

## 2019 – S.T.O.P. Violence Against Women Act (VAWA) Special Conditions

The following program specific requirements are imposed by the Federal sponsoring agency concerning special requirements of law, program requirements, and other administrative requirements. These requirements apply to this Agreement and must be passed on to subgrant award recipients.

### **A. Crime Victims Services (CVS) Requirements:**

1. **Future funding:** The capacity for CVS grant funds to provide future dollars for projects is undetermined at this time.
2. Grantee Agency shall notify the Division of Criminal Justice (DCJ) if the agency has obtained funding for a specific (CVS) funded position that totals more than 100% of the cost for that position. The agency must resolve the allocation of funds to the satisfaction of DCJ.
3. Grantee agency must notify DCJ immediately in writing, in the method determined by DCJ of:
  - any CVS grant funded personnel changes;
  - any CVS grant funded position that is vacant more than 45 days;
  - any change of an Official and/or employee who is listed as a responsible party on this CVS grant funded project.
4. **State Confidentiality of Victims Information:** The Grantee certifies that the signing authorities, all staff and volunteers assigned to the project have read and understand, state laws and applicable rules of professional conduct related to issues of confidentiality and privilege, particularly with respect to releasing identifying information about victims of crime, including, but not limited to, those found in C.R.S. 13-90-107.
5. **Colorado Victim Rights Act (Applies to Government Agencies only):** The Grantee Agency assures that Grant signatories, all staff and volunteers assigned to the funded project have read and understand the rights afforded to crime victims pursuant to 24-4.1-302.5 C.R.S., and the services delineated pursuant to 24-4.1-303 and 24-4.1-304 C.R.S. commonly known as the Victim Rights Act, and enabling legislation.

### **B. VAWA Programmatic Requirements**

1. Confidentiality (90.4(b))
  - a. Grantee shall not disclose personally identifying information or individual information collected in connection with services requested, utilized, or denied through grantees' programs, regardless of whether the information has been encoded, encrypted, hashed, or otherwise protected
  - b. Grantee may release information if there is a statutory or court mandate or victim signs a release.

- c. VAWA confidentiality provision applies to disclosures from victim services divisions/components of larger organizations to non-victim services divisions/components or organizational leadership.
- d. Grantee are responsible for taking reasonable efforts to prevent inadvertent release
- e. Grantee must document compliance with confidentiality requirements
- f. Release of Information:
  - i. Structure:
    - 1) Written, informed, time-limited
    - 2) Must specify scope and limited circumstances of disclosure (no blanket releases)
    - 3) Discuss with victim why information might be shared, who would have access, and what information could be shared (record in release)
    - 4) Specify duration - reasonableness depends on situation
    - 5) Consent to release may not be requirement for services
  - ii. Appropriate Signers:
    - 1) Victim
    - 2) Unemancipated minor victim:
      - a. The minor and parent or guardian
      - b. Parent or guardian not needed if minor allowed to receive services without additional consent
      - c. Abuser of minor or of other parent cannot consent
      - d. If minor is incapable of knowingly consenting, then parent or guardian (notify minor as appropriate)
    - 3) Legally incapacitated victim:
      - a. Legally-appointed guardian
- g. DV Fatality Reviews:
  - i. May share information about deceased victims with fatality review if:
    - 1) Underlying objectives: prevent future deaths, enhance safety, and increase offender accountability
    - 2) Fatality review includes policies and protocols to prevent further release
    - 3) Grantee makes reasonable effort to get release from victim's personal representative and any surviving minor children
    - 4) Information released is limited to that necessary for fatality review

### **C. VAWA Award Conditions:**

#### **1. Compliance with certifications**

The recipient acknowledges that it has a continuing obligation to remain in compliance with the applicable certification requirements of 34 U.S.C. § 10461(c).

#### **2. Performance progress reports and final report submission**

The grantee agrees to provide DCJ with specific information made under this award. The grantee agrees to submit a quarterly narrative report that includes: a) an assessment of whether stated goals and objectives were achieved; b) information on the effectiveness of activities carried out with grant funds, including the number of persons served and the number of persons seeking services who could not be served; and c) such other information as DCJ may prescribe. Grantees are required to submit this report after the end of each quarter. Grantees must use the designated forms and/or systems made available by DCJ for performance reporting, which identify the information that grantees and subgrantees must collect and report as a condition of receiving funding under this award.

#### **3. Grantee program income**

The grantee understands and agrees that it has responsibility to report program income earned. Program income, as defined by 2 C.F.R. 200.80, means gross income earned by a non-federal entity that is directly generated by a supported activity or earned as a result of the federal award during the period of performance. Without prior approval, program income must be deducted from total allowable costs to determine the net allowable costs. In order to add program income to the award, grantees must seek approval from DCJ prior to generating any program income. Any program income added to the award must be used to support activities that were approved in the budget and follow the conditions of the grant agreement. Any program income approved by DCJ must be reported by the subgrantee to DCJ. If the program income amount changes (increases or decreases) during the project period, DCJ must provide approval by the end of the project period. Failure to comply with these requirements may result in audit findings.

#### **4. Subgrantee product monitoring**

The grantee agrees to monitor subgrantees to ensure that materials and products (written, visual, or sound) developed with OVW formula grant program funding fall within the scope of the grant program and do not compromise victim safety.

#### **5. Publication disclaimer**

The grantee agrees that all materials and publications (written, web-based, audio-visual, or any other format) resulting from award activities shall contain the following statement: "This project was supported by Grant No. \_\_\_\_\_ awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication/program/exhibition are those of the author(s) and do not necessarily reflect the views of the U.S. Department of Justice." The grantee also agrees to ensure that any subgrantee at any tier will comply with this condition.

6. Publications disclaimer for STOP Formula grantees

The grantee agrees that all materials and publications (written, web-based, audio-visual, or any other format) resulting from subaward activities shall contain the following statement: "This project was supported by Subgrant No. \_\_\_\_\_ awarded by the state administering office for the Office on Violence Against Women, U.S. Department of Justice's STOP Formula Grant Program. The opinions, findings, conclusions, and recommendations expressed in this publication/program/exhibition are those of the author(s) and do not necessarily reflect the views of the state or the U.S. Department of Justice."

7. Copyrighted works

Pursuant to 2 C.F.R. 200.315(b), the grantee may copyright any work that is subject to copyright and was developed, or for which ownership was acquired, under this award. DCJ and OVW reserves a royalty-free, nonexclusive, and irrevocable right to reproduce, publish, or otherwise use the work, in whole or in part (including in the creation of derivative works), for federal purposes, and to authorize others to do so.

DCJ and OVW also reserves a royalty-free, nonexclusive, and irrevocable right to reproduce, publish, or otherwise use, in whole or in part (including in the creation of derivative works), any work developed by a grantee ("subgrantee") of this award, for federal purposes, and to authorize others to do so.

In addition, the grantee (or subgrantee, contractor, or subcontractor of this award at any tier) must obtain advance written approval from DCJ, and must comply with all conditions specified by the program manager in connection with that approval, before: 1) using award funds to purchase ownership of, or a license to use, a copyrighted work; or 2) incorporating any copyrighted work, or portion thereof, into a new work developed under this award.

It is the responsibility of the grantee (and of each subgrantee, contractor, or subcontractor as applicable) to ensure that this condition is included in any subaward, contract, or subcontract under this award.

8. Prior approval for non-OVW sponsored technical assistance

The grantee agrees that funds allocated for OVW-sponsored technical assistance may not be used for any other purpose without prior approval by DCJ. To request approval, the grantee must submit to DCJ a copy of the event's brochure, a curriculum and/or agenda, a description of the hosts or trainers, and an estimated breakdown of costs. The request must be submitted to DCJ at least 30 days prior to registering for the event. Requests to attend non-OVW sponsored events will be considered on a case-by-case basis. This prior approval process also applies to requests for the use of OVW-designated technical assistance funds to pay a consultant or contractor not designated as an OVW technical assistance provider to develop and/or provide training and/or technical assistance.

9. Limitation on use of funds for direct legal representation

The grantee agrees not to use grant funds to provide legal representation in civil or criminal matters, such as family law cases (divorce, custody, visitation, and child support), housing cases, consumer law cases and others. Grant funds may be used to provide legal representation to victims of domestic violence, dating violence, sexual assault, or stalking only in the limited context of protection order proceedings (either temporary or long term

relief), or for limited immigration matters that may impact and affect the victim's ability to maintain safety (such as U visas).

10. The Improving Criminal Justice Responses to Sexual Assault, Domestic Violence, Dating Violence, and Stalking

Grant Program implements certain provisions of the Violence Against Women Act, which was enacted in September 1994 as Title IV of the Violent Crime Control and Law Enforcement Act of 1994, and reauthorized in the Violence Against Women Acts of 2000, 2005, and 2013. The program enhances victim safety and offender accountability in cases of sexual assault, domestic violence, dating violence, and stalking by encouraging jurisdictions to work collaboratively with community partners to identify problems and share ideas that will result in effective responses to these crimes. An integral component of the program is the creation and enhancement of a coordinated community response that includes criminal justice agencies, victim services providers, and community organizations that respond to sexual assault, domestic violence, dating violence and stalking.

Renovations and construction are unallowable under this grant, and therefore none of the following activities will be conducted under the OVW federal action (i.e., the OVW-funded grant project) or a related third-party action:

1. New construction.
2. Any renovation or remodeling of a property located in an environmentally or historically sensitive area, including property (a) listed on or eligible for listing on the National Register of Historic Places, or (b) located within a 100-year flood plain, a wetland, or habitat for an endangered species.
3. A renovation which will change the basic prior use of a facility or significantly change its size.
4. Research and technology whose anticipated and future application could be expected to have an effect on the environment.
5. Implementation of a program involving the use of chemicals.

In addition, the OVW federal action is neither a phase nor a segment of a project that, when reviewed in its entirety, would not meet the criteria for a categorical exclusion.

Consequently, the subject federal action meets the Office on Violence Against Women's criteria for a categorical exclusion as contained in paragraph 4(b) of Appendix D to Part 61 of Title 28 of the Code of Federal Regulations (adopted by OVW at 28 CFR § 0.122(b)). Also, no further analysis is required under the National Historic Preservation Act or other related statutes and regulations.