



Family Violence Prevention & Services Program

Family Violence Prevention & Services Act Final Regulation



FVPSA's Legacy 1984-2017

Offering families impacted by domestic violence connections to safety and support for 33 years



- First authorized as part of the Child Abuse Amendments of 1984 (PL98-457)
- Amended eight times since 1984
- Expired September 30, 2015

FVPSA Statutory Purposes

- Assist States and Tribes in efforts to prevent domestic violence and dating violence
- Provide immediate shelter and supportive services for victims of domestic violence, dating violence, and their dependents
- Provide for a National Domestic Violence Hotline
- Provide for technical assistance and training relating to domestic violence, dating violence, and DV programs to States, Tribes, public agencies, community-based programs and to the public

FVPSA Regulation

- First time regulations have been revised since 1996
- The regulations incorporate FVPSA statutory requirements from the 2010 reauthorization as well as existing program policies and guidance into the final rule.
- Published in the Federal Register on November 2, 2016 and became effective on January 3, 2017.

FVPSA Regulation - Outline

- *Organization of the Regulation*
 - Preamble
 - Summary
 - Statutory Authority
 - Notice of Proposed Rulemaking
 - Background
 - General Comments on the Final Rule
 - Section-by-Section Discussion of Comments and the Final Rule
 - Regulatory Language

FVPSA Regulation - Overview

- Revised and new definitions (§ 1370.2):
 - Domestic violence:
 - Includes criminal or noncriminal acts constituting intimidation, control, coercion and coercive control, harassment, emotional and psychological abuse, expressive and psychological abuse and behavior, expressive and psychological aggression, financial abuse, harassment, tormenting behavior, disturbing or alarming behavior, and additional acts
 - Dating Violence
 - Includes physical, sexual, psychological, emotional violence, financial abuse within a dating relationship, including stalking
 - Covers in person or online abuse or other forms of manipulation occurring between a current/former dating partners regardless of actual or perceived sexual orientation or gender identity

FVPSA Regulation - Overview

- Revised and new definitions cont. (§ 1370.2):
 - Primary Prevention
 - Includes school-based prevention curricula, programs aimed at mitigating the effects on children of witnessing DV or dating violence, community campaigns designed to alter norms and values conducive to DV and dating violence, worksite prevention programs, and training and education in parenting skills and self-esteem enhancement
 - Secondary Prevention
 - Includes healing services for children and youth who have been exposed to DV or dating violence, home visiting programs for high-risk families, and screening programs in health care settings

FVPSA Regulation - Overview

- Revised and new definitions cont. (§ 1370.2):
 - Personally identifying information (PII) or Personal Information
 - Individually identifying info for or about an individual including info likely to disclose the location of victim regardless of whether it is encoded, encrypted, hashed or otherwise protected
 - Primary-purpose domestic violence service provider
 - Applicable only to the definition of State Domestic Violence Coalition for the purposes of membership requirements

FVPSA Regulation - Overview

- Revised and new definitions cont. (§ 1370.2):
 - Shelter:
 - Includes emergency and immediate shelter, which may include housing provision, rental subsidies, temporary refuge, or lodging in properties that could be individual units for families and individuals (such as apartments) in multiple locations around a local jurisdiction, Tribe/reservation, or State.
 - Temporary refuge includes a residential service, including shelter and off-site services such as hotel or motel vouchers or individual dwellings, which are not transitional or permanent housing, but must also provide comprehensive supportive services.
 - The mere act of making a referral to shelter or housing shall not itself be considered provision of shelter.

FVPSA Regulation - Overview

- Revised and new definitions cont. (§ 1370.2):
 - Underserved populations:
 - Includes underserved because of geographic location, religion, sexual orientation, gender identity, underserved racial and ethnic populations, and populations underserved because of special needs including language barriers, disabilities, immigration status, age, criminal histories due to victimization, and individuals with substance use disorders and mental health issues.

FVPSA Regulation - Overview

- *Government-wide and HHS-wide regulations that apply to FVPSA Programs (§ 1370.3)*
 - List of non-discrimination regulations that apply or potentially apply to FVPSA programs
 - Examples include prohibitions against discrimination based on sex, religion, race, color, national origin, disability, and age

FVPSA Regulation - Overview

- *Confidentiality Requirements (§ 1370.4)*
 - Additional clarification on the definition of “personally identifying information”
 - FVPSA grantees shall protect the confidentiality and privacy of survivors and their families by NOT:
 - Disclosing any PII collected in connection with services requested, without informed, written, reasonably time-limited consent
 - Informed consent cannot be a condition of eligibility for services
 - Informed consent in cases of a minor survivor
 - Clarifies requirements when the release of PII is statutorily required or court mandated
 - Clarifies specific information that grantees may share

FVPSA Regulations - Overview

- [Additional Non-Discrimination Requirements \(§ 1370.5\)](#)
- In addition to the government-wide and HHS-wide regulations, the regulation also includes requirements against discrimination on the basis of:
 - Religion
 - No discrimination on the basis of religion, a religious belief, a refusal to hold a religious belief, or a refusal to attend or participate in a religious practice,
 - Actual or perceived sex, including gender identity
 - Includes survivors and their minor children
 - Actual or perceived sexual orientation

FVPSA Regulations - Overview

- *Additional Non-Discrimination Requirements - Continued (§ 1370.5)*
- If it is determined that sex segregation or sex-specific programming is essential to the normal or safe operation of a FVPSA program, then the grantee must provide comparable services to the individual(s) who cannot be provided with the sex segregation or sex-specific programming , including access to:
 - Comparable lengths of stay;
 - Supportive services; and
 - Transportation as needed.
- Transgender and gender nonconforming survivors and minor children must have equal access to FVPSA-funded shelter and nonresidential programs and access must be given consistent with the individual's gender identity

FVPSA Regulations - Overview

- *Additional Non-Discrimination Requirements Continued (§ 1370.5)*
- Services must be provided without requiring documentation of immigration status
- Create a plan to ensure effective communication and equal access, including:
 - Communication with individuals with Limited English Proficiency;
 - Use of qualified interpretation and translation services, and taglines;
 - Communication with individuals with disabilities.

FVPSA Regulations - Overview

- *Additional Non-Discrimination Requirements - Continued (§ 1370.5)*
 - Enforcement Mechanisms
 - Non-discrimination requirements on the basis of religion and actual or perceived sex, including gender identity, will be enforced through section 602 of the Civil Rights Act of 1964
 - Non-discrimination requirements on the basis of sexual orientation will be enforced programmatically through the FVPSA program

FVPSA Regulation - Overview

- *Additional Requirements for State and Indian/Tribal Formula Grants (§ 1370.10)*
- Involvement of State and Tribal Coalitions in state planning and coordination with needs assessments
- Involvement of culturally specific and underserved communities and emphasis on capacity-building of those programs
- Identification of which populations in the State are underserved, a description of those that are being targeted for outreach and services, and a brief explanation of why those populations were selected to receive outreach and services, including how often the State revisits the identification and selection of the populations to be served with FVPSA funding
- States must review their State demographics at least every three years or explain why this process is unnecessary
- Ensure supportive services provided by FVPSA grantees are voluntary for survivors and their families and eliminate the use of unreasonable screening mechanisms and other inappropriate conditions or requirements for receipt of services or entry into emergency shelter

FVPSA Regulation - Overview

- *Additional Requirements for State and Indian/Tribal Formula Grants (§ 1370.10) – continued*
- Document planning, consultation with and participation of Coalitions and involvement of underserved communities in state planning
- To fulfill these requirements, it is critically important that States work with Coalitions and Tribes to solicit their feedback on program effectiveness which may include recommendations such as establishing program standards and participating in program monitoring.
- Assurance that the State has a law or procedure to bar an abuser from a shared household or a household of the abused person, which may include eviction laws or procedures, where appropriate
- A description of the procedures used to assure an equitable distribution of grants and grant funds within the State and between urban and rural areas

FVPSA Regulation - Overview

- *Additional Requirements for State Domestic Violence Coalition Grants (§ 1370.20)*
- Clarified primary-purpose domestic violence service providers definition for compliance with statutory membership requirement
- Coalitions' boards of directors membership composition and financial sustainability of coalitions as independent, autonomous 501(c)(3) organizations
- HHS exclusive discretion to designate coalitions for FVPSA funding purposes
- In conducting needs assessments, Coalitions and State grantees work in partnership to weave State planning into these processes
 - Must involve representatives from underserved and culturally and linguistically specific populations
 - Coalitions help States identify underrepresented populations

FVPSA Regulation - Overview

- [National Resource Center \(§ 1370.30\)](#)
- The regulation reflects 2010 reauthorization identifying 2 national, 4 special issue, and 3 culturally specific resource centers
 - National Resource Center on Domestic Violence
 - National Indian Resource Center Addressing Domestic Violence and Safety for Indian Women'
 - 4 Special Issue Resource Centers: criminal and civil justice systems; child protective services and child custody; health care and domestic violence; and mental health systems responses to domestic violence victims and their children
 - Culturally Specific Special Issue Resource Centers
 - New to 2010 reauthorization and reflected in the rule is authorization for State Resource Centers to reduce disparities in domestic violence with high proportions of Native American (including Alaska Native and Native Hawaiian) populations

FVPSA Regulation - Overview

- *Grants for Specialized Services for Abused Parents and their Children (§ 1370.31)*
- New program per 2010 reauthorization; grants serve to expand the capacity of programs to prevent future domestic violence by addressing the needs of children exposed to family violence, domestic violence, and dating violence
- *Grants for a National Domestic Violence Hotline (§ 1370.32)*
- 2010 reauthorization provided grants to one or more private entities and reflected in the Regulation for a 24 hour, national, toll-free hotline to assist adult and youth victims of domestic and dating violence and concerned others

FVPSA Regulation – Wrap Up

- It will be a team effort to implement this Regulation
- We are here to answer any questions!
- For more information, please contact:

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