STATE OF NEW YORK

2109--A

2025-2026 Regular Sessions

IN ASSEMBLY

January 15, 2025

Introduced by M. of A. CLARK -- read once and referred to the Committee on Social Services -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the social services law, in relation to self-attestation for victims of domestic violence

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

Section 1. Section 349-a of the social services law, as added by section 36 of part B of chapter 436 of the laws of 1997, subdivision 2 as amended by chapter 144 of the laws of 2021, is amended to read as follows:

§ 349-a. Procedures to insure the protection of victims of domestic violence. 1. The department, after consultation with the office for the prevention of domestic 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 domestic 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

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

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who at any time self identifies as a victim of domestic 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 domestic violence and statewide domestic violence advocacy groups.

4. [~~The domestic violence liaison shall assess the credibility of the individual's assertion of domestic violence. Such assessment shall be based upon the relevant information and corroborating evidence, but shall in the absence of other sufficient evidence include, at a minimum, a sworn statement by the individual alleging such abuse.~~

~~5. Upon a determination that the individual's allegation is credible~~] **Following referral to a domestic violence liaison**, (a) the individual shall be informed **by the domestic violence liaison** of services, which shall be available on a voluntary basis; and (b) the domestic violence liaison shall conduct an assessment to determine if and to what extent domestic violence is a barrier to **the individual's** compliance with public assistance requirements or to employment **and such assessment shall be based upon an attestation or the relevant information and corroborating evidence provided by the individual alleging such abuse**; and (c) **the domestic violence** liaison shall [~~assess the need for~~] **grant any appropriate** waivers of such program requirements **based on such assessment**. Such waivers shall, to the extent permitted by federal law, include, but not be limited to, residency requirements, child support cooperation requirements and employment and training requirements; provided, however, that exemptions from the sixty month limit on receipt of benefits under the federal temporary assistance to needy families block grant program shall be available only when the individual would not be required to participate in work or training activities because of an independently verified physical or mental impairment resulting from domestic violence, anticipated to last for three months or longer, or if the individual is unable to work because of the need to care for a dependent child who is disabled as a result of domestic violence. Provided, however, that pursuant to section one hundred forty-two of the welfare reform act of 1997 victims of domestic violence may be exempted from the application of subdivision two of section three hundred forty-nine of this article on the basis of hardship.

[~~6.~~] **5.** Waivers granted pursuant to subdivision [~~five~~] **four** of this section shall be provided pursuant to a determination of good cause in cases where compliance with such requirements would make it more difficult for the individual or the individual's children to escape from domestic violence, or subject the individual, or the individual's children, to further risk of domestic violence. Such waivers shall be for an initial period of no less than four months; provided, however, that all such waivers shall be subject to on-going review of the individual's circumstances by the domestic violence liaison, and may be extended, modified or terminated in accordance therewith. An individual may decline a waiver or terminate an existing waiver at any time without penalty.

[~~7.~~] **6.** Information with respect to victims of domestic violence shall not be released to any outside party or parties or other governmental agencies unless the information is required to be disclosed by law, or unless authorized in writing by the applicant or recipient.

§ 2. This act shall take effect immediately.