (a) of section 4510 of the civil practice law and rules, as added by chapter 309 of the laws of 2021, are amended to read as follows:

4. "Domestic violence program" means a residential program for victims of domestic violence or a non-residential program for victims of domestic violence as defined in section four hundred fifty-nine-a of the social services law ~~[or]~~, any similar program operated by an Indian tribe, as defined by section two of the Indian law, or any other program

EXPLANATION--Matter in italics (underscored) is new; matter in brackets ~~[-]~~ is old law to be omitted.

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1 operated by a not-for-profit organization or local social services
2 district, for the purpose of providing non-residential services to
3 victims of domestic violence, including, but not limited to, information
4 and referral services, advocacy, counseling, and community education and
5 outreach activities and providing or arranging for hotline services.

6 5. "Domestic violence advocate" means any person who is acting under
7 the direction and supervision of a [~~licensed and approved~~] domestic
8 violence program and has satisfied the training standards required by
9 the office of children and family services and the office for the
10 prevention of domestic violence.

11 § 3. Section 575 of the executive law is amended by adding three new
12 subdivisions 11, 12 and 13 to read as follows:

13 11. Domestic violence advocate certification. (a) The office shall, in
14 coordination with the office of children and family services, the office
15 of victim services, and the department of health, and in consultation
16 with the New York state coalition against domestic violence, the New
17 York state coalition against sexual assault, and state advocacy organ-
18 izations for the prevention of domestic and gender-based violence,
19 promulgate rules and regulations which establish minimum training stand-
20 ards for domestic violence advocates.

21 (b) Minimum training standards established by the office shall include
22 thirty hours of pre-service training and at least ten hours of in-ser-
23 vice training for domestic violence counselors to be completed on a
24 bi-annual basis. This training shall include but not be limited to
25 courses and/or instruction on the following:

- 26 (i) client-counselor confidentiality requirements;
- 27 (ii) child abuse and maltreatment identification and reporting respon-
28 sibilities;
- 29 (iii) the dynamics of domestic and gender-based violence;
- 30 (iv) crisis intervention techniques;
- 31 (v) communication skills and intervention techniques with a focus on
32 trauma informed service delivery;
- 33 (vi) an overview of the state criminal justice system;
- 34 (vii) an update and review of state laws on domestic violence, sexual
35 offenses, sexual abuse and incest;
- 36 (viii) the availability of publicly-funded and community resources for
37 clients;
- 38 (ix) accessing and applying for state and federal funding streams
39 dedicated to the provision of services for victims of domestic violence;
- 40 (x) diversity and inclusion which includes understanding how culture,
41 ethnicity, religion, sexuality and/or gender identity/expression can
42 influence/impact domestic violence victims, and how to provide services
43 to victims in a respectful manner so as to increase the quality of
44 services and provide better outcomes; and
- 45 (xi) information on the availability of medical and legal assistance
46 for such clients.

47 12. Administration of training. (a) The office, in consultation with
48 the New York state coalition against domestic violence, the New York
49 state coalition against sexual assault, and state advocacy organizations
50 for the prevention of domestic violence, shall establish hourly require-
51 ments for each subject specified in paragraph (b) of subdivision eleven
52 of this section; trainer qualifications, including third-party trainer
53 qualifications and standards; the method and manner in which training
54 may be administered; and criteria for documenting completion of training
55 requirements.

1 (b) To fulfill required training hours, the office, in collaboration
2 with the New York state coalition against domestic violence, the New
3 York state coalition against sexual assault, and state advocacy organ-
4 izations for the prevention of domestic and gender-based violence, may
5 administer training to domestic violence service providers and/or domes-
6 tic violence advocates in a manner consistent with paragraphs (a) and
7 (b) of subdivision eleven of this section.

8 (i) Any domestic violence service provider or domestic violence advoca-
9 cacy organization, with approval from the office, may offer and/or
10 provide their own instruction or training in a manner consistent with
11 paragraphs (a) and (b) of subdivision eleven of this section.

12 (ii) Training and instruction may be provided by a third-party domes-
13 tic violence professional, provided that such third-party professional
14 is subject to and meets the qualification requirements set forth in an
15 approval qualification process that shall be established by the office.

16 (iii) Any domestic violence service provider that indicates to the
17 office that such provider lacks capacity and/or resources to facilitate
18 or conduct its own training, in whole or in part, shall receive training
19 facilitated and/or administered by the office.

20 (c) Training may be conducted in person, in a classroom setting, or
21 via any electronic or online method approved by the office, provided
22 that such methods may include but not be limited to video conferences,
23 and/or online coursework, webinars, interactive websites, or educational
24 chat sessions.

25 13. Domestic violence advocate certification. (a) Upon completion of
26 the minimum training standards set forth in paragraphs (a) and (b) of
27 subdivision eleven of this section, the domestic violence advocate shall
28 receive a certificate of completion.

29 (b) The office shall establish procedures for certification of current
30 and future domestic violence advocates, including volunteer advocates,
31 provided that such domestic violence advocates have met the minimum
32 training standards as set forth in paragraphs (a) and (b) of subdivision
33 eleven of this section.

34 (c) (i) The office may provide for course substitution or waiver of
35 the subject matter courses or instruction specified in paragraph (b) of
36 subdivision eleven of this section for staff or volunteers who certify
37 that they have previously completed comparable training through other
38 domestic violence and/or sexual assault programs or volunteer trainings
39 within the bi-annual calendar year in which they are applying for
40 certification.

41 (ii) The office may provide for substitution of certain staff or
42 volunteer experience for certain provisions of the training standards
43 specified in this section.

44 (iii) The office shall establish rules, regulations, and procedures to
45 determine eligibility for substitutions and/or waivers.

46 (d) Minimum training standards established by the office shall provide
47 that any person who has been certified by an approved rape crisis
48 program as having satisfied the training standards specified in subdivi-
49 sion fifteen of section two hundred six of the public health law, as
50 added by chapter four hundred thirty-two of the laws of nineteen hundred
51 ninety-three, be deemed to have met the minimum training standards for
52 domestic violence advocates.

53 (e) Domestic violence service providers and advocates shall document
54 the number of hours of instruction and type of instruction received
55 during training each bi-annual calendar year and shall transmit such

1 documentation to the office in a manner and method to be determined by
2 the office.

3 § 4. The office of children and family services, the office for the
4 prevention of domestic violence, and the New York state department of
5 health shall review all rules and regulations related to training of
6 domestic violence advocates, rape crisis counselors, and staff of
7 licensed and approved domestic violence programs and rape crisis
8 programs, and ensure such rules and regulations are updated consistent
9 with the provisions of section three of this act no later than one year
10 after it shall have become a law.

11 § 5. This act shall take effect one year after it shall have become a
12 law.