

<h1>ACF</h1> <p>Administration for Children and Families</p>	U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES Administration on Children, Youth and Families	
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## INFORMATION MEMORANDUM

**TO:** ACF/ACYF Grantees and Sub-grantees under the Family Violence Prevention and Services Act (FVPSA)

**SUBJECT:** NEW LEGISLATION – Public Law 111-320, the CAPTA Reauthorization Act of 2010 - Notice of FVPSA Reauthorization 2010 and extensive statutory changes affecting programs and services (as reauthorized under CAPTA)

**LEGAL AND RELATED:** Title III of the Child Abuse Prevention and Treatment Act, as amended by Public Law (P.L.) 111-320, enacted December 20, 2010 (42 U.S.C. § 5101, *et. seq.*); Family Violence Prevention and Services Act (42 U.S.C. §10401, *et. seq.*, as amended by P.L. 111-320)

**PURPOSE:** The purpose of this Information Memorandum (IM) is to provide notice to all FVPSA formula and discretionary grantees about the reauthorization of FVPSA and to bring attention to selected statutory changes affecting the distribution and monitoring of funds, as well as revised and/or new programmatic requirements of the legislation.

**BACKGROUND:** In response to the prevalence of domestic violence in the United States, Congress enacted legislation to make Federal funds available to States, Indian Tribes and Tribal organizations, local public agencies, nonprofit private organizations, and other persons seeking such assistance to implement programs to address the problem. Funding was initially authorized through the FVPSA, which was enacted in Sections 301-313 of Title III of the Child Abuse Amendments of 1984 (P.L. 98-457). The Act was amended and reauthorized in 1988, 1992, 1994, 1996, 2000, 2003, and most recently in December 2010. Significant statutory changes including a complete reorganization of the FVPSA occurred in this process.

**INFORMATION:**

The President signed the CAPTA Reauthorization Act of 2010, P.L. 111-320 on December 20, 2010. The law also reauthorizes and amends FVPSA under Title III. Considerable changes to the FVPSA have been made pursuant to P.L. 111-320; however, there are notable distinctions from prior reauthorizations about which grantees should become immediately aware. Grantees are also highly encouraged to review the entire legislation (See Attachment A) to familiarize themselves with the changes that most affect their respective programs. Overarching primary distinctions from prior reauthorizations include:

- (1) expanded purpose areas to include family violence, domestic violence and dating violence (section 301(b));
- (2) an expanded definitions section to clarify statutory language (section 302);
- (3) expanded authority of the Secretary to promulgate regulations and guidance as necessary and updates the Secretary's authority to coordinate programs across the Department and with other Federal agencies, provide for and coordinate research and evaluation, and develop effective policies to address the needs of adult and youth victims of domestic violence and dating violence (section 304(a));
- (4) a new State Formula grant requirement to provide specialized services for children exposed to family violence, domestic violence, or dating violence, underserved populations, and victims who are members of racial and ethnic minority populations (section 306(a));
- (5) nondisclosure of confidential or private information provisions that are consistent with the provisions of the Violence Against Women Act (section 306(c)(5));
- (6) additional requirements to strengthen the collaboration between States and State Domestic Violence Coalitions (section 307(a)(2)(D));
- (7) requirements that a tribally designated official be named in Tribal applications for administration of grant programs (section 307(a)(1));
- (8) changes to statutory language in the State grants and sub-grants section that requires funds to be used for providing immediate shelter and supportive services for adult and youth victims of family violence, domestic violence, or dating violence (and their dependents), and that may provide prevention services (section 308(a));
- (9) expanded eligibility of the types of nonprofit private organizations that may receive State sub-grants to include faith-based and charitable organizations, community-based organizations, Tribal organizations, and voluntary associations (section 308(c)(1));
- (10) clarification disallowing voluntary services as a requirement for the receipt of supportive services (section 308(d)(2));
- (11) a new requirement for consultation with Tribal governments in the planning of grants for Indian Tribes (section 309(a));
- (12) clarification that administrative costs are limited to no more than 5 percent of Tribal and State formula grants (section 307(a)(2)(B)(i));
- (13) a requirement for two national resource centers on domestic violence to include a national Indian resource center (section 310);
- (14) a requirement for at least seven special issue resource centers including three focused on enhancing domestic violence intervention and prevention efforts for victims of domestic violence who are members of racial and ethnic minority groups to enhance the cultural and linguistic relevancy of service delivery (section 310);

- (15) a provision giving the Secretary the discretionary authority to award grants to State resource centers to reduce tribal disparities in domestic violence in eligible States (section 310);
- (16) clarification of the activities of State Domestic Violence Coalitions (section 311);
- (17) new opt out provisions for certain coalition activities if annual assurances are provided by coalitions that the activities are being provided and coordinated under other specific federal funding streams (section 311(e));
- (18) a requirement that the Secretary establish a new program for specialized services for abused parents and their children with discretionary authority to make grants (section 312);
- (19) clarification that a grant to one or more private entities may be made for ongoing operation of the National Domestic Violence Hotline that serves adult and youth victims of family violence, domestic violence, or dating violence (section 313(a)); and,
- (20) clarification that the provision of hotline services to youth victims of domestic violence and for victims of dating violence who are minors may be carried out through a national teen dating violence hotline (section 313(d)(2)(G)).

**INQUIRIES:** Marylouise Kelley, Ph.D., Director, Division of Family Violence Prevention

/s/  
Bryan Samuels  
Commissioner

**Attachment A:** Child Abuse Prevention and Treatment Act of 2010, Title III (Family Violence Prevention and Services Act)