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STATE OF NEW YORK
OFFICE OF THE STATE COMPTROLLER

September 19, 2002

Mr. Brian J. Wing
Commissioner
Office of Temporary and Disability Assistance
40 North Pearl Street
Albany, NY 12243

Re: Report 2002-F-7

Dear Mr. Wing:

Pursuant to the State Comptroller's authority as set forth in Article V, Section 1 of the State Constitution and Article II, Section 8 of the State Finance Law, we have reviewed the actions taken by officials of the Office of Temporary and Disability Assistance (OTDA) as of August 1, 2002 to implement the recommendations contained in our audit report, *Service Referral Process for Victims of Domestic Violence* (Report 99-S-4). Our report, which was issued on January 31, 2001, reviewed the oversight of the service referral process provided by local social services districts (districts) to victims of domestic violence.

Background

As a result of Federal legislation in 1996 and State legislation in 1997, the public assistance programs commonly known as welfare are no longer entitlement programs. Thereafter, most public assistance recipients must seek employment or engage in preparatory activities that can lead to employment, such as formal education, job readiness training or vocational training. However, studies have shown that domestic violence is a factor in the lives of a high percentage of women receiving public assistance. One study, "Prisoners of Abuse: Domestic Violence and Welfare Receipt," conducted by the Taylor Institute in 1996, indicates that abusers often sabotage the victims' efforts to achieve self sufficiency, and may escalate their violent tactics when the victims participate in work-related activities. This study also concludes that, due to the fear of jeopardizing their own and their children's safety, domestic violence victims may quit their jobs and drop out of training programs. To provide protection against such further abuse, the 1996 Federal legislation was amended with a provision known as the Wellstone-Murray Family Violence Option (FVO).

The purpose of the FVO is to balance the special safety need of domestic violence victims against the overall objective of the welfare reform legislation, which is to encourage public assistance recipients to become economically self-sufficient through employment. Public assistant applicants, identified through a screening process as victims of domestic violence, are referred to domestic violence liaisons. The screening process is both voluntary and confidential. These liaisons

are trained so that they are qualified to identify indications of domestic violence and to determine whether victims should be referred to a domestic violence provider and exempted from any of the requirements normally applied to public assistance recipients.

According to OTDA, during the period April 1, 2000 through March 31, 2002, a total of 16,000 public assistance recipients self identified as victims of domestic violence.

Summary Conclusions

In our prior audit, we reviewed the practices of six districts (Dutchess, Erie, Nassau, New York City, Oneida and Suffolk) and found that, in five of the six districts (all but Erie County), many of the activities performed by them in relation to victims of domestic violence were not adequately documented. As a result, district and OTDA managers did not have reasonable assurance that the activities were performed as intended. In addition, guidelines did not require liaisons to document their assessment of safety issues unless they concluded that a safety plan was required. As such, it was not possible to determine whether liaisons' assessments were done appropriately when safety plans were not completed.

In our follow-up review, we found that the OTDA officials have made progress implementing the recommendations contained in our prior audit report. OTDA periodically provides liaisons training through the Domestic Violence Liaison Training Institute. At these training sessions, the liaisons are informed that note taking on specific incidents should be limited to information needed to document credibility or waiver determinations, in order to protect the victim and ensure confidentiality and privacy. OTDA has begun to visit the districts to monitor the districts' practices and to review case files at the districts to determine adequacy of documentation.

Summary of Status of Prior Audit Recommendations

Of the three prior audit recommendations contained in our prior audit, OTDA officials have implemented all three recommendations.

Follow-up Observations

Recommendations 1 and 2

Re-emphasize to local district managers the importance of ensuring that the activities and decisions of domestic violence liaisons are documented in accordance with the training manual requirements and balanced with victim's confidentiality concerns, and periodically visit the districts to determine whether documentation is satisfactory.

Evaluate the documentation practices of the domestic violence liaisons in the 52 districts not addressed by our audit.

Status – Implemented

Agency Action – OTDA periodically provides comprehensive training for domestic violence liaisons covering their job functions and work responsibilities. As part of this training, OTDA officials stated that they emphasize to the liaisons the need to maintain written documentation in case files to reflect their decisions, while assuring the client’s safety and confidentiality. As a result, the amount of documentation would vary from case to case. Our review of case files at Nassau and Dutchess Counties indicated that the liaisons are documenting their decisions supporting services recommended to victims without compromising the victims’ safety or confidentiality concerns. In December 2001, OTDA began to visit districts to assess procedures for documenting liaisons’ decisions and to review procedures for compliance with the FVO. As of the date of this review, 11 districts had been visited and recommendations for improvement had been made by OTDA.

Recommendation 3

Consider amending guidelines to require that a liaison’s decision to not develop a safety plan be documented.

Status – Implemented

Agency Action – OTDA officials have implemented a new procedure for documenting the liaison’s decision regarding a victim’s safety when an emergency safety plan is not needed. Liaisons now note on a Model Services Plan document concerns regarding a victim’s safety. This document also notes if the liaison referred the victim to a domestic violence service provider.

Major contributors to this report were Richard Sturm, Brian Lotz and Legendre Ambrose.

We thank the management and staff of the Office of Temporary and Disability Assistance, and management and staff at the Department of Social Services at Nassau and Dutchess County for the courtesies and cooperation extended to our auditors during this review.

Very truly yours,

William P. Challice
Audit Director

cc: Deirdre Taylor
David Dorpfeld