



U.S. Department of Justice
Office on Violence Against Women

The United States Department of Justice, Office on Violence Against Women (OVW) (www.ovw.usdoj.gov) is pleased to announce that it is seeking applications for the Court Training and Improvements Program. This program furthers the Department of Justice's mission by supporting court and court-based initiatives that aim to improve civil and criminal court functions, enhance court infrastructure and improve court responses to victims of sexual assault, domestic violence, dating violence and stalking.

OVW FY 2010 Court Training and Improvements Program

Eligibility

Applicants are limited to Federal, State, Tribal, Territorial, or local courts or court-based programs.
(See "Eligibility," page 5)

Deadline

Letters of intent to apply should be submitted by **January 26, 2010**.
All applicants should register online with GMS by **January 26, 2010**.
All applications are due by **8:00 p.m. E.T. on February 9, 2010**.
(See "Deadline: Application," page 5)

Pre-Application Conference Calls

January 20, 2010: 2 p.m. – 4 p.m. E.T.
February 3, 2010: 2 p.m. – 4 p.m. E.T.
(See page 5 for information on how to register to participate in one of the calls.)

Contact Information

For assistance with the requirements of this solicitation, contact OVW at (202) 307-6026.

This application must be submitted through OJP's Grant Management System (GMS). Instructions on submitting your application in GMS can be found at <http://www.ovw.usdoj.gov/docs/gms-application.pdf>.

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OVW Court Training and Improvements Program (CFDA 16.013)

Overview

This solicitation contains information on how to apply for the Courts Training and Improvements Program (Courts Program). For general information on applying for all OVW grant programs, please see the OVW Fiscal Year 2010 Grant Program Solicitation Reference Guide (Reference Guide) at <http://www.ovw.usdoj.gov/grants-resource-guide.htm>. All applicants should read carefully both this solicitation and the Reference Guide before beginning the application process.

About the Court Training and Improvements Program

The Courts Program, created by the Violence Against Women Act of 2005 (VAWA 2005)¹, recognizes that judicial education and specialized court processes play an integral role in effective responses to the crimes of sexual assault, domestic violence, dating violence, and stalking.²

National studies have shown that courts need to take a more holistic approach to domestic violence case management in order to fully address the complexities of domestic violence cases and the needs and interests of the victims who seek remedies through the courts.³ As knowledge about violence against has grown, it has become clear that the most effective response is created when all parts of the justice system coordinate and collaborate to address this issue.⁴ To significantly improve internal civil and criminal court functions, court-based and court-related personnel must be educated on sexual assault and domestic violence. In addition, Federal, State, Tribal and Territorial courts must collaborate among themselves and enter into meaningful partnerships with nonprofit, nongovernmental sexual assault and domestic violence programs.

This discretionary grant program creates a unique opportunity for Federal, State, Territorial, and Tribal courts or court-based programs to significantly improve court responses to sexual assault, domestic violence, dating violence and stalking cases utilizing proven specialized court processes to ensure victim safety and offender accountability. Courts that have adopted a specialized approach in handling sexual assault and domestic violence cases are seeing significant improvements in victim safety and satisfaction, offender accountability, decrease in re-offenses and re-abuse, and more efficient case-flow processing.⁵ Similar results may be achieved by courts using this same approach to address sexual assault, domestic violence, dating violence and stalking, if supported by formalized court rules, procedures and effective

¹ Codified at 42 U.S.C. §14043 et seq.

² The terms domestic violence, dating violence, sexual assault and stalking are defined in 42 U.S.C. §13925 (a), which can be found on the OVW website at http://www.ovw.usdoj.gov/docs/overarching_definition.pdf.

³ Susan Keilitz, *Specialization of Domestic Violence Case Management in the Courts: A National Survey*, National Institute of Justice (2004).

⁴ Emily Sack, *Creating A Domestic Violence Court: Guidelines and Best Practices*, Family Violence Prevention Fund (2002).

⁵ Andrew Klein, *Practical Implications of Current Domestic Violence Research: For Law Enforcement, Prosecutors and Judges*, National Institute of Justice (June 2009).

training.⁶ This program challenges courts and court-based programs to work with their communities to develop specialized practices and educational resources that will result in significantly improved responses to sexual assault, domestic violence, dating violence and stalking cases, ensure offender accountability, and promote informed judicial decision making.

Please read the Courts Program Solicitation in its entirety before beginning your application. It is the responsibility of the applicant to ensure that the application is complete and that all eligibility requirements have been met at the time of application submission. OVW will remove an application from consideration, prior to peer review, if the application is incomplete. Final award decisions are not appealable.

Deadline: Letter of Intent

If you intend to apply for Fiscal Year (FY) 2010 funding under this program, we encourage you to submit a letter stating that you intend to apply for funding. **The letter will not obligate you to submit an application.** Please see http://www.ovw.usdoj.gov/docs/sample_letter_of_intent.pdf for a sample letter. The letter should be submitted to OVW by January 26, 2010. You may send the letter to OVW at ovw.courtsprogram@usdoj.gov. OVW will use these letters to predict the number of peer review panels needed to review the applications. You **can** still submit an application for funding if you do not submit a Letter of Intent.

Deadline: Registration

The GMS registration deadline is **January 26, 2010**. For more information on the process of registering and applying in GMS, please see the [Reference Guide](#) at pages 13-15.

Deadline: Application

An application submission is complete if (a) a hard copy of the entire application, with original signatures, has been submitted via overnight delivery by the deadline and (b) the application has been submitted through GMS.

The deadline for applying for funding under this announcement is **February 9, 2010, 8:00 p.m. E.T.** A hard copy must be sent via an overnight delivery method, post-marked by **February 9, 2010** to:

**The Office on Violence Against Women
c/o Lockheed Martin Aspen Systems Corporation
Court Training and Improvements Program
Mail Stop 2K
2277 Research Boulevard
Rockville, MD 20850
(301) 519-5000**

⁶ Other than Sex Offender Courts, there appear to be no known civil or criminal sexual assault court models in the U.S. OVW has a strong interest in supporting training and technical assistance opportunities in this area.

Applicants are strongly encouraged to submit their applications well in advance of the deadline, in order to ensure a successful submission through GMS. For information on OVW's policy for late applications, please see the [Reference Guide](#) at pages 15-16.

Pre-Application Conference Calls

OVW will conduct two Pre-Application Conference Calls. During these calls, OVW staff will review the Courts Program requirements and the application process and answer questions about the Courts Program.

Conference Call Schedule: The conference calls are both scheduled for 2 p.m. - 4 p.m. E.T. on the following dates:

- **January 20, 2010**
- **February 3, 2010**

Note: Participation in these calls is optional for applicants.

Registration Instructions: Anyone interested in submitting an application to the Courts Program may register to participate in the calls; however, several people may participate from the same phone number. The total number of participants for each call is limited to 25. To register, please e-mail or call OVW Program Assistant Thelma Bailey, at thelma.bailey@usdoj.gov or 202-353-4273. Your registration must be received at least two hours prior to the start of the call.

Eligibility

It is very important that you review this information carefully. Applications that are submitted by non-eligible entities will be screened out during an initial review process and omitted from further review.

By statute, eligible entities for this program are:

- Federal, State, Tribal, Territorial, or local courts or court-based programs.

Certification of Eligibility

To be eligible to receive funding through this Program, applicants must certify in writing that:

- (A) any courts or court-based personnel working directly with or making decisions about adult or youth parties experiencing sexual assault domestic violence, dating violence, and stalking have completed or will complete education about sexual assault, domestic violence, dating violence, and stalking;
- (B) the grantee's internal organizational policies, procedures, or rules do not require mediation or counseling between offenders and victims physically together in cases where sexual assault, domestic violence, dating violence, or stalking is an issue.

The **chief court administrator or chief judicial officer** of the applying Federal, State, Tribal, Territorial, or local courts or court-based programs must certify that that conditions listed above are met.

Note: In Fiscal Year 2010, OVW will not accept individual applications from non-profit victim services organizations or coalitions. Applications will only be accepted from Federal, State, Tribal, Territorial, or local courts and court-based programs.

Court Training and Improvements Grant Program—Specific Information

Types of Applicants

In Fiscal Year 2010, OVW will accept applications for the Courts Program from court and court-based applicants proposing specialized court infrastructure development or supplemental judicial and court staff training projects.

For the purposes of this program, **applicants seeking development grants are:** 1) court or court-based program applicants that have no existing specialized court or court docket that exclusively handles sexual assault, domestic violence, dating violence or stalking cases; 2) court programs currently operating under a dedicated domestic violence docket that seek to expand and develop a dedicated domestic violence court; or 3) dedicated domestic violence courts within local, Tribal or State jurisdictions that seek to enhance and expand to a more specialized domestic violence court infrastructure (e.g., Unified, Coordinated or Integrated Court system). **Applicants seeking supplemental training grants are:** court or court-based program applicants who partner with a nonprofit organization and seek funding to develop training curricula and/or provide judicial education resources to court staff at the local, Tribal or State levels.

Development Grants:

OVW will consider a court and court-based program applicant seeking funding to develop and implement a specialized court (e.g., domestic violence court model), as a candidate for a development grant. Development grants will be divided into a planning phase and an implementation phase over a 36-month period.

- 1) Planning Phase: Applicants must allocate a set amount of funds (up to \$50,000) for the planning phase of the grant. Jurisdictions selected to develop projects will work with OVW and OVW-designated technical assistance providers to establish the foundation for developing a specialized docket or court infrastructure, or an integrated court system for handling sexual assault, domestic violence, dating violence and/or stalking cases. (See Glossary at p. 29). Applicants for development funding must set-aside no less than 6 and up to 12 months for the planning phase. Proposed activities must include, but are not limited to, the following:
 - Establishing an advisory/consulting committee;
 - Coordinating and conducting planning meetings;
 - Hiring a case manager or docket coordinator;
 - Participating in site visits to established OVW-identified sexual assault courts, domestic violence courts and technical assistance events; and

- Developing specialized court policies and protocols.
- 2) Implementation Phase: Upon successfully completing the planning phase, grantees will begin implementing specialized court services over the remainder of the project period. During this phase, grantees will continue to work with OVW and OVW-designated technical assistance providers to implement their specialized court project.

Applicants applying for a development grant are required to set aside at least \$15,000 of the total budget for OVW training and technical assistance. These funds will be used over the 36-month period of the grant project. Sexual assault, domestic violence, dating violence and stalking are serious crimes that have life altering impact on victims, for whom inappropriate responses can increase danger or even lead to death. For this reason, OVW considers judicial and court personnel training and technical assistance a vital component of any project that seeks to address sexual assault, domestic violence, dating violence or stalking. Grant recipients who fail to participate in OVW-sponsored training and technical assistance will not be eligible for future funding under this program. Participation includes, but is not limited to, sending judicial officers and other court staff to OVW-sponsored training events.

Supplemental Training Grants:

OVW will consider a court and court-based applicant who partners with a nonprofit organization and seeks funding to develop training curricula and/or provide judicial education resources to court staff at the local, Tribal or State levels, as a candidate for a supplemental training grant. The award period for supplemental training grants will be 24 months.

Proposed projects must include but are not limited to the following:

- Description of desired training/s and targeted participants (e.g., sexual assault training for judges and court administrators);
- Detailed description of anticipated trainings/educational resources to be developed and whether this requires creating a customized curriculum for a specific region or local jurisdiction; and
- Consultation and coordination with OVW-designated technical assistance provider (this should also be reflected in the proposed budget).

Availability of Funds

All awards are subject to the availability of appropriated funds and any modifications or additional requirements that may be imposed by law. Also, due to the limited funding available under the Courts Program, applicants should note that there are other funding opportunities available to courts and court-based programs such as STOP Violence Against Women Formula Program sub-grants, grants to the Indian Tribal Governments Program, Grants to Encourage Arrest Polices and Enforcement of Protection Orders Program, and Enhanced Training and Services to End Violence Against and Abuse of Women Later in Life Program.⁷

Award Period

The award period for these grants will be 24 months for training grants and 36 months for development grants. **All budgets must reflect 24 or 36 months of project activity, and the total “estimated funding” (block 15) on the SF-424 must reflect 24 or 36 months.**

⁷ Information about these programs can be found on the Office on Violence Against Women website at <http://www.ovw.usdoj.gov/>

Award Amounts

Applicants should carefully consider the resources needed to successfully implement the project proposed and present a realistic budget that accurately reflects project costs. **OVW encourages applicants to submit budgets ranging from \$50,000 to \$450,000**, depending upon the type of project proposed. Grants may be made for greater or lesser amounts than requested. In addition, OVW may negotiate the scope of work with successful applicants to adjust budgets prior to granting an award.

The Courts Program funds for FY 2010 will be awarded based on the following guidelines:

<u>Project Types</u>	<u>Budget Cap</u>
• Judicial Education and Court Personnel Training Project	\$ 50,000
• Domestic Violence Docket Project	\$100,000
• Dedicated Domestic Violence Court Project	\$300,000
• Sexual Assault Project	\$350,000
• Specialized Domestic Violence Court Enhancement Project	\$450,000

Sexual Assault Project – 24 months

Although the number of specialized domestic violence courts is rising across the U.S., there appear to be very few, sexual assault court models that deal specifically with intimate partner sexual abuse.⁸ Therefore, OVW has a strong interest in supporting distinct projects that promote judicial attention in this area. Funding for sexual assault projects will support established/existing domestic violence courts that seek to expand their functions to include intimate partner sexual assault cases and dockets dedicated to handling sexual assault cases. This includes, but is not limited to, hiring sexual assault advocates, exploring legal remedies for victims through on-site counsel, and developing screening tools for court intake staff.

OVW will also consider applications from courts, and court-based programs partnering with nonprofit organizations, that propose to develop technical assistance that targets one or more of the following areas:

- Sexual Assault training for Federal and military judicial personnel with a focus on intimate partner abuse; and
- Technical assistance and training on sexual assault and stalking affecting individuals with disabilities and/or the aging community.

Civil or Criminal Domestic Violence Protection Order Docket Project - 36 months

The protection order⁹ docket is often the point of entry for victims into the judicial system and litigants in these cases frequently appear pro se.¹⁰ With this model, **the court docket only addresses orders of protection** for domestic violence cases. Petitions for protection orders and the hearings alleging violations of protection orders make up the court's domestic violence docket. In larger jurisdictions, these cases are assigned to one judge who only handles

⁸ Other than Sex Offender Courts, there appear to be no other sexual assault court models within the United States. There are however, a few Sex Offender Courts that have adapted the Domestic Violence Court model approach in handling intimate partner sexual assault cases. (E.g., Erie County Sex Offense Court in Buffalo, NY exclusively handles sex offense cases which are primarily intimate partner abuse cases; and Milwaukee County in Wisconsin has a court dedicated to hearing only sexual assault and homicide cases).

⁹ See, Glossary of Terms.

¹⁰ Sack, supra note 4 at 24.

protection orders. In smaller jurisdictions, the assigned judge may also have other types of caseloads but the protection order caseload is maintained separately as a specialized docket. Together with judges and court personnel trained in domestic violence issues, this model promotes victim safety, ensures offender accountability, and informed judicial decision-making.

This project should include:

- A weekly or daily dedicated docket or specialized court calendar for handling sexual assault- or domestic violence related civil or criminal protection orders;
- Full-time specialized judge or judges (who rotate through the docket) to hear domestic violence cases;
- Effective case monitoring and compliance follow-up;
- A case coordinator to manage scheduling of the court docket/calendar.
- On-site victim advocacy services;
- Ongoing judicial education and court personnel training in domestic violence issues and promising practices (in coordination with designated OVW TA Providers); and
- Extensive collaboration with agencies and community-based organizations, in an effort to strengthen the entire community's response to domestic violence.

Dedicated Domestic Violence Court Project – 36 months

A domestic violence court exclusively hears domestic violence cases, with screening mechanisms established by the prosecutor or court clerks to identify eligible cases. With this model there is a designated schedule for hearing domestic violence related matters on a daily or weekly basis that **includes orders of protection as well as other family matters**.

This project should include:

- A full-time dedicated docket or specialized court calendar for handling domestic violence related civil or criminal protection orders and related family matters.
- Full-time specialized judge or judges (who rotate through the docket) to hear domestic violence cases.
- Effective case monitoring and compliance follow-up.
- Case coordinator to manage scheduling of court docket/calendar.
- On-site victim advocacy services.
- Ongoing judicial education and court personnel training in domestic violence issues and promising practices.
- Extensive collaboration with agencies and community-based organizations, in an effort to strengthen the entire community's response to domestic violence.

Specialized Domestic Violence Court Enhancement Project – 36 months

Specialized Domestic Violence Courts¹¹ consist of specific infrastructure and procedural practices for handling domestic violence cases. This court model specifically addresses concerns of traditional domestic violence cases where multiple judges and attorneys handle different aspects of a case. Research strongly indicates that building extensive collaboration

¹¹Susan Keilitz, *Specialization of Domestic Violence Case Management in the Courts: A National Survey* National Center for State Courts (2001). In 2000, there were over 150 specialized domestic violence courts nationwide.

with community-based organizations and institutionalizing procedures that promote victim safety and offender accountability are key in developing this model.¹²

Specialized processes and services that promote enhanced services to sexual assault and domestic violence victims include but are not limited to:

- Intake units for protection order cases;
- Screening tools to track incidence of sexual assault in domestic violence cases;
- Crisis intervention advocacy;
- Interpreter services with expertise or training in sexual assault and/or domestic violence;
- Case coordination mechanisms to identify, link, and track cases involving the same parties or their children;
- Judicial review calendars or other mechanisms to monitor compliance with court orders; and
- Coordinated data system with real time access to Federal, State and local civil and criminal case information.

OVW recognizes that there are several versions of the specialized domestic violence court model and chooses to reference the most common versions. The following models tend to address more comprehensive issues that face families dealing with abuse and consider matters such as visitation and custody when issuing protection orders:¹³

- **Unified Family Court model** - all civil matters involving the same family are assigned to a single judge. Criminal matters are assigned separately.
- **Coordinated Court model** - both criminal domestic violence and related civil matters are assigned to the same court division but not to the same judge.
- **Integrated Domestic Violence Court model** - one judge handles criminal domestic violence cases and the accompanying civil matters.

The infrastructure changes necessary for implementing these three court models include:

- Establishing a local working group to create policies and procedures to guide planning and implementation of the specialized court.
- Creating an administrative process for identifying eligible (e.g., State or local domestic violence registry linked with a court database) cases and ensuring individual cases remain distinct and are not consolidated.
- Establishing a single judge with authority to handle civil and/or criminal matters.
- Working closely with legal stakeholders (i.e. prosecutors, defense attorneys, family court attorneys, guardians ad litem, etc.) to ensure representation for all litigants.
- Creating a process of judicial monitoring of offenders in both criminal and civil cases.
- Training and education for judges and court personnel to keep all staff informed of the latest research and best practices in the field in coordination with OVW designated technical assistance providers. (See Appendix A).

¹² Carol Turgeon, *Bridging Theory and Practice: A Roundtable about Court Responses to Domestic Violence*, Center for Court Innovation (November 2006).

¹³ See Glossary, pages 29-30.

- Establishing a unified and comprehensive database that captures information regarding services and compliance.
- Reviewing existing security procedures and protocols to ensure sufficient security personnel, safe waiting areas for victims and separate areas for offenders.
- Ensuring appropriate levels of confidentiality of court records and proceedings are maintained.
- Facilitating immediate access to victim advocates who provide victims safety planning, counseling, and access to social services.

Judicial Education and Court Personnel Training Project – 24 months

Funding for judicial education and court staff training will support applicant projects seeking to provide training resources to court staff, including but not limited to judges, court administrators, advocates, and case managers. Funding will support: 1) court staff participation in national training forums sponsored by OVW; and 2) customized local and statewide trainings in coordination with OVW designated technical assistance providers. (See Appendix A, OVW Judicial Technical Assistance Providers). Proposed activities should include at least one of the following:

- Coordinating court staff participation in ongoing OVW sponsored trainings and judicial education forums;
- Developing relevant and customized training curricula for local or State judges and court personnel in coordination with an designated OVW technical assistance provider; and
- Utilizing OVW designated consultants to provide onsite assessment and/or assistance to judges and court staff with regard to case coordination and database system development for sexual assault, domestic violence, dating violence or stalking cases.

Program Scope

The scope of the Courts Program is defined by the following statutory program purpose areas and program priority areas. Proposed projects must implement activities consistent with the statutory program purpose areas. Proposed projects must address at least one purpose area, but do not need to address multiple purpose or priority areas in order to receive support.

Statutory Program Purposes

By statute, 42 U.S.C. §14043, funds under the Courts Program may be used for the following purposes:

- Improving internal civil and criminal court functions, responses, practices and procedures;
- Educating court-based and court-related personnel on issues relating to victims' needs, including safety, security, privacy, confidentiality, and economical independence, as well as information about perpetrator behavior and best practices for holding perpetrators accountable;
- Collaborating and training with Federal, State, Tribal, Territorial, and local public agencies and officials and nonprofit, nongovernmental organizations to improve implementation and enforcement of relevant Federal, State, Tribal, Territorial and local law;
- Providing technical assistance to Federal, State, Tribal, Territorial, or local courts wishing to improve their practices and procedures or to develop new programs. Priority consideration

will be given to training and technical assistance projects that focus on sexual assault, dating violence and/or stalking.

- Enabling courts or court-based or court-related programs to develop new or enhance current—
 - Court infrastructure (such as specialized courts, dockets, intake centers or interpreter services);
 - Community-based initiatives within the court system (such as court watch programs, victim assistants, or community based supplementary services);
 - Offender management, monitoring, and accountability programs;
 - Safe and confidential information-storage and -sharing databases within and between court systems;
 - Education and outreach programs to improve community access, including enhanced access for underserved populations; and
 - Other projects likely to improve court responses to sexual assault, domestic violence, dating violence, and stalking.¹⁴

OVW Priority Area

In Fiscal Year 2010, priority will be given to applications that propose to:

- Develop innovative courts and court-based or court related programs to improve court responses to adult and youth sexual assault, domestic violence, dating violence and stalking, such as dedicated domestic violence court dockets, domestic violence court infrastructure or an integrated domestic violence court system.
- Provide specialized intake centers to ensure sexual assault, domestic violence, dating violence and stalking victims' needs are being met when accessing court-related services.
- Collaborate with law enforcement and probation to ensure offender accountability and participation in a batterer intervention and/or rehabilitation treatment program.
- Address victims' linguistic needs through interpreter and translation services.
- Propose to develop technical assistance specifically related to sexual assault and stalking targeting judicial and court personnel.
- Develop onsite training in coordination with OVW-designated technical assistance providers (see Appendix A); and/or provide access to OVW-sponsored judicial trainings to ensure that local courts and court personnel have access to information about relevant Federal, State, Territorial laws, promising practices, procedures, and policies regarding court responses to adult and youth victims of sexual assault, domestic violence, dating violence and stalking.

Program Guidelines

Applicants should also adhere to the following guidelines in response to this solicitation:

Family Violence

For the purposes of this program, family violence issues that can be addressed with grant funds are limited to intimate partner relationships that involve current and former spouses, current and

¹⁴ 42 USC 14043.

former dating couples, cohabiting couples or people with children in common. Grant funds may not be used to directly address child abuse, or other family violence issues such as violence perpetrated by a child against a parent, or violence perpetrated by a sibling against another sibling. **In addition, funds may not be used to develop court programs to address child sexual abuse cases.**

Non-intimate Partner Violence

Any applications proposing a sex offender court program specifically addressing non-intimate partner violence cases with a focus on sex offender treatment or monitoring will be considered out of scope and removed from consideration for funding. Grantees are only permitted to develop specialized court programs that address intimate partner violence.

Case Studies

Applicants may not use grant funds for the purpose of conducting research through surveys or case studies to support a particular analysis or report.

Activities That May Compromise Victim Safety and Recovery

The following is a list of activities that have been found to decrease victim safety, deter or prevent physical and emotional healing for victims, or allow offenders to escape responsibility for their actions. OVW strongly encourages you **not** to include these activities in your application for funding:

- Requiring victims of sexual assault, domestic violence, dating violence or stalking to file for a protection order or file criminal charges against their abuser as a condition of receiving services;
- Sharing confidential victim information with outside organizations and/or individuals without the documented consent of the victim;
- Referring victims to Child Protection Services solely for failure to protect their minor child when witnessing domestic violence except if required under State law;
- Procedures that exclude victims from receiving assistance based on their age, immigration status, race, religion, sexual orientation, mental health condition, physical health condition, criminal record, work in the sex industry, or the age and/or gender of their children¹⁵;
- Internet publication of registration or filing of a protection order, restraining order, or injunction in either the issuing or enforcing State, Tribal or Territorial jurisdiction if such publication would reveal the identity of the party protected by such order;
- Failing to conduct safety planning with victims;
- Crafting policies that deny individuals access to services based on their relationship to the perpetrator; and
- Procedures that would penalize victims of violence for failing to testify against their abusers or impose other sanctions on victims. Rather, procedures that provide victims with the opportunity to make an informed choice about whether to testify are encouraged.

Activities that compromise victim safety and recovery will be a factor reviewed during OVW internal review. Applications may be considered out of scope if significant activities are included that could compromise victim safety and recovery.

¹⁵ Discrimination on the basis of race, color, and national origin is prohibited in accordance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d.

Unallowable Activities

Grant funds under the Courts Program may not be used for any unauthorized purposes, including but not limited to the following activities:

- Lobbying;
- Fundraising;
- Research projects;
- The development and/or maintenance of websites; and
- Physical modifications to buildings, including minor renovations.

Performance Measures

Applicants who receive funding under this solicitation must provide data that measures the results of their work. You will be required to collect and report the following types of information will be collected for the Courts Program:

- Number of people trained;
- Number of sexual assault, domestic violence, dating violence and stalking cases handled by the court;
- Number of victims requesting services and the type of service requested;
- The percentage of victims requesting services who received them;
- Number of offenders ordered to batterer's intervention programs or related treatment; and
- Number of protection orders issued.

This information will be provided to OVW through semi-annual progress report forms. The form for this program is under development. For samples of progress report forms that OVW uses for other programs, please see <http://muskie.usm.maine.edu/vawamei/forms.htm>

All OVW grantees are required to submit annual and semi-annual progress reports, which will be provided to you should you be selected for an award.

For more information, see the [Reference Guide](#) at pages 17-20.

How To Apply

See the [Reference Guide](#) at pages 13-17 for information regarding “how to apply.”

What An Application Must Include

Applicants must complete each of the following sections as part of their response to this solicitation. **It is the responsibility of the applicant to ensure that its application is complete by the deadline. OVW will remove the application from consideration prior to peer review if the application is substantially incomplete or received after the deadline without prior permission as described in the [Reference Guide](#) at pages 15-16.** For each section listed below, please note the corresponding maximum point value that may be assigned during the peer review scoring process. The application should follow the order below for easy reading. Peer reviewers will not receive any additional materials submitted beyond those required. For example, if an application includes a narrative that is 25 pages, the last five pages will be removed prior to peer review.

Applications must use the following page format requirements:

- Double spaced (except that any included graphs and charts may be single-spaced)
- 8½ x 11 inch paper
- One inch margins
- Type no smaller than 12 point, Times New Roman font
- Include a brief Summary Data Sheet
- Include a Project Abstract (please limit to one page)
- Include a list of all current OVW projects as described below (if applicable)
- No more than 20 pages for the Project Narrative (item VII below)
- Word processing documents must be in the following formats: Microsoft Word (.doc), PDF files (.pdf), or Text Documents (.txt).

Sections I through XII below describe the specific elements of a complete application.

I. **Application for Federal Assistance (SF-424)**

Please see the [Reference Guide](#) at page 6 for additional information. This form will be filled out online and you should print out a copy for your hard copy submission.

II. **Standard Assurances and Certifications Regarding Lobbying; Debarment, Suspension, and Other Responsibility Matters; and Drug-Free Workplace Requirements (Form 4061/6)**

Please see the [Reference Guide](#) at page 7 for additional information. These forms will be filled out online and you should print out a copy for your hard copy submission.

III. **Financial Accounting Practices**

Each applicant must prepare a response to the following questions. This section of your application should be no more than two pages and should be a separate attachment to the application in GMS and a separate section in the hard copy.

- Will all funds awarded under this program be maintained in an account that is separate and distinct from other sources of revenue/funding?
- Does the applicant have written accounting procedures?
- What type of inventory system does the applicant have in place?
- Does the applicant's current accounting system allow the applicant to separately track grant draw-downs and expenditures?
- Does the applicant have a risk management assessment process in place to identify and mitigate potential risks?
- What is the applicant's records retention policy?
- Has the individual primarily responsible for fiscal oversight attended a Fiscal Management Training Seminar put on by a U.S. government agency? If yes, when and which government agency?

IV. Summary Data Sheet (5 Points)

Please list the following information on a single page. The Summary Data Sheet should be a separate attachment to the application in GMS and a separate section in the hard copy.

- Name, title, address, phone number, and e-mail address for the authorized representative (Please see the [Reference Guide](#) at page 6 for more information on who can be an authorized representative).
- Name, title, address, phone number, and e-mail address for the grant point-of-contact.
- Whether the agency has expended \$500,000 in Federal funds in the past fiscal year. Please specify the end date of the fiscal year.
- Facsimile number, and e-mail address for the authorized official and point-of-contact;
- A list of other Federal grant programs from which the applicant agency currently receives funding or for which it has applied in Fiscal Year 2010;
- Name of Federal, State, local, Tribal or Territorial court or court-based program that will serve as the lead applicant;
- The regional area(s) (city, town, Tribal area, county, parish) where this project will be implemented;
- Name(s) of other collaborating project partners who will be involved in project development and implementation;
- The Courts Program Statutory Purpose Area(s) (see pages 11 and 12) being addressed by the proposal;
- Project scope (see page 11);
- Type of applicant (see page 6); and
- OVW priority areas addressed by the proposal.

V. Proposal Abstract

The Proposal Abstract should provide a short and accurate summary of your proposed project including its goals and objectives. Please do not summarize past accomplishments in this section. The Proposal Abstract should be a single page and should be a separate attachment to the application in GMS and a separate section in the hard copy.

The Proposal Abstract **must not** be submitted on the same page as the Summary Data Sheet.

VI. Summary of Current OVW Projects

For each current OVW Project, as defined in the OVW [Reference Guide](#) at page 7, please provide the following information:

- Identify grant by program, award number, and project period.
- Specify the total funds remaining in each grant as of the date of application.
- Provide the total funds remaining in each grant in the Personnel, Contracts/Consultants and Travel categories as of the date of application.
- List the names, dates, and locations of all OVW-sponsored training and technical assistance events in which project staff or project partners participated during the current grant award period.

This section should be clear and succinct. This should be a separate attachment to the application in GMS and a separate section in the hard copy.

In addition to this information, OVW will evaluate the performance of the applicant in all current grants as a factor in the consideration of this application. Please note that applicants that have previously been OVW grantees and have failed to meet grant deadlines, failed to comply with financial requirements, or failed to comply with special conditions from previous grants may not be considered for funding.

VII. Project Narrative (Total 60 Points)

The following narrative should be a separate attachment to the application in GMS and a separate section in the hard copy. The Project Narrative may not exceed 20 pages in length, double-spaced. Please number the pages of your narrative.

A. Purpose of Application (10 points)

This section should briefly:

- Describe how sexual assault, domestic violence, dating violence and/or stalking cases are currently being handled within the relevant Federal, State, Tribal, Territorial or local court system.
- Describe the court jurisdiction in which the project would be implemented, including location, population, and demographic information;
- Identify the target population and state how the target population would benefit from the proposed project (please use current demographic information for the court jurisdiction in order to be as specific and detailed as possible when describing the population to be served);
- Describe current court services and gaps for the targeted population;
- Describe the barriers individuals from the identified population who are victims of sexual assault, domestic violence, dating violence, and or stalking experience when attempting to access court services;
- Explain why the proposed project is not funded by, and describe how the proposed project complements, the State's STOP Violence Against Women 5% set-aside for courts; and

- If the applicant has applied or is applying for multiple OVW grants, describe how this project complements such other projects without duplicating efforts.

This section will be rated on the following criteria:

- The impact of current or prior efforts to prevent and reduce sexual assault, domestic violence, dating violence and/or stalking;
- The need for the project; and
- The description of the population to be served with respect to victims of sexual assault, domestic violence, dating violence, and stalking and how the proposed project will address their needs.

B. What Will Be Done (40 points)

This section should briefly:

- Detail the project goals and objectives, describing the specific tasks and activities necessary to accomplish each;
- Describe type of project and how it will improve the judicial handling of sexual assault, domestic violence, dating violence and/or stalking cases, ensure offender accountability, and promote informed judicial decision making;
- Include a time frame that demonstrates how the activities will be accomplished within the 24- or 36-month grant cycle; and
- Describe how additional funding will enhance any existing projects.

If this project includes the development of tangible products (e.g., a video, a brochure, or curriculum), this section should include a description of how the products will be used, and how judicial staff will benefit from their use. However, development of products is not a requirement of the Courts Program.

In addition, if applicants are proposing to use any technology (including, but not limited to, security systems, GPS, hotlines, and databases) they should explain how they plan to address any victim safety concerns that may arise from the use of the technology, such as confidentiality, safety planning, and informed consent.

This section will be rated on the following criteria:

- The extent to which all project activities fall within the statutory scope of the program;
- The extent to which proposed activities would address the need described;
- The extent to which project activities seem feasible and likely to succeed;
- The extent to which project activities can realistically be completed within the grant cycle;
- The extent to which the proposal does not include activities that compromise victim safety;
- The extent to which the proposal describes innovative strategies to improve responses to sexual assault, domestic violence, dating violence and/or stalking cases, ensure offender accountability, and promote informed judicial decision making;
- The extent to which project activities are clearly described and reflect sound and/or innovative strategies to improve victim safety and offender accountability.

C. Who Will Implement the Project (10 points)

Development Grants:

Applicants must identify the agency(ies) or office(s) responsible for implementing the project. Applicants must also identify all of the intended project partners, specifying their respective roles and responsibilities, and the collaborative relationship to be developed or enhanced. A description of the expertise or experience of key staff should also be included. Position descriptions and resumes that are available should be appended to the application. **Applicants under this program may not issue a Solicitation/RFP redistributing these funds after receiving an award.**

A **case manager** or a **docket coordinator** position must be created to implement a domestic violence docket or domestic violence court model. Applicants should designate a single Point-of-Contact for domestic violence in the administrative arm of the court.

In addition, all applicants proposing to create a domestic violence court docket, domestic violence court or integrated court are **required to coordinate with one or more of the following OVW-designated judicial technical assistance providers**¹⁶:

- Center for Court Innovation
- Family Violence Prevention Fund
- Legal Momentum National Judicial Education Project
- National Center for State Courts
- National Council of Juvenile and Family Court Judges

While there is an important role for all victim advocates to play in the creation of a domestic violence docket or domestic violence court model, this does not preclude applicants from requesting support for government agency victim services. However, the budget and budget narrative must distinguish between the two and should include compensation for the contributions of nonprofit, victim service agencies. In addition, if funding is requested for both governmental victim assistance and non-profit non-governmental advocacy, the project narrative must explain how these different entities will collaborate.

Victim service providers can provide varying degrees of confidentiality, often depending on State, Tribal, and Federal laws. This may affect what information about victims they can share with partners. Other partners may have legal limitations as well. Applicants should explain information sharing between partners, including how they will protect information that is confidential or privileged.

Supplemental Training Grants:

All applicants proposing to develop a judicial education/training program **must collaborate with a national, Tribal, State, Territorial, or local victim services provider or coalition.** Applicants must identify the agency(ies) or office(s) responsible for implementing the project. Applicants must also identify all of the intended project partners, specifying their respective roles and responsibilities and the collaborative

¹⁶ See Appendix A for list of OVW TA providers and point of contact (POC) information.

relationship to be developed or enhanced. A description of the expertise or experience of key staff should also be included. Position descriptions and resumes that are available should be appended to the application. Applicants must also identify a training coordinator to arrange and track staff participation in OVW trainings, and/or coordinate with OVW technical assistance providers in developing and delivering customized training curriculum. **Applicants under this program may not issue a Solicitation/RFP redistributing these funds after receiving an award.**

Victim service organizations should meet all of the following criteria:

- Provide services to victims of sexual assault, domestic violence, dating violence, or stalking as one of their primary purposes and have a demonstrated history of effective work concerning such issues;
- Address a demonstrated need in their communities by providing services that promote the dignity and self sufficiency of victims, improve their access to resources, and create options for victims seeking safety from perpetrator violence; and
- Do not engage in activities that compromise victim safety.

In addition, all applicants proposing to develop a judicial education/training program are **strongly encouraged to coordinate with one or more of the following OVW-designated judicial technical assistance providers:**¹⁷

- Center for Court Innovation
- Family Violence Prevention Fund
- Legal Momentum National Judicial Education Project
- National Center for State Courts
- National Council of Juvenile and Family Court Judges

This section will be rated on the following criteria:

- The extent to which the organization(s) and staff have the necessary expertise, as it pertains to sexual assault, domestic violence, dating violence, and stalking intervention services to successfully implement the proposed project;
- The extent to which the organization staff has experience working with the targeted population;
- The extent to which the proposal clearly identifies all project partners, specifies their respective roles and responsibilities, and describes the collaborative relationship to be developed.

VIII. Budget Detail Worksheet and Narrative (Total 15 Points)

For more information and samples, please see the [Reference Guide](#) at pages 9-12. The Budget Worksheet and Narrative should be one attachment to the application in GMS and a separate section in the hard copy.

In developing the budget, applicants should fairly compensate all project partners for their participation in any project-related activities, including, but not limited to, compensation for time and travel expenses to participate in project development, training, and implementation. The budget **must** include compensation for all services rendered by project partners, including

¹⁷ See Appendix A for list of OVW technical assistance providers and point-of-contact information.

nonprofit, nongovernmental sexual assault and/or domestic violence victim services programs and State and Tribal sexual assault and/or domestic violence coalitions.

Budget Limits

Since funds are limited, applicants should carefully consider the resources needed to implement a Federal, State, Tribal, Territorial or local court or court-based project and present a realistic budget that accurately reflects the costs involved, for a 24 or 36 month budget. Proposed budgets should not exceed the established range of **\$50,000 – \$450,000**.

OVW has the discretion to award grants for greater or lesser amounts than requested and to negotiate the scope of work and budget with applicants prior to award of a grant.

Budget Requirements

For budget guidelines, see the [Reference Guide](#) at pages 9-12. Following is additional guidance specific to this program:

Training and Technical Assistance.

All applicants **seeking to implement a domestic violence docket or court infrastructure, or an integrated domestic violence court system are required** to allocate funds in the amount of **\$15,000** (applicants from Alaska, Hawaii, and U.S. territories should allocate **\$20,000** to account for higher travel costs) to support travel costs associated with technical assistance and capacity-building activities sponsored by OVW-designated technical assistance providers. Access to current research and practice on violence against women through training and technical assistance can reduce staff burnout, improve project performance, and impact project sustainability. Therefore, OVW offers a wide range of training and technical assistance opportunities to all of its grantees. These offerings are specifically designed to assist grantees in meeting their goals and objectives and in complying with all relevant statutory and programmatic requirements. Applications selected for funding that do not include the entire required amount will not receive additional funds for this purpose, but will be required to adjust their budgets to cover these costs prior to final approval of the proposal. Please see the [Reference Guide](#) at page 10 for more information on this requirement.

The following is a short list of specific budgetary guidelines for the Courts Program:

- Applicants are strongly discouraged from requesting consultant rates in excess of \$450 per day.
- Applicants **may not** allocate any grant funds for building renovations. This includes such seemingly minor activities as painting or carpeting.
- Applicants may not use any OVW funds for conducting research. However, up to 1% of the budget may be allocated for the purpose of assessing the effectiveness of funded activities. For example, funds may be used to conduct pre- and post-testing of training recipients or victim satisfaction surveys. In conducting such testing or surveys, grantees may not collect, analyze, or disseminate any identifying information to a private person during the course of assessing the effectiveness of funded activities.

- A contribution of non-Federal dollars (“match”) is not required for this program, but applicants are encouraged to maximize the impact of Federal dollars by contributing to the costs of their projects. Supplemental contributions may be cash, in-kind services, or a combination of both. Any non-Federal contributions can be discussed in the project narrative; however, these supplemental contributions should **not** be included in the budget or budget narrative.
- Applicants may include per diem for judges serving as substitutes in the absence of judicial staff participating in OVW-sponsored trainings.

This section will be rated on the following criteria:

- The extent to which the budget is complete, reasonable, and cost effective in relation to the project and does not exceed the established budget range of **\$50,000 – \$450,000**;
- The extent to which the budget reflects the 24 or 36 months of project activity and provides a basis of computation for all project-related costs;
- The extent to which there is a clear link between proposed budget activities and proposed budget items;
- The extent to which all partners are fairly compensated for their participation in any project-related activities; and
- The extent to which the budget allocated funds to support travel costs associated with technical assistance and capacity-building activities sponsored by OVW technical assistance providers.

IX. Memorandum of Understanding (MOU) (Total 20 points)

Applicants are required to submit an MOU that demonstrates they have consulted and coordinated in a meaningful way with project partners. The MOU should be a single attachment to the application in GMS and a separate section in the hard copy.

The MOU must be current (**i.e., signed and dated during the development of the proposal**) and be created and signed by the chief court administrators or chief judicial officers of:

- All relevant civil and criminal justice agencies participating in project development or implementation, (e.g., courts, law enforcement, probation etc.).

The MOU must do the following:

- Identify the partners and provide a description of the collaborative relationship among those partners;
- Specify the extent of each partner’s participation in developing the application;
- Clearly state the roles and responsibilities each organization or agency would assume to ensure the success of the proposed project;
- Identify the representatives of the planning and development team who will be responsible for developing and implementing project activities and describe how they will work together and with project staff;
- Demonstrate a commitment on the part of all project partners to work together to achieve stated project goals;
- Indicate approval of the proposed project budget by all signing parties; and
- Describe the resources each partner would contribute to the project, either through time, in-kind contributions, or grant funds (e.g., office space, project staff, and training).

Signatories should be sure to include their titles and entities under their signatures.

This section will be rated on the following criteria:

- The extent to which the MOU demonstrates a meaningful partnership among the relevant entities.

X. Letter of Nonsupplanting

Applicants must submit a letter to OVW's Director, signed by the Authorized Representative, certifying that Federal funds will not be used to supplant State or local funds should a grant award be made. Please refer to http://www.ovw.usdoj.gov/docs/nonsup_letter.pdf for a sample letter. This should be a separate attachment to the application in GMS and a separate section in the hard copy.

XI. Indirect Cost Rate Agreement

Applicants that have established a Federally-approved indirect cost rate may request indirect costs to support the project. Please include a copy of a current, signed Federally-approved indirect cost rate agreement. If you need additional information on this requirement, you may go to <http://www.ojp.gov/financialguide/part3/part3chap17.htm> . This should be a separate attachment to the application in GMS and a separate section in the hard copy.

Selection Criteria

All applications will be rated on the criteria described in each section above. The total points possible for an application are 100 (5 points for Summary Data Sheet, 60 points for Narrative, 15 points for Budget, and 20 points for the MOU).

Additionally, current projects will be rated by OVW using the following criteria:

- Whether progress reports submitted by the applicant, in conjunction with monitoring conducted by OVW, demonstrate the effectiveness of the current project, indicate progress toward meeting project goals and objectives, and demonstrate that the current project has progressed in a timely manner as outlined in the original proposal;
- Whether the grantee has demonstrated that past activities supported with OVW grant funds have been limited to program purpose areas;
- Whether the grantee has complied with all special conditions of its existing grant award(s) from OVW;
- Whether the grantee has adhered to programmatic and financial reporting requirements, including timely submission of required reports;
- Whether the grantee has demonstrated a commitment to sustaining the project after Federal funds are no longer available;
- Whether the grantee has closed-out prior awards in a timely manner;
- Whether the grantee appropriately utilized and actively participated in OVW-sponsored workshops and other technical assistance events as required by a special condition of the current award;
- Whether the grantee has received financial clearances on all current grants from OVW;
- Whether the grantee has complied with the Office of Management and Budget single-audit requirements; and
- Whether grant funds were spent in a timely manner.

Applicants with an OVW grant history that failed to meet grant deadlines, did not comply with financial requirements, or did not comply with special conditions from previous grants may not be considered for funding. In addition, if an applicant is on the OJP High Risk Grantee list, OVW will take this into consideration in making award determinations.

Review Process

All applications will be subject to internal review by OVW staff and external peer review panels, and will be scored according to the criteria set forth in this solicitation. **If the application fails to meet the criteria listed below for the OVW initial internal review, the application will not receive further consideration. If applications that are partially beyond the scope of the program are sent to external peer review, only sections of the application that are within scope will be reviewed.**

OVW Initial Internal Review

Criteria for the OVW initial internal review follow:

- Whether the applicant meets all statutory eligibility criteria (see page 5);
- Whether the application is complete;
- Whether the proposed activities are within the scope of the program (see page 11-12);
- Whether the applicant meets the certification requirements for the program (see page 5); and
- Whether the application proposes significant activities that may compromise victim safety (see page 13).

Applications for development grants will be subject to additional screening and review that may include a site visit from OVW staff and designated field experts. OVW will contact and negotiate scope of work with selected applicants. OVW will select up to 6 development project applicants for further development and funding consideration.

External Peer Review Panels

OVW will establish panels comprised of experts and practitioners to review applications. Each panel will review the information provided in the application against the selection criteria for the program.

Following formal peer review, a second internal review will be conducted, which will include, but not be limited to, the geographic distribution of the applications for a national perspective, the ratio of population to services, and the extent to which the applications will address the demonstrated needs of an underserved population.

Additional Requirements

For information on additional requirements that apply to all OVW applicants and grantees, see the [Reference Guide](#) at pages 21-22.

Application Checklist

Applicants must submit a fully executed application to OVW via overnight delivery, including all required supporting documentation. If you do not have the ability to upload signed documents, you may upload an unsigned version and include the signed original in the hard copy of the application. **Applications will not be accepted via facsimile. Although the application needs to be submitted through GMS as well as in hard copy form, the hard copy will be reviewed.**

Application Document	Required?	Completed?
1. Standard Form 424	Yes	
2. Standard Assurances and Certifications Regarding Lobbying; Debarment, Suspension, and Other Responsibility Matters; and Drug-Free Workplace Requirements (Form 4061/6)	Yes	
3. Financial Accounting Practices	Yes	
4. Summary Data Sheet	Yes	
5. Proposal Abstract	Yes	
6. Summary of Current OVW Projects	Yes, if applicable	
7. Narrative. The following sections must be included	Yes	
Purpose of Application		
What will be Done		
Who will Implement		
8. Budget, Budget Narrative and Budget Summary	Yes	
9. MOU (MOE, Etc.)	Yes	
10. Letter of Nonsupplanting	Yes	
11. Financial Capability Questionnaire (nonprofits only, see page 23 for details.)	If applicable	
12. Indirect Cost Rate Agreement (only if the applicant has a current Federally-approved rate)	If applicable	
13. Certification of Eligibility	Yes	

Applicants must send **via overnight delivery** a complete hard copy original of the application, postmarked by **February 9, 2010** to:

**The Office on Violence Against Women
 c/o Lockheed Martin Aspen Systems Corporation
 Court Training and Improvements Program
 Mail Stop 2K
 2277 Research Boulevard
 Rockville, MD 20850
 (301) 519-5000**

Detailed instructions on how to use the GMS system to submit your application online are available at <http://www.ovw.usdoj.gov/docs/gms-application.pdf>. Also, a toll-free telephone number has been established for you to receive technical assistance as you work through the online application process, **1-800-518-4726**, Monday through Friday from 7 a.m. to 9 p.m., E.T.

Public Reporting Burden

Paperwork Reduction Act Notice

Under the Paperwork Reduction Act, a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. We try to create forms and instructions that are accurate, can be easily understood, and which impose the least possible burden on you to provide us with information. The estimated average time to complete and file this form is 30 hours per form. If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler, you can write to the Office on Violence Against Women, U.S. Department of Justice, 800 K Street, NW, Washington, DC 20530.

APPENDIX

**OVW-Designated Technical Assistance Providers
for the Courts Program**

JUDICIAL TECHNICAL ASSISTANCE PROVIDERS

Center for Court Innovation

POC: Liberty Aldrich
520 8th Avenue, 18th Floor
New York, NY 10018
212-391-3050
Email: Aldrichl@courtinnovation.org

Founded as a public/private partnership between the New York State Unified Court System and the Fund for the City of New York, the Center for Court Innovation is a unique public/private partnership that promotes new thinking about how courts and criminal justice agencies can aid victims, change the behavior of offenders and strengthen communities. The Center offers technical assistance to jurisdictions across the country interested in creating or expanding existing domestic violence court projects. Participating sites may have access to person-to-person support, planning toolkits, model documents, site visits, and evaluation assistance. Additionally, the Center provides assistance with court technology and domestic violence training for non-judicial court personnel.

Family Violence Prevention Fund Legal Programs

POC: Keiko Takano
383 Rhode Island Street, Suite 304
San Francisco, CA 94103
415-252-8900
Email: keiko@endabuse.org

Since 1980, the Family Violence Prevention Fund (FVPF) has worked to end violence against women and children around the world. For more than 20 years, the FVPF judicial education project has provided award-winning resources for use by state courts nationwide to enhance judicial practices and procedures in criminal and civil cases involving domestic violence. The FVPF legal programs staff specializes in the design, organization, and delivery of highly interactive, peer-based education programs for judges. In 1998, the FVPF created the National Judicial Institute on Domestic Violence (NJIDV) in partnership with the US Department of Justice Office on Violence Against Women (OVW) and the National Council of Juvenile and Family Court Judges (NCJFCJ). The NJIDV provides state and tribal court judges nationwide with a continuum of education programs to facilitate effective, safe practice throughout their judicial careers. Recent NJIDV programs address the complexities judges face in cases involving elder abuse. The FVPF legal team also conducts programs and technical assistance for all OVW grantees through the Institute on Leadership in Education Development (I-LED). I-LED workshops address program and curriculum development, incorporation of cultural competence, train-the-trainers (faculty development) and facilitation skills.

Legal Momentum: National Judicial Education Program

POC: Lynn Hecht Schafran
395 Hudson Street
New York, NY 10014
212-925-6635
Email: lschafran@legalmomentum.org

The National Judicial Education Program (NJEP) is a unique project that educates judges and justice system professionals about the ways in which myths and misconceptions about sexual violence can undermine fairness across the spectrum of criminal, civil, family, and juvenile law. Since 1980, NJEP has worked with state, federal and tribal courts nationwide to promote the fair adjudication of these cases. NJEP creates and presents an extensive array of judicial education programs and materials, including DVDs, Web courses, and in-person programs, focused on adult victim sexual assault cases and cases of co-occurring sexual assault and domestic violence. NJEP's judicial education curricula include multidisciplinary research from law, medicine, and the social sciences. These curricula employ interactive teaching techniques and are intended to be adapted for local jurisdictions. NJEP also provides technical assistance for courts, judicial branch educators, and other professionals about designing education programs on sexual assault, the judges' role in these complex cases, and developing relevant local materials such as benchbooks. Information about NJEP and its sexual violence materials is available at <http://www.legalmomentum.org/our-work/njep/>.

National Center for State Courts

POC: Denise Dancy
300 Newport Avenue
Williamsburg, VA 23185
800-616-6164
Email: ddancy@ncsc.dni.us

The National Center for State Courts (NCSC) is the preeminent court reform organization in the United States. NCSC provides a broad range of capacities and services that are critical to court improvement initiatives, including strategic planning based on assessment of stakeholders' needs, team-building to foster commitment and collaboration, performance measurement and evaluation, caseload management, and technology solutions. Our Problem-Solving Resource Center provides interactive tools to help courts plan and implement problem-solving courts, including domestic violence courts and unified family courts. NCSC's work to improve court and community responses to domestic violence dates to 1992, and includes extensive study and technical assistance related to accessibility and enforcement of protection orders, improving language assistance for survivors with Limited English Proficiency, addressing family violence issues related to older persons, designing and evaluating domestic violence courts and other specialized processes for domestic violence cases, and developing capacity building tools for victim services organizations.

National Council of Juvenile and Family Court Judges

Family Violence Department

POC: Jenny Talancon

PO Box 8970

Reno, NV 89507

775-784-1662

Email: jtalancon@ncjfcj.org

Founded in 1937, the National Council of Juvenile and Family Courts (NCJFCJ) is dedicated to improving the effectiveness of the nation's juvenile and family courts and to increase awareness of and sensitivity to children's issues. The Family Violence Department (FVD) of the NCJFCJ provides cutting-edge training, technical assistance, products, and policy development in an effort to improve court and community responses to domestic violence. Housed in a judicial membership organization, the FVD is uniquely positioned to link judges with other professionals to institute and promote best practices in the area of domestic violence. The FVD is responsible for projects such as the National Judicial Institute on Domestic Violence (NJIDV), the Resource Center on Domestic Violence: Child Protection and Custody, Greenbook – Effective Interventions in Domestic Violence and Child Maltreatment Cases: Guidelines for Policy and Practice Collaboration, Full Faith and Credit in Protection Orders, Safe Havens: Supervised Visitation and Exchange, Center for Education on Violence Against Women, and the Judicial Oversight Demonstration Initiative, to name a few. For more information on these and other projects and resources, please contact Danielle Pugh-Markie at dpugh-markie@ncjfcj.org or 202-321-5191. You can also visit our website at www.ncjfcj.org.

Glossary of Terms

Community-based Organization - The term "community-based organization" means an organization that--

- o focuses primarily on sexual assault, domestic violence, dating violence, or stalking; has established a specialized culturally specific program that addresses domestic violence, dating violence, sexual assault, or stalking;
- o has a primary focus on underserved populations (and includes representatives of these populations) and sexual assault, domestic violence, dating violence, or stalking; or
- o obtains expertise, or shows demonstrated capacity to work effectively, on sexual assault, domestic violence, dating violence, and stalking through collaboration.¹⁸

Courts - The term "courts" means any civil or criminal, Tribal and Alaska Native Village, Federal, State, local or territorial court having jurisdiction to address sexual assault, domestic violence, dating violence or stalking, including immigration, family, juvenile, and dependency courts, and the judicial officers serving in those courts, including judges, magistrate judges, commissioners, justices of the peace, or any other person with decision-making authority.¹⁹

Court-based and court-related personnel -The term "court-based" and "court-related personnel" mean persons working in the court, whether paid or volunteer, including: 1) clerks, special masters, domestic relations officers, administrators, mediators, custody evaluators, guardians ad litem, lawyers, negotiators, probation, parole, interpreters, victim assistants, victim advocates, and judicial, administrative, or any other professionals or personnel similarly involved in the legal process; 2) court security personnel; 3) personnel working in related, supplementary offices or programs (such as child support enforcement); and 4) any other court-based or community-based personnel having responsibilities or authority to address domestic violence, dating violence, sexual assault, or stalking in the court system.²⁰

Dedicated Civil Protection Order Docket model – This is easily the most common model. "Cops" (Civil Protection Orders), "Pops" (Personal Protection Orders), or "Taros" (Temporary Restraining Orders) are statutorily-enabled Court restraining orders which serve to prevent an abuser from having contact with the petitioning victim.²¹ These petitions and the hearings alleging violations of protection orders make up much of the court's domestic violence docket. With this model in larger jurisdictions, these cases are assigned to one judge who only handles protection orders. In smaller jurisdictions, the assigned judge may also have other types of caseloads but the protection order caseload is maintained separately as a specialized docket.

Domestic Violence Court - This type of court uses specialized structures, processes, and practices to address not only rising domestic violence caseloads but also the distinct nature of these cases and the need to give them special attention. These specialized approaches have collectively come to be called domestic violence courts. There is, however, great variation among these courts and in the specialized processes they use.²²

¹⁸ 42 U.S.C.A. § 13925

¹⁹ 42 USC § 13925

²⁰ Id.

²¹ Kristin Littel, *Specialized Courts and Domestic Violence: Issues of Democracy*, U. S. Department of State (2003). Available online at <http://usinfo.state.gov/journals/itdhr/0503/jjde/littel.htm>.

²² Susan Keilitz, *Specialization of Domestic Violence Case Management in the Courts: A National*, National Institute of Justice, (2004).

Domestic violence courts focus primarily on the safety of the battered women and any children that are involved rather than the offender. While rehabilitation may be a byproduct of the domestic court process, the initial emphasis is on the accountability of the offender for his own misconduct.²³

Criminal Model – This is a common form of domestic violence specialized courts. This model separates criminal cases which charge domestic violence for specialized handling by a particular judge or judges. Many states have defined domestic violence as a separate crime, either as a misdemeanor or a felony or both. (For example, in Michigan the statute creates a special category of misdemeanor assault for domestic assaults and allows the prosecutor to charge repeated offenses as a felony.²⁴)

Many courts have created specialized misdemeanor domestic violence dockets, while others have criminal dockets that handle both misdemeanors and felonies.

Domestic Violence Courts with Related Caseload - This model merges civil proceedings related to divorce/custody cases and protection orders with related criminal proceedings such as domestic assault. This model has at least three separate forms:

Unified Family Court – In the Unified Family Court model, the court handles matters that are in civil court involving the same family, including domestic violence cases. With this model, domestic violence does not have to be the central case or an issue at all.

Coordinated Court – A Coordinated Court handles both criminal domestic violence cases and related civil matters within the same court division. With this model, different judges hear various cases regarding the same parties.

Integrated Domestic Violence Court²⁵ – Based on the one-family one-judge concept, the Integrated Domestic Violence Court model handles both criminal domestic violence cases and related civil matters involving the same parties.²⁶

Order for Protection (OFP) - This is a civil order issued by a court upon the request of a petitioner which restrains the respondent from committing certain acts, such as having contact with or assaulting the petitioner. (These orders have different names in different states, e.g. temporary restraining orders or protective orders, and different remedies are available in different states.) A violation of an OFP is a criminal act.²⁷

²³ *How Do Domestic Violence Courts Compare to Other Problem-Solving Courts*, Center for Court Innovation, online at www.courtinnovation.org/index.

²⁴ Michigan penal code, MCL 750.81(2) and (4).

²⁵ Note: Integrated Domestic Violence Court - Concentrated services are more likely to occur in this setting because a court handling children's issues, for example, is likely to have better coordination with children's services than a court that does not. Emily Sack, *Creating a Domestic Violence Court: Best Practices*, Family Violence Protection Fund (2002) at page 26. Available online at www.endabuse.org/programs/healthcare/files/FinalCourt_Guidelines.pdf.

²⁶ Emily Sack, *Creating A Domestic Violence Court: Guidelines and Best Practices*, Family Violence Prevention Fund (2004), page 4.

²⁷ A violation of an Order for Protection can be both a civil violation known as contempt of court and a criminal act. If the petitioner wants to pursue the violation as a civil matter in family court, the petitioner must bring a motion before that court.

Problem Solving Courts - “Problem-solving courts use their authority to forge new responses to chronic social, legal and human problems – including problems like family dysfunction, addiction, delinquency and domestic violence – that have proven resistant to conventional solutions. They seek to broaden the focus of legal proceedings, from simply adjudicating past facts and legal issues to changing the future behavior of litigants and insuring the future well-being of communities. And they attempt to fix broken systems, making courts (and their partners) more accountable and responsive to their primary customers – the citizens who use courts every day, either as victims, jurors, witnesses, litigants or defendants.”²⁸

While domestic violence courts are properly characterized as a “specialized” court, they do not follow the therapeutic or problem-solving premise. Most specialized courts follow a therapeutic model in which the emphasis is on rehabilitation of the offender.²⁹

Sex Offender Courts – Specialized sex offender courts are generally based upon the therapeutic jurisprudence approach used in drug courts and other problem-solving courts.³⁰ Also, they tend to address sex offenders’ underlying addictions through treatment and graduated levels of community supervision.

These courts primarily handle cases involving felony sex offense charges and generally promote a comprehensive approach to the disposition of these sensitive cases. For maximal continuity and accountability, one judge handles all the cases, tracking them through to disposition, including probation supervision and offender registration if appropriate. The judge is assisted by a specially trained team of prosecutors, defense attorneys, victim agencies, probation officers, treatment providers and court personnel who undergo a comprehensive training program and participate in regular interagency meetings to ensure best practices in timely case resolution, victim safety, post-conviction accountability and public safety.³¹

Specialized Civil or Criminal Sexual Assault Courts – Not to be confused with “Sex Offender” or “Sex Offence” courts, this model should address the handling of intimate partner sexual assault cases. The premise of this court model should be based upon safety as well as other holistic needs of the victim.

Specialized Criminal Domestic Violence Court Procedures - Specialized procedures for handling domestic violence cases in the criminal court are modeled in the following format/practices:

Pretrial Conference - This is the court appearance where the prosecutor and defense attorney (or defendant) attempt to plea-bargain a case before setting it for trial. Some courts choose to specialize by having all pretrial conferences involving domestic violence crimes put on a separate court calendar. Other court appearances, such as arraignment and trial, are handled on the same calendar as any other crime.

Regardless of whether the matter is pursued civilly, the prosecutor (not the petitioner) decides if criminal charges are brought in criminal court.

²⁸ Greg Berman and John Feinblatt, *Problem-Solving Courts: A Brief Primer*, 23 *Law & Policy* 125 (2001) at page 126.

²⁹ See Greg Berman and John Feinblatt, *Good Courts: The Case for Problem Solving Justice*, New York: New Press (2005).

³⁰ Bruell, C., *Sex Offender Courts: Implications for the Future*, The American Society of Criminology (2006).

³¹ North Country Gazette (2006)

All Non-Evidentiary Appearances – In this model, criminal courts hear only all non-evidentiary appearances for felony and misdemeanor domestic violence cases. The court makes legal decisions after arguments by opposing counsel and does not require witnesses to testify. Non-evidentiary appearances can include arraignment (where the court determines the custody and bail status of the defendant), pretrial conferences (where the attorneys attempt to plea-bargain a resolution to the case without a trial), taking of a guilty plea and sentencing.

All Appearances in Specialized Court - Some criminal courts choose to specialize so that every appearance of a criminal domestic abuse case is held in one court from arraignment to trial and sentencing. As only the judges of the specialized court handle domestic abuse cases, this type of court promotes consistency of case disposition and expertise in domestic abuse on the part of the judges. This type of court requires extensive resources and a community considering this type of court must ensure that the court system (from probation officers to court clerks to judges) is prepared to adjust existing resources accordingly.

Combined Civil and Criminal Jurisdiction - some courts elect to combine civil and criminal jurisdiction in a single domestic violence court. The same court hears petitions for Orders for Protection and all appearances for misdemeanor criminal domestic abuse cases. This ensures that the judge is well informed about the entire situation and provides consistency in the court's orders.

The decision to combine civil and criminal jurisdiction in a single specialized domestic violence court is even more complex than the decision to create a specialized domestic violence criminal court.³²

³² Combining jurisdiction in one court may encourage judges and prosecutors to focus on considerations inappropriate to their decision making in criminal cases. For example, judges, defendants and victims may all put pressure on a prosecutor to minimize or cease a criminal prosecution based on the defendant's willingness to pay child support or alimony.