



# DV NEWS

*A Newsletter of the Domestic Violence Program*

*of*

**Catholic Charities  
of Delaware, Otsego and Schoharie Counties**



Contact **518-234-3581**; ask  
for a domestic violence advo-  
cate for more information



Attorney:

**Carlotta Palmer, Esq.**

Legal Aid Society of  
Northeastern New York

## **Serving Schoharie County**

- Domestic Violence Victims
- Childhood Abuse Victims
- Sexual Assault Victims
- ALL Victims of Crime**

This program serves people of all income levels.

For more information call **518-234-3581**; ask for an advocate

## **Domestic Violence Related Laws that have been approved by Legislature and Signed by Governor**

*The following laws are just few of the several laws that have recently been both approved by Legislature and signed by governor:*

### **CANCELLATION OF TELEPHONE AND CABLE CONTRACTS FOR DV VICTIMS**

#### **Chapter 186 (A5318 Rozic/S2356 Parker)**

Required telephone, cable TV or satellite TV companies to allow victims of DV to cancel contracts without charge when a DV incident report, a police report, an order of protection, or a signed affidavit from medical or mental health care provider, court employee, social worker, rape crisis counselor, or DV advocate is provided. **Effective immediately.**

### **EXTENDS STATUTE OF LIMITATIONS FOR DV-RELATED CIVIL SUITS**

#### **Chapter 245 (A1945 Zebrowski/S2416 Kaplan)**

Extends the length of time DV victims may file a civil claim against an abuser for DV-related injuries from one year to two years. **Effective immediately.**

### **EXTREME RISK PROTECTION ORDERS (ERPO)**

#### **Chapter 19 (A2689 Simon/S2451 Kavanagh)**

Enables family or household member, police officer, district attorney, or school administrator or designee to petition court to issue court-ordered ERPO. Creates grounds for issuance, which include threats or acts of violence or use of physical force directed toward self, the petitioner or another person. If temporary ERPO is issued, individual is prohibited from purchasing, attempting to purchase or possessing firearms and must surrender any firearms, rifles or shotguns to law enforcement. A court hearing will be held within three to six days after the issuance of a temporary order. If a final ERPO is ordered, law enforcement will retain the individual's firearms and the individual will be prohibited from possessing or purchasing firearms for up to one year, subject to renewal. Any firearm license also will be suspended for the duration of time the ERPO is in effect. **Effective August 25, 2019.**

### **WORKPLACE TIME OFF FOR DV VICTIMS**

#### **Chapter 176 (A5618 Weinstein/S1040 Persaud)**

Adds status as a victim of DV as a protected class under the employment provisions of the Human Rights Law. Allows employees a reasonable accommodation in taking time off to seek medical attention or counseling or appear in court on matters related to incidents of domestic violence, including child protective proceedings, unless time off would constitute an undue hardship for the employer. Employers would have the option of requiring that employees charge this time to accumulated leave credits or, where such leave credits are unavailable, take unpaid leave.

### **REVENGE PORN**

#### **Chapter 109 (A5981 Braunstein/S1719C Martinez)**

Criminalizes intentional, non-consensual disclosures of sexually explicit images that were obtained under reasonable expectations of privacy as a Class A misdemeanor. Allows victims to seek civil remedy against offenders. Allows victims to obtain a court order to permanently remove an intimate image from the Internet while preventing an Internet company from being held liable for the activities of its users. **Effective August, 8, 2019.**

### **SPECIAL MAIL-IN ELECTION BALLOT FOR DV VICTIMS**

#### **Chapter 150 (A219A Paulin/ S3232A Savino)**

Allows DV victims the right to vote by mailing in a special ballot, including those who remain in the county where they are registered. Ensures distribution of such ballots to voters is made in sufficient time for DV victims to cast their ballots prior to the close of Election Day. **Effective immediately.**

### **REPORTING DV INCIDENTS REGARDLESS OF WHERE INCIDENT OCCURRED**

#### **Chapter 152 (A4467A Zebrowski/S1243B Carlucci)**

Allows DV victims who allege that returning to the community where a DV incident occurred would be a "hardship" to make complaints to any local law enforcement agency in the State, even if the incidents did not take place in that jurisdiction. The police agency taking the report and DIR will promptly forward the information to the police agency with jurisdiction over the location where the incident occurred.

## **EXPANDS ADDRESS CONFIDENTIALITY PROGRAM**

### **Chapter 141 (A7515 Cruz/S5444 Salazar)**

Enables victims of sexual offenses, stalking and human trafficking to be eligible to participate in the address confidentiality program, which allows victims to shield their actual address from abusers and offenders. Under the program, the Department of State forwards legal process and mail to a confidential mailing address provided by the participant. **Effective October 29, 2019**

## **RIGHT TO CALL 911**

### **Chapter 263 (A2665A Lavine/S4657A Hoylman)**

Ensures victims are able to call for police or emergency medical assistance without fear of being evicted or that their landlord and community will take action to remove them from their home. Provides that municipalities cannot impose penalties on a property owner or tenant on the basis of a residential occupant's exercise of his or her right to seek or utilize police or emergency aid, and prohibits landlords from taking negative housing actions against individuals for this protected conduct. Ensures that when municipalities seek to enforce local nuisance ordinances, that they must provide notice and give both the landlord and tenant an opportunity to contest.

## **EXTENDS STATUTE OF LIMITATIONS FOR DV-RELATED CIVIL SUITS**

### **Chapter 245 (A1945 Zebrowski/ S2416 Kaplan)**

Extends the length of time DV victims may file a civil claim against an abuser for DV-related injuries from one year to two years.

## **PERMITS DV VICTIMS TO OBTAIN COMPENSATION FOR FAILURE TO ENFORCE ORDERS OF PROTECTION**

### **Chapter 180 (A5614 Weinstein/ S1868 Bailey)**

Currently, a procedural rule in the civil practice law and rules limits a party's liability to its proportionate share of the damages in cases where it has been found liable. This has made it extremely difficult for courts to find law enforcement and municipalities liable for failing to obey or enforce orders of protection. This bill modifies current law to ensure, in a situation where a court or jury finds defendants liable, DV victims can recover non-economic and economic damages from such defendants.

## **Domestic Violence Related Bills that have been passed by Both Houses and are Awaiting Action by Governor**

*The following Bills have been approved by both houses and are currently awaiting action by the Governor.*

## **BREAKING RESIDENTIAL LEASES BY DV VICTIMS**

### **A4267A Hevesi/S4281A Biaggi**

Streamlines the process for tenants who are victims of DV to terminate residential leases or rental agreements. Enables victims to provide, as documentation, a temporary or final order of protection; a record, complaint or report from a federal, state or local law enforcement agency of an act of DV or certifying that the tenant or member of the tenant's household has been subjected to DV; a record from a health care provider for treatment related to DV; or a written verification from a qualified third party, including court employee, attorney, medical professional or DV advocate. Removes requirement that tenant victim of DV be current on their rent before terminating lease. Eliminates current requirement that abusers who are co-tenants be notified.

## **UNIVERSAL HOSPITAL POLICIES, PROCEDURES IN TREATING DV VICTIMS**

### **A2850 Lavine/S3962A Salazar**

Requires hospitals to develop, maintain and disseminate written policies and procedures for the identification, assessment, treatment and referral of confirmed or suspected cases of DV. Requires hospitals to advise DV victims of availability of local services and to contact local DV agency if requested. Hospitals are required to contact local DV agencies to establish coordination of services. Also requires hospitals to train, on an ongoing basis, all current and new employees and designation of a staff member to coordinate services to DV victims. Curriculum will be developed by the Department of Health in consultation with OPDV.

## **TEMPORARY SPOUSAL SUPPORT WITH ORDERS OF PROTECTION**

### **A7529 Wallace/S6423 Montgomery**

Current law authorizes Family Courts, when issuing orders of protection in family offense cases, to issue temporary orders of child support. However, there is no analogous safety net provided to married petitioners in family offense proceedings who do not have minor, dependent children. This bill permits issuance of temporary orders of spousal support in such cases to provide temporary resources to DV victims as they seek a more long-term order in a Supreme or Family Court proceeding.



### Domestic Violence Program

489 West Main Street  
Cobleskill, NY 12043

Phone: 518-234-3581  
Fax: 518-234-8423

**24 Hour Crisis Hotline:  
(518) 234-2231**

**Collect Calls Accepted**



CharitiesCCDOS.org  
SCDVInfo.org



CatholicCharitiesDOS  
SCDVInfo



CharitiesDOS



CharitiesDOS



**OCTOBER**  
NATIONAL DOMESTIC VIOLENCE  
AWARENESS MONTH

October is Domestic Violence Awareness Month. This month, the DV Program will be doing several events to promote awareness, one of which is the Proclamation Ceremony on October 4<sup>th</sup> at the Schoharie County Courthouse steps. Approximately 1 in 4 woman and nearly 1 in 7 men have experienced severe physical violence by an intimate partner at some point in their life, and Intimate Partner Violence alone affects more than 12 million people each year. While these numbers are staggering, they are underreported as many people never disclose the abuse they are subjected to. There are several reasons that could account for this underreporting, including but not limited to: safety, systematic barriers, stigma, and lack of knowledge that what they're experiencing is actually abuse. This is why Domestic Violence Awareness month is so important. Showing support and providing education saves life! So show your support to survivors and victims by attending the Proclamation Ceremony!