

STATE OF NEW YORK

2109

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

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:

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

5 § 349-a. Procedures to insure the protection of victims of domestic
6 violence. 1. The department, after consultation with the office for the
7 prevention of domestic violence and statewide domestic violence advocacy
8 groups, shall by regulation establish requirements for social services
9 districts to notify all applicants and, upon recertification, recipi-
10 ents, of procedures for protection from domestic violence and the avail-
11 ability of services. Such notice shall inform applicants and recipients
12 that the social services district will make periodic inquiry regarding
13 the existence of domestic violence affecting the individual. Such
14 notice shall also inform individuals that response to these inquiries is
15 voluntary and confidential; provided, however, that information regard-
16 ing neglect or abuse of children will be reported to child protective
17 services.

18 2. Such inquiry shall be performed utilizing a universal screening
19 form to be developed by the department after consultation with the
20 office for the prevention of domestic violence and statewide domestic
21 violence advocacy groups. Such screening may be conducted by telephone
22 or other digital means at the request of the applicant or recipient. An
23 individual may request such screening at any time, and any individual
24 who at any time self identifies as a victim of domestic violence shall

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

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1 be afforded the opportunity for such screening, or alternatively, can
2 attest to their status as a victim of domestic violence.

3 3. An individual indicating the presence of domestic violence, as a
4 result of such screening or attestation, shall be promptly referred to a
5 domestic violence liaison who meets training requirements established by
6 the department, after consultation with the office for the prevention of
7 domestic violence and statewide domestic violence advocacy groups.

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

13 5.] Upon ~~[a determination that the individual's allegation is credi-~~
14 ~~ble]~~ referral to a domestic violence liaison, (a) the individual shall
15 be informed of services, which shall be available on a voluntary basis;
16 and (b) the domestic violence liaison shall conduct an assessment to
17 determine if and to what extent domestic violence is a barrier to
18 compliance with public assistance requirements or to employment; and (c)
19 shall assess the need for waivers of such program requirements. Such
20 waivers shall, to the extent permitted by federal law, include, but not
21 be limited to, residency requirements, child support cooperation
22 requirements and employment and training requirements; provided, howev-
23 er, that exemptions from the sixty month limit on receipt of benefits
24 under the federal temporary assistance to needy families block grant
25 program shall be available only when the individual would not be
26 required to participate in work or training activities because of an
27 independently verified physical or mental impairment resulting from
28 domestic violence, anticipated to last for three months or longer, or if
29 the individual is unable to work because of the need to care for a
30 dependent child who is disabled as a result of domestic violence.
31 Provided, however, that pursuant to section one hundred forty-two of the
32 welfare reform act of 1997 victims of domestic violence may be exempted
33 from the application of subdivision two of section three hundred forty-
34 nine of this article on the basis of hardship.

35 ~~[6-]~~ 5. Waivers granted pursuant to subdivision ~~[five]~~ four of this
36 section shall be provided pursuant to ~~[a determination of good cause]~~ an
37 individual's self-attestation as a victim of domestic violence in cases
38 where compliance with such requirements would make it more difficult for
39 the individual or the individual's children to escape from domestic
40 violence, or subject the individual, or the individual's children, to
41 further risk of domestic violence. Such waivers shall be for an initial
42 period of no less than four months; provided, however, that all such
43 waivers shall be subject to on-going review of the individual's circum-
44 stances by the domestic violence liaison, and may be extended, modified
45 or terminated in accordance therewith. An individual may decline a waiv-
46 er or terminate an existing waiver at any time without penalty.

47 ~~[7-]~~ 6. Information with respect to victims of domestic violence shall
48 not be released to any outside party or parties or other governmental
49 agencies unless the information is required to be disclosed by law, or
50 unless authorized in writing by the applicant or recipient.

51 § 2. This act shall take effect immediately.