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.

LBD15027-02-2

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

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

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

11. Domestic violence advocate certification. (a) The office shall, in coordination with the office of children and family services, the office of victim services, and the department of health, and in consultation with the New York state coalition against domestic violence, the New York state coalition against sexual assault, and state advocacy organizations for the prevention of domestic and gender-based violence, promulgate rules and regulations which establish minimum training standards for domestic violence advocates.

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

(i) client-counselor confidentiality requirements;

(ii) child abuse and maltreatment identification and reporting responsibilities;

(iii) the dynamics of domestic and gender-based violence;

(iv) crisis intervention techniques;

(v) communication skills and intervention techniques with a focus on trauma informed service delivery;

(vi) an overview of the state criminal justice system;

(vii) an update and review of state laws on domestic violence, sexual offenses, sexual abuse and incest;

(viii) the availability of publicly-funded and community resources for clients;

(ix) accessing and applying for state and federal funding streams dedicated to the provision of services for victims of domestic violence;

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

(xi) information on the availability of medical and legal assistance for such clients.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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