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THE FAMILY VIOLENCE PREVENTION AND SERVICES ACT (FVPSA) 2010

S. 3817

The Family Violence Prevention and Services Act (FVPSA) was first authorized in 1984 and continues to be the federal government's only funding source directly dedicated to domestic violence shelters and services. FVPSA was recently reauthorized along with the Child Abuse Prevention and Treatment Act (CAPTA). The National Domestic Violence Hotline and the DELTA prevention program were also reauthorized with CAPTA and FVPSA.

The new law, signed by President Obama on December 20, 2010, builds upon FVPSA's core strengths, includes critical improvements that are geared toward meeting the needs of underserved populations, and dedicates needed funding toward this cost-effective, lifesaving program.

The analysis below outlines the updates and changes made in FVPSA 2010.

Definitions

FVPSA 2010 significantly updates the statute's operating definitions to clarify who is eligible to receive FVPSA-funded services and the entities eligible to apply for grants, as well as specific grant conditions.

- **Service Population** – The terms “dating violence” and “domestic violence” are defined by referring to their Violence Against Women Act (VAWA) definitions. The term “family violence” remains defined as before. Together these three terms clarify and outline the populations eligible to receive services from FVPSA-funded programs. The inclusion of domestic violence and dating violence more closely aligns FVPSA with VAWA.
- **Personally Identifying Information** – Consistent with VAWA, and underscoring the importance of confidentiality and privacy in the provision of domestic violence services, FVPSA 2010 specifies the types of information that must be protected by FVPSA grantees.
- **Supportive Services** – The term “related assistance” is replaced by “supportive services”, which updates and expands the list of eligible activities under state formula grants to support domestic violence programs.
- **Underserved Populations** – This new definition more clearly defines those populations which may be “underserved”. The Secretary of the U.S. Department of Health and Human Services has the authority to determine whether other populations not listed can also be considered underserved.

Authorization of Appropriations

FVPSA's funding is authorized from 2011- 2015.

The authorization level for FVPSA is \$175 million. This section remains largely the same as the law it replaces. One significant change is for the Specialized Services for Abused Parents and their Children program. This program will be funded through a set-aside of 25% of any increase of funding over \$130 million (provided in the annual Appropriations process). The formula for the other grants programs remain the same: State formula

grants (70 percent); Tribal grants (10 percent); State Domestic Violence Coalitions (10 percent); Training and Technical Assistance (6 percent); and Monitoring and Evaluation (2.5 percent).

The DELTA prevention grants program is authorized at \$6 million and the National Domestic Violence Hotline is authorized at \$3.5 million – the same authorization levels as the previous law provided.

Allotment of Funds to States and Territories

The allotment of funds remains the same. Under the State Formula Grants, each of the 50 states, DC and Puerto Rico receive a core grant of \$600,000 and remaining funds are distributed to states based on population. The U.S. Territories of Guam, Northern Mariana Islands, American Samoa, and the U.S. Virgin Islands are allotted not less than 1/8 of 1 percent of amounts available for State Formula grants.

The bill clarifies that States have two years to spend their funding. A new provision directs unspent state funds to the Centers for Disease Control and Injury Prevention for the DELTA program. This replaces the practice of sending unspent funds to the U.S. Treasury.

Formula Grants to States – Conditions and State Application

The most sizable portion of FVPSA is the Formula Grants to States. While this program largely remains the same, there are key changes and improvements.

- Discrimination prohibited – FVPSA 2010 explicitly prohibits discrimination based on age, disability, race, color or national origin. Sex discrimination is also prohibited except in instances where the individual's sex is a bona fide occupation qualification or programmatic factor necessary to the normal or safe operation of domestic violence program.
- Confidentiality/non-disclosure of private information – The law prohibits grantees from disclosing, revealing or releasing any victim's confidential or private information without the victim's informed, written and reasonably time-limited consent. All disclosures are prohibited unless compelled by statutory or court mandate. If disclosure of victim information is forced, adequate safety protections must be offered (such as limiting release only to entities with a specific need to know). This condition closely parallels VAWA 2005.
- Reports and evaluation – The law requires an annual performance report describing grantee and subgrantee activities with an evaluation of the effectiveness of the activities.
- Maintains many grant conditions including matching funds, income eligibility standards, and non-supplantation.

One of the most significant improvements in the new law is the strengthened and clarified State application process. In their application and planning process, States must consult with and provide for the participation of the State Domestic Violence Coalitions in the planning and monitoring of the distribution of the grants. States must also involve community-based organizations whose primary purpose is to provide culturally appropriate services to underserved populations in the planning process. These two elements will help ensure that a State's planning and fund allocation process is informed by a clear and comprehensive understanding of victims' needs.

Subgrants and Uses of Funds

The States must subgrant 95 percent of their funding to local domestic violence organizations or community-based organizations to provide shelter and supportive services. The law further maintains that 70 percent of these funds must be provided to eligible entities for the primary purpose of providing immediate shelter and supportive services to victims of domestic violence. Not less than 25 percent of the funds must be used for supportive services and prevention services.

The law clarifies the types of organizations eligible to receive the State funding. An organization must be a local public agency or non-profit organization with a demonstrated history of effective work in the field. Additionally, community-based organizations with a demonstrated history of providing services to specific populations in their communities, including those identified as underserved, can partner with such organizations to become eligible for the grants.

Building upon the previously allowable core services and activities, the law clarifies that organizations can provide a broad range of services, including assistance locating and securing safe and affordable housing and homelessness prevention services, financial literacy services and education, financial planning and related economic empowerment services.

The new law also clarifies that supportive services offered at domestic violence shelters or programs are to be used by participants on a voluntary basis. This means, for example, that a stay in shelter is not conditioned upon the victim's participation in services.

Grants for Indian Tribes

The Grants for Indian Tribes are closely aligned with state grants conditions and applications, as appropriate. The law clarifies the eligible entities for such grants, and that an Indian tribe can authorize a tribal organization or a nonprofit private organization to submit an application and administer the grant funds.

National Resource Centers and Training and Technical Assistance Centers

FVPSA 2010 maintains the National Domestic Violence Resource Center, a national clearinghouse offering a comprehensive array of technical assistance and training to government agencies, services providers and other entities, and statutorily establishes a National Indian Resource Center Addressing Domestic Violence and Safety for Indian Women to provide the same resources for tribal organizations, tribes and government agencies.

The new law continues authorization for special issue resource centers to provide support to domestic violence intervention and prevention efforts related to health care response, child protection and child custody issues, and criminal and civil justice response, and adds mental health as an area of focus.

FVPSA 2010 also establishes three resource centers to enhance services for domestic violence victims who are members of racial and ethnic minorities groups and to enhance the cultural and linguistic relevancy of service delivery, resource utilization, policy, research, technical assistance, community education, and prevention initiatives. The law also establishes and allows, at the Secretary's discretion, funding for State Resource Center to Reduce Tribal Disparities.

Grants to State Domestic Violence Coalitions

FVPSA 2010 maintains critical funding for State Domestic Violence Coalitions, although it does change the funding formula to include equal funding for U.S. Territories – Guam, American Samoa, the U.S. Virgin Islands and the Commonwealth of the Northern Mariana Islands. (Puerto Rico and the District of Columbia were already receiving equal state coalition allocations.)

The law also improves the list of eligible/required activities for state coalitions to include collaborating with housing, health care, mental health, or social welfare agencies or businesses to support the development and implementation of effective policies, protocols and programs that address domestic violence and dating violence.

Specialized Services for Abused Parents and their Children

This section defines a program first introduced in 2003. The new law clarifies the funding stream set-aside for this program. It defines the eligible entities as a local agency, a nonprofit organization or tribal organization with a demonstrated record of serving victims of family violence, domestic violence or dating violence and their children. Grantees must use the funds to provide direct counseling or advocacy on behalf of victims and their children; provide services to the nonabusing parents in their role as caregiver; and where appropriate, provide services to nonabusing parent and child together. The grantees may provide early childhood development and mental health services; coordinate activities with and provide technical assistance to community-based organizations serving victims of domestic violence; or provide additional services and referrals for children.

National Domestic Violence Hotline

The new bill primarily maintains the National Domestic Violence Hotline. It improves and updates the application section. The bill includes improvements to attempt to better reach teen and youth victims.

Domestic Violence Prevention Enhancement and Leadership Through Alliances (DELTA)

This state-based prevention program, administered by the Centers for Disease Control and Injury Prevention includes a few key changes. It clarifies the central role of State Domestic Violence Coalitions in the state projects. Additionally, the new law expands the grant term to up to 5 years.