STATE OF NEW YORK

10413

IN ASSEMBLY

May 13, 2022

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Hevesi) -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, the criminal procedure law, the domestic relations law, the family court act, the general business law, the insurance law, the labor law, the public health law, the social services law, and the state finance law, in relation to establishing the New York state office to end domestic and gender-based violence

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

Section 1. The article heading of article 21 of the executive law, as added by chapter 463 of the laws of 1992, is amended to read as follows:

ARTICLE 21

NEW YORK STATE OFFICE [~~FOR THE PREVENTION OF~~] TO END DOMESTIC AND GENDER-BASED VIOLENCE

§ 2. Section 575 of the executive law, as added by chapter 463 of the laws of 1992, subdivisions 3, 4 and 5 as amended by section 1 of part B of chapter 55 of the laws of 2021, subdivisions 7 and 8 as added by chapter 396 of the laws of 1994, subdivision 9 as added by chapter 368 of the laws of 1997, subdivision 10 as added by section 3 of part A of chapter 491 of the laws of 2012 and paragraph (d) of subdivision 10 as amended by chapter 248 of the laws of 2017, is amended to read as follows:

§ 575. New York state office [~~for the prevention of~~] to end domestic and gender-based violence. 1. Establishment of office. There is hereby established within the executive department the "New York state office [~~for the prevention of~~] to end domestic and gender-based violence", hereinafter in this section referred to as the "office".

2. Duties and responsibilities. The office shall advise the governor and the legislature on the most effective ways for state government to respond to the problem of domestic and gender-based violence. In fulfilling this responsibility, the office shall consult with experts, service providers and representative organizations in the field of

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

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domestic **and gender-based** violence and shall act as an advocate for domestic **and gender-based** violence victims and **survivor-centered** programs.

3. **Definitions. For the purposes of this section the following terms shall have the following meanings:**

(a) "Domestic violence" means a pattern of behavior used by an individual to establish and maintain power and control over their intimate partner. Such behavior includes abusive and coercive tactics, threats and actions that may or may not rise to the level of criminal behavior, including, but not limited to, physical, emotional, financial, and sexual abuse.

(b) "Gender-based violence" means threats to harm, or actual harms committed against a person or persons based on actual or perceived sex, gender, sexual orientation, gender identity or expression or other such sex/gender related characteristics. "Gender-based violence" shall include, but not be limited to, domestic violence; sexual violence; human trafficking; reproductive coercion and violence; stalking; and child-abuse as connected to gender-based violence. "Gender-based violence" shall not include actions taken by a person in self-defense against an act or series of acts of gender-based violence.

4. Activities. In addition, the office shall develop and implement policies and programs designed to assist victims of domestic **and gender-based** violence and their families, and to provide education and prevention, training and technical assistance. Such domestic **and gender-based** violence-related activities shall include, but not be limited to:

(a) Serving as a clearinghouse for information and materials;

(b) Developing and coordinating community outreach and public education throughout the state;

(c) Developing and delivering training to professionals, including but not limited to professionals in the fields of:

(i) domestic **and gender-based** violence;

(ii) health and mental health;

(iii) social and human services;

(iv) public education;

(v) law enforcement and criminal justice;

(vi) alcohol and substance abuse;

(d) Developing and promoting school-based prevention programs;

(e) Providing technical assistance to state and local government bodies and other agencies and to private **businesses and** not-for-profit corporations, on effective **survivor-centered** policies and responses to domestic **and gender-based** violence, including development of model [~~**domestic violence**~~] policies[~~**, pursuant to subdivisions seven, eight and nine of this section**~~];

(f) Promoting and facilitating interagency cooperation among state agencies and intergovernmental cooperation between different levels of government in the state in the delivery and/or funding of **survivor-centered** services;

(g) Operating**, in collaboration with survivors, state coalitions, and other stakeholders,** as an advocate for [~~**domestic violence services and**~~] victims **and for survivor-centered domestic and gender-based violence services, including periodic solicitation of input from survivors and service providers regarding successes, challenges, and needs**;

(h) Undertaking program and services needs assessments on its own initiative or at the request of the governor, the legislature or service providers;

(i) Examining the relationship between domestic **and gender-based** violence and other problems and making recommendations for effective policy response;

(j) Collecting data, conducting research, and holding public hearings;

(k) Making periodic reports to the governor and the legislature recommending policy and program directions and reviewing the activities of the office;

(l) [~~Developing~~] **Working with stakeholders in developing** and promoting [~~senior center based~~] **gender-based violence** prevention programs;

(m) [~~promoting best practices for abusive partner intervention~~] **Investigating, establishing and promoting best practices for accountability for those who harm their intimate partners**;

(n) Administering grant funds appropriated and made available to support compliance with article one hundred [~~twenty-nine-b~~] **twenty-nine-B** of the education law; and undertaking such actions, duties, and responsibilities as may be necessary to serve the purpose of article one hundred [~~twenty-nine-b~~] **twenty-nine-B** of the education law; and

(o) Any other activities including the making of and promulgation of rules and regulations deemed necessary to [~~facilitate the prevention of~~] **end** domestic **and gender-based** violence within the scope and purview of this article which are not otherwise inconsistent with any other provisions of law.

[~~4.~~] **5.** Advisory council. (a) An advisory council is hereby established to make recommendations on domestic **and gender-based** violence related issues and effective strategies [~~for the prevention of~~] **to end** domestic **and gender-based** violence, to assist in the development of appropriate policies and priorities for effective intervention, public education and advocacy, and to facilitate and assure communication and coordination of efforts among state agencies and between different levels of government, state, federal, and municipal, [~~for the prevention of~~] **to end** domestic **and gender-based** violence.

(b) The advisory council shall consist of nine members and seventeen ex-officio members. Each member shall be appointed to serve for a term of three years and shall continue in office until a successor appointed member is made. A member appointed to fill a vacancy shall be appointed for the unexpired term of the member he or she is to succeed. All of the members shall be individuals with expertise in the area of domestic **and gender-based** violence. Three members shall be appointed by the governor, two members shall be appointed upon the recommendation of the temporary president of the senate, two members shall be appointed upon the recommendation of the speaker of the assembly, one member shall be appointed upon the recommendation of the minority leader of the senate, and one member shall be appointed upon the recommendation of the minority leader of the assembly. The ex-officio members of the advisory board shall consist of the director of the office, who shall chair the council, and the following members or their designees: the commissioner of the office of temporary and disability assistance; the commissioner of the department of health; the commissioner of the education department; the commissioner of the office of mental health; the commissioner of the office of addiction services and supports; the commissioner of the division of criminal justice services; the superintendent of the division of state police; the director of the office of probation and correctional alternatives; the commissioner of the office of children and family services; the director of the office of victim services; the chief administrative judge of the office of court administration; the commis-

sioner of the department of labor; the director of the state office for the aging; the commissioner of the department of corrections and community supervision; the commissioner of homes and community renewal; the chief executive officer of the New York state coalition against domestic violence; and the executive director of the New York state coalition against sexual assault.

(c) The advisory council shall meet as often as deemed necessary by the chair but in no event less than two times per year.

(d) The members of the advisory council shall receive no salary or other compensation for their services but shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of their duties within amounts made available by appropriation therefor subject to the approval of the director of the budget. The ex-officio members of the advisory council shall receive no additional compensation for their services on the advisory council above the salary they receive from the respective departments or divisions that employ them.

[~~5.~~] 6. Executive director. (a) The governor shall appoint an executive director of the office who shall serve at the pleasure of the governor.

(b) The executive director shall receive an annual salary fixed by the governor within the amounts appropriated specifically therefor and shall be entitled to reimbursement for reasonable expenses incurred in connection with the performance of the director's duties.

(c) The director of the office, with the approval of the governor, may accept as agent of the state any grant, including federal grants, or any gift or donation for any of the purposes of this article. Any moneys so received may be expended by the office to effectuate any purpose of this article, subject to the applicable provisions of the state finance law.

(d) The executive director shall appoint staff and perform such other functions to ensure the efficient operation of the office.

[~~6.~~] 7. Assistance of other agencies. The office may request and shall receive in a timely manner from any department, division, board, bureau, commission or agency of the state, such information and assistance as shall enable it to properly carry out its powers and duties pursuant to this article.

[~~7. Model domestic violence policy for counties. (a) The office shall convene a task force of county level municipal officials, municipal police and members of the judiciary, or their representatives, and directors of domestic violence programs, including representatives from a statewide advocacy organization for the prevention of domestic violence, to develop a model domestic violence policy for counties. For the purposes of this subdivision, "county" shall have the same meaning as such term is defined in section three of the county law, except that the city of New York shall be deemed to be one county. The office shall give due consideration to the recommendations of the governor, the temporary president of the senate and the speaker of the assembly for participation by any person on the task force, and shall make reasonable efforts to assure regional balance in membership.~~

~~(b) The purpose of the model policy shall be to provide consistency and coordination by and between county agencies and departments, including criminal justice agencies and the judiciary, and, as appropriate, by municipalities or other jurisdictions within the county and other governmental agencies and departments, by assuring that best practices, policies, protocols and procedures are used to address the issue of~~

~~domestic violence, and to secure the safety of the victim including, but not limited to:~~

~~(i) response, investigation and arrest policies by police agencies;~~

~~(ii) response by other criminal justice agencies, including disposition of domestic violence complaints, the provision of information and orders of protection;~~

~~(iii) response by human services and health agencies, including identification, assessment, intervention and referral policies and responses to victims and the perpetrators of domestic violence;~~

~~(iv) training and appropriate and relevant measures for periodic evaluation of community efforts; and~~

~~(v) other issues as shall be appropriate and relevant for the task force to develop such policy.~~

~~(c) Such model policy shall be reviewed by the task force to assure consistency with existing law and shall be made the subject of public hearings convened by the office throughout the state at places and at times which are convenient for attendance by the public, after which the policy shall be reviewed by the task force and amended as necessary to reflect concerns raised at the hearings. If approved by the task force, such model policy shall be provided as approved with explanation of its provisions to the governor and the legislature not later than two years after the effective date of this subdivision. Notification of the availability of such model domestic violence policy shall be made by the office to every county in the state, and copies of the policy shall be made available to them upon request.~~

~~(d) The office in consultation with the task force, providers of service, the advisory council and others, including representatives of a statewide advocacy organization for the prevention domestic violence, shall provide technical support, information and encouragement to counties to implement the provisions of the model policy on domestic violence.~~

~~(e) Nothing contained in this subdivision shall be deemed to prevent the governing body of a county from designating a local advisory committee to investigate the issues, work with providers of domestic violence programs and other interested parties, and to aid in the implementation of the policy required by this subdivision. Such governing body or advisory committee may request and shall receive technical assistance from the office for the development of such a policy. Implementation of the model domestic violence policy may take place in a form considered appropriate by the governing body of a county, including guidelines, regulations and local laws.~~

~~(f) The office shall survey county governments within four years of the effective date of this subdivision to determine the level of compliance with the model domestic violence policy, and shall take such steps as shall be necessary to aid county governments in the implementation of such policy.~~]

8. State domestic violence policy. [~~(a) The office shall survey every state agency to determine any activities, programs, rules, regulations, guidelines or statutory requirements that have a direct or indirect bearing on the state's efforts and abilities to address the issue of domestic violence including, but not limited to, the provision of services to victims and their families. Within two years of the effective date of this subdivision, the office shall compile such information and provide a report, with appropriate comments and recommendations, to the governor and the legislature. For the purposes of this subdivision,~~

~~"state agency" shall have the same meaning as such term is defined in section two-a of the state finance law.~~

~~(b) Within three years of the effective date of this subdivision the office shall recommend a state domestic violence policy consistent with statute and best practice, policies, procedures and protocols to the governor and the legislature. The purpose of such model policy shall be to provide consistency and coordination by and between state agencies and departments to address the issue of domestic violence. In developing such model policy, the office shall consult with a statewide advocacy organization for the prevention of domestic violence, and shall assure that the advisory council reviews all data and recommendations and shall not submit such model policy until approved by the advisory council. Such recommendations shall be provided exclusive of any study or report the office is required to undertake pursuant to a chapter of the laws of nineteen hundred ninety-four, entitled "the family protection and domestic violence intervention act of 1994".~~

~~(c)~~] No state agency shall promulgate a rule pursuant to the state administrative procedure act, or adopt a guideline or other procedure, including a request for proposals, directly or indirectly affecting the provision of services to victims of domestic **and gender-based** violence, or the provision of services by residential or non-residential domestic violence programs, as such terms are defined in section four hundred fifty-nine-a of the social services law, or establish a grant program directly or indirectly affecting such victims of domestic **or gender-based** violence or providers of service, without first consulting the office, which shall provide all comments in response to such rules, guidelines or procedures in writing directly to the chief executive officer of such agency, to the administrative regulations review committee and to the appropriate committees of the legislature having jurisdiction of the subject matter addressed within two weeks of receipt thereof, provided that failure of the office to respond as required herein shall not otherwise impair the ability of such state agency to promulgate a rule. This paragraph shall not apply to an appropriation which finances a contract with a not-for-profit organization which has been identified for a state agency without the use of a request for proposals.

9. [~~Model domestic violence employee awareness and assistance policy. (a) The office shall convene a task force including members of the business community, employees, employee organizations, representatives from the department of labor and the empire state development corporation, and directors of domestic violence programs, including representatives of statewide advocacy organizations for the prevention of domestic violence, to develop a model domestic violence employee awareness and assistance policy for businesses.~~

~~The office shall give due consideration to the recommendations of the governor, the temporary president of the senate, and the speaker of the assembly for participation by any person on the task force, and shall make reasonable efforts to assure regional balance in membership.~~

~~(b) The purpose of the model employee awareness and assistance policy shall be to provide businesses with the best practices, policies, protocols and procedures in order that they ascertain domestic violence awareness in the workplace, assist affected employees, and provide a safe and helpful working environment for employees currently or potentially experiencing the effects of domestic violence. The model plan shall include but not be limited to:~~

~~(i) the establishment of a definite corporate policy statement recognizing domestic violence as a workplace issue as well as promoting the need to maintain job security for those employees currently involved in domestic violence disputes;~~

~~(ii) policy and service publication requirements, including posting said policies and service availability pamphlets in break rooms, on bulletin boards, restrooms and other communication methods;~~

~~(iii) a listing of current domestic violence community resources such as shelters, crisis intervention programs, counseling and case management programs, legal assistance and advocacy opportunities for affected employees;~~

~~(iv) measures to ensure workplace safety including, where appropriate, designated parking areas, escort services and other affirmative safeguards;~~

~~(v) training programs and protocols designed to educate employees and managers in how to recognize, approach and assist employees experiencing domestic violence, including both victims and batterers; and~~

~~(vi) other issues as shall be appropriate and relevant for the task force in developing such model policy.~~

~~(c) Such model policy shall be reviewed by the task force to assure consistency with existing law and shall be made the subject of public hearings convened by the office throughout the state at places and at times which are convenient for attendance by the public, after which the policy shall be reviewed by the task force and amended as necessary to reflect concerns raised at the hearings. If approved by the task force, such model policy shall be provided as approved with explanation of its provisions to the governor and the legislature not later than one year after the effective date of this subdivision. The office shall make every effort to notify businesses of the availability of such model domestic violence employee awareness and assistance policy.~~

~~(d) The office in consultation with the task force, providers of services, the advisory council, the department of labor, the empire state development corporation, and representatives of statewide advocacy organizations for the prevention of domestic violence, shall provide technical support, information, and encouragement to businesses to implement the provisions of the model domestic violence employee awareness and assistance policy.~~

~~(e) Nothing contained in this subdivision shall be deemed to prevent businesses from adopting their own domestic violence employee awareness and assistance policy.~~

~~(f) The office shall survey businesses within four years of the effective date of this section to determine the level of model policy adoption amongst businesses and shall take steps necessary to promote the further adoption of such policy.~~

~~10.~~] Fatality review team. (a) There shall be established within the office a fatality review team for the purpose of analyzing, in conjunction with local representation, the domestic violence-related death or near death of individuals, with the goal of:

(i) examining the trends and patterns of domestic violence-related fatalities in New York state;

(ii) educating the public, service providers, and policymakers about domestic violence fatalities and strategies for intervention and prevention; and

(iii) recommending policies, practices, procedures, and services to reduce fatalities due to domestic violence.

(b) A domestic violence-related death or near death shall mean any death or near death caused by a family or household member as defined in section eight hundred twelve of the family court act or section 530.11 of the criminal procedure law, except that there shall be no review of the death or near death of a child for those cases in which the office of children and family services is required to issue a fatality report in accordance with subdivision five of section twenty of the social services law.

(c) The team shall review deaths or near deaths in cases that have been adjudicated and have received a final judgment and that are not under investigation.

(d) Members of a domestic violence fatality review team shall be appointed by the executive director, [~~in consultation with the advisory council,~~] and shall include, but not be limited to, one representative from the office of children and family services, the office of temporary and disability assistance, the division of criminal justice services, the state police, the department of health, the office of court administration, the office of probation and correctional alternatives, the department of corrections and community supervision, the office of victim services, at least one representative from local law enforcement, a county prosecutor's office, a local social services district, a member of the judiciary, and a domestic violence services program approved by the office of children and family services. A domestic violence fatality review team may also include representatives from sexual assault services programs, public health, mental health and substance abuse agencies, hospitals, clergy, local school districts, local divisions of probation, local offices of the department of corrections and community supervision, the office of the medical examiner or coroner, any local domestic violence task force, coordinating council or other interagency entity that meets regularly to support a coordinated community response to domestic violence, any other program that provides services to domestic violence victims, or any other person necessary to the work of the team, including survivors of domestic violence.

(e) The team shall identify potential cases and shall select which deaths or near deaths will be reviewed each year. Localities may request that the team conduct a review of a particular death or near death.

(f) The team shall work with officials and organizations within the community where the death or near death occurred to conduct each review.

(g) Team members shall serve without compensation but are entitled to be reimbursed for travel expenses to the localities where a fatality review will be conducted and members who are full-time salaried officers or employees of the state or of any political subdivision of the state are entitled to their regular compensation.

(h) To the extent consistent with federal law, upon request the team shall be provided client-identifiable information and records necessary for the investigation of a domestic violence-related death or near death incident, including, but not limited to:

(i) records maintained by a local social services district;

(ii) law enforcement records, except where the provision of such records would interfere with an ongoing law enforcement investigation or identify a confidential source or endanger the safety or welfare of an individual;

(iii) court records;

(iv) probation and parole records;

(v) records from domestic violence residential or non-residential programs;

(vi) records from any relevant service provider, program or organization; and

(vii) all other relevant records in the possession of state and local officials or agencies provided, however, no official or agency shall be required to provide information or records concerning a person charged, investigated or convicted in such death or near death in violation of such person's attorney-client privilege.

(i) Any information or records otherwise **sealed,** confidential and privileged in accordance with state law which are provided to the team shall remain **sealed,** confidential**, and privileged** as otherwise provided by law. All records received, meetings conducted, reports and records made and maintained and all books and papers obtained by the team shall be confidential and shall not be open or made available, except by court order or as set forth in paragraphs (k) and (l) of this subdivision.

(j) Any person who releases or permits the release of any information protected under paragraph (i) of this subdivision to persons or agencies not authorized to receive such information shall be guilty of a class A misdemeanor.

(k) Team members and persons who present information to the team shall not be questioned in any civil or criminal proceeding regarding any opinions formed as a result of a meeting of the team. Nothing in this section shall be construed to prevent a person from testifying as to information which is obtained independently of the team or information which is public.

(l) Team members are not liable for damages or other relief in any action brought by reason of the reasonable and good faith performance of a duty, function, or activity of the team.

(m) Consistent with all federal and state confidentiality protections, the team may provide recommendations to any individual or entity for appropriate actions to improve a community's response to domestic violence.

(n) The team shall periodically submit a cumulative report to the governor and the legislature incorporating the aggregate data and a summary of the general findings and recommendations resulting from the domestic violence fatality reviews completed pursuant to this subdivision. The cumulative report shall thereafter be made available to the public, consistent with federal and state confidentiality protections.

§ 3. Subdivision 6 of section 530.11 of the criminal procedure law, as amended by chapter 663 of the laws of 2019, is amended to read as follows:

6. Notice. Every police officer, peace officer or district attorney investigating a family offense under this article shall advise the victim of the availability of a shelter or other services in the community, and shall immediately give the victim written notice of the legal rights and remedies available to a victim of a family offense under the relevant provisions of this chapter and the family court act. Such notice shall be prepared, at minimum, in plain English, Spanish, Chinese and Russian and if necessary, shall be delivered orally, and shall include but not be limited to the information contained in the following statement:

"Are you the victim of domestic violence? If you need help now, you can call 911 for the police to come to you. You can also call a domestic violence hotline. You can have a confidential talk with an advocate at the hotline about help you can get in your community including: where you can get treatment for injuries, where you can get shelter, where you can get support, and what you can do to be safe. The New York State

24-hour Domestic & Sexual Violence Hotline number is (insert the statewide multilingual 800 number). They can give you information in many languages. If you are deaf or hard of hearing, call 711.

This is what the police can do:

They can help you and your children find a safe place such as a family or friend's house or a shelter in your community.

You can ask the officer to take you or help you and your children get to a safe place in your community.

They can help connect you to a local domestic violence program.

They can help you get to a hospital or clinic for medical care.

They can help you get your personal belongings.

They must complete a report discussing the incident. They will give you a copy of this police report before they leave the scene. It is free.

They may, and sometimes must, arrest the person who harmed you if you are the victim of a crime. The person arrested could be released at any time, so it is important to plan for your safety.

If you have been abused or threatened, this is what you can ask the police or district attorney to do:

File a criminal complaint against the person who harmed you.

Ask the criminal court to issue an order of protection for you and your child if the district attorney files a criminal case with the court.

Give you information about filing a family offense petition in your local family court.

You also have the right to ask the family court for an order of protection for you and your children.

This is what you can ask the family court to do:

To have your family offense petition filed the same day you go to court.

To have your request heard in court the same day you file or the next day court is open.

Only a judge can issue an order of protection. The judge does that as part of a criminal or family court case against the person who harmed you. An order of protection in family court or in criminal court can say:

That the other person have no contact or communication with you by mail, phone, computer or through other people.

That the other person stay away from you and your children, your home, job or school.

That the other person not assault, harass, threaten, strangle, or commit another family offense against you or your children.

That the other person turn in their firearms and firearms licenses, and not get any more firearms.

That you have temporary custody of your children.

That the other person pay temporary child support.

That the other person not harm your pets or service animals.

If the family court is closed because it is night, a weekend, or a holiday, you can go to a criminal court to ask for an order of protection.

If you do not speak English or cannot speak it well, you can ask the police, the district attorney, or the criminal or family court to get you an interpreter who speaks your language. The interpreter can help you explain what happened.

You can get the forms you need to ask for an order of protection at your local family court (insert addresses and contact information for courts). You can also get them online: www.NYCourts.gov/forms.

You do not need a lawyer to ask for an order of protection.

You have a right to get a lawyer in the family court. If the family court finds that you cannot afford to pay for a lawyer, it must get you one for free.

If you file a complaint or family court petition, you will be asked to swear to its truthfulness because it is a crime to file a legal document that you know is false."

The division of criminal justice services in consultation with the state office [~~for the prevention of~~] to end domestic and gender-based violence shall prepare the form of such written notice consistent with provisions of this section and distribute copies thereof to the appropriate law enforcement officials pursuant to subdivision nine of section eight hundred forty-one of the executive law.

Additionally, copies of such notice shall be provided to the chief administrator of the courts to be distributed to victims of family offenses through the criminal court at such time as such persons first come before the court and to the state department of health for distribution to all hospitals defined under article twenty-eight of the public health law. No cause of action for damages shall arise in favor of any person by reason of any failure to comply with the provisions of this subdivision except upon a showing of gross negligence or willful misconduct.

§ 4. Section 214-b of the executive law, as amended by chapter 432 of the laws of 2015, is amended to read as follows:

§ 214-b. Family offense intervention. The superintendent shall, for all members of the state police including new and veteran officers, develop, maintain and disseminate, in consultation with the state office [~~for the prevention of~~] to end domestic and gender-based violence, written policies and procedures consistent with article eight of the family court act and applicable provisions of the criminal procedure and domestic relations laws, regarding the investigation of and intervention in incidents of family offenses. Such policies and procedures shall make provision for education and training in the interpretation and enforcement of New York's family offense laws, including but not limited to:

(a) intake and recording of victim statements, and the prompt translation of such statements if made in a language other than English, in accordance with subdivision (c) of this section, on a standardized "domestic violence incident report form" promulgated by the state division of criminal justice services in consultation with the superintendent and with the state office [~~for the prevention of~~] to end domestic and gender-based violence, and the investigation thereof so as to ascertain whether a crime has been committed against the victim by a member of the victim's family or household as such terms are defined in section eight hundred twelve of the family court act and section 530.11 of the criminal procedure law;

(b) the need for immediate intervention in family offenses including the arrest and detention of alleged offenders, pursuant to subdivision four of section 140.10 of the criminal procedure law, and notifying victims of their rights, in their native language, if identified as other than English, in accordance with subdivision (c) of this section, including but not limited to immediately providing the victim with the written notice provided in subdivision six of section 530.11 of the

criminal procedure law and subdivision five of section eight hundred twelve of the family court act.

(c) The superintendent, in consultation with the division of criminal justice services and the office [~~for the prevention of~~] to end domestic and gender-based violence shall determine the languages in which such translation required by subdivision (a) of this section, and the notification required pursuant to subdivision (b) of this section, shall be provided. Such determination shall be based on the size of the New York state population that speaks each language and any other relevant factor. Such written notice required pursuant to subdivision (b) of this section shall be made available to all state police officers in the state.

§ 5. Subdivision 1 of section 221-a of the executive law, as amended by chapter 492 of the laws of 2015, is amended to read as follows:

1. The superintendent, in consultation with the division of criminal justice services, office of court administration, and the office [~~for the prevention of~~] to end domestic and gender-based violence, shall develop a comprehensive plan for the establishment and maintenance of a statewide computerized registry of all orders of protection issued pursuant to articles four, five, six, eight and ten of the family court act, section 530.12 of the criminal procedure law and, insofar as they involve victims of domestic violence as defined by section four hundred fifty-nine-a of the social services law, section 530.13 of the criminal procedure law and sections two hundred forty and two hundred fifty-two of the domestic relations law, and orders of protection issued by courts of competent jurisdiction in another state, territorial or tribal jurisdiction, special orders of conditions issued pursuant to subparagraph (i) or (ii) of paragraph (o) of subdivision one of section 330.20 of the criminal procedure law insofar as they involve a victim or victims of domestic violence as defined by subdivision one of section four hundred fifty-nine-a of the social services law or a designated witness or witnesses to such domestic violence, and all warrants issued pursuant to sections one hundred fifty-three and eight hundred twenty-seven of the family court act, and arrest and bench warrants as defined in subdivisions twenty-eight, twenty-nine and thirty of section 1.20 of the criminal procedure law, insofar as such warrants pertain to orders of protection or temporary orders of protection; provided, however, that warrants issued pursuant to section one hundred fifty-three of the family court act pertaining to articles three and seven of such act and section 530.13 of the criminal procedure law shall not be included in the registry. The superintendent shall establish and maintain such registry for the purposes of ascertaining the existence of orders of protection, temporary orders of protection, warrants and special orders of conditions, and for enforcing the provisions of paragraph (b) of subdivision four of section 140.10 of the criminal procedure law.

§ 6. The opening paragraph of subdivision 15 of section 837 of the executive law, as amended by chapter 432 of the laws of 2015, is amended to read as follows:

Promulgate, in consultation with the superintendent of state police and the state office [~~for the prevention of~~] to end domestic and gender-based violence, and in accordance with paragraph (f) of subdivision three of section eight hundred forty of this article, a standardized "domestic violence incident report form" for use by state and local law enforcement agencies in the reporting, recording and investigation of all alleged incidents of domestic violence, regardless of whether an arrest is made as a result of such investigation. Such form shall be

prepared in multiple parts, one of which shall be immediately provided to the victim, and shall include designated spaces for: the recordation of the results of the investigation by the law enforcement agency and the basis for any action taken; the recordation of a victim's allegations of domestic violence; the age and gender of the victim and the alleged offender or offenders; and immediately thereunder a space on which the victim may sign and verify such victim's allegations. Such form shall also include, but not be limited to spaces to identify:

§ 7. Paragraph (f) of subdivision 3 of section 840 of the executive law, as amended by chapter 432 of the laws of 2015, is amended to read as follows:

(f) Develop, maintain and disseminate, in consultation with the state office [~~for the prevention of~~] to end domestic and gender-based violence, written policies and procedures consistent with article eight of the family court act and applicable provisions of the criminal procedure and domestic relations laws, regarding the investigation of and intervention by new and veteran police officers in incidents of family offenses. Such policies and procedures shall make provisions for education and training in the interpretation and enforcement of New York's family offense laws, including but not limited to:

(1) intake and recording of victim statements, and the prompt translation of such statements if made in a language other than English, in accordance with subparagraph three of this paragraph, on a standardized "domestic violence incident report form" promulgated by the division of criminal justice services in consultation with the superintendent of state police, representatives of local police forces and the state office [~~for the prevention of~~] to end domestic and gender-based violence, and the investigation thereof so as to ascertain whether a crime has been committed against the victim by a member of the victim's family or household as such terms are defined in section eight hundred twelve of the family court act and section 530.11 of the criminal procedure law; and

(2) the need for immediate intervention in family offenses including the arrest and detention of alleged offenders, pursuant to subdivision four of section 140.10 of the criminal procedure law, and notifying victims of their rights, in their native language, if identified as other than English, in accordance with subparagraph three of this paragraph, including but not limited to immediately providing the victim with the written notice required in subdivision six of section 530.11 of the criminal procedure law and subdivision five of section eight hundred twelve of the family court act;

(3) determine, in consultation with the superintendent of state police and the office [~~for the prevention of~~] to end domestic and gender-based violence, the languages in which such translation required by subparagraph one of this paragraph, and the notification required by subparagraph two of this paragraph, shall be provided. Such determination shall be based on the size of the New York state population that speaks each language and any other relevant factor. Such written notice required pursuant to subparagraph two of this paragraph shall be made available to all local law enforcement agencies throughout the state. Nothing in this paragraph shall prevent the council from using the determinations made by the superintendent of state police pursuant to subdivision (c) of section two hundred fourteen-b of this chapter;

§ 8. The opening paragraph of paragraph 2 of subdivision (b) of section 153-c of the family court act, as added by chapter 367 of the laws of 2015, is amended to read as follows:

A plan for a pilot program pursuant to this section shall be developed by the chief administrator of the courts or his or her delegate in consultation with one or more local programs providing assistance to victims of domestic violence, the office [~~for the prevention of~~] to end domestic and gender-based violence, and attorneys who represent family offense petitions. The plan shall include, but is not limited to:

§ 9. Paragraph 2 of subdivision (a) of section 249-b of the family court act, as added by chapter 476 of the laws of 2009, is amended to read as follows:

2. provide for the development of training programs with the input of and in consultation with the state office [~~for the prevention of~~] to end domestic and gender-based violence. Such training programs must include the dynamics of domestic violence and its effect on victims and on children, and the relationship between such dynamics and the issues considered by the court, including, but not limited to, custody, visitation and child support. Such training programs along with the providers of such training must be approved by the office of court administration following consultation with and input from the state office for the prevention of domestic violence; and

§ 10. The closing paragraph of subdivision 5 of section 812 of the family court act, as amended by chapter 663 of the laws of 2019, is amended to read as follows:

The division of criminal justice services in consultation with the state office [~~for the prevention of~~] to end domestic and gender-based violence shall prepare the form of such written notice consistent with the provisions of this section and distribute copies thereof to the appropriate law enforcement officials pursuant to subdivision nine of section eight hundred forty-one of the executive law. Additionally, copies of such notice shall be provided to the chief administrator of the courts to be distributed to victims of family offenses through the family court at such time as such persons first come before the court and to the state department of health for distribution to all hospitals defined under article twenty-eight of the public health law. No cause of action for damages shall arise in favor of any person by reason of any failure to comply with the provisions of this subdivision except upon a showing of gross negligence or willful misconduct.

§ 11. Subdivision 3 of section 403 of the general business law, as amended by chapter 715 of the laws of 2019, is amended to read as follows:

3. The advisory committee shall advise the secretary on all matters relating to this article, and on such other matters as the secretary shall request. In advising the secretary on matters concerning professional education or curriculum, inclusive of the maintenance of cultural and ethnic awareness within the prescribed curriculum in regard to hair types, including, but not limited to, curl pattern, hair strand thickness, and volume of hair, the advisory committee shall, to the extent practicable, consult with the state education department. The advisory committee is directed, in consultation with the department of state, the New York state office [~~for the prevention of~~] to end domestic and gender-based violence and an advocacy group recognized by the federal department of health and human services, which has the ability to coordinate statewide and with local communities on programming and educational materials related to the prevention and intervention of domestic violence in New York state, to develop, provide for and integrate awareness training on domestic violence and sexual assault for all prospective students seeking to be licensed under this article. Further, on a

voluntary basis for those seeking to renew their license as provided for in this article to develop and provide access to educational material for domestic violence and sexual assault awareness.

§ 12. Section 408-b of the general business law, as amended by chapter 71 of the laws of 2020, is amended to read as follows:

§ 408-b. Domestic violence and sexual assault awareness education. The department shall ensure that domestic violence and sexual assault awareness education courses are made available to all licensees and applicants for a license or renewal pursuant to this article and that such courses are offered through the department's website. The department, in consultation with the office [~~for the prevention of~~] to end domestic and gender-based violence and advocacy groups recognized by the federal department of health and human services or the federal department of justice, which have the ability to coordinate statewide and with local communities on programming and educational materials related to the prevention and intervention of domestic violence or sexual assault in New York state, shall develop and provide access to domestic violence and sexual assault awareness education courses appropriate for those licensed under this article.

§ 13. Subsections (f) and (g) and paragraph 8 of subsection (h) of section 2612 of the insurance law, subsection (f) as amended by chapter 246 of the laws of 2005, subsection (g) as added by chapter 361 of the laws of 2006, and paragraph 8 of subsection (h) as added by section 2 of part E of chapter 491 of the laws of 2012, are amended to read as follows:

(f) If any person covered by an insurance policy issued to another person as the policyholder delivers to the insurer that issued the policy, at its home office, a valid order of protection against the policyholder, issued by a court of competent jurisdiction in this state, the insurer shall be prohibited for the duration of the order from disclosing to the policyholder the address and telephone number of the insured, or of any person or entity providing covered services to the insured. If a child is the covered person, the right established by this subsection may be asserted by, and shall also extend to, the parent or guardian of the child. The superintendent, in consultation with the commissioner of health and the office of children and family services and the office [~~for the prevention of~~] to end domestic and gender-based violence, shall promulgate rules to guide and enable insurers to guard against the disclosure of the address and location of an insured who is a victim of domestic violence.

(g) If any person covered by a group insurance policy delivers to the insurer that issued the policy, at its home office, a valid order of protection against another person covered by the group policy, issued by a court of competent jurisdiction in this state, the insurer shall be prohibited for the duration of the order from disclosing to the person against whom the valid order of protection was issued the address and telephone number of the insured person covered by the order of protection, or of any person or entity providing covered services to the insured person covered by the order of protection. If a child is the covered person, the right established by this subsection may be asserted by, and shall also extend to, the parent or guardian of the child. The superintendent, in consultation with the commissioner of health, the office of children and family services and the office [~~for the prevention of~~] to end domestic and gender-based violence, shall promulgate rules to guide and enable insurers to guard against the disclosure

of the address and location of an insured who is a victim of domestic violence.

(8) The superintendent, in consultation with the commissioner of health, the office of children and family services and the office [~~for the prevention of~~] to end domestic and gender-based violence, shall promulgate rules to guide health insurers in guarding against the disclosure of the information protected pursuant to this subsection.

§ 14. Section 10-a of the labor law, as added by chapter 527 of the laws of 1995, is amended to read as follows:

§ 10-a. Domestic violence policy. The commissioner shall study the issue of employees separated from employment due to acts of domestic violence as referred to in and qualified by section four hundred fifty-nine-a of the social services law. The commissioner shall consult with the New York state office [~~for the prevention of~~] to end domestic and gender-based violence and its advisory council, the department of social services, the division of women and members of the public in preparing such study. Such study shall include a review of case histories in which unemployment compensation was sought and an analysis of the policies in other states. A copy of such study shall be transmitted to the temporary president of the senate and the speaker of the assembly on or before January fifteenth, nineteen hundred ninety-six and shall contain policy recommendations.

§ 15. Section 10-b of the labor law, as added by chapter 368 of the laws of 1997, is amended to read as follows:

§ 10-b. Domestic violence employee awareness and assistance. The commissioner shall assist the office [~~for the prevention of~~] to end domestic and gender-based violence in the creation, approval and dissemination of the model domestic violence employee awareness and assistance policy [~~as further defined in subdivision nine of section five hundred seventy-five of the executive law. Upon completion and approval of the model plan as outlined in subdivision nine of section five hundred seventy-five of the executive law, the commissioner shall assist in the promotion of the model policy to businesses in New York state~~].

§ 16. Section 2137 of the public health law, as added by chapter 163 of the laws of 1998, is amended to read as follows:

§ 2137. Domestic violence recognition. The department shall, in consultation with the office [~~for the prevention of~~] to end domestic and gender-based violence and statewide organizations and community based organizations, develop a protocol for the identification and screening of victims of domestic violence who may either be a protected individual or a contact as used in this title.

§ 17. Subdivision 2 of section 2803-p of the public health law, as added by chapter 271 of the laws of 1997, is amended to read as follows:

2. Every hospital having maternity and newborn services shall provide information concerning family violence to parents of newborn infants at any time prior to the discharge of the mother. Such information shall also be provided by every diagnostic and treatment center offering prenatal care services to women upon an initial prenatal care visit. The commissioner shall, in consultation with the state office [~~for the prevention of~~] to end domestic and gender-based violence and the department of social services, prepare, produce and transmit such notice to such facilities in quantities sufficient to comply with the requirements of this section. Such notice shall contain information which shall include but not be limited to the effects of family violence and the services available to women and children experiencing family violence.

Such information shall be in clear and concise language readily comprehensible. Nothing in this section shall preclude a facility from providing the notice required by this section as an addendum to, or in connection with, any other information required to be provided by any other provision of law, rule or regulation.

§ 18. Subdivision 3 of section 2805-z of the public health law, as amended by chapter 37 of the laws of 2020, is amended to read as follows:

3. The commissioner shall promulgate such rules and regulations as may be necessary and proper to carry out effectively the provisions of this section. Prior to promulgating such rules and regulations, the commissioner shall consult with the office [~~for the prevention of~~] to end domestic and gender-based violence and other such persons as the commissioner deems necessary to develop a model policy for hospitals to utilize in complying with this section and to identify the domestic violence or victim assistance organizations operating in each hospital's geographic area, a list of which the commissioner shall provide to hospitals with the model policy.

§ 19. The opening paragraph of subdivision (g) of section 17 of the social services law, as added by chapter 280 of the laws of 2002, is amended to read as follows:

require participation of all employees of a child protective service in a training course which has been developed by the office [~~for the prevention of~~] to end domestic and gender-based violence in conjunction with the office of children and family services whose purpose is to develop an understanding of the dynamics of domestic violence and its connection to child abuse and neglect. Such course shall:

§ 20. Subdivision 1 of section 111-v of the social services law, as added by chapter 398 of the laws of 1997, is amended to read as follows:

1. The department, in consultation with appropriate agencies including but not limited to the New York state office [~~for the prevention of~~] to end domestic and gender-based violence, shall by regulation prescribe and implement safeguards on the confidentiality, integrity, accuracy, access, and the use of all confidential information and other data handled or maintained, including data obtained pursuant to section one hundred eleven-o of this article and including such information and data maintained in the automated child support enforcement system. Such information and data shall be maintained in a confidential manner designed to protect the privacy rights of the parties and shall not be disclosed except for the purpose of, and to the extent necessary to, establish paternity, or establish, modify or enforce an order of support.

§ 21. Subdivisions 1, 2 and 3 of section 349-a of the social services law, as added by section 36 of part B of chapter 436 of the laws of 1997 and subdivision 2 as amended by chapter 144 of the laws of 2021, are amended to read as follows:

1. The department, after consultation with the office [~~for the prevention of~~] to end domestic and gender-based violence and statewide domestic violence advocacy groups, shall by regulation establish requirements for social services districts to notify all applicants and, upon recertification, recipients, of procedures for protection from domestic violence and the availability of services. Such notice shall inform applicants and recipients that the social services district will make periodic inquiry regarding the existence of domestic violence affecting the individual. Such notice shall also inform individuals that response to these inquiries is voluntary and confidential;

provided, however, that information regarding neglect or abuse of children will be reported to child protective services.

2. Such inquiry shall be performed utilizing a universal screening form to be developed by the department after consultation with the office [~~for the prevention of~~] to end domestic and gender-based violence and statewide domestic violence advocacy groups. Such screening may be conducted by telephone or other digital means at the request of the applicant or recipient. An individual may request such screening at any time, and any individual who at any time self identifies as a victim of domestic or gender-based violence shall be afforded the opportunity for such screening.

3. An individual indicating the presence of domestic violence, as a result of such screening, shall be promptly referred to a domestic violence liaison who meets training requirements established by the department, after consultation with the office [~~for the prevention of~~] to end domestic and gender-based violence and statewide domestic violence advocacy groups.

§ 22. The opening paragraph of subdivision 2 and the opening paragraph of subdivision 3 of section 427-a of the social services law, as added by chapter 452 of the laws of 2007, are amended to read as follows:

Any social services district interested in implementing a differential response program shall apply to the office of children and family services for permission to participate. The criteria for a social services district to participate will be determined by the office of children and family services after consultation with the office [~~for the prevention of~~] to end domestic and gender-based violence, however the social services district's application must include a plan setting forth the following:

The criteria for determining which cases may be placed in the assessment track shall be determined by the local department of social services, in conjunction with the office of children and family services and after consultation with the office [~~for the prevention of~~] to end domestic and gender-based violence. Provided, however, that reports including any of the following allegations shall not be included in the assessment track of a differential response program:

§ 23. Subdivision (a) of section 483-cc of the social services law, as amended by chapter 368 of the laws of 2015, is amended to read as follows:

(a) As soon as practicable after a first encounter with a person who reasonably appears to a law enforcement agency, district attorney's office, or an established provider of social or legal services designated by the office of temporary and disability assistance, the office [~~for the prevention of~~] to end domestic and gender-based violence or the office of victim services to be a human trafficking victim, that law enforcement agency or district attorney's office shall notify the office of temporary and disability assistance and the division of criminal justice services that such person may be eligible for services under this article or, in the case of an established provider of social or legal services, shall notify the office of temporary and disability assistance and the division of criminal justice services if such victim consents to seeking services pursuant to this article.

§ 24. Subdivision (a) of section 483-ee of the social services law, as amended by chapter 413 of the laws of 2016, is amended to read as follows:

(a) There is established an interagency task force on trafficking in persons, which shall consist of the following members or their desig-

nees: (1) the commissioner of the division of criminal justice services; (2) the commissioner of the office of temporary and disability assistance; (3) the commissioner of health; (4) the commissioner of the office of mental health; (5) the commissioner of labor; (6) the commissioner of the office of children and family services; (7) the commissioner of the office of alcoholism and substance abuse services; (8) the director of the office of victim services; (9) the executive director of the office [~~for the prevention of~~] **to end** domestic **and gender-based** violence; and (10) the superintendent of the division of state police; and the following additional members, who shall be promptly appointed by the governor, each for a term of two years, provided that such person's membership shall continue after such two year term until a successor is appointed and provided, further, that a member may be reappointed if again recommended in the manner specified in this subdivision: (11) two members, who shall be appointed on the recommendation of the temporary president of the senate; (12) two members, who shall be appointed on the recommendation of the speaker of the assembly; (13) two members, who shall be appointed on the recommendation of the not-for-profit organization in New York state that receives the largest share of funds, appropriated by and through the state budget, for providing services to victims of human trafficking, as shall be identified annually in writing by the director of the budget; and (14) one member, who shall be appointed on the recommendation of the president of the New York state bar association; and others as may be necessary to carry out the duties and responsibilities under this section. The task force will be co-chaired by the commissioners of the division of criminal justice services and the office of temporary and disability assistance, or their designees. It shall meet as often as is necessary, but no less than three times per year, and under circumstances as are appropriate to fulfilling its duties under this section. All members shall be provided with written notice reasonably in advance of each meeting with date, time and location of such meeting.

§ 25. Subdivision 3 of section 97-yyy of the state finance law, as added by chapter 634 of the laws of 2002, is amended to read as follows:

3. Moneys of the fund, following appropriation by the legislature and allocation by the director of the budget, shall be available for the purpose of funding expenses of the office [~~for the prevention of~~] **to end** domestic **and gender-based** violence for educational and prevention programs undertaken pursuant to article twenty-one of the executive law.

§ 26. Wherever the term "office for the prevention of domestic violence" appears in the consolidated or unconsolidated laws of this state, such term shall hereby mean "office to end domestic and gender-based violence".

§ 27. This act shall take effect immediately; provided however that the amendments to subdivision (a) of section 483-ee of the social services law made by section twenty-four of this act shall not affect the repeal of such subdivision and shall be deemed repealed therewith.