



DEPARTMENT OF HEALTH & HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES
Administration on Children, Youth and Families
1250 Maryland Avenue, S.W.
Washington, D.C. 20024

Dear Tribal Leader:

On December 20th President Obama signed into law the Child Abuse Prevention and Treatment Act (CAPTA) and the Family Violence Prevention and Services Act (FVPSA). FVPSA, first authorized in 1984, is the foundation of the federal government's response to the nationwide epidemic of domestic violence. It authorizes the only dedicated federal funding source for domestic violence shelters and community-based services. These programs provide lifesaving services to millions of survivors and their children who are seeking safety. FVPSA was reauthorized in December 2010 to meet the diverse needs of victims and their children. Because the new authorizing legislation may affect Tribal grantees, the FVPSA program is developing a consultation plan on these legislative provisions and program requirements.

Background

FVPSA grants are administered by the Department of Health and Human Services' Administration for Children and Families (ACF), Administration on Children, Youth and Families (ACYF), Family and Youth Services Bureau (FYSB). FVPSA funding supports federally recognized Tribes, States, State Domestic Violence Coalitions and discretionary projects and programs.

The grants to Native American Tribes (including Alaska Native Villages) and Tribal Organizations are formula grants funded through a 10% set aside in the FVPSA appropriation. These grants are primarily for the provision of immediate shelter, supportive services, and access to community-based programs for victims of family violence, domestic violence, or dating violence, and their dependants. In addition, funds may also be used to provide specialized services for children exposed to family, domestic, or dating violence.

Funding is available to all Native American Tribes and Tribal Organizations that meet the definition of "Indian Tribe" or "Tribal Organization" at 25 U.S.C. 450b, and are able to demonstrate their capacity to carry out domestic violence prevention and services programs. In FY 2010, FVPSA awarded grants to 205 Native American Tribes, Alaskan Native Villages, and Tribal organizations in the total amount of \$12,952,016. Award amounts ranged from \$26,232 - \$2,295,289.

Consultations

The consultations will be utilized to address the FVPSA legislation in its entirety, including:

- Input on implementation of FVPSA grant programs, particularly as they pertain to tribal grantees and services for Native American victims of family violence, domestic violence, and dating violence. This will include forthcoming program guidelines and regulations;

- The allocation of FVPSA funding: Seventy (70) percent for immediate shelter and supportive services, 25 percent for supportive services and prevention services, and not more than 5 percent for administrative costs;
- Clarifications that were made to nondisclosure of confidential or private information provisions that make FVPSA consistent with the Violence Against Women Act;
- A renewed emphasis on documenting the effectiveness of programs;
- Involvement of Tribal Domestic Violence Coalitions in determining compliance of the programs; and
- Consultation on the range of services funded by FVPSA, including changes in the term “related assistance” to “supportive services” and its definition.

FYSB is committed to discussing and documenting the potential impact of these provisions for Tribes on a government-to-government relationship in keeping with the legislative requirements and the Department of Health and Human Services’ Tribal Consultation Policy. We are planning in-person consultation opportunities for Tribal leaders over the next several months. Prior to the consultations we will host two “scoping” sessions via conference calls. During these sessions Tribal leaders will help the FVPSA program determine which provisions will most impact the Tribes and Tribal organizations and therefore should be discussed in greater detail at the in-person consultation sessions.

“Scoping” Conference calls – Target Population: Federally Recognized Tribes and Tribal Organizations

June 9, 2011 (2:00 pm EST) Call-in #: 1-866-729-9640 Code: 4114566#
August 18, 2011 (2:00 pm EST) Call-in #: 1-866-729-9640 Code: 4114566#

Please see the attached for an overview of the FVPSA program and the legislation’s new provisions. This material will be reviewed on each call.

In-Person Consultation Sessions – Target Population: Federally Recognized Tribes and Tribal Organizations

**May 10-12, 2011 Phoenix, AZ – Hosted by: The Department of Justice
Department’s “Interdepartmental Tribal Justice, Safety and
Wellness Session” Conference**

September 20-21, 2011 **Albuquerque, NM – Hosted by:** The Department of Health and Human Services, Family and Youth Services Bureau’s FVPSA Tribal Consultation

November 8-10, 2011 **Miami, FL – Hosted by:** The Department of Health and Human Services, Family Youth and Services Bureau’s Family Violence Prevention and Services Annual FVPSA Tribal Grantee Conference

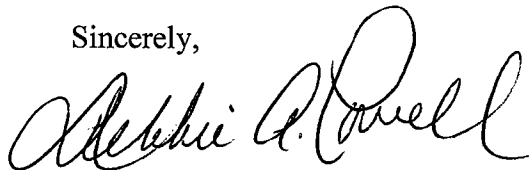
Materials will be available on ACF’s website <http://www.acf.hhs.gov/tribal/index.html> prior to each consultation.

Additional conference calls and face-to-face scoping sessions will be announced as dates and locations are confirmed. If you would like additional information on the FVPSA consultation process, please contact the FVPSA Program’s Tribal Program Specialist, Shena Williams, at 202-205-5932 or by email: shena.williams@acf.hhs.gov . Tribal Leaders and Tribal organizations will also have an opportunity to submit written comments between the dates of May 23 – October 1, 2011. You may send these comments to the attention of Ms. Williams at the following address:

Family and Youth Services Bureau
1250 Maryland Avenue S.W. Suite 8213
Washington, DC 20024

We look forward to working in partnership with you and encourage you to participate in our consultation and scoping sessions.

Sincerely,



Debbie A. Powell
Acting Associate Commissioner
Administration on Children and Families
Family and Youth Services Bureau

Cc:

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<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)



Department of Health and Human Services/ Administration for Children and Families/
Administration on Children, Youth and Families/Family and Youth Services Bureau

FVPSA Tribal Program

There are approximately 60 Tribally-owned shelters in the US. Not all of the shelters are FVPSA funded. Tribal Domestic Violence programs may provide:

- victim advocacy- supportive counseling and advocacy with medical, legal, housing, mental health, law enforcement and court systems
- outreach and prevention presentations
- public awareness campaigns
- counseling related to domestic violence
- transportation
- legal advocacy in civil and criminal matters
- childrens' counseling and support services.

The Family Violence Prevention and Services Act (FVPSA) Grants to Native American Tribes (including Alaska Native Villages) and Tribal Organizations are formula grants funded through a 10% set aside in the FVPSA appropriation. These grants are primarily for the provision of immediate shelter and related assistance for victims of domestic violence and their dependents. In addition, funds may also be used in establishing, maintaining, and expanding programs and projects to prevent domestic violence.

Through a non-competitive application process, funding is available annually, to all Native American Tribes and Tribal Organizations that meet the definition of "Indian Tribe" or "Tribal Organization" at 25 U.S.C. 450b and are able to demonstrate their capacity to carry out domestic violence prevention and services programs.

Funding in Fiscal Year 2010

The size of awards is dependent upon the Tribal census and the number of Tribes applying. The breakout for FY10 is as follows:

Total Funding	\$12,952,016
Range of Awards	\$26,232 - \$2,295,289
Number of Tribes Funded	203
Number of Grants	137
Grants = \$26,232	77
Grants \$45,906-\$98,370	39
Grants \$104,928 - \$682,032	19
Grants Over \$1,000,000	2

Tribal domestic violence programs face many obstacles including:
Isolated locations
Limited resources
Sparse funding.

Victims Served in 2009

Of the approximately 75% of Tribal Domestic Violence Programs reporting, these programs:

- Provided residential shelter services to 4,802 adult women, 224 adult men and 4,567 children.
- Served 9,474 women, 1,203 men and 5,913 children with non-residential services.
- Provided 193,698 shelter nights for victims and their dependents. There were 809 unmet requests for shelter due to lack of bed space.
- Answered 53,290 crisis or hotline calls.
- Provided 1,585 community presentations to general audiences of about 50,861 and 2,221 presentations reaching approximately 44,651 youth.

Survivors need and want from shelters:

- Personal safety
- Support
- Help with economic issues
- Child-related needs.

Shelters have a positive impact on victims and their families, such as:

- Increased access to safety
- Increased confidence of survivors
- Improvements for children exposed.

According to the 2009 "Meeting Survivors' Needs: A Multi-State Study of Domestic Violence Shelter Experience"

Sacred Circle: National Resource Center to End Domestic Violence Against Native Women

Sacred Circle, located in Rapid City, South Dakota, was established in 1998 as the fifth member of the domestic violence resource center network created in 1993 by the US Department of Health and Human Services, Administration for Children and Families. Sacred Circle provides technical assistance, policy development, training, materials, and resource information regarding violence against Native women, and assists in developing tribal strategies and responses to end the violence. Sacred Circle is a project of Cangleska, Inc. a private non-profit, tribally chartered organization on the Pine Ridge Reservation. Visit their website at <http://www.sacred-circle.com/> for more information.

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