Children’s Advocacy Center
Child Centered Services VOCA Initiative

FUNDING APPLICATION

January 1, 2017 – June 30, 2018
Due November 9, 2016

Administered by the Office of Crime Victims Advocacy
Department of Commerce
P.O. Box 42525
Olympia, Washington 98504-2525
866.857.9889

This project is supported by Victims of Crime Act Grants awarded by the Office for Victims of Crime, U.S. Department of Justice. Points of view in this document are those of the author, and do not necessarily represent the official position or polices of the U.S. Department of Justice.
Office of Crime Victims Advocacy (OCVA)
Program Staff:

Trisha Smith, Sexual Assault Services Section Manager
trisha.smith@commerce.wa.gov

Paul Seabaugh, Sexual Assault Services Program Manager
Child Centered Services Lead
paul.seabaugh@commerce.wa.gov

Application Due: November 9, 2016

NO APPLICATIONS WILL BE ACCEPTED AFTER NOVEMBER 9, 2016
WITHOUT PRIOR WRITTEN APPROVAL FROM THE
OCVA SEXUAL ASSAULT SERVICES SECTION MANAGER TRISHA SMITH.

This application and all of the applicable forms are available in PDF, Word and/or Excel
format on the OCVA web page at: www.ocva.wa.gov.

Send one unbound original and one copy of your completed application to:

Express Delivery Address: or Regular US Postal Service:
Office of Crime Victims Advocacy
Attn: Trisha Smith
1011 Plum St. SE
Olympia, WA 98501-1530

Office of Crime Victims Advocacy
Attn: Trisha Smith
P.O. Box 42525
Olympia, WA 98504-2525

Please allow normal mail delivery time to ensure timely receipt of the application.
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Introduction

Background

The Victims of Crime Act of 1984 (VOCA) serves as a major funding source for victim services throughout the country. The primary purpose of the VOCA Victims Assistance grant is to support the provision of direct services to victims of crime.

Direct services\(^1\) are defined as services and efforts that:

- (1) Respond to the emotional, psychological, or physical needs of crime victims;
- (2) Assist victims to stabilize their lives after victimization;
- (3) Assist victims to understand and participate in the criminal justice system; or
- (4) Restore a measure of security and safety for the victim.

Purpose of Application

OCVA requests applications from Children’s Advocacy Centers (CACs) for the provision of Child Centered Services per the Victims of Crime Act (VOCA) 2015 -2019 State Plan (Appendix B).

Responses to this funding application must be received by OCVA no later than Monday November 9, 2016 at 5 p.m. One original and one copy are requested. This application is also available online at \(\text{http://www.ocva.wa.gov}\).

Period of Performance

OCVA will fund projects resulting from this application from January 1, 2017 through June 30, 2018.

Please note that the initial funding period is set up in this manner so the \(\text{CAC Child Centered Services VOCA Initiative}\) funding cycle will align with Washington State’s fiscal year (July – June).

\(^1\) As defined in the Victims of Crime Act Victim Assistance Program Final Rule

\(\text{https://www.federalregister.gov/d/2016-16085}\)
Funding

OCVA estimates that $2,031,168 will be available each fiscal year for the Children’s Advocacy Center Child Centered Services VOCA Initiative (referred to as the CAC Initiative throughout the application).

For the initial funding period of one year and six months, $3,046,752 will initially be available for the CAC Initiative grants for the January 1, 2017 – June 30, 2018 funding period.

The CAC Initiative funds are allocated through a funding formula that determines the amount available to each organization. The funding formula includes a base amount for each eligible entity, plus a child and youth population component (a per capita amount).

Entities that serve more than one county will get the base amount plus 50% of the base for each additional county where services are provided.

For example:

Sample CAC is based in County A and serves County A and County B

Base amount x 1.50 = Sample CAC’s base allocation

For counties with multiple CACs, each entity is entitled to one full base allocation and the per capita amount is divided by total number of eligible entities.

Please note that this funding formula may be revised after the close of this grant period (January 1, 2017 through June 30, 2018). Any changes would apply to grants available in State Fiscal Year (SFY) 2019.

OCVA anticipates adding a client served component to the funding formula and we recognize that organizations will need time and resources to provide services prior to service data becoming a factor in funding allocation. And OCVA greatly values any feedback that the CAC service community has on this funding formula. Any potential changes to the formula will be vetted with stakeholders (see Additional Grant Requirements section below).

Americans with Disabilities Act (ADA)

The Department of Commerce complies with the Americans with Disabilities Act (ADA). Applicants may contact the Application Coordinator to receive this application in Braille or on tape.
Eligibility

Eligible Applicants

Eligible applicants include **affiliate**, **developing**, and **accredited**² Children’s Advocacy Centers (CAC), as defined and designated by the National Children’s Alliance (NCA).

- Affiliate CAC: multidisciplinary teams that are working to improve services for abused children through a collaborative approach to intervention.

- Developing CAC: a Center working toward (but not yet achieved) implementation of all Standards for Accreditation.

- Accredited CAC: a Center that has implemented all Standards for Accreditation and been accredited by the National Children’s Alliance.

NCA is the national membership and accrediting organization for Children’s Advocacy Centers. Membership with the NCA in one of the above categories is a requirement to be eligible for this funding.

OCVA strongly encourages all CACs to engage in the support and resources provided by the Children’s Advocacy Centers of Washington (CACWA); this will be a requirement for any CACs defined as **affiliate** or **developing**.

Child Abuse Protocols - RCW 26.44.180

In accordance with RCW 26.44.180, agencies and systems that are involved with child abuse victims must coordinate and document their involvement.

All services provided with this funding must be in alignment with the RCW and the child abuse protocols for the county.

² As described on NCA’s website: [http://www.nationalchildrensalliance.org/ncamembership-types](http://www.nationalchildrensalliance.org/ncamembership-types)
Eligible Services

Services provided with this funding shall be available to children, youth, and their caregivers who are victims of abuse, neglect, and/or sexual assault.

Eligible services include:

- Forensic Interviews
- Multidisciplinary Team (MDT) Coordination
- Therapy
- Medical Social Work

Definitions and descriptions of these services are outlined in the Child Centered Services Standards; Appendix A. The Services Standards for Forensic Interviews and Multidisciplinary Team Coordination are currently in draft form. Proposed services must be delivered according to these Service Standards. All service activities must be consistent with the eligible activities listed in the standards, must be provided in a victim-centered manner, and accepted as evidence-based or promising practices.

Additional Grant Requirements

As noted above, the Forensic Interview and Multidisciplinary Team Coordination Service Standards are currently in draft form. That is due to the fact that this is a new grant program and these services are only recently eligible with VOCA funding.

Grantees funded with these monies will be expected to engage in conversation and provide feedback on the finalization of these two standards; OCVA anticipates this will include one in-person meeting and one conference call over the course of the grant period.

Grantees are also expected to participate in the crime victim services quarterly regional meetings. Each region has a lead agency responsible for the coordination of these meetings; OCVA will connect each CAC Initiative grantee with the lead agency in their region.

Grantees must also commit to engaging in conversation and providing feedback on the funding formula for this VOCA CAC Initiative funding. OCVA anticipates this will include one conference call and one survey over the course of the grant period.
Ineligible Grant Activities

The following services, activities, and costs, although not exhaustive, cannot be supported with this grant funding:

- **Crime Prevention Activities.**

- **Lobbying and Administrative Advocacy.** VOCA funds cannot support victim legislation or administrative reform, whether conducted directly or indirectly.

- **Perpetrator Rehabilitation and Counseling.** Subrecipients cannot use VOCA funds to offer rehabilitative services to offenders.

- **Research and Studies.** Prohibited except for project evaluation.

- **Fundraising Activities.**

- **Property Loss.** Reimbursing individuals of crime for expenses incurred as a result of a crime such as insurance deductibles, replacement of stolen property, funeral expenses, lost wages, and medical bills is not allowed.

- **Most Medical Costs.** VOCA funds cannot pay for nursing home care (emergency short-term nursing home shelter as described in the VOCA Final Rule Appendix C is allowable), home health-care costs, in-patient treatment costs, hospital care, and other types of emergency and non-emergency medical and/or dental treatment. VOCA victim assistance grant funds cannot support medical costs resulting from victimization, except for forensic medical examinations for sexual assault victims. However, costs for forensic medical exams for sexual assault victims are currently covered by Crime Victims Compensation, therefore are not eligible under this application.

- **Active Investigation and Prosecution of Criminal Activities.** The active investigation and prosecution of criminal activity, except for the provision of victim assistance services (e.g., emotional support, advocacy, and legal services) to crime victims.
Special Terms and Conditions

The CAC Initiative grants are comprised solely of federal Victims of Crime Act (VOCA) funds. OCVA encourages applicants to consider the following VOCA requirements when deciding to apply for funding:

**Volunteers**

Each grantee awarded funds through this application must utilize at least one volunteer directly supporting the child centered services and/or outreach activities in order to fulfill Victims of Crime Act (VOCA) federal funding requirements. Please contact OCVA program staff if you need assistance in identifying potential volunteer activities that may fulfill this requirement or wish to request a waiver.

**Matching Funds**

Each successful grantee is responsible to provide a 20% match (cash or in-kind) for the VOCA grant funds received.

For many existing OCVA grantees, you may receive enough Washington State Funds for victim services that match may be met. However, if the portion of Washington State Funds in your current grants are not sufficient to meet the VOCA match requirement, the grantee agrees that other funds or in-kind will complete the match, or a waiver may be requested.

For new grantees, other victims services funds (cash or in-kind) must complete the match, or a waiver may be requested.

**Nonprofit Status**

**Copy of Internal Revenue Service (IRS) 501(c)(3) determination letter**

VOCA funding requires that nonprofit organizations verify their nonprofit status by providing a copy of their (IRS) 501(c)(3) determination letter.
If the successful grantee is a nonprofit organization and has not previously submitted a copy of its Internal Revenue Service (IRS) 501(c)(3) determination letter to OCVA, please submit a copy with the application for funding.

A nonprofit organization is as described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of that Code. See 42 U.S.C § 13925(b)(16)(B).

**Computer Network Expenses**

VOCA funding cannot be used to maintain or establish a computer network unless such networks block the viewing, downloading, and exchanging of pornography. In order to be in compliance with this special condition, grantees will have two options:

1. Maintain or establish a network that blocks the viewing, downloading, and exchanging of pornography.

2. Do not use OCVA Child Centered Services grant funds to maintain or establish a computer network.

Please note, this VOCA special condition does not limit the use of funds necessary for any Federal, State, tribal, or law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

OCVA is available to answer any questions you may have regarding this requirement.

**Position Descriptions for VOCA-Funded Staff and Volunteer(s)**

The federal Office for Victims of Crime now requires that VOCA subrecipients (grantees) provide position descriptions for staff being paid with VOCA funds and position descriptions for volunteers whose time is being used as match or to meet the volunteer requirement. This documentation is needed for each grant that includes VOCA funds. Please submit staff and volunteer position descriptions with the application for funding. If more than one grant-funded staff has the same job position, only one position description is needed.

**VOCA Final Rule**

Evaluation of Applications

Applications will be reviewed to assure eligibility of services, agency and staff qualifications, and cost effectiveness.

Billing

Grantees may request reimbursement for services either monthly or quarterly.

Billing for Therapy Services

Grantees that elect to provide Therapy Services with these funds must bill Crime Victims Compensation and/or private insurance resources first when these resources are available and applicable. OCVA may be billed for un-reimbursed therapy costs for Therapy Services that are not billable to private insurance or Crime Victims Compensation. For example:

- Insurance company denies coverage for therapy services because the request does not align with the plan’s criteria
- Costs associated with accessing treatment are not covered such as travel and co-pays
- It is not safe for the survivor to utilize their partner or parent’s insurance coverage
- The therapist(s) trained in victim services does not accept the survivor’s insurance plan
Data Collection and Reporting Requirements

Grantees must submit quarterly data reports to their grant manager. Data reports will include non-identifying demographic information, type of service, and service hours.

OCVA program staff conducts periodic checks for compliance with these requirements during the grant period of performance. Noncompliance may result in suspension of payments to the grantee under this grant.

No Obligation to Grant

This application does not obligate the state of Washington, Department of Commerce or OCVA to grant for services specified herein. Applications submitted become the property of the Department of Commerce and cannot be returned. The Department of Commerce is not liable for any costs incurred by the Grantee in developing the application.
One clearly marked original proposal and one unbound copy, whether mailed or hand delivered, must be received by OCVA no later than 5:00 pm local time in Olympia, Washington on November 9, 2016. The proposal and copies are to be sent to the Application Coordinator, Trisha Smith, at the address shown below. The envelope should be clearly marked to the attention of the Application Coordinator.

Please allow normal mail delivery time to ensure timely receipt of applications by the Application Coordinator. No applications will be accepted after November 9, 2016 without prior written approval from the OCVA Sexual Assault Services Section Manager.

**Express Delivery Address:**
Office of Crime Victims Advocacy
Department of Commerce
Attn: Trisha Smith
1011 Plum St. SE
Olympia, WA 98501-1530

**Regular US Postal Service:**
Office of Crime Victims Advocacy
Department of Commerce
Attn: Trisha Smith
P.O. Box 42525
Olympia, WA 98504-2525

No electronic (fax or e-mailed) applications will be accepted. All of the completed application materials must be received at the above address by November 9, 2016 no later than 5:00 pm.

Any questions related to the application should be directed to the Application Coordinator at 1-866-857-9889 or trisha.smith@commerce.wa.gov.
Revisions to the Application

In the event it becomes necessary to revise any part of this application, addenda will be provided via e-mail or in hardcopy to all who were sent the application.

If you download this application from the Department of Commerce, Office of Crime Victims Advocacy website located at www.ocva.wa.gov, you are responsible for sending your name, address, e-mail address, and telephone number to the Application Coordinator in order for your organization to receive any application amendments or applicant questions and OCVA answers.

OCVA also reserves the right to cancel or to reissue the application in whole or in part, prior to execution of a grant.

Insurance Provisions

The Grantee shall provide insurance coverage as set out in this section. The intent of the required insurance is to protect the state of Washington should there be any claims, suits, actions, costs, damages or expenses arising from any loss, or negligent or intentional act or omission of the Grantee or Subgrantee, or agents of either, while performing under the terms of this Grant.

The insurance required shall be issued by an insurance company authorized to do business within the state of Washington. Except for Professional Liability or Errors and Omissions Insurance, the insurance shall name the state of Washington, its agents, officers, and employees as additional insureds under the insurance policy. All policies shall be primary to any other valid and collectable insurance. The Grantee shall instruct the insurers to give COMMERCE thirty (30) calendar days advance notice of any insurance cancellation or modification.

The Grantee shall submit to COMMERCE within fifteen (15) calendar days of the Grant start date, a certificate of insurance which outlines the coverage and limits defined in this insurance section. During the term of the Grant, the Grantee shall submit renewal certificates not less than thirty (30) calendar days prior to expiration of each policy required under this section.
The Grantee shall provide insurance coverage that shall be maintained in full force and effect during the term of this Grant, as follows:

**Commercial General Liability Insurance Policy.** Provide a Commercial General Liability Insurance Policy, including contractual liability, written on an occurrence basis, in adequate quantity to protect against legal liability arising out of Grant activity but no less than $1,000,000 per occurrence. Additionally, the Grantee is responsible for ensuring that any Subgrantees provide adequate insurance coverage for the activities arising out of subgrants.

**Automobile Liability.** In the event that performance pursuant to this Grant involves the use of vehicles, owned or operated by the Grantee or its Subgrantee, automobile liability insurance shall be required. The minimum limit for automobile liability is $1,000,000 per occurrence, using a Combined Single Limit for bodily injury and property damage.

**Professional Liability, Errors and Omissions Insurance.** *(This provision applies only if the Grantee or subgrantees are using the services of licensed professionals to perform services described under this Grant).* The Grantee shall maintain Professional Liability or Errors and Omissions Insurance. The Grantee shall maintain minimum limits of no less than $1,000,000 per occurrence to cover all activities by the Grantee and licensed staff employed or under Grant to the Grantee. The state of Washington, its agents, officers, and employees need *not* be named as additional insureds under this policy.

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## Audit Costs and Requirements

A pro-rated share of reasonable audit costs may be charged by Grantees so long as the audit cost is identified in the Grant budget that Grantees submit to the Department of Commerce.

### General Requirements

Grantees are to procure audit services based on the following guidelines.

The Grantee shall maintain its records and accounts so as to facilitate audits and shall ensure that Subgrantee/subcontractors also maintain auditable records.

The Grantee is responsible for any audit exceptions incurred by its own organization or that of its Subgrantee/subcontractors.
COMMERCE reserves the right to recover from the Grantee all disallowed costs resulting from the audit.

Responses to any unresolved management findings and disallowed or questioned costs shall be included with the audit report. The Grantee must respond to COMMERCE requests for information or corrective action concerning audit issues within thirty (30) days of the date of request.

**Federal Funds Requirements - 2 CFR Part 200**

Non-profit and governmental Grantees expending $750,000 or more in a fiscal year (that begins after December 26, 2014) in federal funds from all sources, direct and indirect, are required to have an audit conducted in accordance with 2 CFR Part 200. For fiscal years beginning prior to December 26, 2014, Grantees are required to have an audit conducted in accordance with Federal audit requirements. When state funds are also to be paid under this Agreement a Schedule of State Financial Assistance as well as the required schedule of Federal Expenditure must be included. Both schedules include:

- Grantor agency name
- Federal agency
- Federal program name
- Other identifying Grant numbers
- Catalog of Federal Domestic Assistance (CFDA) number (if applicable)
- Grantor Grant number
- Total award amount including amendments (total grant award)
- Current year expenditures

If the Grantee is a state or local government entity, the Office of the State Auditor shall conduct the audit. Audits of non-profit organizations are to be conducted by a certified public accountant selected by the Grantee in accordance with OMB Circular A-110 “Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations.”

The Grantee shall include the above audit requirements in any Subgrants/subcontracts.

In any case, the Grantee's financial records must be available for review by COMMERCE.

**Documentation Requirements**

The Grantee must send a copy of any required audit Reporting Package as described in 2 CFR Part 200 no later than nine (9) months after the end of the Grantee’s fiscal
year(s) by sending a scanned copy to auditreview@commerce.wa.gov or a hard copy to:

Department of Commerce
ATTN: Audit Review and Resolution Office
1011 Plum Street SE
PO Box 42525
Olympia WA 98504-2525

In addition to sending a copy of the audit, when applicable, the Grantee must include:

- Corrective action plan for audit findings within three (3) months of the audit being received by COMMERCE
- Copy of the Management Letter

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**Budget Line Items and Guidance**

The budget is divided into five line items. Below are definitions for the different line items on the Budget Detail Worksheets (Attachment E). Under each section, provide a breakdown within the line item that specifies the individual cost per item. For example, within "Salaries" list the names of staff members assigned to this project, their position title, the percentage of their salary that this grant will fund, and the total amount you are requesting for their salary. Within “Subcontracted Services and Consultant Fees” list all subcontractors that will receive funding and the total amount you are requesting for each subcontractor.

**Notes:**

- Grantees that elect to provide Therapy Services with CAC Initiative dollars must bill Crime Victims Compensation and/or private insurance resources first when these resources are available and applicable. OCVA can be billed for unreimbursed therapy costs, or for Therapy Services, which are not billable to private insurance or Crime Victims Compensation.
- Equipment (items over $5,000) is **not** an allowable expense under this funding
Salaries

The cost of paying staff salaries to:

- provide direct services to clients,
- supervise employees who are providing direct services, and
- provide programmatic support services, such as a bookkeeper or receptionist (this can also go into Indirect or Administrative, see the section below)

List each position to be paid with these grant funds by name of employee and title, if available. Show the annual salary rate and full-time equivalent (FTE) of position to be funded with this grant.

Calculating FTE

Calculation is based on 40 hours/week x 52 weeks/year (40 x 52 = 2080 hours).

1.0 FTE - Calculation: 2080/2080 (40 hrs./week x 52 weeks = 2080 hours)
.50 FTE - Calculation: 1040/2080 (20 hrs./week x 52 weeks = 1040 hours)
.25 FTE - Calculation: 520/2080 (10 hrs./week x 52 weeks = 520 hours)

If your agency’s full-time work week equals 35 hours instead of 40, the FTE for a person working full time equals .87 FTE, not 1.0 FTE.

Please contact OCVA if you need further help determining staff FTE.

Benefits

The cost of paying payroll taxes, insurance, and other fringe benefits of staff listed in the Salaries line.

Costs must only be for the personnel named in the Salary line. Benefits should be based on actual known costs or an established formula. Benefits calculations should be consistent on all OCVA grants and should be allocated appropriately.
Subcontracted Services and Consultant Fees

The cost to pay individuals and/or agencies to provide subcontracted services\(^3\). Subcontract costs must be explained in the budget.

Please include a detailed description of the services that will be performed by subcontractors, such as therapists, trainers, and speakers. Indicate why you propose to subcontract for the service.

Goods and Services

The cost of providing services and activities. Examples of Goods and Services include supplies, utilities, rent, professional liability insurance, travel, and telephone. Emergency financial assistance for costs related to immediate health and safety is also allowable (such as emergency food, clothing, transportation, and shelter).

“Direct” Goods and Services costs are those that are specific to this OCVA grant.

Travel
If staff travels to provide services or activities as part of the grant, the total cost of travel can be budgeted to this grant.

Travel expenses incurred or paid by the grantee shall be reimbursed at a rate not to exceed the current state rate and in accordance with the State of Washington Office of Financial Management Travel Regulations. Current rates for travel may be accessed at [http://www.ofm.wa.gov/resources/travel/colormap1016.pdf](http://www.ofm.wa.gov/resources/travel/colormap1016.pdf)

“Shared” Goods and Services costs are those that benefit more than one program. One way of budgeting shared Goods and Services costs is by using the percentage of FTEs (Full-Time Equivalencies) method.

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\(^3\) Department of Justice has historically required contracted services to be paid at a rate no more than $81.25 per hour / $650 per day. The VOCA Rule updated this requirement to include a fair market rate. OCVA is seeking further clarification and will communicate that information as soon as possible.
Goods and Services Example ~ Shared Cost

One way to calculate shared Goods and Services costs is to use the percentage of staff FTEs.

The organization has two staff people, Mary and Anita, who are full time employees (1.0 FTE each) who will both spend 50% of their time providing services for the CAC Child Centered Services grant.

\[
2.0 \text{ FTE} \times 0.50 \text{ FTE} = 1.0 \text{ FTE for CAC Child Centered Svcs}
\]

The agency has three other employees (who do not provide child centered services). Their combined FTE equals 3.0.

- Mary and Anita Child Centered Services FTE = 1.0 FTE
- Agency Total FTE = 5.0 FTE

The total agency FTE is 5.0 because you have 5 staff members that are each 1.0 FTE.

Expenses that are “shared,” such as rent and utilities, would be split based on the percentage of FTE for CAC Child Centered Services compared to the agency total FTE.

\[
1.0 \text{ FTE (for Mary and Anita)} \div 5.0 \text{ FTE (total agency FTE)} = 0.20 \text{ or } 20\%
\]

Therefore, if the rent is $650 a month, multiply it by twelve (12) months (which is the length of the fiscal year) and then multiply it by 20%.

\[
$650 \text{ a month} \times 12 \text{ months} \times 0.20 \text{ (percentage of FTE)} = $1,560
\]

$1,560 is the amount of rent billed to CAC Initiative

Calculate the telephone, utilities, and other “shared” costs the same way.
Options for Recovering Administrative OR Indirect Costs

**Administrative:** Direct Charging Method
Grantees may directly charge up to 15% of their grant total for administrative costs. This could include both administrative costs and/or facilities costs to run your overall organization. These costs must be connected and supportive to the grant program, include a cost allocation rationale, and be approved by OCVA. Examples of this type of cost include: a portion of the salaries and benefits for the administrative functions of an executive director, accountant, or a computer specialist, and the associated costs for these functions such as supplies, general building and office equipment and maintenance.

This does not have to include the costs for program specific functions that you directly allocate to the Salaries, Benefits, and/or Goods and Services. For example, the rent and utilities for the space where support groups are conducted can be allocated and billed to Goods and Services. Or, if a portion of a manager’s time is spent providing or supervising direct advocacy services, that portion of time can still be allocated and billed to Salaries and Benefits.

Please Note: If a cost is allocated to a grant as a direct cost, it cannot also be recovered as an indirect cost (the method chosen needs to be consistent).

**Indirect:** Indirect Charging Method
If an organization prefers to use an indirect charging method, there are two options available.

1) Federally Negotiated Indirect Cost Rate (NICR)
   If an organization has a NICR, and they wish to recover indirect costs, this is the rate that must be used (cannot use the 10% MTDC method).

   Applicants must attach a copy of the approval from the cognizant federal agency of the federal Negotiated Indirect Cost Rate with their application.

2) 10% of the Modified Total Direct Costs (MTDC)
   Applicants must obtain certification of the calculation by a CPA (if a nonprofit or a Tribe), or county auditor/treasurer (if a government entity). Documentation must be submitted to and approved by OCVA, see the certification form, Attachment G.
Modified Total Direct Cost is defined as: All direct salaries and wages, applicable fringe benefits, materials and supplies, services, travel and sub-awards and subcontracts up to the first $25,000 of each sub-award or subcontract (regardless of the period of performance of the sub-awards and subcontracts under the award). MTDC excludes equipment, capital expenditures, charges for patient care, rental costs, tuition remission, scholarships and fellowships, participant support costs and the portion of each sub-award and subcontract in excess of $25,000. Other items may only be excluded when necessary to avoid a serious inequity in the distribution of indirect costs, and with the approval of the cognizant agency for indirect costs.

Audit Costs: A pro-rated share of reasonable audit costs may be charged so long as the audit cost is identified in the grant budget that grantees submit to the Department of Commerce.

- Grantees who need a Single Audit ($750,000) – can charge audit costs to Goods and Services or Admin/Indirect
- Grantees who do not need a Single Audit – expense is an allowable cost, but can be included in Admin/Indirect only

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Budget Justification

You must include descriptions of costs for each line item in your budget. You can provide this information on the budget detail worksheets or you may attach additional pages.

For example:

**Goods and Services** – Rent - $5,000
Cost of rent for providing forensic interview services based on the agency’s cost allocation plan. The budget justification should include a description of how the percentage of costs was calculated.

**Goods and Services** – Printing - $1,000
Cost to print new Therapy Services outreach brochures.

**Goods and Services** – Training - $1,400
Cost to send staff members working under this grant to approximately two in-state trainings annually. This includes registration, travel, lodging and meals.

Please see Attachment F for Budget Detail Worksheets.
Training Requirements and Qualifications

Applicants must submit training documentation for all service providers. Please review the explanations below for more information about the training requirements, and please refer to the Children’s Advocacy Centers Child Centered Services VOCA Initiative Service Standards (Appendix A) for details on the qualification requirements for each type of service provider.

Please remember that OCVA tracks ongoing training hours for providers on a fiscal year (July –June) cycle. These training hours must be reported in InfoNet.

OCVA values in-person trainings and being able to network. Due to budget limitations, we understand that agencies may have to limit the amount of in-person trainings staff/subcontractors attend. Agencies are encouraged to support staff/subcontractors to receive all or a portion of their required ongoing training in-person, but OCVA will approve meeting required ongoing training through webinars and/or online distance learning. Please continue to obtain approval as needed.

Forensic Interview

NEW PROVIDERS
Providers must be approved by OCVA. Attach a resume and documentation of 30 hours (Attachment G) of training relevant to Forensic Interviews for children and youth survivors of abuse, neglect, and sexual assault to the grant application.

Multidisciplinary Team (MDT) Coordination

NEW PROVIDERS
Providers must be approved by OCVA. Attach a resume and documentation of completion of the 12 hours of victim services training (Attachment H).

Medical Social Work

NEW PROVIDERS
Providers who have not been approved by OCVA must attach a resume and documentation of 12 hours of initial relevant training (Attachment I).
APPROVED PROVIDERS
OCVA approved providers who have been providing Medical Social Work services must document that they received 12 hours of ongoing training in the past fiscal year (July 1, 2015 – June 30, 2016) in InfoNet.

Therapy

*Please note: Therapists providing services with this funding are required to have a Master’s degree. Thus, coursework in a Master-level program will not substitute for initial or ongoing training requirements.*

NEW PROVIDERS
Therapists who have not been approved by OCVA will need to attach a resume and complete the training form (Attachment J).

Sexual Assault Therapy Services:

Therapists working with child and youth sexual assault survivors are required to complete the 23-hour initial training within the first six (6) months of providing therapy services on this grant. OCVA strongly encourages attendance at the Therapist Core Sexual Assault training from WCSAP.

Abuse and Neglect Therapy Services:

Therapists working with child and youth abuse and neglect survivors are required to provide evidence of 23 hours of training specific to therapeutic modalities for child abuse and neglect within the first six (6) months of providing therapy services on this grant. The Therapist Core Sexual Assault Training may be used to meet this requirement.

Please contact [the Child Centered Services grant program manager](#) if you would like to discuss options for meeting this requirement.

APPROVED PROVIDERS

OCVA approved therapists must document that they received 6 hours of ongoing, abuse, neglect, and/or sexual assault specific training in the past fiscal year (July 1, 2015 – June 30, 2016) in InfoNet.

If you are an approved provider, but new to providing Sexual Assault Therapy Services, completion of the Therapist Core Sexual Assault Training may still be required.
Following is an explanation of the required forms and materials applicants must submit:

**Applicant Information Form – Attachment A**

Complete the Organization Information Form. Please complete all of the information.

**Subcontractor Information – Attachment B**

If this is a proposal with one lead agency and one or more subcontractors, you will need to complete the Subcontractor Information Form for each subcontractor.

**Proposed Services Narrative – Attachment C**

Submit a narrative description that details the proposed services, the qualifications for providing the services, and the rationale for prioritizing the services, and plans to address any service barriers.

**Proposed Services Form – Attachment D**

Complete the proposed services form, reflecting the services you will provide in the entire grant period (January 1, 2017 thru June 30, 2018). This should include the staff name, service area, and proposed number of services that will be provided.

A sample of a proposed services form is included; please use this sample as a template for how to describe your proposed services. It is important that your proposed services are written clearly as this description will be used to develop your grant statement of work.

**Budget Detail Worksheets – Attachment E**

Applicants should submit a budget for the initial one year and six month grant.

Under [Budget Line Items and Guidance](#), you will find budget terms and definitions. Please complete the blank Budget Detail Worksheets.

**Budget Justification**

Please provide a budget justification for expenses listed within each line item of your proposed budget.
MTDC Certification Form – Attachment F

This form is only required if your organization opts to use the indirect charging method of 10% of the Modified Total Direct Costs (MTDC).

Training Summary Forms – Attachment G – J

Initial training documentation will be required for all new service providers.
Application Checklist

Please use this checklist to make sure you have completed the required materials to send to OCVA.

All applicable Attachments:

- Attachment A: Organization Information Form
- Attachment B: Subcontractor Information Form (if applicable)
- Attachment C: Proposed Services Narrative
- Attachment D: Proposed Services Form
- Attachment E: Budget Detail Worksheets
- Attachment F: MTDC Certification Form (if applicable)
- Attachment G: Forensic Interview Initial Training Form
- Attachment H: Multidisciplinary Team Initial Training Form
- Attachment I: Medical Social Work Initial Training Form
- Attachment J: Therapy Initial Training Form

Additional grant application documents:

- One copy of Internal Revenue Service (IRS) 501(c)(3) determination letter (if applicable)
- Verification applicant is an affiliated, developing, or accredited Children’s Advocacy Center, as defined by the National Children’s Alliance
- Staff Position descriptions for anyone providing CAC Initiative services
- Volunteer Position descriptions for anyone providing CAC Initiative services
- One clearly marked original and one unbound copy of the application
## Training Documentation

### For Therapy:

<table>
<thead>
<tr>
<th>New Providers on this Grant:</th>
<th>OCVA-Approved Providers:</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Resume</td>
<td>☐ Ongoing training hours between July 1, 2015 - June 30, 2016 documented in InfoNet</td>
</tr>
<tr>
<td>☐ Documentation of Initial Core Training (Attachment J)</td>
<td></td>
</tr>
</tbody>
</table>

*WCSAP 23-hour Therapist Core Sexual Assault Training if providing sexual assault therapy services*

*Providers working solely with child abuse and neglect survivors must show evidence of 23 hours of applicable therapy training.*

### For Medical Social Work:

<table>
<thead>
<tr>
<th>New Providers on this Grant:</th>
<th>OCVA-Approved Providers:</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Resume</td>
<td>☐ Ongoing training hours between July 1, 2015 - June 30, 2016 documented in InfoNet</td>
</tr>
<tr>
<td>☐ Documentation of 12-hours of Initial Core Sexual Assault Training (Attachment I)</td>
<td></td>
</tr>
</tbody>
</table>

### For Forensic Interviews:

<table>
<thead>
<tr>
<th>New Service Providers on this Grant:</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Resume</td>
</tr>
<tr>
<td>☐ Documentation of 30-hours of training relevant to Forensic Interviews for children and youth survivors of abuse, neglect, and sexual assault (Attachment G)</td>
</tr>
</tbody>
</table>

### For MDT Coordination:

<table>
<thead>
<tr>
<th>New Service Providers on this Grant:</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Resume</td>
</tr>
<tr>
<td>☐ Documentation of 12-hours training relevant to victims services for children and youth survivors of abuse, neglect, and sexual assault (Attachment H)</td>
</tr>
</tbody>
</table>

If you are unsure whether you need to include any of the forms listed above, please contact the OCVA Child Centered Services Program Manager Paul Seabaugh at paul.seabaugh@commerce.wa.gov or 360-725-2879.
# Applicant Information Form

Complete All Required Fields

<table>
<thead>
<tr>
<th>Agency/Organization/Tribe/Tribal Organization Name:</th>
<th>Accounting Period: (Ex: Jan – Dec; Jul – Jun)</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Address:</th>
<th>Did your agency expend $750,000 in federal funds during your past fiscal year?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>YES □ NO □</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>City:</th>
<th>State:</th>
<th>ZIP:</th>
</tr>
</thead>
</table>

**Applicant is:**
- □ Local Government
- □ Federally Recognized Tribe
- □ Non-profit Organization
- □ Tribal Organization (refer to Definition of Terms)

**Mailing address (if different than above):**

<table>
<thead>
<tr>
<th>City:</th>
<th>State:</th>
<th>ZIP:</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Phone:</th>
<th>Fax:</th>
<th>E-mail:</th>
</tr>
</thead>
</table>

**Primary Contact Name/Title:**

**Program Contact Name/Title:**

**Fiscal Contact Name/Title:**

**Primary Contact’s Phone:**

**Program Contact’s Phone:**

**Fiscal Contact’s Phone:**

**Primary Contact’s E-mail:**

**Program Contact’s E-mail:**

**Fiscal Contact’s E-mail:**

**Federal employer identification number:**

Washington State tax registration number (UBI# if applicable):

**For Agencies, Organizations, and Tribal Organizations Only**

Does the location where services are primarily provided comply with ADA requirements for accessibility?

- Yes □ No □

If No, how will you accommodate people with disabilities that request services?

**For Providers of Medical Social Work Only (Specialized Services)**

CVC Number:
# Subcontractor Information Form

<table>
<thead>
<tr>
<th>Subcontractor Name:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Address:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>City:</th>
<th>State:</th>
<th>ZIP:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Mailing address (if different than above):**

<table>
<thead>
<tr>
<th>City:</th>
<th>State:</th>
<th>ZIP:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Organization Phone:</th>
<th>Organization Fax:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Primary Contact Person - and Job Title:**

<table>
<thead>
<tr>
<th>Primary Contact’s Phone:</th>
<th>Primary Contact’s E-mail:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Does the location where the subcontractor will provide services comply with ADA requirements for accessibility?  
Yes [ ]  No [ ]

If No, how will you accommodate people with disabilities that request services *(attach an additional sheet if needed)*:

<table>
<thead>
<tr>
<th>Did this subcontractor expend $750,000 in federal funds during the past fiscal year?</th>
</tr>
</thead>
<tbody>
<tr>
<td>[ ] YES  [ ] NO</td>
</tr>
</tbody>
</table>

Submit a narrative description of the proposed services for the entire grant period (January 1, 2017 through June 30, 2018).

The narrative must include the following information:
- narrative description of proposed services
- qualifications for providing the services
- rationale for prioritizing the services.
- a plan to address any service barriers you anticipate for your service area

Please limit your narrative response to 2 pages.
Proposed Services Form

This form outlines what you plan to accomplish with the Children’s Advocacy Centers Child Centered Services VOCA Initiative grant and should align with the project narrative completed in Attachment D.

Please refer to the Service Standards for information about the kinds of activities that are eligible (Appendix A). Eligible services include:

- **Child Advocacy Center Services**
  - Forensic Interviews
  - Multidisciplinary Team Coordination
  - Therapy
  - Medical Social Work

A sample form is included for reference.

The blank form can be found on the last page.

<table>
<thead>
<tr>
<th>Column 1 – Staff Name and Position</th>
</tr>
</thead>
<tbody>
<tr>
<td>List the name and job title of the person providing the service.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Column 2 – Type of Service</th>
</tr>
</thead>
<tbody>
<tr>
<td>List which Service Standard applies to the activity you want to do.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Column 3 – Activity and Geographic Area to Be Served</th>
</tr>
</thead>
<tbody>
<tr>
<td>List the activity you are providing, and where you will be providing it (geographic area). If services will be provided in more than one county and/or geographic area, please indicate this (each area should be a separate line).</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Column 4 – Description of Service and Population Served</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provide a brief description of the activity and include the <strong>specific</strong> community to receive the service.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Column 5 – Approximate Number of People to Receive Service</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provide an approximate number of how many people will receive the service.</td>
</tr>
</tbody>
</table>

Therapy services have supervision and case consultation requirements. Please include the name(s) and title(s) of the individual(s) providing supervision and case consultation at the bottom of the form.
### SAMPLE Proposed Services Form

**Service Period:** January 1, 2017 thru June 30, 2018

<table>
<thead>
<tr>
<th><strong>Staff Name and Position</strong></th>
<th><strong>Type of Service</strong></th>
<th><strong>Geographic Area to be Served</strong></th>
<th><strong>Description of Service &amp; Population to be Served</strong></th>
<th><strong>Approx. # of People to Receive Service</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Nicole Smith Therapist</td>
<td>Therapy</td>
<td>Fake County</td>
<td>Provide Individual Therapy to female adolescent victims of sexual assault</td>
<td>15</td>
</tr>
<tr>
<td>Ron Foster Therapist</td>
<td>Family Therapy</td>
<td>Fake County</td>
<td>Provide Family Therapy for families of male victims of sexual abuse</td>
<td>6</td>
</tr>
<tr>
<td>Nicole Smith &amp; Ron Foster Therapists</td>
<td>Group Therapy</td>
<td>Fake County</td>
<td>Provide two 8-week Therapy Groups for male adolescent survivors of child sexual abuse</td>
<td>6</td>
</tr>
<tr>
<td>Jill Lyon Nurse Practitioner</td>
<td>Medical Social Work</td>
<td>Fake County</td>
<td>Provide Medical Social Work for child victims of sexual abuse and assault</td>
<td>75</td>
</tr>
<tr>
<td>Hope Springs, MDT Coordinator</td>
<td>MDT Coordination</td>
<td>Fake County</td>
<td>Share agenda, meeting minutes, and issues to be addressed with monthly MDT meetings participants. Reach out to service providers as needed regarding participation</td>
<td>75</td>
</tr>
<tr>
<td>Hope Springs, MDT Coordinator</td>
<td>MDT Coordination</td>
<td>Fake County</td>
<td>Manage child/youth cases by coordinating appointments, follow up, and service connections and helping each client access community and system based resources and stay informed</td>
<td>75</td>
</tr>
<tr>
<td>Hope Springs, MDT Coordinator</td>
<td>Forensic Interview</td>
<td>Fake County</td>
<td>Provide forensic interviews to child and youth victims</td>
<td>75</td>
</tr>
</tbody>
</table>
### Proposed Services Form

Service Period: January 1, 2017 thru June 30, 2018

<table>
<thead>
<tr>
<th>Staff Name and Position</th>
<th>Type of Service</th>
<th>Geographic Area to be Served</th>
<th>Description of Service &amp; Population to be Served</th>
<th>Approx. # of People to Receive Service</th>
</tr>
</thead>
<tbody>
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</tbody>
</table>

**For Therapy and Forensic Interview Services:** Supervision and case consultation are a grant requirement. Please list the name(s) and title of the individuals providing this below.

**Therapy:**
Regular supervision, consultation and/or review of cases provided by:

**Forensic Interviews:**
Regular supervision, consultation and/or review of cases provided by:
## BUDGET DETAIL WORKSHEET

### SFY 2017 Children’s Advocacy Center Child Centered Services VOCA Initiative

#### Agency/Tribe/Tribal Organization Name:

**Salaries** - List each position to be paid with these grant funds by title and name of employee, if available. Show the annual salary rate and the percentage of time to be devoted to Child Centered Services. Salaries may include individuals providing direct services, supervision, or support staff.

Please calculate all costs for an **annual basis**

**Actual Budget Period:** January 1, 2017 thru June 30, 2018

1 year and 6 month allocation computed on Budget Summary Page

FTEs must be calculated using 40 hours per week. See the section **Budget Line Items and Guidance** for more details.

<table>
<thead>
<tr>
<th>Name/Position</th>
<th>Annual Salary or Hourly Salary</th>
<th>Annual Computation based on FTE</th>
<th>Cost for Child Centered Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>(sample)</td>
<td>(sample)</td>
<td>(sample)</td>
<td>(sample)</td>
</tr>
<tr>
<td>Jane Doe/Therapist</td>
<td>$26,000</td>
<td>26,000 x 50% (.50 FTE)</td>
<td>$13,000</td>
</tr>
</tbody>
</table>

|                | TOTAL SALARIES $               | -                               |

**Total FTE for Child Centered Services:**

List activities associated with all positions above:

- 
- 
- 
- 
- 
- 
- 

---

**Attachment E**

SFY 2017 Children's Advocacy Center Child Centered Services VOCA Initiative

Salaries
**Benefits** - Must be for the personnel named in Salaries. Benefits should be based on actual known costs or an established formula. Benefits should only be for the percentage of time devoted to these services. Only the allowable portion of costs such as employer payroll taxes, insurance, and other fringe benefits for personnel listed on Salaries worksheet may be included in this category.

Please calculate all costs for an annual basis

Actual Budget Period: January 1, 2017 thru June 30, 2018

1 year and 6 month allocation computed on Budget Summary Page

<table>
<thead>
<tr>
<th>Benefit Description for Name/Position</th>
<th>Annual Cost</th>
<th>Annual Computation based on FTE</th>
<th>Cost for Child Centered Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medical for Jane Doe/Therapist</td>
<td>$7,800</td>
<td>7,800 x 50% (.50 FTE)</td>
<td>$3,900</td>
</tr>
</tbody>
</table>

**List details associated with all benefits listed above, if needed:**

________________________________________________________________________________________

________________________________________________________________________________________

________________________________________________________________________________________
### SFY 2017 Children's Advocacy Center Child Centered Services VOCA Initiative

**Agency/Tribe/Tribal Organization Name:**

Subcontracted Services and Consultant Fees - List subcontractors needed to provide services. Please calculate all costs for an annual basis.

**Actual Budget Period:** January 1, 2017 thru June 30, 2018

1 year and 6 month allocation computed on Budget Summary Page

---

<table>
<thead>
<tr>
<th>Subcontracted Service/Consultant</th>
<th>Computation</th>
<th>Cost for Child Centered Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jenny Doe, Therapist</td>
<td>60 one hour therapy sessions @ $65/hour</td>
<td>$3,900</td>
</tr>
</tbody>
</table>

---

**TOTAL SUBCONTRACTED SERVICES** $ -

---

Provide a description of the services that will be performed by subcontractors, such as therapists, trainers, and speakers.

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

---

Attachment E SFY 2017 Child Advocacy Center Child Centered Services Initiative Subcontracted Services
**Agency/Tribe/Tribal Organization Name:**

**Goods and Services** - Goods and services must be related to the provision of Child Centered Services under this grant. Only those costs, such as supplies, utilities, rent, professional liability insurance, travel and telephone that are incurred providing services under this grant can be included here. Attach an additional page, if needed, to provide complete information.

Please calculate all costs for an **annual basis**

Actual Budget Period: January 1, 2017 thru June 30, 2018

1 year and 6 month allocation computed on Budget Summary Page

### Budget Detail Worksheet

<table>
<thead>
<tr>
<th>Item Description</th>
<th>Computation</th>
<th>Cost for Child Centered Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cell Phone for Advocate</td>
<td>$65/month x 12 months</td>
<td>$390</td>
</tr>
</tbody>
</table>

| TOTAL GOODS AND SERVICES  | $                    |

Describe the costs above and list activities associated with these items. Attach separate pages as needed.

All associated travel costs shall be billed in accordance with the State of WA OFM travel regulations.

---

Attachment E SFY 2017 Child Advocacy Center Child Centered Services Initiative

Goods & Services
**BUDGET DETAIL WORKSHEET**

SFY 2017 Children's Advocacy Center Child Centered Services VOCA Initiative

**Agency/Tribe/Tribal Organization Name:**

**Administrative** - USE THIS WORKSHEET IF YOU ARE DIRECTLY CHARGING ADMINISTRATIVE COSTS.

This may include both administrative costs and/or facilities costs to run your overall organization. This could include a portion of the salaries and benefits of an executive director, accountant, computer specialist, and/or a portion of associated costs for these types of functions such as supplies, general building and office equipment and maintenance. The portion of these administrative costs billed to the grant must be connected to the grant program, and cannot total more than 15% of the grant total.

*Please calculate all costs for an annual basis*

**Actual Budget Period:** January 1, 2017 thru June 30, 2018

1 year and 6 month allocation computed on Budget Summary Page

<table>
<thead>
<tr>
<th>Name/Position OR Item Description</th>
<th>Computation</th>
<th>Cost for Specialized Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>(sample)</td>
<td>(sample)</td>
<td>(sample)</td>
</tr>
<tr>
<td>Jessie Doe, receptionist</td>
<td>based on FTE; $28,000 x 0.10</td>
<td>$2,800</td>
</tr>
</tbody>
</table>

**TOTAL ADMINISTRATIVE** $ -

Describe the costs above and list activities associated with these items.

*OCVA needs to verify that the costs are connected to the program and there is a cost allocation rationale.*
**BUDGET DETAIL WORKSHEET**

SFY 2017 Children's Advocacy Center Child Centered Services VOCA Initiative

**Agency/Tribe/Tribal Organization Name:**

**Indirect** - USE THIS WORKSHEET ONLY IF YOU ARE UTILIZING AN INDIRECT RATE.

There are two Indirect options (see Budget Line Items and Guidance section for more information):
1. 10% of the Modified Total Direct Costs
2. Federally Negotiated Indirect Cost Rate

<table>
<thead>
<tr>
<th>Indirect Method</th>
<th>Additional Documentation Needed</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ 10% of the Modified Total Direct Costs</td>
<td>Complete the 10% MTDC certification form (Attachment G)</td>
</tr>
<tr>
<td>☐ Federally Negotiated Indirect Cost Rate</td>
<td>Include a copy of the approval from the cognizant federal agency of the federal Negotiated Indirect Cost Rate.</td>
</tr>
</tbody>
</table>
SFY 2017 Children's Advocacy Center Child Centered Services VOCA Initiative

Budget Summary - When you have completed the budget detail worksheets, transfer the totals for each category to the spaces below.

<table>
<thead>
<tr>
<th>Budget Line Items</th>
<th>Annual Amount</th>
<th>1 year 6 month Allocation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries</td>
<td></td>
<td>$</td>
</tr>
<tr>
<td>Benefits</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>Subcontracted Services</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>Goods and Services</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>Administrative OR Indirect</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>Total Grant Amount</td>
<td>$</td>
<td>$</td>
</tr>
</tbody>
</table>

Actual Budget Period: January 1, 2017 thru June 30, 2018
1 year and 6 month allocation computed on Budget Summary Page (150% of annual total)
10% of the Modified Total Direct Costs (MTDC) Certification Form

Applicants utilizing the indirect rate option of 10% of the Modified Total Direct Costs must obtain certification of the calculation by a CPA (if a nonprofit or a Tribe), or county auditor/treasurer (if a government entity).

__________________________ would like to use the 10% MTDC indirect rate.

(organization name)

<table>
<thead>
<tr>
<th>MTDC total (for this grant):</th>
<th>$__________________________</th>
</tr>
</thead>
<tbody>
<tr>
<td>10% of that total:</td>
<td>$__________________________</td>
</tr>
<tr>
<td>(indirect budget total)</td>
<td></td>
</tr>
</tbody>
</table>

The calculation of our organization’s MTDC is certified by:

__________________________  __________________________
Name  Organization / Title

__________________________  __________________________
Signature  Date

Modified Total Direct Cost\(^1\) is defined as: *All direct salaries and wages, applicable fringe benefits, materials and supplies, services, travel and sub-awards and subcontracts up to the first $25,000 of each sub-award or subcontract (regardless of the period of performance of the sub-awards and subcontracts under the award). MTDC excludes equipment, capital expenditures, charges for patient care, rental costs, tuition remission, scholarships and fellowships, participant support costs and the portion of each sub-award and subcontract in excess of $25,000. Other items may only be excluded when necessary to avoid a serious inequity in the distribution of indirect costs, and with the approval of the cognizant agency for indirect costs.*

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\(^1\) Federal Management and Budget Office (OMB) Uniform Administrative Requirements, Cost Principals, and Audit Requirements for Federal Awards, December 26, 2014 [https://federalregister.gov/a/2013-30465](https://federalregister.gov/a/2013-30465)
Initial Training Summary
For Forensic Interviewers

**Who needs to complete this form:** Forensic interview service providers that have not been previously been approved by OCVA.

**Purpose:** To ensure those conducting forensic interviews are knowledgeable about the principles of forensic interviewing, including child development, question design, implementation of protocol, dynamics of abuse, disclosure process, cultural competency, and suggestibility.

**Requirements:** Document you have received a minimum of thirty hours of instruction related to research-based forensic interview guidelines that create an interview environment that enhances free recall, minimizes interviewer influence, and gathers information needed by all the multidisciplinary team members.

**How to document initial training:** Complete attached form.

**How to document ongoing training:** Previously approved providers must document that they received 6 hours of ongoing training in the past fiscal year (July 1, 2015 – June 30, 2016) in InfoNet.
INITIAL TRAINING SUMMARY
FOR FORENSIC INTERVIEW SERVICE PROVIDERS

Name: ____________________________________________________________

Organization/Affiliation: _____________________________________________

If proposed provider does not currently meet all the training required in the first column, the provider is not approved to provide forensic interview services until OCVA has received documentation of training and approved the provider.

<table>
<thead>
<tr>
<th>I have completed 30 hours of instruction related to forensic interview guidelines</th>
<th># of Hours of Training Received</th>
<th>Date/s of Training</th>
<th>Name of training provider</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Yes</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>☐ No</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

If no, what is your plan to complete?

☐ Please include a copy of your current resume.

I verify that all the information provided on this proposal is true and accurate.

Signature: ___________________________________________ Date: _________________________

FOR OCVA USE:
approved ☐
training log updated ☐
Who needs to complete this form: Providers of Multidisciplinary Team Coordination that have not been previously been approved by OCVA.

Purpose: To ensure those providing MDT Coordination activities are able to promote coordination between individuals and agencies providing direct services to victims of child abuse.

Requirements: Document you have received a minimum of twelve hours 12 hours of initial training on child abuse, neglect, and sexual assault.

How to document initial training: Complete attached form.

How to document ongoing training: Previously approved providers must report 6 hours of ongoing training in the past fiscal year (July 1, 2015 – June 30, 2016) in InfoNet.
INITIAL TRAINING SUMMARY
FOR MULTIDISCIPLINARY TEAM (MDT) COORDINATION PROVIDERS

Name: ________________________________________________________________

Organization/Affiliation: ________________________________________________

If proposed provider does not currently meet all the training required in the first column, the provider is not approved to provide multidisciplinary team services until OCVA has received documentation of training and approved the provider.

<table>
<thead>
<tr>
<th>I have completed 12 hours of training on child abuse, neglect, and sexual assault services</th>
<th># of Hours of Training Received</th>
<th>Date/s of Training</th>
<th>Name of training provider</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Yes</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>☐ No</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>If no, what is your plan to complete?</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

☐ Please attach a copy of your current resume

I verify that all the information provided on this proposal is true and accurate.

Signature: ________________________________ Date: ____________________

FOR OCVA USE:
approved ☐
training log updated ☐
Initial Training Summary
For Medical Social Work Service

Who needs to complete this form: Medical Social Work service providers that have not been previously been approved by OCVA.

Purpose: To ensure those providing Medical Social Work services are able to complete the medical evaluation in a manner that minimizes the traumatization of the victim and caregivers.

Requirements: Document you have received a minimum of twelve hours 12 hours of initial training on child abuse, neglect, and sexual assault.

How to document initial training: Complete attached form.

How to document ongoing training: Previously approved providers must report 12 hours of ongoing training in the past fiscal year (July 1, 2015 – June 30, 2016) in InfoNet.
INITIAL TRAINING SUMMARY
FOR MEDICAL SOCIAL WORK SERVICE PROVIDERS

Name: _________________________________________________________________

Organization/Affiliation: ________________________________________________

If proposed provider does not currently meet all the training required in the first column, the provider is not approved to provide multidisciplinary team services until OCVA has received documentation of training and approved the provider.

<table>
<thead>
<tr>
<th>I have completed 12 hours of training on child abuse, neglect, and sexual assault services</th>
<th># of Hours of Training Received</th>
<th>Date/s of Training</th>
<th>Name of training provider</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Yes</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>☐ No</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

If no, what is your plan to complete?

☐ Please attach a copy of your current resume

I verify that all the information provided on this proposal is true and accurate.

Signature: ____________________________________________ Date: ____________________

FOR OCVA USE:
approved ☐
training log updated ☐
Initial Sexual Assault Training Summary
For Therapists

Who needs to complete this form: Therapists who are not approved providers by OCVA and who will be providing services funded by OCVA through a service grant or subcontract.

Purpose: OCVA has initial training requirements in order to ensure providers of therapy services have core knowledge about the dynamics of child abuse, neglect, and sexual assault. This standard reflects a philosophical approach to services which emphasizes an empowerment model to working with survivors. Although numerous therapeutic modalities exist, the standard focuses on this model because of the model’s client-centered nature and its potential to support survivors in reclaiming power in their lives. Thus, services are approached from a client-centered belief that survivors possess the strengths to create growth in their lives and to construct their own meaning from their victimization experience. The empowerment approach also places survivors in the context of their environment and society. From this perspective, clients’ struggles are viewed not as individual pathology, but as the natural result of experiencing abuse, neglect, or sexual assault, which is largely perpetuated by our societal context. The following training standards are intended to reflect these principles and to support therapists in empowering survivors of sexual violence.

Requirements:

Sexual Assault Therapy Services:
Therapists working with child and youth sexual assault survivors are required to complete the 23-hour initial training within the first six (6) months of providing therapy services on this grant. OCVA strongly encourages attendance at the Therapist Core Sexual Assault training from WCSAP.

Abuse and Neglect Therapy Services:
Therapists working with child and youth abuse and neglect survivors are required to provide evidence of 23 hours of training specific to therapeutic modalities for child abuse and neglect within the first six (6) months of providing therapy services on this grant. The Therapist Core Sexual Assault Training may be used to meet this requirement.
All 23 hours of initial training must have been received in the past five years from the date of proposal.

Therapists providing services with this funding are required to have a Master’s degree. Thus, coursework in a Master-level program will not substitute for initial or ongoing training requirements.

Therapists who have not been approved as a provider will be required to obtain the minimum 23 hours of training within their first six months of their granted work. During this first six months, these therapists can provide services to clients.

**How to Obtain Initial Core Training:**

Complete the attached form that confirms attendance at a 23-hour therapist core training offered by the Washington Coalition of Sexual Assault Programs (WCSAP).

OR

Contact your OCVA Child Centered Services grant program manager to discuss additional options, such as requesting a waiver or an exemption to attending the WCSAP Therapist Core Training.

If, at the time of proposal, the therapist has not completed the 23-hour Training, include a training plan for the completion of the training requirements.

**How to Document Ongoing Training:** Therapists who have been approved by OCVA and who have been providing Therapy Services, must document that they received 6 hours of ongoing training in the past fiscal year (July 1, 2015 – June 30, 2016) in InfoNet. Approved topics and documentation requirements are listed in Attachment J.
# INITIAL SEXUAL ASSAULT TRAINING SUMMARY FOR THERAPISTS

## Name:

______________________________________________________________

## Organization/Affiliation:

______________________________________________________________

I will be providing therapy services to survivors of:

- [ ] Child sexual assault
- [ ] Child abuse and neglect
- [ ] Both

<table>
<thead>
<tr>
<th>In the last five years I have completed the 23-hour Therapist Initial Training.</th>
<th># of Hours of Training Received</th>
<th>Date/s of Training</th>
<th>Location of training</th>
</tr>
</thead>
</table>
| ☐ YES: WCSAP Therapist Core Sexual Assault Training  
Please submit a copy of Certificate of Training Completion with this proposal form | | | |
| ☐ YES: Child Abuse and Neglect Therapy Training  
Please submit a copy of Certificate(s) of Training Completion with this proposal form | | | |
| ☐ NO: I will attend the 23-hour WCSAP Therapist Core Sexual Assault Training within the first six months of providing therapy services. | | | |
| ☐ NO: I wish to propose an individual therapy plan. | | | |

☐ Please attach a copy of your current resume and licensure

I verify that all the information provided on this proposal is true and accurate.

Signature: ____________________________ Date: ____________________________

**FOR OCVA USE:**  
approved ☐  
training log updated ☐
Children’s Advocacy Center
Child Centered Services
VOCA Initiative

Draft Service Standards

Forensic Interview
Multidisciplinary Team (MDT) Coordination
Therapy
Medical Social Work
## Definition
A forensic interview is a structured conversation with a child\(^1\) intended to elicit detailed information about a possible event(s) that the child may have experienced or witnessed.

## Goal
To assess the child’s safety and other needs, such as medical treatment, psychological care, social services and advocacy; and to obtain information that will either corroborate or refute allegations or suspicions of abuse, neglect, or sexual assault.

## Duration
Generally, one in-person session; however, extended forensic interviews may require up to four sessions.

## Activities
- Conduct forensic interviews of child and adolescents victims of abuse\(^2\)
- Participate pre/post interview multidisciplinary case reviews
- Respond to subpoenas and testify when requested
- Present cases when requested
- Participate in case reviews

## Service Recipients
- Child abuse, neglect, or sexual assault victims

## Qualifications
Forensic interview services should be provided by an affiliated, developing, or accredited\(^3\) Children’s Advocacy Center and be in line with the child abuse county protocols (RCW 26.44.180).

Forensic interviewers must be knowledgeable about the principles of forensic interviewing, including child development, question design, implementation of protocol, dynamics of abuse, disclosure process, cultural competency, and suggestibility.

Forensic interviewers must have regular supervision, consultation and/or review of cases, preferably by a Washington State licensed psychiatrist, psychologist or certified forensic interviewer.

Forensic interviewers must complete an initial period of 30 hours of instruction related to research-based forensic interview guidelines that create an interview environment that enhances free recall, minimizes interviewer influence, and gathers information needed by all the multidisciplinary team members.

Forensic interviewers must participate in 6 hours of ongoing training in the field of forensic interviewing.

Forensic interviewers conducting assessments of children, refer to the guidelines from the American Professional Society on the Abuse of Children.

---

\(^1\) Child refers to any person under age of 18  
\(^2\) Child abuse should be interpreted broadly to encompass abuse, neglect, and sexual assault  
\(^3\) As defined by the National Children’s Alliance
## MULTIDISCIPLINARY TEAM (MDT) COORDINATION (DRAFT)

<table>
<thead>
<tr>
<th>Definition</th>
<th>Coordination between groups of professionals from diverse agencies and disciplines who come together to provide comprehensive assessment and consultation in child abuse, neglect, and sexual assault cases to facilitate the provision of direct services.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Goal</td>
<td>To promote coordination between individuals and agencies providing direct services to victims of child abuse; to provide a “checks and balances” mechanism to ensure that the interests and rights of victims are addressed; and to identify and address service gaps and breakdowns in coordination between agencies or individuals; to enhance the professional skills and knowledge of individual team members by providing a forum for learning more about the strategies, resources, and approaches used by various disciplines.</td>
</tr>
<tr>
<td>Duration</td>
<td>An on-going process; generally meet at least quarterly</td>
</tr>
</tbody>
</table>
| Activities | Activities may include:  
- Develop partnerships  
- Increase collaboration  
- Assess gaps in service  
- Foster cooperation  
- Develop accountability process  
- Develop new ways of delivering services  
- Coordinate case management meetings  
- Provide case status updates to family |
| Potential Participants | Community based advocates, such as Community Sexual Assault Program victim advocates  
- Social service providers  
- Law enforcement  
- Prosecutors  
- Judiciary  
- Mental health service providers  
- Medical practitioners  
- Other relevant groups, task forces, networks and individuals |
| Qualifications | Multidisciplinary team coordination activities should be provided by an affiliated, developing, or accredited Children’s Advocacy Center and be in line with the child abuse county protocols (RCW 26.44.180). Providers must have received 12 hours of initial training on crime victim services, plus 6 hours per year of ongoing training specific to crime victim services. |

---

1 Child refers to any person under age of 18  
2 Child abuse should be interpreted broadly to encompass abuse, neglect, and sexual assault  
3 As defined by the National Children’s Alliance
# THERAPY (CAC)

## Definition
A professional relationship within a theoretical framework that involves a specified helper gathering, systematizing and evaluating information and using techniques to address the effects of child\(^1\) abuse, neglect, or sexual assault.

## Goal
To identify, understand and ameliorate the effects of child abuse, neglect, or sexual assault; to promote healing and to integrate the child abuse, neglect, or sexual assault experience.

## Duration
1 hour average length of time per session; 1 to 4 sessions per month; 3 months to several years; additional therapy could be indicated, depending on the individual case.

## Activities
**Assessment:**
- Psychosocial history taking
- Psychological testing, or psychiatric evaluation (including mental status exam)
- In-person interviews with victims and/or family members
- Collateral contacts, including review of relevant documents, telephone/in-person contact with other providers
- Report writing

**Therapy:**
- Individual, group or family therapy, based on current clinical therapeutic principles generally accepted as being appropriate to child abuse\(^2\)
- In-person visits in the office, on location or by phone
- Family therapy can include a treated sexual offender in the course of reunification
- Interpretation of findings and expert testimony
- Consultation to other disciplines/systems

## Service Recipients
- Child abuse, neglect, and sexual assault victims
- Non-offending parents of children are abuse victims
- Significant others who require help/assistance in order to address their own reactions to victimization and to effectively support the victim

## Qualifications
Practitioners must complete 23 hours of initial training, plus 6 hours of ongoing training annually. All trainings must be consistent with the OCVA therapist-training standard.

The practitioner must be knowledgeable about the principles of sound therapeutic practices with victims of child abuse, including working with the continuum of services and must understand victimization and demonstrate practices sensitive to child abuse issues in therapy.

Practitioners must be licensed psychiatrists or psychologists or be registered or certified professionals in the State of Washington and have a minimum of a master's degree in one or more of the following: mental health counseling, marriage and family therapy, social work or related field.

Practitioners who are completing an internship for a master's degree in any of the fields listed above and have completed the 23 hours of initial training are also eligible providers, as long as they are receiving supervision from a person who meets the qualifications above. Interns must also complete 6 hours of ongoing training annually. For practitioners conducting assessments of children, refer to the guidelines from the American Professional Society on the Abuse of Children.

Therapists, as well as individuals conducting assessments, must have regular supervision, consultation and/or review of cases, preferably by a Washington State licensed psychiatrist, psychologist or certified therapist.

---

1 Child refers to any person under the age of 18
2 Child abuse should be interpreted broadly to encompass abuse, neglect, and sexual assault
<table>
<thead>
<tr>
<th><strong>SOCIAL WORK FOR MEDICAL EVALUATIONS OF CHILDREN &amp; VULNERABLE ADULTS (CAC)</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Definition</strong></td>
</tr>
<tr>
<td><strong>Goal</strong></td>
</tr>
<tr>
<td><strong>Duration</strong></td>
</tr>
</tbody>
</table>
| **Activities** | Psychosocial history-taking, including assessment of parental protectiveness and parental coping, documentation of family structure, family dynamics, and dynamics of abuse/assault as related by parent/caretaker.  
  ■ Interpretation of stages of child physical and psychosexual development, signs of stress and of child abuse, neglect, or sexual assault  
  ■ Interpretation of medical evaluation process, indications for doing lab work, and meaning of possible physical findings  
  ■ Interpretation of law enforcement investigation process and parent/caretaker role in same, including compliance with mandated reporting  
  ■ Interpretation of child protective services functions and parent/caretaker role in same, including compliance with mandated reporting  
  ■ Referral to appropriate community based advocacy (ex. CSAP)  
  ■ Referral to therapy resources, including explanation of and assistance with Crime Victims Compensation application  
  ■ When appropriate, communicate directly with child or adolescent victim to allay anxiety about medical evaluation  
  ■ Crisis counseling for the purposes of preparing victim for the medical evaluation and to pass on a complete case history for purposes of investigation |
| **Service Recipients** | ■ Non-offending parent/caretakers of child and adolescent victims of abuse, neglect, or sexual assault  
  ■ Child and adolescent victims |
| **Qualifications** | Master's degree in social work or related field or licensure as a Registered Nurse, Nurse Practitioner, Medical Doctor or Physician’s Assistant. Employed by or contracted with a licensed medical institution or provider. Twelve hours of initial child\(^1\) abuse, neglect, and sexual assault training, plus twelve hours per year ongoing training. Practitioners who are completing an internship for any of the fields listed above and have completed the 12 hours of initial child abuse, neglect, and sexual abuse/assault training are also eligible providers, as long as they are receiving supervision from a person who meets the qualifications above. |

\(^1\) Child refers to any person under age of 18
Victims of Crime Act (VOCA) 2015-2019 State Plan

A. VOCA Funding Strategies

Maintain the statewide vision of services throughout the state for victims of all crimes:

The VOCA 2015-2019 State Plan is designed to address the needs of crime victims within the frameworks provided by state plans for services for victims of domestic violence, sexual assault, and other crimes. While retaining the framework of the three plans, the VOCA 2015-2019 State Plan also recognizes that certain critical victim service needs can best be met through integrated program models (serving victims of multiple types of crime) through designating an administrative home for such integrated program model funding agreements.

1. A. Funding for provision of specific services including but not limited to:
   a) Civil legal services including a portion allocated for a regional approach to providing emergency legal services across the state
   b) Sexual assault nurse examiner services (such as personnel and training costs)
   c) Therapy

B. Funding for victims of specific crimes including but not limited to:
   a) Assault
   b) Burglary
   c) Child abuse and neglect (includes child sexual abuse)
   d) Child pornography
   e) Domestic violence
   f) Drunk or drugged driving
   g) Elder abuse
   h) Hate crimes
   i) Homicide
   j) Identity theft
   k) Robbery
   l) Sexual assault
   m) Stalking
   n) Trafficking
   o) Vehicular victimization
2. **Set-aside portions of the increased funding to address key recommendations regarding the needs of crime victims:**
   a) **Programs operated by and for historically marginalized populations:**
      Support the enhancement and development of additional services for historically marginalized populations. Support “By and for” culturally specific services for victims of domestic violence, sexual assault, and other crimes in historically marginalized populations. Marginalized populations can include, but are not limited to, organizations or groups composed along racial, ethnic, religious, sexual orientation, and gender lines.
   b) **Tribes:**
      Support the enhancement and development of additional services for tribal members. Engage in a process with Tribes to identify the most effective methods for addressing needs of crime victims, including use of strategies which integrate services for multiple crime types when appropriate.
   c) **Programs serving child victims of abuse and neglect:**
      Support the enhancement and development of additional services for child abuse and neglect (includes child sexual abuse) including a portion allocated for child centered services (case management, forensic interviews, therapy and medical social work) provided by child advocacy programs (such as Child Advocacy Centers).
   d) **System based victim witness assistance programs:**
      Utilize a portion of the VOCA funds for development and/or enhancement of systems based victim witness assistance services allowable within federal requirements for the use of VOCA funding.

3. **Support maintenance of effort (for current services):**
   a) **Invest in staff retention:**
      Provide funding to improve service quality and stability within existing VOCA supported services through investing resources to **improve staff recruitment and retention.**
      i) Direct a portion of the increased VOCA dollars to improve recruitment and retention of staff through improving compensation (especially compensation for direct service staff) and/or increasing the number of FTE positions available to assist victims.
      ii) Require providers to submit an organizational policy and strategy for improving compensation and/or adding full-time equivalent staff positions (FTE) which identifies the positions within their organization for which compensation will be enhanced, or FTE will be increased, and the rationale for awarding the increased compensation or increasing the FTE positions.
      iii) Award increased financial support for compensation enhancement and/or FTE increase plans that appear reasonable and appropriate in relation to the goals of ensuring the availability of high quality services throughout the state.
b) **Enhance current services:**

Provide funding to **enhance current programming** and **address critical needs** identified in the planning process, including, but not limited to:

i) Supporting needed direct emergency financial assistance to meet crime victim needs to the fullest extent permissible within VOCA funding requirements.

ii) Encouraging development and testing of service delivery strategies that meet the needs of crime victims who may have difficulty accessing currently available services.

4. Establish a **VOCA Reserve Fund**, within the limitation of the federal requirements:
   a) **Emergent and unanticipated needs** (such as the needs of victims of mass violence).
   b) **Establish training bank**:

   Provide funding for staff training utilizing a clear “use it or lose it” expectation including the requirement that funds may be used only for staff training expenses (e.g. registration, travel costs). Encourage providers to request adequate funding for staff training.

   c) **Expand language bank**:

   Provide increased funding for **interpretation** to pay for third party interpretation with “use it or lose it” expectations including the requirement that funds may be used only for interpretation costs.
# B. VOCA State Plan*

<table>
<thead>
<tr>
<th>Purpose</th>
<th>% of VOCA funds</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Grants for specific services or crime types:</strong></td>
<td>20%</td>
</tr>
<tr>
<td>Including but not limited to the following examples:</td>
<td></td>
</tr>
<tr>
<td><strong>Services:</strong> civil legal assistance</td>
<td></td>
</tr>
<tr>
<td>(including a portion allocated for a regional approach to providing emergency legal services statewide); SANE programming; therapy</td>
<td></td>
</tr>
<tr>
<td><strong>Specific crimes:</strong> assault; burglary; child abuse &amp; neglect; child pornography; domestic violence; drunk or drugged driving; elder abuse; hate crimes; identity theft; kidnapping; sexual assault; vehicular victimization</td>
<td></td>
</tr>
<tr>
<td><strong>Set-asides:</strong></td>
<td>25.5%</td>
</tr>
<tr>
<td>By &amp; for programs</td>
<td>9.2%</td>
</tr>
<tr>
<td>Tribal Governments</td>
<td>7.4%</td>
</tr>
<tr>
<td>Child services: abuse &amp; neglect</td>
<td>6.4%</td>
</tr>
<tr>
<td>[including a portion allocated for child centered services (case management, forensic interviews, therapy, medical social work) provided by child advocacy programs (such as Child Advocacy Centers)]</td>
<td></td>
</tr>
<tr>
<td>Victim Witness assistance (system based)</td>
<td>2.5%</td>
</tr>
<tr>
<td><strong>Investment in current services:</strong></td>
<td>51%</td>
</tr>
<tr>
<td>Maintenance of effort</td>
<td>29.5%</td>
</tr>
<tr>
<td>Compensation &amp; FTE improvements</td>
<td>15.0%</td>
</tr>
<tr>
<td>Enhancement and expansion</td>
<td>6.5%</td>
</tr>
<tr>
<td><strong>Reserve Fund:</strong></td>
<td>3.5%</td>
</tr>
<tr>
<td>Emergent issues &amp; emergency response</td>
<td>1.0%</td>
</tr>
<tr>
<td>Training bank</td>
<td>1.5%</td>
</tr>
<tr>
<td>Language bank</td>
<td>1.0%</td>
</tr>
</tbody>
</table>

*Anticipate awarding up to the percentage listed. OCVA reserves the right to move funding between areas when underutilized.
C. Context:

The Office of Crime Victims Advocacy (OCVA), located within the Washington State Department of Commerce, serves as the Administrator of federal VOCA Assistance funds. Historically the amount awarded to Washington State for pass-through funding has been between $7,000,000 and $10,000,000 per year. Early in 2015, Congress permitted a much larger amount to be withdrawn from the VOCA fund which is comprised of federal fines and property seizures. This congressional change has resulted in an increase in Washington State’s award for pass-through funding, with total funds available for Washington pass-through funding anticipated to be approximately $40,000,000 per federal fiscal year.

OCVA established the VOCA planning group to conduct a statewide planning process to guide the development of the 2015-2019 VOCA State Plan and formulate recommendations to guide the use of VOCA funds through 2019.

The VOCA planning group launched a statewide planning process which included opportunities for input from crime victims, victim service providers, law enforcement, the courts, and other interested parties. The process included a series of five in-person discussions, an online electronic survey, a feedback session at the WomenSpirit Coalition Conference, and opportunities to submit additional comments. OCVA received input from over 160 participants in five discussion sessions held in Spokane, Yakima, Shelton, and Seattle (two sessions held), as well as input from 141 respondents to the online survey, and six comment submissions. While discussion participants, survey respondents, and commenters offered differing perspectives, the input process yielded substantial consensus on key unmet needs of those hurt or harmed by crime and major challenges confronting crime victim service providers.
D. What We Heard: Input Received through the VOCA Planning Process:

Respondents identified retention and enhancement of current crime victim services as the highest priority for the 2015-2019 VOCA State Plan. Respondents also identified key crime victim service gaps which should be addressed through the Plan. Comments throughout the input process focused on 9 key areas (please note: these are not in priority order):

1. **Historically marginalized populations:**
   Respondents noted that while all crime victim service providers should be expected to be culturally responsive, services provided by and for members of historically marginalized populations have particular value to crime victims. Respondents emphasized the need to establish a dependable base amount of funding to ensure continuity and capacity development within “by and for” organizations serving marginalized populations.

2. **Tribes:**
   Respondents highlighted the needs of crime victims in Tribal communities; the importance of culturally specific services provided by and for Tribal members, by Tribes and affirmed the framework of government-to-government relationship between Washington’s Tribes and state government. Respondents called for consultation with Tribes to determine how best to utilize VOCA funds to assist victims of crime in Tribal communities.

3. **Child abuse and neglect:**
   Respondents requested that OCVA utilize a portion of the increased VOCA funding for additional availability of services for child abuse and neglect (including child sexual assault) and non-offending families and caregivers of child victims.

4. **Training:**
   Respondents noted the need for more, and more effective training for both crime victim service providers and for community resource persons who work with crime victims. Specifically the need for trauma informed training, advanced level service training, and working with complex cases training.

   Washington State has received VOCA funding specifically for training and will be working to address some of the training issues through that grant. Planning for the grant will take place in the fall of 2016.

5. **Capacity building:**
   Respondents strongly urged the VOCA planning group to utilize additional funding to improve the effectiveness of crime victim services through building the capacity of existing crime victim service providers to recruit and retain highly competent staff. Respondents noted that VOCA funded organizations currently providing crime victim services are experiencing significant barriers to service continuity and depth due to lack of capacity to provide appropriate compensation to their staff, especially to direct service staff. Concerns about inadequate staff compensation spanned all parts of the state, all types of crime, and all types of service providers. Respondents also noted that both recruitment and retention of quality staff were
negatively impacted by inadequate staffing levels which results in creating unsustainable workloads.

6. **Victim witness assistance:**
   Respondents requested that OCVA utilize a portion of the increased VOCA funding for additional availability of system based **victim witness assistance services** throughout the state.

7. **Transportation:**
   Respondents noted that many crime victims confront significant **transportation barriers** to obtaining the victim services they need. Respondents urged more attention to mobile service delivery strategies that would bring needed services to victims rather than requiring victims to travel to obtain services.

   *Grantees will be reminded that they may utilize current and increased funding to create and support responsive services.*

8. **Emergency financial assistance:**
   Respondents requested more flexibility in the use of VOCA funding to meet crime victims’ essential needs including but not limited to **emergency financial assistance**. VOCA funding requirements permit the use of federal funds to meet victim emergency needs which impact the victim’s immediate health and safety, subject to any restrictions on the use of federal funds. Respondents noted that VOCA service providers need greater clarity regarding the allowable uses of VOCA funds to meet victim emergency health and safety needs to ensure that victims receive assistance with essential needs within the context of permitted uses of VOCA funds.

   *Grantees will be urged to earmark VOCA funds for emergency financial assistance and to develop policy and protocols for spending. Grantees will be provided with guidance on allowable costs.*

9. **Legal services:**
   Respondents highlighted the need for additional funding for legal services for crime victims. Funding should be available for emergency legal services. In addition, other costs associated with helping victims participate in the criminal justice system may be allowable. These services may include emergency representation, advocacy on behalf of crime victims, and accompaniment to criminal justice offices and court.

   *VOCA funds cannot be used to pay for non-emergency legal representation such as for divorces, or civil restitution recovery efforts.*
Fund shares under a realization method and no changes in fair market value that would have been reported under the NAV method. Therefore, Shareholder may use the NAV method for the shares in Fund for Year 1. Shareholder uses the NAV method for the shares with its taxable year as the computation period. Shareholder’s net investment in Fund for Year 1 equals $128,664.66 (the $1,253,256.37 in purchases, minus the $1,124,591.71 in redemptions). Shareholder’s Year 1 gain therefore is $1,085.34, which is the ending value of Shareholder’s shares ($5,129,750.00), minus the starting basis of Shareholder’s shares ($5,000,000.00), minus Shareholder’s net investment in the fund for the taxable year ($128,664.66). The gain of $1,085.34 is treated as short-term capital gain. Shareholder’s starting basis for Year 2 is $5,129,750.00. Shareholder also must include the $32,158.23 in dividends in its income for Year 1 in the same manner as if Shareholder did not use the NAV method.

(iii) If Shareholder had instead adopted the calendar month as its computation period, it would have used the NAV method for every month of Year 1, even though prices of Fund shares may have been fixed for some months.

(e) Effective/applicability date. Except as provided in the following sentence, this section applies to taxable years ending on or after July 8, 2016. For taxable years ending on or after July 8, 2016, and beginning before July 8, 2016, and beginning before July 8, 2016, the $32,158.23 in dividends in its income for Year 1, even though prices of Fund shares may have been fixed for some months.

Par. 3. Section 1.6045–1 is amended by revising paragraph (c)(3)(vi) to read as follows:

§ 1.6045–1 Return of information of brokers and barter exchanges.

(c) Return of information of brokers and barter exchanges.

(d) Effective/applicability date.

§ 1.6045–1 Return of information of brokers and barter exchanges.

(c) Return of information of brokers and barter exchanges.

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§ 1.6045–1 Return of information of brokers and barter exchanges.

(c) Return of information of brokers and barter exchanges.

(d) Effective/applicability date.
The revised State Administering Agency Use of Funds for Administration and Training heading updates the Guidelines provisions regarding SAA use of funds for administration and training to make those consistent with statutory changes that occurred after the Guidelines were issued in 1997. The rule lists administrable and training costs at the SAA level, all of which are consistent with those set out in the Guidelines.

The Sub-Recipient Program Requirements heading sets out the eligibility and organizational requirements for sub-recipients. These provisions mostly track the Guidelines, except that OVC adds a provision addressing non-disclosure of confidential or private information.

The Sub-Recipient Project Requirements heading sets out rules that VOCA-funded victim service projects must follow. These provisions generally are consistent with the Guidelines. OVC maintains the existing project match rules, requiring that sub-recipients provide a 20% project match, excepting U.S. territories (not including Puerto Rico). OVC adds an exception to match for projects undertaken by American Indian and Alaskan Native tribes, and projects that operate on tribal lands, as these projects, like those operating in U.S. territories, often have difficulties accessing matching resources.

The Sub-Recipient Allowable/Unallowable Costs heading lists activities that sub-recipients may undertake using VOCA funding. The majority of the listed costs are the same as those listed in the existing Guidelines; but OVC makes some substantive changes. OVC now allows the States to provide a broader array of legal support services (outside of the emergency context permitted by the Guidelines) to victims, should States choose to do so. OVC removes the prohibition on providing services to incarcerated victims (e.g., victims of sexual assault in prison). Although VOCA funding may not support prison costs, such as prison guard salaries or administrative expenses, States are no longer prohibited from allowing VOCA-funded organizations to assist incarcerated victims. OVC also adds greater flexibility for States to support transitional housing and relocation expenses using VOCA funds. OVC adds greater flexibility for States to allow sub-recipients to use VOCA funds for coordination activities, which help leverage community resources to provide better and more cost-effective direct services. Finally, to better align the program rules with the government-wide grant rules at 2 CFR part 200, OVC makes allowable indirect organizational costs at the sub-recipient level, by removing the provision in the Guidelines that prohibited sub-recipients from charging these to VOCA funds.

C. Cost and Benefits

As discussed in more detail under the Executive Orders 12866 and 13563 (in the Regulatory Review discussion below), the rule clarifies and updates existing Guidelines, but does not alter the existing program structure. Updating the existing Guidelines to clearly and accurately reflect the statutory parameters will facilitate State compliance with VOCA, and thus avoid potentially costly non-compliance findings. The rule makes only a few substantive changes to the existing Guidelines, and most of the changes expand State flexibility in the use of VOCA funding. Some changes, like allowing more flexibility to coordinate and leverage community resources, and adopt alternative monitoring strategies, impose no costs but allow States to use existing funding more efficiently. Other changes, which allow States to allocate funding to services not presently allowable under the Guidelines, could expand the types of victim service organizations funded with VOCA funds and the services provided by existing organizations. Such allocations of funding, however, are not mandated under the rule, and each State will continue to make the final decision about whether to change its funding allocations. This is not a change from the present discretion that States have to allocate funding according to their priorities. OVC anticipates that most States will continue to allocate the majority of VOCA funding to victim services for certain types of crimes (i.e., intimate partner violence, sexual assault, child abuse) at consistent levels and that any potential reallocations would be relatively minor (even when taken in aggregate across States) in comparison to the overall range of allowable victim services, and thus unlikely to create new costs or significant fund transfers. In any event, the real benefits of additional allowable services for currently underserved and unserved victims are significant.

III. Background

A. Overview

This rule implements OVC’s Victim Assistance Program, a formula grant program authorized by Section 1404 of the Victims of Crime Act of 1984, Public Law 98-473, codified at 42 U.S.C. 10603. This section of VOCA authorizes OVC to provide an annual grant from the Crime Victims Fund to each State for the financial support of services to victims of crime by eligible crime victim assistance programs. This rule supersedes the VOCA Guidelines (published at 62 FR 19607) that have been in effect since April 22, 1997, and reflects changes in OVC policy, the needs of the crime victim services’ field, and VOCA itself, as well as the comments submitted in response to the Notice of Proposed Rulemaking.

OVC’s Victim Assistance Program is funded from the Crime Victims Fund. The Fund receives Federal criminal fines, penalties, and assessments, as well as certain gifts and bequests, but does not receive any general tax revenue. The Crime Victims Fund is administered by OVC and amounts that may be obligated therefrom are allocated each year according to the VOCA formula at 42 U.S.C. 10601. The amount annually available for obligation through the VOCA formula allocations typically has been set by statute, through limits in the annual DOJ appropriation act, at less than the total amount available in the Fund. The VOCA formula specifies that (in most years) the first $20M available in the Fund for that year will go toward child abuse prevention and treatment programs, with a certain amount to be set-aside for programs to address child abuse in Indian Country. After that, such sums as may be necessary are available to the Federal Bureau of Investigation and the U.S. Attorneys Offices to improve services to victims of Federal crime, and to operate a victim notification system. The remaining balance is allocated as follows: 47.5% for OVC’s Victim Compensation Program, 47.5% for OVC’s Victim Assistance Program, and 5% for the OVC Director to distribute in discretionary awards in certain statutorily defined categories. Generally, under the distribution rules for the Victim Compensation Program, if a portion of the 47.5% available for Compensation is not needed for that purpose, it is (per the statutory formula) made available to augment the Victim Assistance Program. The Victim Assistance Program distributes funds to States as mandated by VOCA, at 42 U.S.C. 10603. The VOCA statutory distribution formula provides each State with a base amount (presently $500,000 for each State and the District of Columbia; $20,000 for each eligible territory), and distributes the remainder proportionately, based on population.
B. History of This Rulemaking

OVС published the Final Program Guidelines, Victims of Crime Act, FY1997 Victim Assistance Program on April 22, 1997 (62 FR 19607). Those Guidelines were based on OVC experience with the Victim Assistance Program, legal opinions rendered since the inception of the program in 1986, and comments from the field on the Proposed Program Guidelines, which were published in the Federal Register on February 18, 1997 (62 FR 7256).

On September 3, 2002, OVC published a notice of Proposed Program Guide at 67 FR 56444, seeking comments to refine the administration of the Victim Assistance Program further; thereafter, however, OVC chose not to issue final guidance to supersede the 1997 Guidelines. After receiving comments on the 2002 Proposed Program Guide, OVC instead decided to pursue the publication of codified program regulations rather than merely revise the guideline document. Throughout 2010, OVC sought preliminary input from the victim services field regarding improving victim services and potential modifications to the Victim Assistance Program rules that would facilitate such improvement.

OVС incorporated this input into a Notice of Proposed Rulemaking, which it published at 78 FR 52877 (Aug. 27, 2013), and OVC received 108 public comments over a 60 day period. OVC considered all comments submitted during the comment period in drafting this final rule.

IV. Discussion of Comments and Changes Made by This Rule

The 1997 Guidelines have been outpaced by changes in VOCA, developments in the crime victim services field, technological advances, and new approaches to State administration of VOCA funding. This rule updates the program Guidelines to account for developments over the last decade and a half, and to reflect more accurately program parameters applicable to each participating entity. In so doing, OVC hopes to allow administering agencies and victim service providers fully to leverage the progress that the field has made over the last decade in knowledge of victim needs, victim service strategies, and efficient program administration, with the end goal of assisting crime victims more effectively. Many of the provisions in the existing Guidelines have been retained in substance, though the text has been reformatted in some cases. OVC describes below the main substantive changes to the program Guidelines, and the comments received.

Structure and General Comments

The rule reorganizes the provisions of the Guidelines, primarily to accommodate the requirements for publication in the Code of Federal Regulations (CFR), but also to organize information more logically. The rule omits repetition of statutory language, except where needed for context and ease of use. OVC notes that the rule is drafted to be read in conjunction with VOCA (42 U.S.C. 10603). OVC also uses consistent terminology throughout the document.

Some commenters expressed concern that the proposed rule conflated provisions applicable to VOCA-funded projects in some cases with provisions relating to a VOCA-eligible program, and several endorsed the National Association of Victim Assistance Administrators’ (NAVA) suggestions for reorganizing it. In the final rule, OVC more clearly distinguishes between the two concepts, and adopts most of the NAVA’s helpful suggestions for reorganizing the rule.

In connection with reorganizing the provisions of the final rule for greater logical consistency and clarity, OVC has moved or renumbered many of the sections of the proposed rule. In order to assist readers, a derivation table is included listing the sections of the final rule and the corresponding section or sections of the proposed rule. The public comments on provisions of the proposed rule are discussed below according to where those provisions are codified in the final rule.

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<td>§ 94.101</td>
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Many commenters expressed their desire that the Crime Victims Fund “cap” be raised substantially. As such a change requires legislative action, it is beyond the scope of OVC’s authority to do so. However, we note that the Department of Justice Fiscal Years 2015 and 2016 Appropriation Acts did substantially increase—more than threefold—the cap for those years. See Department of Justice Appropriation Act, 2015, Public Law 113–235, Div. B, Title II, Sec. 510 (setting the obligation cap at $2.361B compared to $745M available to OVC in FY 2014); Department of Justice Appropriation Act, 2016, Public Law 114–113, Div. B, Title II, Sec. 510 (setting the cap at $3.042B, of which approximately $2.663B is available to OVC).

General Provisions

§ 94.101 Purpose and Scope; Future Guidance; Construction and Severability; Compliance Date

The general provisions of the final rule—including statement of purpose, future guidance, and construction and severability—are largely unchanged from the proposed rule. OVC added a paragraph describing the date on which SAAs must comply with the rule. The rule applies upon its effective date to all OVC grants made after that date, except for funding under such grants that was obligated before the effective date. Preaward obligations are a standard practice of SAAs under the VOCA Assistance Program, as the annual appropriation cycle typically does not permit for awards to be made until late in the fiscal year. OVC Assistance grants typically have an award period that extends retroactively to October 1st of the fiscal year of the award, thus there may be funds under grants made after the effective date that were obligated by the SAA prior to the effective date, and subsequently ratified by OVC’s approval of the grant. The final rule does not apply retroactively, and thus it does not require that SAAs anticipate rules that are not in effect when making such obligations. However, OVC will permit SAAs to apply the provisions that expand SAA discretion in the use funds (e.g., the final rule permits SAAs to fund a greater range of transitional housing services.
than the Guidelines permit) to VOCA assistance funding under OVC grants made before the effective date of the rule that is obligated on or after the effective date. As most of the changes in this rule are of a permissive nature and expand SAA discretion, OVC does not anticipate that implementation of the rule will be burdensome, though some effort by SAAs to understand the changes and communicate these to applicants for sub-awards will be necessary. § 94.102 Definitions

The final rule contains several terms and definitions that are used throughout. These are set out in section 94.102 for ease of reference.

The definition of crime victim and victim of crime remains unchanged from the Guidelines, and is meant to be a broad definition, taking into account many kinds of harm resulting from criminal acts. States are encouraged to include the terminology included in their states who are victimized while working in their official capacities overseas as VOCA eligible victims.

Some commenters liked the proposed definition, but others wanted OVC to include more examples in the definition to illustrate coverage of a broader range of harms. OVC kept the more conceptual definition from the proposed rule, as it is substantively the same as the long-standing Guideline definition and because—as one commenter pointed out—this definition has been sufficiently broad to encompass the harm from various crimes on a wide and diverse range of individuals.

OVC has added a definition of the term spousal abuse that clarifies that the term includes domestic and intimate partner violence. Spousal abuse was the terminology used in the victim services field in the 1980s, and consequently in VOCA, but the term has since fallen out of use, as it is under-inclusive of the range of relationships in which this type of victimization frequently occurs. OVC retains the term in the final rule because it is a statutory term, but clarifies that OVC understands it to encompass domestic and intimate partner violence. This is consistent with longstanding OVC practice and the Guidelines, which use the term “domestic abuse” when describing the priority category of “spousal abuse.” Several commenters supported the proposed definition, but asked that OVC include the more commonly-used term “domestic violence” in the definition. OVC agrees, and has done this. OVC has also removed “dating violence,” as this concept is encompassed already by the more general concept of “intimate partner violence.” Some commenters asked that OVC clarify how this definition (which affects the priority category of “spousal abuse”) would affect LGBTQ survivors of domestic or intimate partner violence. OVC notes that States may serve (and count those services toward the priority category) all victims of domestic and intimate partner violence—encompassing violence or abuse by one person against another in a domestic context or intimate-partner context—as the OVC definition does not require legal recognition of any particular relationship, nor does it implicate State or territorial laws concerning marriage rights.

A commenter noted that OVC did not propose to define “sub-recipient” or “VOCA project,” and asked that OVC define these terms so as to differentiate between a VOCA-funded project, and the organization that is eligible to receive VOCA funds to undertake the project. OVC agrees and adds these definitions, and has made conforming changes throughout the rule.

The final rule adds a definition of the statutory term victim of child abuse, in order to clarify that the term covers a broad variety of harm to children. Child abuse victims are a statutorily-mandated priority category, and the clarification makes plain that VOCA-funded State victim assistance programs may support a broad variety of victim assistance projects that address the abuse of children.

OVC received many comments on the proposed definition of child abuse. Many commenters supported the proposed definition. Other commenters supported the proposed definition, but recommended changes or expressed concerns about certain parts of it. One commenter worried that the inclusion of the concept of children exposed to violence may lead States to view a non-offending parent who cannot leave an abusive household as a co-offender. OVC notes that the definition of child abuse in this rule does not control (or affect) how a state views or treats potential offenders. Nonetheless, it is OVC’s express intent that the definition should not be misconstrued to mean that failure to leave an abusive relationship, in the absence of other action constituting abuse or neglect, is itself abuse or neglect. A commenter asked that the definition encompass sex and labor trafficking, and several others asked OVC to include slurs and family rejection as examples of the emotional abuse of children encompassed by the definition. OVC notes that the definition of child abuse is sufficiently broad to encompass these harms without listing specific abusive activities, if States consider them to be child abuse. Some commenters worried that the inclusion of exposure to violence would dilute available resources, and confuse States operating victim assistance programs. OVC acknowledges resource limitations facing many States, but keeps the expanded definition in the final rule to allow States to prioritize within the category based on local capacity and needs. The Department’s own Defending Childhood initiative demonstrated the importance of services for children exposed to violence, and the new definition will permit services addressing this. OVC, in response to several comments, has clarified in the definition that it encompasses harm to children, and is not meant to include adults who were victimized as children. This does not, however, preclude States from funding services to adults victimized as children; it merely means that States cannot count such services under the child-abuse priority category.

SAA Program Requirements § 94.103 Purpose of State-Level VOCA Funding; SAA Eligibility

Section 94.103(a) sets forth the purpose of OVC’s annual VOCA formula grants to the States. Several commenters asked that OVC re-draft the language to make it less confusing. OVC agrees and has done so. Commenters also asked that OVC add a statement about State discretion in determining sub-award recipients and amounts. OVC agrees and has added a sentence accordingly.

Section 94.103(b) sets forth the general rules for State eligibility requirements, and includes criteria that States must meet in order to be eligible for VOCA-funded victim assistance programs. OVC notes that States are not required to meet all criteria, but that they must meet the criteria that apply to their victim assistance programs. OVC has added a sentence accordingly.

Section 94.103(c) clarifies that a SAA may award its VOCA funds to another organization to distribute—known as pass-through administration—and highlights SAA obligations with regard to use of administrative and training funds, monitoring, and reporting should this method be used. Several commenters supported pass-through administration, but advocated that pass-through entities should have specific expertise related to the use of the funding (e.g., a pass through entity administering funds for sexual assault services would have experience/expertise related to sexual violence).
OVC does not disagree with the commenters’ views, but believes that States are in the best position to choose which entity should administer pass-through funding, and thus maintains the rule as proposed. A commenter asked for clarification regarding the proposed requirement that SAAs not use a pass-through mechanism to bypass the statutory limitation on use of administrative funds. OVC has rewritten this statement to be clearer.

A commenter was concerned that the proposed rule eliminated language in the guidelines about things that States should consider in strategic planning and asked that OVC add it back to the final rule. OVC agrees that the language is desirable and has added a new paragraph (d) with this language. Finally, several commenters expressed concern that OVC did not highlight the need for States to consider sustainability of services in strategic planning. OVC agrees that sustainability is an important consideration, and has added this to paragraph (d).

Section 94.103(g) sets forth that SAAs shall, upon request, and consistent with 2 CFR 200.336, permit OVC access to all records related to the use of VOCA funding. Access to SAAs’ records is subject to the provision of the government-wide grant rules at 2 CFR 200.336, which permits access to the true names of crime victims only in extraordinary and rare circumstances, not for routine monitoring, and requires protection of sensitive information by all agencies involved if access is granted.

§ 94.104 Allocation of Subawards

OVC moved the provisions of proposed section 94.104, Eligible crime victim assistance programs, to a new heading titled “Sub-recipient Program Requirements,” which includes sections 94.111 through 94.115 of the final rule. Comments on the proposed section 94.104 are addressed below in the discussion of sections 94.111 through 94.114.

In the final rule, section 94.104, Allocation of subawards (which was proposed as section 94.105), sets forth—pursuant to 42 U.S.C. 10603(a)(2)(A) (priority category), and (B) (underserved category)—how SAAs must allocate their subawards. The allocation amounts in the final rule are the same as those in the Guidelines and proposed rule. Some commenters noted that victims of a priority category might also be underserved victims in some circumstances (e.g., child victims of sex trafficking might be underserved in a particular jurisdiction, however, sex trafficking of a minor would also be child sexual abuse), and that this causes confusion in reporting allocation amounts to OVC. Moreover, some victims with certain demographics (e.g., LGBTQ, American Indian/Alaskan Native) may be underserved even in the priority categories (e.g., victims of sexual assault). In response, the final rule clarifies that SAAs may count funds allocated to such projects in either the priority or underserved category, but not both.

Section 94.104(c) sets out the criteria by which SAAs must identify (for allocation of funds, reporting, and compliance purposes) services that assist previously underserved populations of victims of violent crime. SAAs must identify such a service for underserved victims of violent crime by the type of crime they experience (e.g., victims of elder abuse) or the characteristics of the victim (e.g., LGBTQ victims), or both (e.g., victims of violent crime in high crime urban areas). Underserved victims may differ between jurisdictions, but some examples of victim populations often underserved at the time of this rulemaking may include, but are not limited to, DUI/DWI victims; survivors of homicide victims; American Indian/Alaskan Native victims in certain jurisdictions with insufficient victim service resources; victims of physical assault; adults molested as children; victims of elder abuse; victims of hate and bias crimes; victims of kidnapping; child victims and adult survivors of child pornography; child victims of sex trafficking; victims of violent crime in high crime areas; LGBTQ victims; victims of federal crimes, victims of robbery; and victims of gang violence. OVC has removed from the final rule the examples of possibly underserved victim populations, as such a list may change over time and is more appropriately set out in the preamble and supplementary OVC guidance, as necessary.

A commenter asked that OVC add economic crimes, such as identity theft, to the list of examples of underserved victims. OVC notes that, for the underserved victim category, VOCA requires funding be allocated to projects serving “previously underserved populations of victims of violent crime”, and identity theft is not a violent crime. OVC, therefore, declines to make the change, but does note that States may still fund services for victims of such crimes, but cannot count those services toward meeting the required allocation for the underserved victim category.

A commenter asked that OVC increase the percentage of funding required to be allocated to underserved populations. OVC has kept the mandated percentage at its present level, which balances the need for stability in state victim assistance funding with the need to ensure State victim assistance programs are responsive to emerging needs. The commenter also asked that OVC clarify that the exception allowing States to deviate from the underserved and priority percentages should be used sparingly. OVC notes that such requests are extremely rare (OVC has record of only one); thus, as a practical matter, an additional limitation of the exception is unnecessary. Other commenters asked OVC to require States to consult with sub-recipients prior to requesting approval to change allocations. As explained above, OVC anticipates such requests will be extremely rare, and declines to add such a requirement. The same commenter asked that OVC not tie exceptions for allocations for the sexual-assault priority category to overall crime rates, explaining that crime rates in a given time period are not necessarily reflective of victim service needs during the corresponding time period, as victims may not seek services immediately. OVC agrees, and the final rule allows other types of data to be used in supporting an exemption request.

A commenter asked that OVC require States to consult with rape crisis centers and sexual assault coalitions about the needs of sexual violence victims. OVC agrees that such consultation may be useful, but declines to include such a requirement in the rule, as OVC prefers to allow States to consult with a wide variety of stakeholders as appropriate.

Section 94.104(e) sets for the minimum requirements for SAAs subaward process. It requires that SAAs have a documented methodology for selecting sub-recipients, follow DOJ grant rules regarding conflicts of interest, and encourages SAAs to fund eligible sub-recipients through a competitive process, which is described. The proposed rule would have required competition of all sub-awards. Some commenters liked the proposed competition requirement, but others were opposed to it. Several commenters noted that requiring competition could increase administrative costs for SAAs, and could destabilize small victim assistance programs that would no longer be able to rely on consistent funding. Commenters noted that this may decrease the availability of services in rural areas where there are not many providers. A commenter from a SAA explained that it uses a conduit funding process in which it transfers funds to local victim witness units based on a formula, and these units then sub-award
the funding to local non-profit victim service organizations in accordance with State and county procurement rules. The commenter expressed concern that a competition requirement may undermine this process. Other commenters expressed concern that the requirement might cause problems with State contract cycles, and could undermine some prosecutor-based victim-witness assistance programs. Commenters also questioned whether there is evidence that competition creates innovation.

OVC appreciates the thoughtful comments submitted in response to this proposal, and recognizes the importance of allowing States discretion in determining which organizations receive funds and in what amounts. Due to the potential administrative burden of requiring competition (particularly in jurisdictions with a limited number of SAA staff), OVC has not included such a requirement, though OVC does encourage SAAs to use a competitive process where feasible.

Many commenters expressed their opinion that VOCA funding should not be used as seed money for new organizations. OVC notes that any organization funded with VOCA Assistance funding—even through a competitive process—must meet the statutory program eligibility criteria, which requires either a record of effective victim services and financial support from non-VOCA funding, or substantial support from non-VOCA funding. One commenter asked that OVC require States to have a strategic state plan for allocating funding. The final rule encourages States to develop a funding strategy, and requires States to have a documented method of making funding decisions.

§ 94.105 Reporting Requirements

OVC renumbered this section from 94.106 in the proposed rule to 94.105 in the final rule. This section sets out SAA reporting requirements. The two key reports—subrecipient reports and performance reports—are the same reports required by the Guidelines, and the proposed rule. The rule does not specify time or manner in which these reports are to be submitted. The Government Performance and Results Modernization Act of 2010, Public Law 111–352 (Jan. 4, 2011), shifted many federal performance reporting requirements to a quarterly default, and OVC has changed the default performance reporting period in the rule accordingly. OVC will communicate the technical details of each year’s reporting requirements to grantees via annual program solicitations and supplemental guidance.

A commenter noted that multiple budget revisions may occur during the grant period, and that the proposed requirement that SAAs update the subrecipient award report within 30 days of such revisions would be burdensome. The commenter requested that OVC retain its current practice of allowing SAAs to submit a revised subrecipient award report before project closeout. In response, OVC notes that the subrecipient award report contains only minimal budget information, and the importance of having accurate and timely information on subawards outweighs the minimal additional burden of updating this report within the specified timeframe. Recent upgrades to OVC’s performance reporting systems should reduce the burden on SAAs as subrecipients now have the ability to enter SAR data directly. The final rule keeps the thirty-day reporting requirement.

Another commenter suggested that OVC should require additional reporting, specifically on unmet needs of victims and the estimated costs of providing such services. OVC declines to add such a requirement to the rule. One commenter suggested that the final rule should allow flexibility for OVC to change the reporting period for the performance report; OVC agrees and has added this but keeps the Federal fiscal year as the default reporting period.

§ 94.106 Monitoring Requirements

OVC renumbered this section from 94.107 in the proposed rule to 94.106 in the final. This section sets out the SAA’s obligation to monitor its sub-awards. Many commenters complained that the proposed two-year on-site monitoring timeframe would be too burdensome and would be difficult for large jurisdictions to implement, and may lead to unintended consequences, such as SAAs’ making fewer awards but of larger dollar amounts. Commenters pointed out that many states use risk assessment tools to determine priority for on-site monitoring, and some requested that OVC make the default rule three years instead of two years. Another commenter asked that OVC clarify that SAAs may request alternative monitoring plans as well as alternative monitoring frequency.

The final rule requires SAAs to develop and implement monitoring plans based on a default of regular desk monitoring, and biennial on-site monitoring, of all sub-awards. OVC also adds a requirement that such monitoring plans contain a risk assessment plan. The rule, consistent with 2 CFR 200.331(b), (d) and (e), continues to permit SAAs to develop and implement alternative monitoring plans (e.g., quarterly reports and desk audits instead or in addition to site visits), and further clarifies that SAAs may also implement alternative monitoring timeframes as well. OVC believes that biennial on-site monitoring is a reasonable timeframe that balances resource demands with effective oversight, but SAAs may propose alternative plans. OVC recognizes that certain sub-recipients may have a long established history of appropriately administering a sub-award and may therefore require less intensive scrutiny than a relatively new sub-recipient or an established sub-recipient providing new services.

SAA Use of VOCA Funds for Administration and Training

§ 94.107 Administration and Training

OVC renumbered this section from 94.110 in the proposed rule to 94.107 in the final rule. This section is substantively unchanged from the proposed rule, except that OVC clarifies that SAAs must certify, pursuant to VOCA, at 42 U.S.C. 10604(h), in the notification of use of training/administrative funds, that they will not use VOCA funds to supplant State or local government funding. (The substantive rules regarding supplantation are set out in the next section, section 94.108.)

Overall, this section makes the program rules match the statutory provisions, which had changed after issuance of the Guidelines. VOCA limits administrative and training costs to five percent total for the combined costs of administration and training at the SAA level.

§ 94.108 Prohibited Supplantation of Funding for Administrative Costs

OVC renumbered this section from 94.111 in the proposed rule, to 94.108 in the final rule, and re-titled it to more accurately reflect what the section addresses. (Proposed section 94.108(a) is moved to section 94.121 in the final rule. Proposed section 94.108(b) through (e) is moved to section 94.112 in the final rule.) Section 94.108 sets out the rules for SAA use of VOCA funds for administrative costs and prohibits supplantation of State and local government funding with VOCA funding.

One commenter asked whether the baseline is to be established and documented on a one-time basis or each year of the grant. OVC currently requires SAAs to document a baseline each fiscal
year, based on its expenditures for administrative costs during that fiscal year and the previous fiscal year. A commenter pointed out that OJP has a definition of supplanting in its Financial Guide that differs from that in the proposed rule, and suggested that OVC simply adopt the DOJ Grants Financial Guide definition of the term instead of setting forth a separate definition. OVC agrees and has revised this paragraph to reference the Financial Guide definition. OVC requires SAAs to certify that they are not supplanting State administrative support for the State crime victim assistance program with VOCA funding.

§ 94.109 Allowable Administrative Costs

OVC renumbered this section from 94.112 in the proposed rule, to 94.109 in the final rule. (Proposed section 94.109 is moved to section 94.117 in the final rule.) Section 94.109 sets out allowable administrative costs. Several commenters asked OVC to add a category for “activities that impact the delivery and quality of services to crime victims throughout the state,” including training managers of victim service agencies, State-wide victim notification systems, and support for victims’ rights compliance programs. OVC has added these activities. (OVC notes that direct service funding also may be used to support victim notification systems as well.) Direct service provider manager training is allowed, but categorized as a training expense under section 94.110. Several commenters expressed concern that allowing program evaluation would divert funding from direct services. OVC notes that the provision does not require evaluation, but merely allows it; furthermore, the total amount of funding for administrative costs is already capped by VOCA.

§ 94.110 Allowable Training Costs

OVC renumbered this section from 94.113 in the proposed rule, to 94.110 in the final rule. (Proposed section 94.110 is moved to section 94.107 in the final rule.) This section sets out allowable uses of training funds. A commenter asked OVC to clarify that the allowable training costs are not limited by the two listed examples. In response, OVC edited the text to clearly state that such costs “generally include, but are not limited to” the two listed examples; these are merely examples and not limitations. Commenters also asked OVC to clarify that SAAs may use training funds to train managers and board members of victim service agencies, as is permitted under the current Guidelines. OVC has added this to the final rule. Several commenters asked OVC to raise the percentage limits on administrative and training costs; as these are statutory requirements, however, OVC has no authority to do so.

§ 94.111 Eligible Crime Victim Assistance Programs

OVC renumbered this section from 94.114 in the proposed rule to 94.111 in the final rule. Several commenters asked OVC to clarify the percentage limits on administrative and training costs; as these are statutory requirements, OVC has no authority to do so. Sub-Recipient Program Requirements

Sections 94.111 through 94.115 of the final rule set out the requirements that an entity must meet to be an “eligible crime victim assistance program.” (Sections 94.111 through 94.114 of the proposed rule were moved to section 94.108, 94.109, 94.110, and 94.116, respectively, of the final rule. Section 94.115(a) through (d) of the proposed rule is moved to section 94.112 of the final rule; and 94.115(e) of the proposed rule is moved to section 94.117 of the final rule. The responses to comments addressing those provisions of the proposed rule are found in the discussions of the corresponding sections as set forth in the final rule.) Several commenters suggested that OVC reorganize the rule such that the requirements for eligibility as a sub-recipient entity versus the requirements for operating a sub-recipient project, are clearly delineated. OVC agrees, and has created a new heading “Sub-Recipient Program Requirements” and moved the requirements in the proposed rule section 94.104 Eligible crime victim assistance programs, to sections 94.111 through 94.115 of the final rule, under this heading. OVC also moved proposed section 94.108(b) through (e) to section 94.112 of the final rule. Thus, sections 94.111 through 94.115 of this rule consolidate the eligibility requirements for the sub-recipient organization (i.e., program).

§ 94.112 Types of Eligible Organizations and Organizational Capacity

This section sets out the general types of eligible entities, and special considerations for specific types of entities (moved from proposed section 94.108), as well as criteria for determining the organizational capacity of the entity’s program.

In section 94.112(a)(3) of the final rule, OVC modifies the proposed provision (proposed section 94.108(e)) on victim assistance organizations located in an adjacent state to eliminate unnecessarily bureaucratic requirements in the Guidelines, while keeping the requirement to provide notice to the SAA where the organization is located, and encouraging co-ordination on various award oversight matters. Several commenters asked for clarification of the rules for SAA programs operating direct services projects with VOCA funds (proposed section 94.108(d)). In response, OVC has modified section 94.112(a)(4) of the final rule to clarify these points by eliminating confusing and redundant text that reiterated the statutory requirement that SAAs use no more than five percent of VOCA funds for administrative and training costs.

With regard to determining the organizational capacity of a sub-recipient, under section 94.112(b) of the final rule, the SAA determines what constitutes “a record of effective services to victims of crime,” and this may vary depending on the State, and community served, and the entity providing services. Though this provision is reworded slightly for clarity, OVC leaves unchanged in the final rule the non-exclusive list of considerations that SAAs may take into account when making this determination. The SAA should be able to articulate the basis for its determination, should OVC request it. SAAs may also consider additional factors, such as the type of victim the entity’s services address, the type of services provided, best practices within that service field, and the characteristics of the entity (e.g. small, specialized service provider; larger, comprehensive service provider).

§ 94.113 Use of Volunteers, Community Efforts, Compensation

Commenters urged OVC to make it clear that the mandated use-of-volunteers provision, at section 94.115(a) of the proposed rule, applies as an eligibility requirement for sub-recipient organizations (programs), not as a requirement for individual projects. OVC agrees with the commenters that the use-of-volunteers provision applies to programs, not individual projects, and has thus placed the final rule provision addressing waiver of this
statutory requirement in section 94.113(e) of the final rule.

Commenters asked that OVC clarify proposed section 94.115(c), to state that a sub-recipient may comply with the VOCA requirement to assist victims in applying for compensation by providing referrals. OVC agrees and has made this clarification in section 94.113(d) of the final rule.

A commenter asked that OVC add additional requirements to the VOCA mandate that sub-recipients assist victims in applying for victim compensation by requiring that sub-recipients also assist victims in understanding their State and federal rights, how to assert those rights, and what to do if their rights are not considered or denied. OVC has not added such a mandate, as these are not eligibility criteria mandated by VOCA, but OVC does encourage all victim assistance organizations to assist victims in understanding their rights, or providing referrals to organizations that can do so appropriately. A commenter asked that OVC clarify that victim assistance programs should also assist victims of federal crime in applying for compensation. OVC agrees, and has added language accordingly.

§ 94.114 Prohibited Discrimination

OVC received several comments on proposed section 94.104(b) (now section 94.114 of the final rule), which stated “The VOCA non-discrimination provisions specified at 42 U.S.C. 10604(e) shall be implemented in accordance with 28 CFR part 42, and guidance from the Office for Civil Rights within the Office of Justice Programs.” Several commenters advocated that OVC add explicit regulatory language prohibiting discrimination based on sexual orientation and gender identity to the final rule and offered several reasons why such a provision would benefit victims. OVC acknowledges that people who identify as lesbian, gay, bisexual, transgender, or questioning/questioning (“LGBTQ”) suffer disproportionately from violence and its effects, and often do not have access to informed services to help them recover in the aftermath of a crime. However, because OVC did not include in the proposed rule a definition that discrimination based on sex includes discrimination based on sexual orientation, and because OVC anticipates that the law will continue to evolve on this issue, OVC declines to include such language at this time. OVC will continue to monitor legal developments in this area. With respect to gender identity, the Department of Justice has concluded that statutory prohibitions on discrimination on the basis of sex encompass discrimination based on gender identity in other contexts. See, e.g., Memorandum from Eric H. Holder, Attorney General, Re: Treatment of Transgender Employment Discrimination Claims Under Title VII of the Civil Rights Act of 1964 (Dec. 15, 2014). OVC is aware of no reason why the statutory phrase “on the ground of. . . sex” in 42 U.S.C. 10604(e) should receive a different construction.

§ 94.115 Non-Disclosure of Confidential or Private Information

Several commenters noted that OVC had not included a provision regarding confidentiality in the proposed rule, and suggested that OVC add such a provision. The commenters noted that the 2013 reauthorization of the Violence Against Women Act contained a provision, 42 U.S.C. 13935(b)(2), that many VOCA-funded organizations would have to comply with as a condition of their VAWA funding, and suggested that OVC model its provision on that. OVC agrees and has done this in section 94.115 of the final rule.

Sub-Recipient Project Requirements

§ 94.116 Purpose of VOCA-Funded Projects

OVC renumbered section 94.114 of the proposed rule as section 94.116 of the final rule, under the heading “Sub-Recipient Project Requirements” instead of “Sub-Recipient Program Requirements.” (Section 94.116 of the proposed rule is moved to section 94.118 of the final rule.) This section sets forth a brief statement of the purpose of VOCA sub-awards. The proposed provision was confusing, and OVC has attempted to draft the statement more clearly in the final rule.

Additionally, the requirement in the Guidelines (sec. IV.B.11) that sub-recipients must provide services to victims of federal crimes on the same basis as to victims of crimes under State or local law is added to the final rule, as it was inadvertently omitted from the proposed rule but is a long-standing principle applicable to federal victim assistance funding. The final rule also sets forth OVC’s policy clarification that victim eligibility for direct services under the VOCA Assistance Program is not dependent on the victim’s immigration status. This principle derives from the nature of services provided by most VOCA-funded victim service providers in light of the Personal Responsibility Work Opportunity Reconciliation Act of 1996, and was communicated to all VOCA Assistance (and Compensation) SAAs in a June 28, 2010, OVC Director Memorandum.

§ 94.117 Cost of Services; Sub-Recipient Program Income

This section sets forth the rules for VOCA-funded projects that will charge for victim services. (Section 94.117 of the proposed rule is moved to section 94.119 of the final rule.) OVC has long held that VOCA-funded victim services should be free of charge for victims where possible, although it recognizes that in some situations a service provider may be justified in charging for services or otherwise generating program income.

The provisions in section 94.117 of the final rule are adapted from sections 94.115(e) and 94.109 of the proposed rule. A commenter suggested that this section be moved to a new division setting out VOCA project requirements; OVC has done this. Commenters also suggested that OVC re-word the provision to be more direct. OVC has done this, as well. OVC also simplified the provision to state that program income must be used consistently with Federal grant rules and the DOJ Grants Financial Guide (available on the Office of Justice Programs’ Web site, at www.ojp.gov), instead of reiterating those requirements here. This aligns the program income rules for this program with the recently issued government-wide grant rules, and this simplification will reduce the burden of compliance on SAAs and sub-recipients.

A commenter requested that OVC add a requirement that sub-recipients provide proof or certification of compliance with the program income requirements when seeking reimbursement from State compensation programs. OVC declines to add such a requirement to this rule, as this type of requirement is more appropriately created in the application requirements and collateral source verification procedures for victim compensation programs, or as an arrangement among State agencies.

§ 94.118 Project Match Requirements

This section is renumbered from 94.116 in the proposed rule to 94.118 in the final rule, and moved under the “Sub-recipient Project Requirements” heading, as commenters correctly pointed out that match is applicable to the VOCA project, not the program. (Section 94.118 of the proposed rule is moved to section 94.120 of the final rule.)

Some commenters suggested eliminating match all together, while others suggested various different levels for match. OVC has kept a match
requirement, as it serves several purposes, including leveraging federal funding, indicating organizational capacity, and encouraging local investment and engagement in VOCA-funded projects.

Some commenters recommended that OVC consider allowing match at the State level, rather than on a sub-recipient by sub-recipient basis, as this would bring VOCA grant rules into harmony with match requirements under other programs (e.g., those in Family Violence Prevention and Services Act and Violence Against Women Act). OVC has declined to make this change, as it would be a major departure from the Guidelines, and as match required on the project level ensures that sub-recipients have a stake in, and are invested and engaged in, the VOCA-funded project. OVC does note, however, that an SAA is authorized to contribute to match using non-federal funds for any (or all) sub-recipient projects, which authorization, as a practical matter, permits SAs to provide match at the State level.

A commenter asked that OVC modify the proposed requirement that match be used for the same uses and timing as the project’s VOCA funding. OVC declines to do so, as this rule is long-standing and consistent with similar rules that apply to other OVC and federal awards. OVC does note, however, that non-cash contributions—for example, professional services—may be counted as match.

Commenters also questioned why Native American and Alaskan Native sub-recipients and projects on tribal lands, as well as projects in U.S. territories and possessions (excluding Puerto Rico), are not required to provide match. Some commenters asked OVC to keep the 5% match for tribes, while other commenters asked that OVC keep the rule as proposed. OVC has found that these communities often lack victim services, have great victim service needs, and are more often likely to have difficulty meeting match requirements. Match serves the purpose of encouraging collaboration among service providers, and creating a local stake in project outcomes, but it also can present a barrier to applying for VOCA assistance funding in tribal and territorial communities that have relatively few victim service organizations, and have not traditionally been supported by resources available to organizations operating in states. Not requiring match as a default for such communities is designed to streamline applicant requirements in these areas where, in OVC’s experience, the benefits of a match requirement are outweighed by its burdens. OVC agrees that other areas of the country may face similar circumstances, and, therefore, the final rule provides that OVC will consider exceptions to match upon SAA request, and sets forth generally how OVC will evaluate such requests.

Sub-Recipient Allowable/Unallowable Costs

§ 94.119 Allowable Direct Service Costs

This section is renumbered from 94.117 in the proposed rule to 94.119 in the final rule. (Section 94.119 of the proposed rule is moved to section 94.121 of the final rule.) This section sets forth allowable direct service costs for VOCA projects. Most of these allowable costs (and the parameters under which these services may be provided) are essentially the same as those in the existing Guidelines and in the proposed rule, but there are some differences, which are discussed below.

General comments. Some general comments asked OVC to clarify that it is not encouraging States to significantly shift funding by allowing new activities. Nowhere in the proposed or this final rule does OVC state that it is encouraging States to significantly shift funding by allowing new activities. Rather, the changes to costs allowed under this program, described below, are important, but marginal, changes that should give States more flexibility when compared to the Guidelines to best serve victims in their communities, but does not require a significant reallocation of resources. Thus, no change is being made in section 94.119 of the final rule to address this comment.

The commenter also asked that OVC clarify that all services provided by VOCA-funded projects are voluntary and should not be contingent upon the client participating in certain support services. OVC is unclear what support services the commenter refers to and so declines to make a change to the rule based on this comment but notes that there are existing rules in place (see 28 CFR part 42) prohibiting services being contingent upon participation in religious activity.

Emergency medical/health care. A commenter expressed concern that proposed section 94.117(a)(1)(ix), which allowed for certain emergency costs for medical and health care, would have expanded allowable legal assistance for divorce, criminal defense, and tort lawsuits. This clarification makes the program consistent with the OVW Legal Assistance for Victims program (many organizations receive both OVC and OVW funding), which also does not fund criminal defense or tort lawsuits, and also creates a bright-line rule that is more easily administered. OVC notes that some jurisdictions allow victims to file a motion to vacate and/or expunge certain convictions based on their status of being victims. OVC has clarified that such services are allowable with VOCA.
funds. The OVW program does support legal assistance with victim-related family law matters, and OVC has drafted the language of paragraph (f)(3) to be broad enough to include these and other non-tort legal services in a civil context that are reasonably necessary as a direct result of the victimization as allowable costs. Such non-tort, civil legal services include, but are not limited to, assistance in divorce, and child custody and support proceedings.

Many commenters wanted OVC to expand its examples of allowable legal assistance costs in the proposed rule to include specific examples relevant to the organization commenting. On the other hand, some commenters expressed concern that some organizations may misinterpret the examples in the proposed rule as limits. OVC has carefully considered these comments and, in the final rule, has opted to move most of the examples into the preamble of the rule. OVC will issue supplementary guidance as may be needed to further clarify the applicability of the rule in specific factual scenarios.

The following are examples (which are merely illustrative, and not meant to be a comprehensive listing) of some circumstances where civil legal services may be appropriate: Proceedings for protective/restraining orders or campus administrative protection/stay-away orders; family, custody, contract, housing, and dependency matters, particularly for victims of intimate partner violence, child abuse, sexual assault, elder abuse, human trafficking; immigration assistance for victims of human trafficking, sexual assault, and domestic violence; intervention with creditors, law enforcement (e.g., to obtain police reports), and other entities on behalf of victims of identity theft and financial fraud; intervention with administrative agencies, schools/colleges, tribal entities, and other circumstances where legal advice or intervention would assist in addressing the consequences of a person’s victimization. OVC recognizes that the available resources in each State differ, and, therefore, States retain broad discretion to set limits on the type and scope of legal services that it allows its sub-recipients to provide with VOCA funding.

Forensic medical evidence collection examinations. OVC received several generally supportive comments regarding proposed section 94.117(a)(7), which allowed forensic medical evidence collection examinations to the extent that other funding sources are insufficient, the examination meets State standards, and appropriate crisis counseling and/or other victim services are offered in conjunction with the examination. The final rule, renumbered as section 94.119(g), is unchanged from the proposed rule, except that the final rule does not require examinations to meet State standards, but rather encourages sub-recipients to use specially trained examiners such as Sexual Assault Nurse Examiners to perform these exams. The final rule, similarly, encourages, rather than mandates, that crisis counseling or other services be offered in conjunction with the examination, in order to allow sub-recipients to provide such services as may be appropriate in any given situation.

Forensic interviews. OVC received several comments on proposed section 94.117(a)(8), which allowed forensic interviews, and which is renumbered as section 94.119(h) in the final rule. Some commenters supported allowing VOCA funding for forensic interviews, while others expressed the opinion that VOCA funds should not fund investigative costs. Allowing States to support the costs of victim-centered forensic interviews, particularly those conducted in a multi-disciplinary setting, will help victims by reducing traumatization. The final rule does not include the provision in proposed section 94.117(a)(8)(iv), which would have disallowed VOCA funding used to supplant other funding available for forensic interviews, including criminal justice funding. OVC believes that providing States additional flexibility to meet this important victim need (which, if unsupported, may lead to re-traumatization of the victim) outweighs potential concerns that victim service funding will supplant law enforcement funding for this activity.

A commenter cautioned that forensic interviews should be conducted by child advocacy center forensic interviewers who have training and adhere to the National Child Advocacy Center guidelines. OVC believes this comment is well intentioned, but notes that not all victims needing specialized forensic interviews are children—for example, some victims are adults with disabilities. Moreover, the Federal Bureau of Investigation and some States use alternative standards. Therefore, OVC defers to SAs to determine what organizations appropriately may provide this service.

Services to incarcerated individuals. The existing Guidelines do not allow OVC Victim Assistance Program funds to be used for rehabilitative services or support to incarcerated individuals (see Guidelines, section IV.E.3.b). OVC, in proposed section 94.120(b) would have modified the prohibition on perpetrator rehabilitation and counseling, to allow services to incarcerated victims in certain circumstances, and, in proposed section 94.117(a)(11), set out proposed rules describing such circumstances.

In this final rule, OVC simply removes the prohibition on perpetrator rehabilitation and counseling, as the prohibition unnecessarily prevents States and communities from fully leveraging all available resources to provide services to these victims, who have been shown to have a great need for such services. States and VOCA-funded sub-recipients may set eligibility criteria for their victim service projects, and thereby determine, in accordance with VOCA and this rule, whether and how such victims might be served by VOCA-funded projects. Correspondingly, OVC does not include any provision under allowable costs addressing services to incarcerated victims, as the costs permitted for direct services to incarcerated victims are the same as those permitted for such services to any crime victim.

OVC received a wide range of comments on this provision. Many were supportive of the removal of the prohibition on providing services to incarcerated victims. Some commenters wanted OVC to affirmatively encourage States to permit sub-grantees to use VOCA funding for such services. Some commenters expressed the sentiment that the prison system should be responsible for addressing victim services for incarcerated persons, in the same way that it provides medical care and other services. OVC agrees that the government agencies that oversee detention/correctional facilities have responsibilities for the care of victims within their custody, but believes that prohibiting VOCA-funded organizations from providing services to incarcerated victims deprives such victims of, and communities of, experienced victim service resources. Indeed, such organizations are often the only organizations able to provide such services in some communities.

A commenter noted that the restriction causes agencies routinely to deny services to incarcerated victims but provides the exact same services for the exact same crime to those assaulted just outside the facility. OVC recognizes that victim service resources are finite, but believes that States are best positioned to make resource allocation decisions. Removing the prohibition on serving incarcerated victims will allow States to serve all victims, regardless of their situation.
Several commenters expressed concern that the proposed rule may trigger the Prison Rape Elimination Act (PREA) provision requiring a reduction or reallocation of federal funding available to a State for “prison purposes” if the State fails to certify compliance with the Department’s National Standards to Prevent, Detect, and Respond to Prison Rape. See 42 U.S.C. 15607(e); 28 CFR part 115. The commenters suggested various ways to re-draft the proposed rule to make it clear that VOCA funds are not available for “prison purposes” and mandated reduction or reallocation under PREA. Some commenters expressed support for the proposed rule, but only if the Department clarified that the change would not bring VOCA funding under the PREA penalty. In response, OVC notes that VOCA funds are not available for “prison purposes,” but rather, are—by statute—specifically allocated for victim services.

The final rule, in response to these concerns, does not require that services to incarcerated victims must be provided, or how such services should be provided, but merely removes the express prohibition on such services that existed in the Guidelines. As noted in section 94.103 of the final rule, SAAs have sole discretion to determine what organizations will receive funds, and in what amounts, subject to the minimum requirements of this final rule and VOCA. Nothing in VOCA, or this final rule, allows VOCA funding to be diverted to “prison purposes;” rather, VOCA funding is expressly limited by statute to victim services and associated activities. A letter issued to State governors by OVC and OVW on February 11, 2014, did not list any VOCA programs as being available for prison purposes. See http://www.prearesourcecenter.org/sites/default/files/content/feb_11_2014_prearesourcecenter_letter_with_certification_and_assurance_forms.pdf. VOCA funding, therefore, is not subject to mandated reduction or reallocation for non-compliance under PREA.

**Temporary housing.** The final rule, at section 94.119(k), includes one noteworthy change from section 94.117(a)(12) of the proposed rule, in which OVC proposed to allow States more flexibility to allow VOCA-funded projects to support transitional housing. Specifically, the final rule provides examples of expenses typically associated with transitional housing to help illustrate allowable uses of this funding. OVC views transitional housing as a necessary victim expense for some victims. This is particularly true for victims of human trafficking.

Vehicles with disabilities abused by caretakers, domestic violence victims and their dependents, and sexual assault victims. Under the proposed rule, States may use VOCA funds for housing and shelter purposes to the extent that such is necessary as a consequence of the victimization and for the well-being of the victim.

For example, shelters for victims of domestic violence or human trafficking would be allowable uses of VOCA funds. Similarly, it would be allowable in the case of sexual assault, where a victim needs to move. To the extent SAAs choose to permit VOCA funds to be used for transitional housing purposes, OVC anticipates that these agencies would focus on those victims with the most need.

Some commenters liked the proposed rules on transitional housing and relocation, while others opposed them. A commenter noted that VOCA-funded programs may not have the experience or resources to monitor housing programs. OVC notes that some SAAs will not have such experience, but the rule merely allows States to fund this activity: it does not require it. OVC expects that States will exercise their discretion to fund only projects that they believe will be able to undertake the allowed activities successfully.

One commenter wanted OVC to clarify that state limits on types of victims eligible for transitional housing assistance must not violate VOCA non-discrimination provisions. OVC agrees that States may not violate the non-discrimination provision when prescribing limits on allowable costs for transitional housing. The commenter also requested that OVC define “dependent child” to include dependents of all LGBTQ survivors. OVC strongly agrees that dependents of LGBTQ victims should be eligible for such assistance to the same extent as dependents of non-LGBTQ victims. OVC offers a model for transitional housing

Relocation expenses. The final rule, at 94.119(f), generally remains substantially unchanged from the proposed rule, 94.117(a)(13), although the language in this paragraph is reorganized from the proposed rule. The final rule removes the emphasis on particular victims (i.e., domestic violence victims, victims of sexual assault, and victims of human trafficking) who may be in need of relocation assistance. This language is removed so as not to limit inadvertently those victims who are eligible for relocation expenses.

Additionally, the final rule omits the reference in the proposed rule to providing “mortgage assistance”, due to the complicated nature of administering such assistance. Thus, under the final rule, while relocation expenses are allowable, mortgage expenses are not allowable.

§ 94.120 Allowable Costs for Activities Supporting Direct Services

OVC renumbered this section from 94.118 in the proposed rule to 94.120 in the final rule, setting forth allowable activities that support direct services.
One commenter asked (with regard to co-ordination activities, automated systems and technology, and volunteer trainings) whether these are allowable as stand-alone projects that may be funded by a State, or whether they must be part of a direct service project. OVC intends that these may be funded by a State in either manner. If they are funded as stand-alone activities, however, they should be activities that leverage resources for direct victim services (e.g., a stand-alone project to train volunteers may make more volunteers available to provide direct services).

Coordination of activities. The final rule gives SAAs the latitude to allow sub-recipients to use VOCA funds for activities coordinating victim services. Many commenters supported this provision in the proposed rule. A few opposed, as they were concerned this would divert VOCA resources away from other activities. OVC notes that the final rule provides States with additional flexibility, but does not mandate that States reallocate any funding. Moreover, in the last decade it has become apparent that co-ordination and oversight activities are desirable and may in many cases improve the provision of direct victim services.

A commenter requested that OVC add coalitions to support and assist victims to the list of allowable activities, and OVC has done this.

Contracts for professional services. OVC proposed to allow sub-recipients to contract for professional services not available within the sub-recipient organization (in contrast to the Guidelines, which does not allow this). OVC has maintained this section as proposed, in section 94.120(d) of the final rule, but made the examples more concise and conceptual to improve readability. Some commenters suggested that the rule needed to reflect better how contract service providers charge overhead costs, suggesting that the rule be made consistent with that for volunteered services; i.e., the contract rate must be a reasonable market rate for the services provided. OVC agrees and has done this.

Automated systems and technology. The proposed rule at section 94.118(e) would have allowed the use of funds for automated systems and technology that support delivery of direct services to victims, and provided examples of such systems and technology, and provided that program personnel, hardware, and other items, were allowable if permitted by the SAA. The final rule, at section 94.120(e), reorganizes the proposed paragraph to fit with the revised structure of the overall section. It also adds a provision indicating that the allowability of such systems and technology is subject to the DOJ Financial Guide and government-wide grant rules, which provide detailed rules relating to the acquisition, use, and disposition of technology equipment and supplies. See 2 CFR part 200. Certain criteria for SAAs to consider when permitting sub-recipients to use funding for automated systems and technology were set out in the Guidelines, but were omitted from the proposed rule. These are added back into the final rule as factors that may be useful for SAAs to consider when determining whether to permit funding to be used for this purpose.

Volunteer trainings. The proposed rule, at section 94.118(f) allowed the use of direct service funding in certain circumstances to train volunteer direct service providers, and OVC has kept this provision largely unchanged, at 94.120(f). The proposed rule focused on Court Appointed Special Advocate (CASA) volunteers, but commenters suggested that the final rule should be more general, so as not to limit such funding to the CASA context. OVC agrees and has made this edit. The use of direct service funds to support training and co-ordination of volunteer services in such circumstances is appropriate, as it typically allows funded organizations to cost-effectively leverage the available funds and volunteer efforts to provide more direct services for victims.

Restorative justice. The proposed rule inadvertently omitted reference to restorative justice efforts, which are permitted in the current Guidelines. OVC has added this back into this final rule at section 94.120(g). The final rule is substantially similar to the Guidelines, except that the paragraph is reorganized to fit stylistically within the final rule, and to provide examples of restorative justice efforts (e.g., tribal community-led meetings and peace-keeping activities). Also, where the Guidelines required such efforts to have “possible” beneficial or therapeutic value, the final rule requires that such efforts must have “reasonably anticipated” beneficial or therapeutic value. OVC believes that such a standard is better suited to meet victim needs.

The final rule provides that a victim’s opportunity to withdraw must be inherent in any restorative justice effort supported by program funds, whereas the Guidelines had merely included this as one of several criteria that SAAs should consider when deciding whether to fund such efforts. Lastly, the Guidelines included as another criteria the benefit or therapeutic value to the victim, while the final rule requires that SAAs also consider the costs in relation to the benefit or therapeutic value to the victim, as restorative justice efforts can be expensive and those costs may not be justified under certain circumstances.

§ 94.121 Allowable Sub-Recipient Administrative Costs

Section 94.121 of the final rule sets out allowable sub-recipient administrative costs. These are substantively the same as those in the existing Guidelines, and as in proposed section 94.119.

A commenter noted that there was a discrepancy in the proposed rule, in that training costs were allowed for non-VOCA-funded service providers, but travel costs to attend trainings were not allowed for such providers. OVC agrees that training and training-related travel for non-VOCA-funded service provider staff should be allowable, and has changed the final rule accordingly, at section 94.121(c). The commenter also asked that OVC include certain additional items (e.g., costs of Web sites, social media, mobile devices) in the examples of allowable administrative costs, and OVC has done this in section 94.121(f).

Several commenters suggested that evaluation costs in section 94.121(j) should be capped at a percentage of the grant. OVC believes that evaluation is an important part of improving victim services by developing data-driven improvements to programs and does not cap evaluation costs in the rule. OVC does note that the rule does not prevent SAAs from capping such costs (on a State-wide or project-by-project basis, as appropriate), or limiting such costs to amounts that are reasonable given State goals and funding constraints.

§ 94.122 Expressly Unallowable Sub-Recipient Costs

OVC has renumbered proposed 94.120 as section 94.122 of the final rule, setting forth expressly unallowable project costs. Most of these provisions are the same as those in the existing Guidelines, and the proposed rule, with the following exceptions:

Perpetrator rehabilitation and counseling. The rule prohibiting use of VOCA funds for perpetrator rehabilitation and counseling has been removed to allow VOCA-funded service providers to provide victim assistance services to victims who are incarcerated. This is more fully discussed above in...
the discussion of comments under section 94.115 of the final rule.
Victim attendance at conferences. OVC has removed this odd provision from the list of unallowable costs, but expects that sub-recipients will not use funds for this purpose.
Purchasing vehicles. Some commenters favored allowing the purchase of vehicles with VOCA funds, but others opposed it. OVC agrees with comments that pointed out that in some jurisdictions purchasing a vehicle may be more cost effective than leasing a vehicle for victim service work and has removed purchasing vehicles from the list of unallowable costs. States now have the discretion to allow sub-recipients to lease or purchase vehicles.
Indirect organizational costs. The government-wide grant requirements in 2 CFR part 200, as implemented in December 2014 by the Department of Justice at 2 CFR part 2800 (79 FR 76081, Dec. 19, 2014), state a policy that federal awards should bear their fair share of costs, including reasonable, allocable, and allowable direct and indirect costs. This contrasts with the VOCA Guidelines, which prohibit indirect organizational costs. Given the policy in the recently issued government-wide requirements, OVC has removed the provision that prohibited sub-recipients from using VOCA funds for certain organizational costs. Removing the prohibition should simplify administration of VOCA sub-awards, by aligning the requirements for VOCA-funded projects, with the government-wide grant requirements and cost principles, which allow federal funding to support sub-recipient indirect costs (see 2 CFR 200.331 and 200.414).
In the Guidelines, and the proposed rule at 84.120(f), liability insurance on buildings, and body guards (which OVC understands to mean security guards, as it is listed as a capital expense) were not allowable. OVC removes these from the list of unallowable costs in the final rule, as these costs may be allowable under the revised government-wide grant rules in 2 CFR part 200, if appropriately allocated to an award either directly or indirectly.

IV. Regulatory Certifications

Regulatory Flexibility Act

In accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), the Office for Victims of Crime has reviewed this regulation and, by approving it, certifies that it will not have a significant economic impact on a substantial number of small entities. The OVC Victim Assistance Program distributes funding to States pursuant to the VOCA formula, a statutory provision, which is not affected by this regulation. The VOCA formula sets out the allocation of grant funds among States, and designates the States that will receive grant funds—the regulation alters neither the allocation of Federal funding, nor the designation of which States will receive annual funding pursuant to that allocation. Moreover, VOCA affords substantial latitude to the States in determining where to allocate the formula funding within each jurisdiction. This rule, to the extent that it creates certain set asides and permissible areas of emphasis for State victim assistance programs, only applies to federally provided funding. As a rule governing a Federal grant program to States and major U.S. territories, the only economic impact on small entities is that of potential financial assistance, as the rule would not apply to any entity that was not a recipient of VOCA funding under this program. This regulation, therefore, will not have a significant economic impact on a substantial number of small entities.

Executive Orders 12866 and 13563—Regulatory Review

This rule has been drafted and reviewed in accordance with Executive Order 12866, “Regulatory Planning and Review” section 1(b), Principles of Regulation, and in accordance with Executive Order 13563 “Improving Regulation and Regulatory Review” section 1(b), General Principles of Regulation.

The Office of Justice Programs has determined that this rule is a “significant regulatory action” under Executive Order 12866, section 3(f), Regulatory Planning and Review, and accordingly this rule has been reviewed by the Office of Management and Budget.

Executive Order 13563 directs agencies to propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs; tailor the regulation to impose the least burden on society, consistent with obtaining the regulatory objectives; and, in choosing among alternative regulatory approaches, select those approaches that maximize net benefits. Executive Order 13563 recognizes that some benefits and costs are difficult to quantify and provides that, where appropriate and permitted by law, agencies may consider and discuss qualitative values that are difficult or impossible to quantify, including equity, human dignity, fairness, and distributive impacts. The rule merely clarifies and updates the existing Guidelines, but does not alter the existing program structure at all. Updating the existing Guidelines to clearly and accurately reflect the statutory parameters will facilitate State compliance with VOCA requirements, and thus avoid potentially costly non-compliance findings. The rule makes some substantive changes to the existing Guidelines, but most of these would be of a permissive, not restrictive or mandatory, nature. Some changes, like allowing more flexibility to co-ordinate and leverage community resources, and adopt alternative monitoring strategies, would impose no costs but will potentially allow States to use existing funding more efficiently. Other changes that allow States to allocate funding to services not presently allowable could change the allocation of VOCA funding among victim services provided by sub-recipient organizations, and among victim service organizations. Such reallocations of funding, however, are not mandated and each State would make the ultimate decision with regard to whether to change its current funding allocations, if it chooses to do so at all. This is not a change from the present discretion that States have to allocate funding according to State priorities. Any potential reallocations would be relatively minor (even when taken in aggregate across States) in comparison to the overall mix of allowable victim services, and thus they are unlikely to create new costs or significant fund transfers. In any event, the benefits of additional services for underserved and un-served victims are significant.

The provision allowing alternative risk-based monitoring procedures imposes no new costs on States that choose to retain their existing procedures, but will allow States that wish to implement more cost effective alternatives to do so.
The elimination of match for American Indian and Alaskan Native tribes and projects on tribal lands will permit victim service organizations in these communities, many of which do not have the resources to provide matching funds, the ability to more easily seek VOCA funding for victim services. This will benefit victims in these communities, many of whom are underserved. This change is unlikely to impose new costs on States, as there is no requirement that the administering agencies fund American Indian or Alaskan Native tribes or organizations at a particular level, and the amount of funding allocated to these organizations historically is a very small percentage of overall VOCA funding.

All of the changes to the provisions governing allowable and unallowable costs are in the nature of granting States
additional flexibility to fund certain activities. None of the changes would require States to expend additional funding in any area, or change funding allocations. Moreover, the changes, while important, are relatively minor when compared to the entire scope of costs allowable with VOCA funding. Consequently, to the extent that States choose to fund the newly allowable victim services (e.g., increased time allowed in transitional housing), the reallocation of funding will not result in a significant reallocation of overall funding, given the small number of newly allowable services when compared to the overall mix of allowable victim services. In addition, it is not certain which States will permit what additional services if given the flexibility to do so, and to what extent, as these decisions typically are often made through State legislative or administrative processes and address considerations unique to each State. The important benefit of such potential minor reallocations of resources, whether within organizations that presently receive VOCA funding and will provide augmented services, or (in the less common case) to new organizations, would be that previously underserved or un-served victims would receive needed assistance.

Executive Order 13132—Federalism

This rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on distribution of power and responsibilities among the various levels of government, as the rule only affects the eligibility for, and use of, federal funding under this program. The rule will not impose substantial direct compliance costs on State and local governments, or preempt any State laws. Therefore, in accordance with Executive Order No. 13132, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Executive Order 12988—Civil Justice Reform

This rule meets the applicable standards set forth in sections 3(a) & (b)(2) of Executive Order No. 12988. Pursuant to section 3(b)(1)(I) of the Executive Order, nothing in this or any previous rule (or in any administrative policy, directive, ruling, notice, guideline, guidance, or writing) directly relating to the Program that is the subject of this rule is intended to create any legal or procedural rights enforceable against the United States, except as the same may be contained within subpart B of part 94 of title 28 of the Code of Federal Regulations.

Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector, of $100,000,000 more in any one year, and it will not significantly or uniquely affect small governments. The VOCA Victim Assistance Program is a formula grant program that provides funds to States to provide financial support to eligible crime victim assistance programs. Therefore, no actions are necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by section 804 of the Small Business Regulatory Enforcement Fairness Act of 1996. This rule will not result in an annual effect on the economy of $100,000,000 more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

Paperwork Reduction Act

This rule does not propose any new, or changes to existing, “collection[s] of information” as defined by the Paperwork Reduction Act of 1995 (44 U.S.C. 3501, et seq.) and its implementing regulations at 5 CFR part 1320.

OVC sets forth a requirement, in section 94.105 of the final rule that SAAs update their subgrant award report information within 30 days of a change in such information. This requirement does not change the overall burden of the subgrant award report, which is estimated to take approximately three minutes to complete. It merely provides a reasonable timeframe for updating information that changes during a grant period. As the report contains only high level summary data, not detailed budget data, OVC estimates that the burden of requiring updates of this report throughout the grant period will be minimal.

List of Subjects in 28 CFR Part 94

Administrative practice and procedure, Formula grant program, Victim assistance.

Accordingly, for the reasons set forth in the preamble, Title 28, part 94, of the Code of Federal Regulations is amended as follows:

PART 94—CRIME VICTIM SERVICES

1. The authority citation for part 94 is revised to read as follows:

Authority: 42 U.S.C. 10603, 10603c, 10604(a), 10605.

2. Add subpart B to read as follows:

Subpart B—VOCA Victim Assistance Program

General Provisions

Sec.

94.101 Purpose and scope; future guidance; construction and severability; compliance date.

94.102 Definitions.

SAA Program Requirements

94.103 General.

94.104 Allocation of sub-awards.

94.105 Reporting requirements.

94.106 Monitoring requirements.

SAA Use of Funds for Administration and Training

94.107 Administration and training.

94.108 Prohibited supplantation of funding for administrative costs.

94.109 Allowable administrative costs.

94.110 Allowable training costs.

Sub-Recipient Program Requirements

94.111 Eligible crime victim assistance programs.

94.112 Types of eligible organizations and organizational capacity.

94.113 Use of volunteers, community efforts, compensation assistance.

94.114 Prohibited discrimination.

94.115 Non-disclosure of confidential or private information.

Sub-Recipient Project Requirements

94.116 Purpose of VOCA projects.

94.117 Costs of services; sub-recipient program income.

94.118 Project match requirements.

Sub-Recipient Allowable/Unallowable Costs

94.119 Allowable direct service costs.

94.120 Allowable costs for activities supporting direct services.

94.121 Allowable sub-recipient administrative costs.

94.122 Expressly unallowable sub-recipient costs.

Subpart B—VOCA Victim Assistance Program

General Provisions

§ 94.101 Purpose and scope; future guidance; construction and severability; compliance date.

(a) Purpose and scope. This subpart implements the provisions of VOCA, at 42 U.S.C. 10603, which, as of July 8, 2016, authorize the Director to make an annual grant to the chief executive of each State for the financial support of
eligible crime victim assistance programs. VOCA sets out the statutory requirements governing these grants, and this subpart should be read in conjunction with it. Grants under this program also are subject to the government-wide grant rules in 2 CFR part 200, as implemented by the Department of Justice at 2 CFR part 2800, and the DOJ Grants Financial Guide.

(b) Future guidance. The Director may, pursuant to 42 U.S.C. 10604(a), prescribe guidance for grant recipients and sub-recipients under this program on the application of this subpart.

(c) Construction and severability. Any provision of this subpart held to be invalid or unenforceable by its terms, or as applied to any person or circumstance, shall be construed so as to give it the maximum effect permitted by law, unless such holding shall be one of utter invalidity or unenforceability, in which event such provision shall be deemed severable from this part and shall not affect the remainder thereof or the application of such provision to other persons not similarly situated or to other, dissimilar circumstances.

(d) Compliance date. This subpart applies to all grants under this program made by OVC after August 8, 2016, except for funds that the SAA obligated before August 8, 2016 (i.e. pre-award funds under grants made in 2016). SAAs may permit the use of funds that are unobligated as of August 8, 2016 for activities permitted by this subpart, but not by the Guidelines.

§ 94.102 Definitions.

As used in this subpart:

Crime victim or victim of crime means a person who has suffered physical, sexual, financial, or emotional harm as a result of the commission of a crime.

Director means the Director of OVC.

Direct services or services to victims of crime means those services described in 42 U.S.C. 10603(d)(2), and efforts that—

(1) Respond to the emotional, psychological, or physical needs of crime victims;

(2) Assist victims to stabilize their lives after victimization;

(3) Assist victims to understand and participate in the criminal justice system; or

(4) Restore a measure of security and safety for the victim.

OVC means the Office for Victims of Crime, within the United States Department of Justice’s Office of Justice Programs.

Project means the direct services project funded by a grant under this program, unless context indicates otherwise.

Spousal abuse includes domestic and intimate partner violence.

State Administering Agency or SAA is the governmental unit designated by the chief executive of a State to administer grant funds under this program.

Sub-recipient means an entity that is eligible to receive grant funds under this program from a State under this subpart.

Victim of child abuse means a victim of crime, where such crime involved an act or omission considered to be child abuse under the law of the relevant SAA jurisdiction. In addition, for purposes of this program, victims of child abuse may include, but are not limited to, child victims of: Physical, sexual, or emotional abuse; child pornography-related offenses; neglect; commercial sexual exploitation; bullying; and/or exposure to violence.

Victim of federal crime means a victim of an offense in violation of a federal criminal statute or regulation, including, but not limited to, offenses that occur in an area where the federal government has jurisdiction, whether in the United States or abroad, such as Indian reservations, national parks, federal buildings, and military installations.


VOCA funds or VOCA funding means grant funds (or grant funding) under this program.

VOCA grant means the annual grant from OVC to a State under this program.

SAA Program Requirements

§ 94.103 General.

(a) Direct services. SAAs may use VOCA funds to provide direct services through sub-recipients or in their own projects, and to cover administrative and training costs of the SAA. SAAs have sole discretion to determine which organizations will receive funds, and in what amounts, subject to the minimum requirements set forth in VOCA and this subpart. SAAs must ensure that projects provide services to victims of federal crimes on the same basis as to victims of crimes under State or local law. SAAs may fund direct services regardless of a victim’s participation in the criminal justice process. Victim eligibility under this program for direct services is not dependent on the victim’s immigration status.

(b) SAA eligibility certification. Each SAA must certify that it will meet the criteria set forth in VOCA, at 42 U.S.C. 10603(b)(2), and in this subpart. This certification shall be submitted by the chief executive of the State (or a designee) annually in such form and manner as OVC specifies from time to time. As of July 8, 2016, VOCA requires the chief executive to certify that—

(1) Priority will be given to programs providing assistance to victims of sexual assault, spousal abuse, or child abuse;

(2) Funds will be made available to programs serving underserved victims;

(3) VOCA funds awarded to the State, and by the State to eligible crime victim assistance programs, will not be used to supplant State and local government funds otherwise available for crime victim assistance.

(c) Pass-through administration. SAAs have broad latitude in structuring their administration of VOCA funding. VOCA funding may be administered by the SAA itself, or by other means, including the use of pass-through entities (such as coalitions of victim service providers) to make determinations regarding award distribution and to administer funding. SAAs that opt to use a pass-through entity shall ensure that the total sum of VOCA funding for administrative and training costs for the SAA and pass-through entity is within the VOCA limit, the reporting of activities at the direct-service level is equivalent to what would be provided if the SAA were directly overseeing sub-awards, and an effective system of monitoring sub-awards is used. SAAs shall report on the pass-through entity in such form and manner as OVC may specify from time to time.

(d) Strategic planning. SAAs are encouraged to develop a funding strategy, which should consider the following: The range of direct services throughout the State and within communities; the sustainability of such services; the unmet needs of crime victims; the demographic profile of crime victims; the coordinated, cooperative response of community organizations in organizing direct services; the availability of direct services throughout the criminal justice process, as well as to victims who are not participating in criminal justice proceedings; and the extent to which other sources of funding are available for direct services.

(e) Coordination. SAAs are encouraged to coordinate their activities with their jurisdiction’s VOCA compensation programs, STOP Violence Against Women Formula Grant Program administrator, victim assistance coalitions, federal agencies, and other relevant organizations.

(f) Compliance with other rules and requirements. SAAs shall comply (and ensure sub-recipient compliance) with all applicable provisions of VOCA, this subpart, and any guidance issued by
OVCA, as well as all applicable provisions of the DOJ Grants Financial Guide and government-wide grant rules.

(g) Access to records. SAAs shall, upon request, and consistent with 2 CFR 200.336, permit OVC access to all records related to the use of VOCA funding.

§ 94.104 Allocation of sub-awards.

(a) Directed allocation of forty percent overall. Except as provided in paragraph (d) of this section, each SAA shall allocate each year’s VOCA grant as specified below in paragraphs (b) and (c) of this section. Where victims of priority category crimes are determined to be underserved as well, an SAA may count funds allocated to projects serving such victims in either the priority category or the underserved category, but not both.

(b) Priority categories of crime victims (thirty percent total). SAAs shall allocate a minimum of ten percent of each year’s VOCA grant to each of the three priority categories of victims specified in the certification requirement in VOCA, at 42 U.S.C. 10603(a)(2)(A), which, as of July 8, 2016, includes victims of—

(1) Sexual assault,
(2) Spousal abuse and
(3) Child abuse.

(c) Previously underserved category (ten percent total). SAAs shall allocate a minimum of ten percent of each year’s VOCA grant to underserved victims of violent crime, as specified in VOCA, at 42 U.S.C. 10603(a)(2)(B). To meet this requirement, SAAs shall identify which type of crime victim a service project assists by the type of crime they have experienced or the demographic characteristics of the crime victim, or both.

(d) Exceptions to required allocations. The Director may approve an allocation different from that specified in paragraphs (b) and (c) of this section, pursuant to a written request from the SAA that demonstrates (to the satisfaction of the Director) that there is good cause therefor.

(e) Sub-award process: Documentation, conflicts of interest, and competition of funding to sub-recipients. (1) SAAs have sole discretion to determine which organizations will receive funds, and in what amounts, subject to the requirements of VOCA, this subpart, and the provisions in the DOJ Grants Financial Guide relating to conflicts of interest. SAAs must maintain a documented methodology for selecting all competitive and non-competitive sub-recipients.

(2) SAAs are encouraged to award funds through a competitive process, when feasible. Typically, such a process entails an open solicitation of applications and a documented determination, based on objective criteria set in advance by the SAA (or pass-through entity, as applicable).

(f) Direct-service projects run by SAAs. An SAA may use no more than ten percent of its annual VOCA grant to fund its own direct service projects, unless the Director grants a waiver.

§ 94.105 Reporting requirements.

(a) Subgrant award reports. SAAs shall submit, at such times and in such form and manner as OVC may specify from time to time, subgrant award reports to OVC for each project that receives VOCA funds. If an SAA awards funds to a pass-through entity, the SAA shall—

(1) Submit the certification required in paragraph (d) of this section. Where victims of priority category crimes are determined to be underserved as well, an SAA may count funds allocated to projects serving such victims in either the priority category or the underserved category, but not both.

(2) Performance report. SAAs shall submit, in such form and manner as OVC may specify from time to time, performance reports to OVC on a quarterly basis.

(b) Obligation to report fraud, waste, abuse, and similar misconduct. SAAs shall—

(1) Promptly notify OVC of any formal allegation or finding of fraud, waste, abuse, or similar misconduct involving VOCA funds;

(2) Promptly refer any credible evidence of such misconduct to the Department of Justice Office of the Inspector General; and

(3) Apprise OVC, in timely fashion, of the status of any on-going investigations.

§ 94.106 Monitoring requirements.

(a) Monitoring plan. Unless the Director grants a waiver, SAAs shall develop and implement a monitoring plan in accordance with the requirements of this section and 2 CFR 200.331. The monitoring plan must include a risk assessment plan.

(b) Monitoring frequency. SAAs shall conduct regular desk monitoring of all sub-recipients. In addition, SAAs shall conduct on-site monitoring of all sub-recipients at least once every two years during the award period, unless a different frequency based on risk assessment is set out in the monitoring plan.

(c) Recordkeeping. SAAs shall maintain a copy of site visit results and other documents related to compliance.

§ 94.107 Administration and training.

(a) Amount. No SAA may use more than the amount prescribed by VOCA, at 42 U.S.C. 10603(b)(3), for training and administration. As of July 8, 2016, the amount is five percent of a State’s annual VOCA grant.

(b) Notification. An SAA shall notify OVC of its decision to use VOCA funds for training or administration, either at the time of application for the VOCA grant or within thirty days of such decision. Such notification shall indicate what portion of the amount will be allocated for training and what portion for administration. If VOCA funding will be used for administration, the SAA shall follow the rules and submit the certification required in § 94.108 regarding supplantation.

(c) Availability. SAAs shall ensure that each training and administrative activity funded by the VOCA grant occurs within the award period.

(d) Documentation. SAAs shall maintain sufficient records to substantiate the expenditure of VOCA funds for training or administration.

(e) Volunteer training. SAAs may allow sub-recipients to use VOCA funds to train volunteers in how to provide direct services when such services will be provided primarily by volunteers. Such use of VOCA funds will not count against the limit described in paragraph (a) of this section.

§ 94.108 Prohibited supplantation of funding for administrative costs.

(a) Non-supplantation requirement. SAAs may not use VOCA funding to supplant State administrative support for the State crime victim assistance program. Consistent with the DOJ Grants Financial Guide, such supplantation is the deliberate reduction of State funds because of the availability of VOCA funds. Where a State decreases its administrative support for the State crime victim assistance program, the SAA must submit, upon request from OVC, an explanation for the decrease.

(b) Baseline for administrative costs. In each year in which an SAA uses VOCA funds for administration, it shall—

(1) Establish and document a baseline level of non-VOCA funding required to administer the State victim assistance program, based on SAA expenditures for administrative costs during that fiscal year and the previous fiscal year, prior to expending VOCA funds for administration; and

(2) Submit the certification required by 42 U.S.C. 10604(h), which, as of July 8, 2016, requires an SAA to certify here that VOCA funds will not be used to supplant State funds, but will be used to increase the amount of such funds that would, in the absence of VOCA.
§ 94.109 Allowable administrative costs.

(a) Funds for administration may be used only for costs directly associated with administering a State’s victim assistance program. Where allowable administrative costs are allocable to both the crime victim assistance program and another State program, the VOCA grant may be charged no more than its proportionate share of such costs. SAAs may charge a federal-approved indirect cost rate to the VOCA grant, provided that the total amount charged does not exceed the amount prescribed by VOCA for training and administration.

(b) Costs directly associated with administering a State victim assistance program generally include the following:

1. Salaries and benefits of SAA staff and consultants to administer and manage the program;
2. Training of SAA staff, including, but not limited to, travel, registration fees, and other expenses associated with SAA staff attendance at technical assistance meetings and conferences relevant to the program;
3. Monitoring compliance of VOCA sub-recipients with federal and State requirements, support for victims’ rights compliance programs, provision of technical assistance, and evaluation and assessment of program activities, including, but not limited to, travel, mileage, and other associated expenses;
4. Reporting and related activities necessary to meet federal and State requirements;
5. Program evaluation, including, but not limited to, surveys or studies that measure the effect or outcome of victim services;
6. Program audit costs and related activities necessary to meet federal audit requirements for the VOCA grant;
7. Technology-related costs, generally including for grant management systems, electronic communications systems and platforms (e.g., Web pages and social media), geographic information systems, victim notification systems, and other automated systems, related equipment (e.g., computers, software, fax and copying machines, and TTY/TDDs) and related technology support services necessary for administration of the program;
8. Memberships in crime victims’ organizations and organizations that support the management and administration of victim assistance programs, and publications and materials such as curricula, literature,

and protocols relevant to the management and administration of the program;
9. Strategic planning, including, but not limited to, the development of strategic plans, both service and financial, including conducting surveys and needs assessments;
10. Coordination and collaboration efforts among relevant federal, State, and local agencies and organizations to improve victim services;
11. Publications, including, but not limited to, developing, purchasing, printing, distributing training materials, victim services directories, brochures, and other relevant publications; and
12. General program improvements—Enhancing overall SAA operations relating to the program and improving the delivery and quality of program services to crime victims throughout the State.

§ 94.110 Allowable training costs.

VOCA funds may be used only for training activities that occur within the award period, and all funds for training must be obligated prior to the end of such period. Allowable training costs generally include, but are not limited to, the following:

1. Statewide/regional training of personnel providing direct assistance and allied professionals, including VOCA funded and non-VOCA funded personnel, as well as managers and Board members of victim service agencies; and
2. Training academies for victim assistance.

Sub-Recipient Program Requirements

§ 94.111 Eligible crime victim assistance programs.

SAAs may award VOCA funds only to crime victim assistance programs that meet the requirements of VOCA, at 42 U.S.C. 10603(b)(1), and this subpart. Each such program shall abide by any additional criteria or reporting requirements established by the SAA.

§ 94.112 Types of eligible organizations and organizational capacity.

(a) Eligible programs. Eligible programs are not limited to entities whose sole purpose is to provide direct services. There are special considerations for certain types of entities, as described below:

1. Faith-based and neighborhood programs. SAAs may award VOCA funds to otherwise eligible faith-based and neighborhood programs, but in making such awards, SAAs shall ensure that such programs comply with all applicable federal law, including, but not limited to, part 38 of this chapter.

2. Crime victim compensation programs. SAAs may provide VOCA victim assistance funding to compensation programs only for the purpose of providing direct services that extend beyond the essential duties of the staff administering the compensation program, which services may include, but are not limited to, crisis intervention; counseling; and providing information, referrals, and follow-up for crime victims.

3. Victim service organizations located in an adjacent State. SAAs may award VOCA funds to otherwise eligible programs that are physically located in an adjacent State, but in making such awards, the SAA shall provide notice of such award to the SAA of the adjacent State, and coordinate, as appropriate, to ensure effective provision of services, monitoring, auditing of federal funds, and compliance, and reporting.

4. Direct service programs run by the SAA. SAAs may fund their own direct services programs, but, under § 94.104(f), may allocate no more than ten percent of the VOCA grant to such programs, and each such program shall adhere to the allowable/unallowable cost rules for sub-recipient projects set out in this subpart at §§ 94.119 through 94.122.

(b) Organizational capacity of the program. For purposes of VOCA, at 42 U.S.C. 10603(b)(1)(B), the following shall apply:

1. Record of effective services to victims of crime and support from sources other than the Crime Victims Fund. A program has demonstrated a record of effective direct services and support from sources other than the Crime Victims Fund when, for example, it demonstrates the support and approval of its direct services by the community, its history of providing direct services in a cost-effective manner, and the breadth or depth of its financial support from sources other than the Crime Victims Fund.

2. Substantial financial support from sources other than the Crime Victims Fund. A program has substantial financial support from sources other than the Crime Victims Fund when at least twenty-five percent of the program’s funding in the year of, or the year preceding the award comes from such sources, which may include other federal funding programs. If the funding is non-federal (or meets the DOJ Grants Financial Guide exceptions for using federal funding for match), then a program may count the used funding to demonstrate non-VOCA substantial financial support toward its project match requirement.
§ 94.113 Use of volunteers, community efforts, compensation assistance.

(a) Mandated use of volunteers; waiver. Programs shall use volunteers, to the extent required by the SAA, in order to be eligible for VOCA funds. The chief executive of the State, who may act through the SAA, may waive this requirement, provided that the program submits written documentation of its efforts to recruit and maintain volunteers, or otherwise demonstrate why circumstances prohibit the use of volunteers, to the satisfaction of the chief executive.

(b) Waiver of use of volunteers. SAAs shall maintain documentation supporting any waiver granted under VOCA, at 42 U.S.C. 10603(b)(1)(C), relating to the use of volunteers by programs.

(c) Promotion of community efforts to aid crime victims. Community served coordinated public and private efforts to aid crime victims may include, but are not limited to, serving on federal, State, local, or tribal work groups to oversee and recommend improvements to community responses to crime victims, and developing written agreements and protocols for such responses.

(d) Assistance to victims in applying for compensation. Assistance to potential recipients of crime victim compensation benefits (including potential recipients who are victims of federal crime) in applying for such benefits may include, but are not limited to, referring such potential recipients to an organization that can so assist, identifying crime victims and advising them of the availability of such benefits, assisting such potential recipients with application forms and procedures, obtaining necessary documentation, monitoring claim status, and intervening on behalf of such potential recipients with the crime victims’ compensation program.

§ 94.114 Prohibited discrimination.

(a) The VOCA non-discrimination provisions specified at 42 U.S.C. 10604(e) shall be implemented in accordance with 28 CFR part 42. (b) In complying with VOCA, at 42 U.S.C. 10604(e), as implemented by 28 CFR part 42, SAAs and sub-recipients shall comply with such guidance as may be issued from time to time by the Office for Civil Rights within the Office of Justice Programs.

§ 94.115 Non-disclosure of confidential or private information.

(a) Confidentiality. SAAs and sub-recipients of VOCA funds shall, to the extent permitted by law, reasonably protect the confidentiality and privacy of persons receiving services under this program and shall not disclose, reveal, or release, except pursuant to paragraphs (b) and (c) of this section—

(1) Any personally identifying information or individual information collected in connection with VOCA-funded services requested, utilized, or denied, regardless of whether such information has been encoded, encrypted, hashed, or otherwise protected; or

(2) Individual client information, without the informed, written, reasonably time-limited consent of the person about whom information is sought, except that consent for release may not be given by the abuser of a minor, incapacitated person, or the abuser of the other parent of the minor. If a minor or a person with a legally appointed guardian is permitted by law to receive services without a parent’s (or the guardian’s) consent, the minor or person with a guardian may consent to release of information without additional consent from the parent or guardian.

(b) Release. If release of information described in paragraph (a)(2) of this section is compelled by statutory or court mandate, SAAs or sub-recipients of VOCA funds shall make reasonable attempts to provide notice to victims affected by the disclosure of the information, and take reasonable steps necessary to protect the privacy and safety of the persons affected by the release of the information.

(c) Information sharing. SAAs and sub-recipients may share—

(1) Non-personally identifying data in the aggregate regarding services to their clients and non-personally identifying demographic information in order to comply with reporting, evaluation, or data collection requirements;

(2) Court-generated information and law-enforcement-generated information contained in secure governmental registries for protection order enforcement purposes; and

(3) Law enforcement- and prosecution-generated information necessary for law enforcement and prosecution purposes.

(d) Personally identifying information. In no circumstances may—

(1) A crime victim be required to provide a consent to release personally identifying information as a condition of eligibility for VOCA-funded services;

(2) Any personally identifying information be shared in order to comply with reporting, evaluation, or data-collection requirements of any program;

(e) Mandatory reporting. Nothing in this section prohibits compliance with legally mandated reporting of abuse or neglect.

Sub-Recipient Project Requirements

§ 94.116 Purpose of VOCA-funded projects.

VOCA funds shall be available to sub-recipients only to provide direct services and supporting and administrative activities as set out in this subpart. SAAs shall ensure that VOCA sub-recipients obligate and expend funds in accordance with VOCA and this subpart. Sub-recipients must provide services to victims of federal crimes on the same basis as to victims of crimes under State or local law. Sub-recipients may provide direct services regardless of a victim’s participation in the criminal justice process. Victim eligibility under this program for direct services is not dependent on the victim’s immigration status.

§ 94.117 Cost of services; sub-recipient program income.

(a) Cost of services. Sub-recipients shall provide VOCA-funded direct services at no charge, unless the SAA grants a waiver allowing the sub-recipient to generate program income by charging for services. Program income, where allowed, shall be subject to federal grant rules and the requirements of the DOJ Grants Financial Guide, which, as of July 8, 2016, require in most cases that any program income be restricted to the same uses as the sub-award funds and expended during the grant period in which it is generated.

(b) Considerations for waiver. In determining whether to grant a waiver under this section, the SAA should consider whether charging victims for services is consistent with the project’s victim assistance objectives and whether the sub-recipient is capable of effectively tracking program income in accordance with financial accounting requirements.

§ 94.118 Project match requirements.

(a) Project match amount. Sub-recipients shall contribute (i.e., match) not less than twenty percent (cash or in-kind) of the total cost of each project, except as provided in paragraph (b) of this section.

(b) Exceptions to project match requirement. The following are not subject to the requirement set forth in paragraph (a) of this section:

(1) Sub-recipients that are federally-recognized American Indian or Alaska Native tribes, or projects that operate on tribal lands;

(2) Sub-recipients that are territories or possessions of the United States (except for the Commonwealth of Puerto Rico).
Sub-Recipients other than those described in paragraphs (b)(1) and (2) of this section, that have applied (through their SAAs) for, and been granted, a full or partial waiver from the Director. Waiver requests must be supported by the SAA and justified in writing. Waivers are entirely at the Director’s discretion, but the Director typically considers factors such as local resources, annual budget changes, past ability to provide match, and whether the funding is for new or additional activities requiring additional match versus continuing activities where match is already provided.

(c) Sources of project match.

Contributions under paragraph (a) of this section shall be derived from non-federal sources, except as may be provided in the DOJ Grants Financial Guide, and may include, but are not limited to, the following:

(1) Cash; i.e., the value of direct funding for the project;

(2) Volunteered professional or personal services, the value placed on which shall be consistent with the rate of compensation (which may include fringe benefits) paid for similar work in the program, but if the similar work is not performed in the program, the rate of compensation shall be consistent with the rate found in the labor market in which the program competes;

(3) Materials/Equipment, but the value placed on lent or donated equipment shall not exceed its fair market value;

(4) Space and facilities, the value placed on which shall not exceed the fair rental value of comparable space and facilities as established by an independent appraisal of comparable space and facilities in a privately-owned building in the same locality; and

(5) Non-VOCA funded victim assistance activities, including but not limited to, performing direct service, coordinating, or supervising those services, training victim assistance providers, or advocating for victims.

Discounts. Any reduction or discount provided to the sub-recipient shall be valued as the difference between what the sub-recipient paid and what the provider’s nominal or fair market value is for the good or service.

(e) Use of project match.

Contributions under paragraph (a) of this section are restricted to the same uses, and timing deadlines for obligation and expenditure, as the project’s VOCA funding.

(f) Recordkeeping for project match.

Each sub-recipient shall maintain records that clearly show the source and amount of the contributions under paragraph (a) of this section, and period of time for which such contributions were allocated. The basis for determining the value of personal services, materials, equipment, and space and facilities shall be documented. Volunteer services shall be substantiated by the same methods used by the sub-recipient for its paid employees (generally, this should include timesheets substantiating time worked on the project).

Sub-Recipient Allowable/Unallowable Costs

§94.119 Allowable direct service costs.

Direct services for which VOCA funds may be used include, but are not limited to, the following:

(a) Immediate emotional, psychological, and physical health and safety—Services that respond to immediate needs (other than medical care, except as allowed under paragraph (a)(9) of this section) of crime victims, including, but not limited to:

(1) Crisis intervention services;

(2) Accompanying victims to hospitals for medical examinations;

(3) Hotline counseling;

(4) Safety planning;

(5) Emergency food, shelter, clothing, and transportation;

(6) Short-term (up to 45 days) in-home care and supervision services for children and adults who remain in their own homes when the offender/caregiver is removed;

(7) Short-term (up to 45 days) nursing-home, adult foster care, or group-home placement for adults for whom no other safe, short-term residence is available;

(8) Window, door, or lock replacement or repair, and other repairs necessary to ensure a victim’s safety;

(9) Costs of the following, on an emergency basis (i.e., when the State’s compensation program, the victim’s (or in the case of a minor child, the victim’s parent’s or guardian’s) health insurance plan, Medicaid, or other health care funding source, is not reasonably expected to be available quickly enough to meet the emergency needs of a victim (typically within 48 hours of the crime):

—Non-prescription and prescription medicine, prophylactic or other treatment to prevent HIV/AIDS infection or other infectious disease, durable medical equipment (such as wheelchairs, crutches, hearing aids, eyeglasses), and other healthcare items are allowed; and

—Emergency legal assistance, such as for filing for restraining or protective orders, and obtaining emergency custody orders and visitation rights;

(b) Personal advocacy and emotional support—Personal advocacy and emotional support, including, but not limited to:

(1) Working with a victim to assess the impact of the crime;

(2) Identification of victim’s needs;

(3) Case management;

(4) Management of practical problems created by the victimization;

(5) Identification of resources available to the victim;

(6) Provision of information, referrals, advocacy, and follow-up contact for continued services, as needed; and

(7) Traditional, cultural, and/or alternative therapy/healing (e.g., art therapy, yoga);

(c) Mental health counseling and care—Mental health counseling and care, including, but not limited to, outpatient therapy/counseling (including, but not limited to, substance-abuse treatment so long as the treatment is directly related to the victimization) provided by a person who meets professional standards to provide these services in the jurisdiction in which the care is administered;

(d) Peer-support—Peer-support, including, but not limited to, activities that provide opportunities for victims to meet other victims, share experiences, and provide self-help, information, and emotional support;

(e) Facilitation of participation in criminal justice and other public proceedings arising from the crime—The provision of services and payment of costs that help victims participate in the criminal justice system and in other public proceedings arising from the crime (e.g., juvenile justice hearings, civil commitment proceedings), including, but not limited to:

(1) Advocacy on behalf of a victim;

(2) Accompanying a victim to offices and court;

(3) Transportation, meals, and lodging to allow a victim who is not a witness to participate in a proceeding;

(4) Interpreting for a non-witness victim who is deaf or hard of hearing, or with limited English proficiency;

(5) Providing child care and respite care to enable a victim who is a caregiver to attend activities related to the proceeding;

(6) Notification to victims regarding key proceeding dates (e.g., trial dates, case disposition, incarceration, and parole hearings);

(7) Assistance with Victim Impact Statements;

(8) Assistance in recovering property that was retained as evidence; and

(9) Assistance with restitution advocacy on behalf of crime victims.

(f) Legal assistance—Legal assistance services (including, but not limited to,
those provided on an emergency basis), where reasonable and where the need for such services arises as a direct result of the victimization. Such services include, but are not limited to:

1. Those (other than criminal defense) that help victims assert their rights as victims in a criminal proceeding directly related to the victimization, or otherwise protect their safety, privacy, or other interests as victims in such a proceeding;
2. Motions to vacate or expunge a conviction, or similar actions, where the jurisdiction permits such a legal action based on a person’s being a crime victim; and
3. Those actions (other than tort actions) that, in the civil context, are reasonably necessary as a direct result of the victimization;

(g) Forensic medical evidence collection examinations—Forensic medical evidence collection examinations for victims to the extent that other funding sources such as State appropriations are insufficient. Forensic medical evidence collection examiners are encouraged to follow relevant guidelines or protocols issued by the State or local jurisdiction. Sub-recipients are encouraged to provide appropriate crisis counseling and/or treatment, and mental health services; such coordinators; support of training volunteers on how to conduct forensic interviews appropriate to the developmental age and abilities of children, or the developmental, cognitive, and physical or communication disabilities presented by adults.

(i) Transportation—Transportation of victims to receive services and to participate in criminal justice proceedings;

(l) Public awareness—Public awareness and education presentations (including, but not limited to, the development of presentation materials, brochures, newspaper notices, and public service announcements) in schools, community centers, and other public forums that are designed to inform crime victims of specific rights and services and provide them with (or refer them to) services and assistance.

(k) Transitional housing—Subject to any restrictions on amount, length of time, and eligible crimes, set by the SAA, transitional housing for victims (generally, those who have a particular need for such housing, and who cannot safely return to their previous housing, due to the circumstances of their victimization), including, but not limited to, travel, rental assistance, security deposits, utilities, and other costs incidental to the relocation to such housing, as well as voluntary support services such as childcare and counseling; and

(l) Relocation—Subject to any restrictions on amount, length of time, and eligible crimes, set by the SAA, relocation of victims (generally, where necessary for the safety and well-being of a victim), including, but not limited to, reasonable moving expenses, security deposits on housing, rental expenses, and utility startup costs.

§ 94.120 Allowable costs for activities supporting direct services.

Supporting activities for which VOCA funds may be used include, but are not limited to, the following:

(a) Coordination of activities—Coordination activities that facilitate the provision of direct services, include, but are not limited to, State-wide coordination of victim notification systems, crisis response teams, multi-disciplinary teams, coalitions to support and assist victims, and other such programs, and salaries and expenses of such coordinators;

(b) Supervision of direct service providers—Payment of salaries and expenses of supervisory staff in a project, when the SAA determines that such staff are necessary and effectively facilitate the provision of direct services;

(c) Multi-system, interagency, multi-disciplinary response to crime victim needs—Activities that support a coordinated and comprehensive response to crime victims needs by direct service providers, including, but not limited to, payment of salaries and expenses of direct service staff serving on child and adult abuse multi-disciplinary investigation and treatment teams, coordination with federal agencies to provide services to victims of federal crimes and/or participation on Statewide or other task forces, work groups, and committees to develop protocols, interagency, and other working agreements;

(d) Contracts for professional services—Contracting for specialized professional services (e.g., psychological/psychiatric consultation, legal services, interpreters), at a rate not to exceed a reasonable market rate, that are not available within the organization;

(e) Automated systems and technology—Subject to the provisions of the DOJ Grants Financial Guide and government-wide grant rules relating to acquisition, use and disposition of property purchased with federal funds, procuring automated systems and technology that support delivery of direct services to victims (e.g., automated information and referral systems, email systems that allow communications among victim service providers, automated case-tracking and management systems, smartphones, computer equipment, and victim notification systems), including, but not limited to, procurement of personnel, hardware, and other items, as determined by the SAA after considering—

1. Whether such procurement will enhance direct services;

2. How any acquisition will be integrated into and/or enhance the program’s current system;

3. The cost of installation;

4. The cost of training staff to use the automated systems and technology;

5. The ongoing operational costs, such as maintenance agreements, supplies; and

6. How additional costs relating to any acquisition will be supported;

(f) Volunteer trainings—Activities in support of training volunteers on how to provide direct services when such services will be provided primarily by volunteers; and

(g) Restorative justice—Activities in support of opportunities for crime victims to meet with perpetrators, including, but not limited to, tribal community-led meetings and peacekeeping activities, if such meetings are requested or voluntarily agreed to by the victim (who may, at any point, withdraw) and have reasonably anticipated beneficial or therapeutic value to crime victims. SAAs that plan to fund this type of service should closely review the criteria for conducting these meetings, and are encouraged to discuss proposals with OVC prior to awarding VOCA funds for this type of activity. At a minimum, the following should be considered:

1. The safety and security of the victim;
(2) The cost versus the benefit or therapeutic value to the victim;
(3) The procedures for ensuring that participation of the victim and offenders are voluntary and that the nature of the meeting is clear;
(4) The provision of appropriate support and accompaniment for the victim;
(5) Appropriate debriefing opportunities for the victim after the meeting; and
(6) The credentials of the facilitators.

§ 94.121 Allowable sub-recipient administrative costs.

Administrative costs for which VOCA funds may be used by sub-recipients include, but are not limited to, the following:

(a) Personnel costs—Personnel costs that are directly related to providing direct services and supporting activities, such as staff and coordinator salaries expenses (including fringe benefits), and a prorated share of liability insurance;
(b) Skills training for staff—Training exclusively for developing the skills of direct service providers, including paid staff and volunteers (both VOCA-funded and not), so that they are better able to offer quality direct services, including, but not limited to, manuals, books, videoconferencing, electronic training resources, and other materials and resources relating to such training.
(c) Training-related travel—Training-related costs such as travel (in-State, regional, and national), meals, lodging, and registration fees for paid direct-service staff (both VOCA-funded and not);
(d) Organizational Expenses—Organizational expenses that are necessary and essential to providing direct services and other allowable victim services, including, but not limited to, the prorated costs of rent; utilities; local travel expenses for service providers; and required minor building adaptations necessary to meet the Department of Justice standards implementing the Americans with Disabilities Act and/or modifications that would improve the program’s ability to provide services to victims;
(e) Equipment and furniture—Expenses of procuring furniture and equipment that facilitate the delivery of direct services (e.g., mobile communication devices, telephones, braille and TTY/TDD equipment, computers and printers, beepers, video cameras and recorders for documenting and reviewing interviews with children, two-way mirrors, colposcopes, digital cameras, and equipment and furniture for shelters, work spaces, victim waiting rooms, and children’s play areas), except that the VOCA grant may be charged only the prorated share of an item that is not used exclusively for victim-related activities;
(f) Operating costs—Operating costs include but are not limited to—
(1) Supplies;
(2) Equipment use fees;
(3) Property insurance;
(4) Printing, photocopying, and postage;
(5) Courier service;
(6) Brochures that describe available services;
(7) Books and other victim-related materials;
(8) Computer backup files/tapes and storage;
(9) Security systems;
(10) Design and maintenance of Web sites and social media; and
(11) Essential communication services, such as web hosts and mobile device services.
(g) VOCA administrative time—Costs of administrative time spent performing the following:
(1) Completing VOCA-required time and attendance sheets and programmatic documentation, reports, and statistics;
(2) Collecting and maintaining crime victims’ records;
(3) Conducting victim satisfaction surveys and needs assessments to improve victim services delivery in the project; and
(4) Funding the prorated share of audit costs.
(h) Leasing or purchasing vehicles—Costs of leasing or purchasing vehicles, as determined by the SAA after considering, at a minimum, if the vehicle is essential to the provision of direct services;
(i) Maintenance, repair, or replacement of essential items—Costs of maintenance, repair, and replacement of items that contribute to maintenance of a healthy or safe environment for crime victims (such as a furnace in a shelter; and routine maintenance, repair costs, and automobile insurance for leased vehicles), as determined by the SAA after considering, at a minimum, if other sources of funding are available; and
(j) Project evaluation—Costs of evaluations of specific projects (in order to determine their effectiveness), within the limits set by SAAs.

§ 94.122 Expressly unallowable sub-recipient costs.

Notwithstanding any other provision of this subpart, no VOCA funds may be used to fund or support the following:

(a) Lobbying—Lobbying or advocacy activities with respect to legislation or to administrative changes to regulations or administrative policy (cf. 18 U.S.C. 1913), whether conducted directly or indirectly;
(b) Research and studies—Research and studies, except for project evaluation under § 94.121(j);
(c) Active investigation and prosecution of criminal activities—The active investigation and prosecution of criminal activity, except for the provision of victim assistance services (e.g., emotional support, advocacy, and legal services) to crime victims, under § 94.119, during such investigation and prosecution;
(d) Fundraising—Any activities related to fundraising, except for fee-based, or similar, program income authorized by the SAA under this subpart.
(e) Capital expenses—Capital improvements; property losses and expenses; real estate purchases; mortgage payments; and construction (except as specifically allowed elsewhere in this subpart).
(f) Compensation for victims of crime—Reimbursement of crime victims for expenses incurred as a result of a crime, except as otherwise allowed by other provisions of this subpart;
(g) Medical care—Medical care, except as otherwise allowed by other provisions of this subpart; and
(h) Salaries and expenses of management—Salaries, benefits, fees, furniture, equipment, and other expenses of executive directors, board members, and other administrators (except as specifically allowed elsewhere in this subpart).

Dated: June 30, 2016.

Karlo V. Mason,
Assistant Attorney General, Office of Justice Programs.

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DEPARTMENT OF THE INTERIOR
Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 723, 724, 845, and 846
RIN 1029–AC72

[Docket ID: OSM–2016–0008; S1D1S SS08011000 SX066A0067F 167S180110; S2D2D SS08011000 SX066A00 33F 16XS501520]

Civil Penalties Inflation Adjustments

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Interim final rule.

SUMMARY: Pursuant to the Federal Civil Penalties Inflation Adjustment Act