§ 575. New York state office for the prevention of domestic violence. 1. Establishment of office. There is hereby established within the executive department the "New York state office for the prevention of domestic 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 violence. In fulfilling this responsibility, the office shall consult with experts, service providers and representative organizations in the field of domestic violence and shall act as an advocate for domestic violence victims and programs.

3. Activities. In addition, the office shall develop and implement policies and programs designed to assist victims of domestic violence and their families, and to provide education and prevention, training and technical assistance. Such domestic 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 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 not-for-profit corporations, on effective policies and responses to domestic 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 services;

(g) Operating as an advocate for domestic violence services and victims;

(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 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 and promoting senior center based prevention programs;

(m) promoting best practices for abusive partner intervention;

(n) Administering grant funds appropriated and made available to support compliance with article one hundred 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 of the education law; and

(o) (i) Within amounts appropriated for such purpose, the office shall contract with an organization designated by the federal department of health and human services to coordinate statewide improvements within local communities, social services systems, and programming regarding the prevention and intervention of domestic violence in New York state to mutually develop a training program as described in this paragraph. The office and such organization shall be responsible for providing such training to psychiatrists, psychologists and social workers who are licensed in the state of New York, so that such individuals may conduct court ordered forensic evaluations, involving child custody and visitation pursuant to paragraph (a-3) of subdivision one of section two hundred forty of the domestic relations law; for consulting with domestic violence service providers and representative organizations in the field of domestic violence when such training is provided in their communities; and for reviewing and updating training topics at least once every two years. Such training shall include, but not be limited to, a review of: relevant statutes; case law and psychological definitions of domestic violence; coercive control and child abuse; the

dynamics and effects of domestic violence and child abuse, including but not limited to, emotional, financial, physical, technological and sexual abuse; the barriers and fears associated with reporting domestic violence and child abuse and why victims may not have documented evidence of abuse; tactics commonly used by one party to induce fear in another party or child, including verbal, emotional, psychological, and/or economic abuse, isolating techniques, coercive control, and monitoring of a partner's location and activities; litigation abuse and demands for custody or joint custody in order to pressure the partner to return or punish the partner for leaving; trauma, particularly as it relates to sexual abuse and the risks posed to children and the long-term dangers and impacts imposed by the presence of adverse childhood experiences; the increased risk of escalating violence that occurs during child custody proceedings; and the danger of basing child custody decisions on claims that a child's deficient or negative relationship with a parent is caused by the other parent.

(ii) The office, in consultation with the organization designated by the federal department of health and human services to coordinate statewide improvements within local communities, social services systems, and programming regarding the prevention and intervention of domestic violence in New York state, shall determine a reasonable number of training-hours that shall be required for the first instance such program is provided to psychiatrists, psychologists and social workers and a reasonable number of training-hours that shall be required for subsequent refresher courses provided to such individuals.

(iii) The organization designated by the federal department of health and human services to coordinate statewide improvements within local communities, social services systems, and programming regarding the prevention and intervention of domestic violence in New York state shall be responsible for providing a certification of completion to each psychiatrist, psychologist or social worker who satisfies the requirements of such training program, so that such individuals may conduct court ordered forensic evaluations involving child custody and visitation pursuant to paragraph (a-3) of subdivision one of section two hundred forty of the domestic relations law; and

(p) Any other activities including the making of and promulgation of rules and regulations deemed necessary to facilitate the prevention of

domestic violence within the scope and purview of this article which are not otherwise inconsistent with any other provisions of law.

4. Advisory council. (a) An advisory council is hereby established to make recommendations on domestic violence related issues and effective strategies for the prevention of domestic 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 domestic 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 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 commissioner 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. 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. 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 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 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 confidential and privileged in accordance with state law which are provided to the team shall remain confidential 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.

11. Gender-based violence and the workplace policies. The office shall consult with the division of human rights, department of labor, an organization designated by the federal department of health and human services to coordinate statewide improvements within local communities, social services systems, and programming regarding the prevention and intervention of domestic violence in New York state, and an organization designated by the federal department of justice to provide direct support to member rape and crisis centers in New York state through funding, training and technical assistance, public awareness, and public policy advocacy to create and publish a model gender-based violence and the workplace policy that employers may utilize in their adoption of a gender-based violence and the workplace policy required by section one hundred thirty-nine-m of the state finance law. The office shall also publish a model gender-based violence and the workplace policy for executive agencies that such agencies may utilize in their adoption of a

gender-based violence and the workplace policy required by section one hundred seventy-i of this chapter. Such model gender-based violence and the workplace policy shall be publicly available and posted on the websites of the office, the department of labor and the division of human rights.