CLIENT RIGHTS AND RESPONSIBILITIES

New York City
Department of Homeless Services
Division of Family Services
What is the Client Rights and Responsibility Policy?

- State-approved policy that implements existing laws and continues the transformation of New York City’s family shelter system.
- Statement of client rights and responsibilities that clearly defines expectations for families, providers and DHS.
- Set of basic shelter rules that are standardized across New York City’s family shelter system.
- A process of last resort to temporarily discontinue shelter. Will be used only in the rare case when a family, despite provider and DHS effort, does not follow or complete the critical tasks related to the core goal of moving to permanent housing.
Why Have a Client Rights and Responsibility Policy?

- Reinforce the goals of the family shelter system to provide a safe, supportive environment while encouraging families to move to permanency as quickly as possible.
- Provide consistency across the system regarding rights and responsibilities.
- Provide a last resort tool that, while rarely used, sets a strong expectation of accountability for families, providers and DHS.
Experience With Client Responsibility

• DHS has used the Client Responsibility procedure in the single adult shelter system since 2005.
• The procedure has had a positive impact on single adults exiting shelter to independent living.
• The procedure has not led to frequent discontinuation of shelter.
• Out of nearly 80,000 individuals who entered the single adult shelter system from January 1, 2005 through June 14, 2009, only 15 people had their shelter temporarily discontinued.
• Clear that this tool will only be used as a last resort and on rare occasions.
What Responsibilities Do Families in Shelter Have?

• Follow the *Statement of Client Rights and Client Code of Conduct.*
• Refrain from acts of Gross Misconduct.
• Partner with shelter staff to create and follow through on an Independent Living Plan (ILP).
• Attend regular meetings with shelter staff to discuss and update ILP.
• Comply with ILP Requirements.
What Responsibilities Do Families in Shelter Have? (cont’d)

• Work with the case manager to obtain permanent housing.
• View at least three apartments every week, (or the number specified in the ILP), and accept first suitable housing offer.
• Apply for Public Assistance and follow all requirements to maintain it.
• Pursue employment options.
• Participate in physical/mental health evaluations or services.
What **Responsibilities** Do Shelter Staff and DHS Have?

- Provide a safe environment for families.
- Create an atmosphere that encourages independent living and self-sufficiency.
- Partner with families to develop, discuss and update an ILP.
- Aid families with housing searches, applications, interviews and appointments.
What Responsibilities Do Shelter Staff and DHS Have? (cont’d)

- Help families apply for and maintain Public Assistance.
- Help families access appropriate housing, financial and employment resources.
- Document in the family's case record their compliance/non-compliance and ILP requirements and their progress toward permanent housing.
- Assist Families to identify or obtain referrals for domestic violence, child abuse and physical/mental health when needed.
Tools for Working with Non-Compliant Families in Shelter

Continue to:
• Listen, Engage, Encourage.
• Have regular case reviews with social service staff.
• Utilize evaluation tools.
• Be flexible in scheduling appointments.
• Regularly review PA resources.
• Use short-term contracts with measurable tasks to achieve.

Use Case Conferences:
• Conference with the Shelter Director.
• Conference with DHS program staff—We are here to help!
Statement of Client Rights and Client Code of Conduct
What is the **Statement of Client Rights and Client Code of Conduct**?

- The Statement of Client Rights sets forth the basic rights of clients in shelter.
- The Client Code of Conduct sets standards of behavior for families while in shelter.
- Together, these standards reinforce a safe environment where families acknowledge that shelter is **temporary**, and that they must take all necessary steps to return to permanent housing.
When is the **Statement of Client Rights and Client Code of Conduct** given to Clients?

- Families already in shelter-within 10 days of this training.
- Families entering shelter after the policy takes effect-within 48 hours of arriving at conditional shelter placement and again after a finding of eligibility for shelter.
How Should the *Statement of Client Rights and Client Code of Conduct* be Given to Clients?

- Shelter staff must document in a family’s case record that they met with the family and explained the importance of following the *Statement of Client Rights and Code of Conduct*.
- Shelter staff must help families understand the form and all legal adults, (age 18 years and older), in a family must sign it.
How Should the *Statement of Client Rights and Client Code of Conduct* be given to Clients (cont’d)?

- If a family refuses to sign the *Statement of Client Rights and Client Code of Conduct*:
  1. Shelter staff indicates the date of refusal on the form.
  2. Shelter staff informs the family that they must still follow all of the detailed rules and responsibilities.

It is the responsibility of families in shelter to follow the *Statement of Client Rights and Client Code of Conduct.*
There are FOUR Core Principles of the Client Code of Conduct.

1. Refrain from Gross Misconduct
2. Follow the Independent Living Plan
3. Seek Permanent Housing
4. Maintain Public Assistance
Gross Misconduct

Shelter residents and staff are entitled to a safe environment while in shelter.

Examples of Gross Misconduct:

• Violent, dangerous or other reckless behavior impacting the safety of individuals in shelter Possession or sale of controlled substances, firearms or deadly weapons.

• Other repeated violations of the Statement of Client Rights and Client Code of Conduct that interfere with orderly operation of the shelter.
How Should Shelter Staff Handle Gross Misconduct?

• Counsel family on their behavior and offer guidance on how to avoid such behavior.
• Notify the police and other appropriate agencies.
• Report the incident to DHS.
• Document all instances of Gross Misconduct in the family’s case record (including copies of all incident reports).
The New Independent Living Plan

As part of the Client Rights and Responsibility Policy, shelter staff will use the newly-developed ILP forms. (See Service and Bi-Weekly Service Plan for Families and ILP Instruction Sheet).

- Use only the forms identified in this training.
- Discard your old forms.
Permanent Housing

- Shelter is **temporary**, and families are required to look for, and accept, the first suitable housing option.
- Shelter staff and DHS must provide any help necessary for families to return to permanent housing in the community.
What Should Shelter Staff Do to Assist Families with Permanent Housing?

• Document and follow up on all apartment searches and permanent housing applications.
• Assist in locating suitable housing and advise that families also are responsible for seeking apartments on their own.
• Secure an evaluation, when necessary, of a family member to determine whether the family member has a mental or physical condition that affects the suitability of a particular housing option.
• Complete each submitted *Client Apartment Review Checklist* and *Client Apartment Rejection Form*. 

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Public Assistance (PA)

Families must apply for Public Assistance and keep their PA case open. This helps families become eligible for rental assistance programs and other stabilizing resources and maximizes reimbursement for the shelter system.

To assist a family, shelter staff must:

• Help them apply for, open and maintain their PA case.
• Check the Client Profile System (CPS) to keep them informed of all PA appointments and client status.
• Ensure they have access to child care services when necessary.
Client Case Records

Complete and well-documented case records:
• Enable staff to provide the most effective services to families.
• Ensure that complete and up-to-date information is available to anyone who reviews the case record.
• Supports a *Notice of First ILP Violation* or a *Client Responsibility Sanction Recommendation*.

Without a complete and well-documented case record, DHS will not approve a First ILP Violation or a recommendation to discontinue shelter.

If something is not in the case record, it did not happen!
Temporary Discontinuance of Shelter
When Can Shelter be Temporarily Discontinued?

A family’s shelter can be temporarily discontinued as a last resort when a family fails to follow their most critical responsibilities.

Specifically:
- An act or acts of gross misconduct.
- Repeated and unreasonable failure to follow family’s ILP after receiving a First ILP Violation.
- Failing to seek or accept suitable permanent housing.
- Failing to apply for Public Assistance or to maintain an open Public Assistance case.

Note: Shelter will not be discontinued solely due to a PA sanction by the Human Resources Administration.
Temporary Discontinuance of Shelter Will Not Be an Option Unless:

- A family’s non-compliance is well-documented in the case record.
- The provider has exhausted all other avenues for ensuring compliance.
- All other efforts to encourage a family's compliance are well-documented in the case record.
Discontinuance of Shelter: Inability to Comply with Client Responsibilities

• A family member with a mental or physical impairment that prevents the family’s compliance with their responsibilities will not have their shelter discontinued.

• A family's ability to comply will be evaluated on a case-by-case basis.

• Evaluation is a team effort that should include caseworkers, senior shelter staff, DHS staff and/or appropriate professionals.
Discontinuance of Shelter: Inability to Comply with Client Responsibilities

• An impairment, by itself, does not automatically excuse a family member from their responsibilities – a family member is excused only for impairments that prevent compliance.

• An impairment that prevents compliance with one set of responsibilities does not automatically excuse a family from meeting their other responsibilities.

• A family’s ILP must take into account all circumstances that could affect compliance and shelter staff must fully document the inability to comply in the family’s case record.
First ILP Violation
First ILP Violation

- What is the First ILP Violation and when is one issued?
- What are shelter staff’s responsibilities prior to issuing a First ILP Violation?
- How is a First ILP Violation issued?
- What rights does a family have to challenge a First ILP Violation?
- How are First ILP Violations properly served?
Sample Notice of First ILP Violation
Issuing a First Independent Living Plan (ILP) Violation

When a family does not complete their ILP tasks, shelter staff may issue a first ILP violation.

Shelter staff gives family Notice of First ILP Violation and informs them of their right to have an Agency Conference or a State Fair Hearing.

Shelter Director signs and dates Notice of First ILP Violation after it is given to the family.

Shelter staff gives family the original Notice; Copies are given to the DHS Program Administrator and placed in the family’s case record.

Shelter staff continues to engage the family; Updates the ILP.
First ILP Violation (cont’d)

Remember:

• Shelter Staff can serve a family with only one First ILP Violation.

• If a family, after receiving a First ILP Violation, still repeatedly and unreasonably fails to follow their ILP, the family may be recommended for temporary discontinuance of shelter – there is no second ILP violation.

• Following a First ILP Violation, shelter staff must continue to meet regularly with the family and complete ILPs and progress notes to address issues regarding their non-compliance.
Temporary Discontinuance of Shelter Process
Recommendation to Temporarily Discontinue Shelter

• What must the Shelter Director do prior to recommending that a family’s shelter be temporarily discontinued?

• What must the Shelter Director do if he or she decides to recommend that a family's shelter be temporarily discontinued?

Discontinuing shelter is a last resort !!!
Sample *Temporary Discontinuance of Shelter Recommendation* form
Temporary Discontinuance of Shelter Recommendation Process

1. Shelter staff believes a family’s shelter should be temporarily discontinued.
2. Shelter staff presents all relevant information to Shelter Director.
3. Shelter Director reviews case file and interviews family about non-compliance.
Temporary Discontinuance of Shelter Recommendation Process

If Shelter Director decides to recommend temporary discontinuance of shelter...

Shelter Director sends case file and Client Responsibility Temporary Discontinuance of Shelter Recommendation form to DHS Program Administrator

Shelter Director informs family of decision and of the consequences of a temporary discontinuance of shelter

If Shelter Director decides not to recommend temporary discontinuance of shelter...

No action taken; Shelter staff engages family and encourages compliance
DHS Review

• How does DHS review a recommendation to temporarily discontinue a family’s shelter?
• What happens when DHS approves or decides not to approve a recommendation to temporarily discontinue a family’s shelter?
DHS Review of Temporary Discontinuance Recommendation

DHS reviews recommendation to temporarily discontinue shelter within 10 days of receipt from the Shelter Director

If DHS approves recommendation to temporarily discontinue shelter...

Program Administrator sends Notice to Temporarily Discontinue Temporary Housing Assistance and Client Responsibility Temporary Discontinuance of Shelter Recommendation form to Shelter Director

If DHS does not approve recommendation to temporarily discontinue shelter...

Program Administrator returns Client Responsibility Temporary Discontinuance of Shelter Recommendation form to Shelter Director; Instructs him/her to engage client to encourage compliance

Program Administrator may recommend other courses of action

Shelter Director gives Notice to Temporarily Discontinue Temporary Housing Assistance to family and explains why there will be no discontinuance of shelter
Informing the Family

• How is a Notice to Temporarily Discontinue Temporary Housing Assistance properly served?
• What rights must shelter staff explain to a family upon serving a Notice to Temporarily Discontinue Temporary Housing Assistance?
Informing the Family and Carrying Out Temporary Discontinuance of Shelter

Shelter Director gives Notice to Temporarily Discontinue Temporary Housing Assistance to the family and informs of right to a State Fair Hearing

If family requests a State Fair Hearing...

- Shelter Director notifies DHS Office of Legal Affairs and the family remains in shelter

If State Fair Hearing overturns DHS’ decision...

- Family remains in shelter

If State Fair Hearing upholds DHS’ decision...

If family does not request a State Fair Hearing within 10 days...

- Program Administrator will give Shelter Director a Temporary Discontinuance of Shelter Instruction Notice and a Temporary Discontinuance of Temporary Housing Assistance Enforcement Letter to Shelter Director
Carrying Out Temporary Discontinuance of Shelter

- When can shelter staff carry out a temporary discontinuance of a family’s shelter?
- How should shelter staff carry out a temporary discontinuance of a family’s shelter?
- What if a family needs preventive or protective services?
- What if a family refuses to leave shelter?
- What if there is a Code Blue Winter Weather Alert in effect?
Carrying Out Temporary Discontinuance of Shelter

Shelter Director gives *Temporary Discontinuance of Temporary Housing Assistance Enforcement Letter* to the family

If family refuses to leave shelter...

Shelter Director contacts the Program Administrator and Office of Legal Affairs

Family leaves shelter for discontinuance period, unless a Code Blue Winter Weather Alert has been called
Re-Admission to Shelter

• How does a family seek re-admission to shelter?
• How long are the periods for temporary discontinuance of shelter?
## Re-Admission to Shelter (cont’d)

<table>
<thead>
<tr>
<th>Cause of Discontinuation of Shelter</th>
<th>Length of Discontinuation of Shelter</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gross misconduct</td>
<td>30 days or until compliance, whichever period is longer</td>
</tr>
<tr>
<td>Failure to seek and accept housing</td>
<td>30 days or until compliance, whichever period is longer</td>
</tr>
<tr>
<td>Unreasonable non-compliance with the Independent Living Plan</td>
<td>Second and further incidents – 30 days or until compliance, whichever period is longer</td>
</tr>
<tr>
<td>Public Assistance violation</td>
<td>Until compliance</td>
</tr>
</tbody>
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Remember….  

• Client Responsibility is about Providers and DHS forming a team with families to help them return to a life of self-sufficiency and independence.
• Continue to work with the family toward securing permanent housing.
• Communicating with families is vital.
• Communicating with DHS is also very important. Never hesitate to contact us with any suggestions, questions or concerns.
• Documentation is KEY!
• Discontinuance of a family’s shelter is a tool of last resort, reserved for only the most resistant families.
Contact Us

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