

**Frequently Asked Questions 19-ADM-05; 19-OCFS-ADM-03**  
**Payment of Residential Services for Victims of Domestic Violence**

(Rev. 8/29/19)

**1. Question** If a client in a domestic violence (DV) residential shelter does not want to sign the consent form but requests benefits from the Supplemental Nutrition Assistance Program (SNAP), can they apply for SNAP benefits?

**Answer** Yes. Applying for SNAP does not require signing a consent form to have the DV residential shelter release a client's personally identifying information (PII). Unlike Temporary Assistance (TA) shelter benefits, SNAP benefits are paid directly to the client.

**2. Question** In the past, the DV shelters had to request extensions on the client's stay after 90 days. Does this still apply? How will the requests on cases that are not active TA, but bills are being paid under Title XX be handled? Do they still need to request extensions?

**Answer** The same process would apply for shelter stays no matter how they are being paid. The DV providers will be responsible for keeping track of the length of stays and notifying the Local Department of Social Services (LDSS) when they need an extension. The LDSS should work out the specifics with the DV providers in whatever manner works best for you.

**3. Question** Would the old way of handling these cases would still apply prior to 6/14/19 (i.e. requiring that a DV victim apply for TA and the ability to levy fees against a victim of DV)?

**Answer** The emergency regulations took effect on 4/1/2019. As a result, if you do not have PII as of 4/1/2019 you must pay for the shelter stay using Title XX or other funds. Also, as of 4/1/2019 you may not levy a fee to the victim.

**4. Question** We understand that the form OCFS-2201 cannot be imaged/scanned into our data system or kept in the case file. We also have another document storage system, DocuWare, what we use for other program areas in our agency. Can this form be imaged/scanned into a specific file in our DocuWare system or cannot it not be imaged at all?

**Answer** It should not be imaged/scanned and stored in any system. The original **should** be kept in the victim's confidential file for reference.

**5. Question** Can a DV residential provider refuse to serve someone who presents as DV who has been deemed "inappropriate" based on behavioral issues from previous stays?

**Answer** A thorough intake must be done to assess a victim's needs and present level of suitability for shelter. It is always preferable to screen a victim into shelter rather than to deny. If the victim is deemed inappropriate at the time of the intake, then they may be denied shelter. The program denying shelter must work with LDSS to make an appropriate and safe referral for that individual or family.

**6. Question** Will the State revise the model contract to update the language so it can reflect the current regulation?

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**Answer** OCFS is in the process of updating the model contract to reflect the changes in Part J of Chapter 56 of the Laws of 2019. Notification will be sent to districts as soon as it is released.

**7. Question** Is OCFS still working on the brochures that explain how a client's PII will be used so we can have clients sign an informed consent?

**Answer** Yes, they should be available in September 2019.

**8. Question** In the instructions for the new DV District of Fiscal Responsibility (DFR) form, OCFS-2200, it states that the Domestic Violence Information System (DVIS) primary ID is the last four of our program code followed by sequential numbering for each primary ID. Do the numbers HAVE to be sequential for some reason? We would like to use the client numbers that we assign clients when they come into shelter since that is how we ID clients in our computer system, and it would be easier for us when communicating with LDSS if we used those numbers.

**Answer** You can use your ID numbers with the DVIS # if that works for you and the district.

**9. Question** Can LDSS view PII of a DV victim without a time-limited, informed, signed consent form?

**Answer** No. Viewing personally identifying information of a DV victim for any reason without written, informed, time-limited consent from the DV victim by LDSS is prohibited. The only exception is when LDSS is investigating a Child Protective Services (CPS) report or complaint See the federal Family Violence Prevention Services Act (FVPSA) at 42 U.S.C.10406(c)(5)(B)(i and ii). NYS regulations, ADMs and OCFS guidance relating to this are in the process of being updated to reflect this directive.

**10. Question** What documents can be scanned by the LDSS as part of the payment process?

**Answer** If documents are submitted by a victim as a part of the Temporary Assistance case and would have been filed as part of the TA case (prior to the implementation of imaging) they can be scanned. Any Family Violence Option (FVO) documents that would have been filed separately from the TA case should not be scanned, but should continue to be stored in hard copy in the same manner they were prior to imaging. The victim should never include the actual address of the DV shelter on the application or any other paperwork submitted to the district. The address that is written on the application or provided by the DV shelter should only be the business address. If DV is indicated on any of the bills/paperwork, they should not be scanned.

**11. Question** How should the shelter be notifying the LDSS for billing purposes when no TA application is completed?

**Answer** This can be worked out by each district with your respective DV provider. Billing is typically done on a monthly basis.

**12. Question** How will the District of Fiscal Responsibility (DFR) be determined without PII?

**Answer** Office of Children and Family Services has developed a form, OFS-2200, a DFR Determination Worksheet for Domestic Violence Providers, which DV providers will be required to complete and attach to any claims for DV shelter reimbursement for

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victims who choose not to apply for TA. The DV provider will be responsible for determining the DFR and keep records to substantiate that determination.

- 13. Question** If DFR statement is not signed, what district is responsible?  
**Answer** Due to confidentiality, if the county of residence is unknown, the where-found district is fiscally responsible.
- 14. Question** How will claims be supported and what backup documentation will be maintained?  
**Answer** DV providers will be required to maintain records to support claims for shelter payment. Unique ID numbers will be assigned to primary victims as a non-identifying means to track the victims' length of stay, the number of nights each individual stayed in the residential program, and the date the victim and any minor child depart the residential program.
- 15. Question** Can a log sheet be required by LDSS as a condition of payment?  
**Answer** No, a log sheet is not a valid requirement for payment. See 18 NYCRR Part 408. OCFS reviews programs' daily census as part of their monitoring process but they are not required for payment.
- 16. Question** How should payments be made which do not go through the Welfare Management System (WMS)?  
**Answer** When payments outside of the WMS and the Benefits Issuance and Control System (BICS) are needed, the district should follow existing local processes and procedures for off-line payments. These cannot include PII for victims who have not signed a consent form. Presently, it is not possible to authorize and pay for DV services through WMS and BICS without client identifiable information.
- 17. Question** What if the new process has a larger fiscal impact than currently expected?  
**Answer** The new process will be closely monitored during the upcoming year for negative fiscal and other impacts to districts, DV providers and DV victims. It will be adjusted as necessary to improve DV service provision while striving to keep districts and DV providers whole.