



OFFICE ON VIOLENCE AGAINST WOMEN (OVW) VAWA 2013 SUMMARY: CHANGES TO OVW-ADMINISTERED GRANT PROGRAMS

The Violence Against Women Reauthorization Act of 2013, Pub. L. No. 113-4 (VAWA 2013), enacted on March 7, 2013, improves and expands legal tools and grant programs addressing domestic violence, dating violence, sexual assault, and stalking. VAWA 2013 reauthorizes critical grant programs created by the original Violence Against Women Act and subsequent legislation, establishes new programs, and strengthens Federal laws. For the most part, the effective date of grant-related changes in the Act is October 1, 2013.

The following summary highlights many of the important changes and improvements that VAWA 2013 makes to OVW-administered programs. Please note that OVW has created this document for informational purposes only; it does not include every VAWA 2013 change to OVW programs and does not address any of VAWA 2013's many other provisions. Furthermore, it is not intended to provide guidance to OVW grantees or others about how the Act will be interpreted and/or implemented.

I. CHANGES TO CURRENT OVW GRANT PROGRAMS

Universal Definitions and Grant Conditions

- Adds definition of “rape crisis center” that, among other things, includes governmental entities in States (but not territories) as long as they are not part of the criminal justice system and offer a level of confidentiality comparable to that offered by a nonprofit entity that provides similar services
- Revises definition of “victim service provider” to mean a nonprofit, nongovernmental organization, tribal organization, or rape crisis center, including a State and tribal coalition, domestic violence shelter, faith-based organization, and other organization that assists or advocates for victims of domestic violence, dating violence, sexual assault, or stalking
- Revises definition of “culturally specific” and “culturally specific services” to focus on specific racial and ethnic minority groups
- Amends definition of “domestic violence” to explicitly include “intimate partners” as well as “spouses”
- Adds definitions for “population specific organization” and “population specific services,” both of which are targeted to a specific underserved population
- Revises definition of “Rural State” to include more densely populated States
- Expands definition of “underserved populations” to include populations underserved because of sexual orientation, gender identity and religion
- Defines “youth” to mean a person who is 11 to 24 years old
- Improves confidentiality provision, including allowing minors who are permitted to receive services without parent or guardian consent to authorize release of information without parent or guardian consent; requires grantees and subgrantees to document compliance with confidentiality and privacy provisions

- Specifies that grantees and subgrantees may collaborate with or provide information to Federal, State, local, or territorial public officials and agencies to develop and implement policies and develop and promote legislation or model codes designed to reduce or eliminate domestic violence, dating violence, sexual assault, or stalking
- Requires any grantee or subgrantee providing legal assistance to comply with LAV eligibility certifications
- Adds civil rights provision applicable to all OVW grant programs that prohibits discrimination on the basis of race, color, religion, national origin, sex, gender identity, sexual orientation, or disability in OVW-funded programs or activities; includes specific exception for sex segregation or sex-specific programming that is “necessary to the essential operation of a program”
- Clarifies that victim services and legal assistance include services and assistance to victims of domestic violence, dating violence, sexual assault, and stalking who are also victims of severe forms of trafficking in persons
- Requires OVW to have biennial conferrals with State and tribal coalitions and technical assistance providers on administration of grants, unmet needs, promising practices in the field, and emerging trends; first conferral must be initiated not later than six months after VAWA 2013’s enactment
- Adds new accountability provisions to all Department of Justice grants funded under VAWA, including mandatory exclusions for grantees with Office of Inspector General audit findings that are not closed or resolved within 12 months
- Provides that “nonprofit organization,” as used in VAWA, means an organization that is described in section 501(c)(3) Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of that Code
- Prohibits VAWA grants to any nonprofit organization that holds money in offshore accounts to avoid paying taxes
- Prohibits conferences funded through cooperative agreements that use more than \$20,000 in Department funds absent prior written approval by Department officials

STOP Violence Against Women Formula Grant Program

- Reauthorizes STOP Program at \$222 million annually through FY 2018 (rather than \$225 million)
- Adds seven new purpose areas: developing and promoting legislation and policies to enhance best practices for responding to domestic violence, dating violence, sexual assault, and stalking; developing Sexual Assault Response Teams and related coordinated community responses (CCRs) to sexual assault; improving investigation and prosecution of sexual assault cases and appropriate treatment of victims; responding to sexual assault against men, women, and youth in correctional settings; responding to backlogs of sexual assault evidence including developing protocols and policies for notifying and involving victims; improving responses to male and female victims whose ability to access traditional services and responses is affected by their sexual orientation or gender identity; and supporting prevention or educational programming (limited to five percent of the award amount)
- Ensures that domestic violence, dating violence, sexual assault, and stalking are included in all the purpose areas
- Adds legal assistance in purpose area for “victim assistance”
- Includes population of tribes in total population for each State for purposes of funding formula
- Authorizes Department to impose reasonable conditions on grant awards to ensure States meet statutory, regulatory, and other program requirements

- Changes to State STOP implementation plans include:
 - Makes State plan due with STOP application
 - Mandates that State consult and coordinate with enumerated entities within the State, including coalitions, victim services, law enforcement, prosecutors, courts, representatives from underserved populations, and others
 - Requires documentation from each member of planning committee as to participation in the planning process
 - Directs that State coordinate STOP plan with Victims of Crime Act assistance and Family Violence Prevention and Services Act and Public Health Service Act funding streams
 - Requires documentation from prosecution, law enforcement, court and victim services programs to be assisted
 - Requires description of how State will ensure that subgrantees will consult with victim service providers
 - Requires demographic data on distribution of underserved populations within State and description of how State will meet needs of underserved populations
 - Requires description of how State will give priority to areas of varying geographic size, determine subgrants based on population, equitably distribute subgrants on a geographic basis, and recognize and meaningfully respond to the needs of underserved populations
 - Mandates State include goals and objectives for reducing domestic violence related homicide
- Changes to allocations:
 - Provides that five percent allocation is “to” courts instead of “for” courts
 - Sets aside 20 percent for projects that meaningfully address sexual assault across at least two of the allocations (victim services, law enforcement, prosecution, courts), with compliance period of two years from enactment of VAWA 2013 for States
 - Authorizes States to use any returned or remaining funds for any authorized STOP purpose if funds from a subgrant are returned to State or State does not receive sufficient eligible applications to award full funding for one of the allocation categories (victim services, prosecution, law enforcement, courts)
- Change to match requirement: subgrants for victim services or tribes for which there is a match exemption no longer count toward the total cost on which State match obligation is calculated
- Changes to forensic exam certification: requires coordination with health care providers to notify victims of the availability of exams and removes option to reimburse victims for the exams (with a new compliance period of three years from the enactment of VAWA 2013)
- Change to fees and costs certification: ensures that certification fully covers domestic violence, dating violence, sexual assault, and stalking and specifically adds modification, enforcement, dismissal, and withdrawal of protection orders

Arrest Program

- Reauthorizes Arrest Program at \$73 million annually through FY 2018 (rather than \$75 million)
- Clarifies scope of victim services that may be funded
- Adds nine new purpose areas: training prosecutors; improving the response of the criminal justice system to immigrant victims; developing and promoting legislation and policies to enhance best practices for responding to domestic violence, dating violence, sexual assault, and stalking; developing Sexual Assault Forensic Examiner programs; developing Sexual Assault Response Teams or similar CCRs to sexual assault; improving investigation and prosecution of sexual assault and

treatment of victims; providing HIV testing, counseling, and prophylaxis for victims; addressing sexual assault evidence backlogs including notifying and involving victims; and developing multi-disciplinary high-risk teams for reducing domestic violence and dating violence homicides.

- Expands eligibility to permit State, tribal, and territorial coalitions and victim service providers to apply in partnership with States, tribes, or units of local government (which still must meet certification requirements)
- Exempts court applicants from certification requirements
- Amends mutual restraining order certification to cover protection orders between intimate partners and dating partners as well as spouses
- Amends filing fees certification to ensure it fully covers domestic violence, dating violence, sexual assault, and stalking and specifically adds modification, enforcement, and dismissal of protection orders [Note: unlike STOP certification change, does not include “withdrawal”]
- Amends polygraph prohibition certification to cover trial and sentencing, as well as investigation, of sex offenses
- Amends HIV certification by permitting States or units of local government to certify that they have a policy, as well as a law or regulation, that requires offender testing within 48 hours of date of indictment or information; also clarifies that 48-hour requirement only applies if defendant is in custody or has been served
- Sets aside five percent of Arrest Program appropriation for Tribal Coalitions grants
- Provides that a minimum of 25 percent of Arrest Program appropriation be made available for projects that address sexual assault

Legal Assistance for Victims (LAV) Program

- Reauthorizes LAV Program at \$57 million annually through FY 2018 (rather than \$65 million)
- Amends general purpose area to authorize legal assistance to victims seeking relief in legal matters “relating to or arising out of” (rather than “arising as a consequence of”) their victimization
- Removes purpose area authorizing funding for training, technical assistance, and data collection to improve the capacity of grantees and other entities to provide legal assistance to victims
- Adds new purpose area for expanding pro bono legal assistance for victims, which is capped at ten percent of funds awarded
- Strengthens certification requirement regarding expertise and training of persons providing legal assistance under the Program

Culturally Specific Services Program

- Renames OVW’s Culturally and Linguistically Specific Services Program by removing references to “and linguistically”
- Refines focus of program by redefining “culturally specific” to mean primarily directed toward racial and ethnic minority groups as defined in section 1707(g) of the Public Health Service Act (“American Indians (including Alaska Natives, Eskimos, and Aleuts); Asian Americans; Native Hawaiians and other Pacific Islanders; Blacks; and Hispanics”)

Sexual Assault Services Program (SASP)

- Reauthorizes SASP at \$40 million annually through FY 2018 (rather than \$50 million)

- Specifies that SASP formula funds support rape crisis centers and “other nongovernmental and tribal programs and projects to assist individuals who have been victimized by sexual assault, without regard to the age of the individual”
- Adjusts SASP funding formula to provide the District of Columbia and Puerto Rico with the same share as States and to provide a more equitable share to territories (doubling the current percentage share from .125 to .25)
- Refines focus of SASP Culturally Specific Program by redefining “culturally specific” to mean primarily directed toward racial and ethnic minority groups as defined in section 1707(g) of the Public Health Service Act (“American Indians (including Alaska Natives, Eskimos, and Aleuts); Asian Americans; Native Hawaiians and other Pacific Islanders; Blacks; and Hispanics”)

Rural Program

- Reauthorizes Rural Program at \$50 million annually through FY 2018 (rather than \$55 million)
- Amends CCR strategy to address multidisciplinary teams focusing on high-risk cases with the goal of preventing domestic violence homicides
- Adds legal assistance to the strategy for victim services
- Adds two new strategies addressing sexual assault and special needs of victims in remote areas, including providing training for Community Health Aides involved in Indian Health Services programs

Violence Against Women With Disabilities Program

- Reauthorizes the Disabilities Program at \$9 million annually through FY 2018 (rather than \$10 million)

Elder Abuse Program

- Reauthorizes the Elder Program at \$9 million annually through FY 2018 (rather than \$10 million)
- Revises Elder Program to mandate that all grantees provide multidisciplinary training programs, serve victims, establish CCRs, and conduct cross training (unless there is a demonstration that one or more of these is duplicative of services available in the community)
- Limits funding for outreach activities and awareness campaigns to no more than ten percent of an award
- Mandates that all applicants demonstrate multidisciplinary partnerships including a law enforcement agency, prosecutor’s office, victim service provider and an agency with experience assisting older individuals

Campus Program

- Reauthorizes Campus Program at \$12 million annually through FY 2018 (rather than \$15 million)
- Adds prevention education and awareness to general purpose area
- Decreases maximum award to individual institution to \$300,000 (from \$500,000)
- Increases focus on underserved populations on campus by adding two new purpose areas to address population-specific strategies and projects and new application requirement
- Mandates that grantees comply with the Campus Program’s four minimum requirements (CCR with internal and external partners, mandatory prevention and education for all incoming students, training for all campus law enforcement, and training for all disciplinary board members)

Transitional Housing Program

- Reauthorizes Transitional Housing Program at \$35 million annually through FY 2018 (rather than \$40 million)
- Expands eligibility for services by removing requirement that victims need transitional housing assistance as result of “fleeing” situation of domestic violence, dating violence, sexual assault, or stalking
- Specifies that support services may include services designed to help victims secure employment
- Amends minimum allocation of grants across States to apply when “qualified” rather than “eligible” applications are received
- Defines “qualified application” to mean one submitted by an eligible applicant that does not propose activities that are prohibited or would compromise victim safety and that reflects an understanding of the four crimes

Grants to Indian Tribal Governments Program

- Adds sex trafficking to four crimes covered by program
- Adds new purpose areas regarding services for youth victims and children exposed to violence and developing and promoting legislation, policies, and best practices

Tribal Coalitions Program

- Adds new purpose area for developing and promoting legislation, policies, and best practices
- Provides that not more than ten percent of available funds may support organizations proposing to incorporate as tribal coalitions and not less than 90 percent will be available for existing coalitions
- Provides that funds for existing coalitions will be distributed equally among each eligible coalition each fiscal year

National Resource Center on Workplace Responses to Assist Victims of Domestic and Sexual Violence

- Reauthorizes workplace resource center at \$1 million annually through FY 2018

Tribal Sex Offender and Protection Order Registries

- Reauthorizes funding for tribal sex offender and protection order registries at \$1 million annually through FY 2018

II. New or Consolidated OVW Grant Programs

Consolidation of Grants to Support Families in the Justice System

- Replaces OVW’s Supervised Visitation and Court Improvements Programs with a new grant program to improve civil and criminal justice system response to families with histories of domestic violence, sexual assault, dating violence, stalking, and cases involving allegations of child sexual abuse
- Authorizes new program at \$22 million annually through FY 2018 (rather than total of \$25 million from underlying programs)
- Authorizes eight purpose areas, incorporating Supervised Visitation and Courts purpose areas and adding promoting legislation and policies to improve court responses to these cases; training court personnel, CPS workers and others; providing resources in juvenile court matters; providing civil

legal assistance to victims and non-offending parents (where the other parent is represented); and collecting data and providing training and technical assistance to address civil justice needs of victims.

- Requires that applicants certify that victims will not be charged filing fees and that grant-funded professionals will have appropriate training
- Sets aside ten percent of appropriated funds for Tribal Governments Program

Outreach and Services to Underserved Populations

- Amends previously-unfunded VAWA 2005 outreach program for underserved populations to include provision of victim services for these populations
- Sets aside two percent of appropriations from STOP and Arrest Programs to fund program
- Authorizes additional \$2 million annually through FY 2018 to fund program

Creating Hope Through Outreach, Options, Services, and Education for Children and Youth (CHOOSE)

- Replaces OVW's Youth Services and STEP Programs with a new consolidated grant program to enhance the safety of youth and children who are victims of, or exposed to, domestic violence, dating violence, sexual assault, stalking, or sex trafficking and to prevent future violence
- Authorizes new program at \$15 million annually through FY 2018 (rather than total of \$20 million from underlying programs)
- Incorporates Youth Services and STEP purpose areas, including providing a broad range of victim services and school-based programming
- Mandates school partner for school-based projects
- Directs not less than 50 percent of appropriations to projects providing services to youth and child victims
- Sets aside ten percent of appropriated funds for Tribal Governments Program

Saving Money and Reducing Tragedies Through Prevention (SMART Prevention)

- Replaces OVW's Engaging Men and Youth and Children and Youth Exposed to Violence Programs with a new consolidated grant program to prevent domestic violence, dating violence, sexual assault, and stalking by taking a comprehensive approach that focuses on youth, children exposed to violence, and men as leaders and influencers of social norms
- Authorizes new program at \$15 million annually through FY 2018 (rather than total of \$30 million from underlying programs)
- Incorporates Engaging Men and Youth and Children and Youth Exposed to Violence purpose areas, including (1) teen dating violence awareness prevention, (2) programs that respond to children's exposure to violence in their homes through services and training, and (3) engaging men as leaders and role models
- Requires applicants to implement policies addressing appropriate referrals, confidentiality, training for prevention program staff, and coordination of prevention programs with service programs
- Allocates not less than 25 percent of appropriations for each of three primary purpose areas listed above
- Sets aside ten percent of appropriated funds for grants to Indian tribes or tribal organizations