

FY  
2021



Alaska's Council on  
Domestic Violence  
& Sexual Assault

# Subgrantee Administrative Guidebook

UPDATED JANUARY 2021

## **CDVSA**

(907) 465-4356

Email: [cdvsa.grants@alaska.gov](mailto:cdvsa.grants@alaska.gov)

Mailing: PO Box 111200, Juneau AK 99811

Physical: 150 3<sup>rd</sup> Street, Room 201, Juneau, AK 99801

Website: <https://dps.alaska.gov/CDVSA/Home>

# Table of Contents

<b>About this Guidebook .....</b>	<b>1</b>
<b>Article I. About the Council on Domestic Violence and Sexual Assault .....</b>	<b>1</b>
Section 1.01 Purpose, Core Values, and Vision Statement.....	2
Our Purpose.....	2
Our Core Values .....	2
Our Vision from the CDVSA 2020 Strategic Plan .....	2
Section 1.02 Department Structure and Contact Information.....	2
CDVSA Council Board .....	2
CDVSA Staff and Roles .....	3
Section 1.03 Training, Conferences, and Networking Opportunities .....	4
CDVSA Offerings.....	4
Required Trainings.....	5
<b>Article 2. Available Funds .....</b>	<b>7</b>
Section 2.01 Alaska State General Funds (GF) .....	7
Section 2.02 Victims of Crime Act Funds (VOCA) .....	8
Section 2.03 Sexual Assault Services Program Funds (SASP) .....	9
Section 2.04 Services* Training* Officers* Prosecutors Funds (STOP).....	10
Section 2.05 Family Violence Prevention and Services Program (FVPSA) .....	11
<b>Article 3. Fiscal Administration for Subgrantees .....</b>	<b>13</b>
Section 3.01 Request for Proposal (RFP) and Award Process.....	13
Section 3.02 Eligibility Documentation .....	13
Section 3.03 Match .....	14
Types of Match .....	14
Match Sources .....	14
Allowable and Unallowable Uses .....	14
Match Waivers .....	15
Section 3.04 Disbursement Process .....	15
State General Funds.....	15
Federal Funds .....	16
Section 3.05 Budget Adjustment Request Process (BAR).....	16
Section 3.06 Equipment Purchase Process (items valued at \$5,000+).....	17
Section 3.07 Quarterly Reporting .....	17

Section 3.08 De-obligation of Funds .....	17
<b>Article 4. Monitoring .....</b>	<b>18</b>
Section 4.01 Goals of Monitoring .....	18
Risk Assessment .....	18
Section 4.02 Financial Desk Reviews .....	19
Steps in the Financial Desk Review Process.....	19
Section 4.03 Programmatic Onsite Reviews .....	20
Steps in the Onsite Review Process .....	20
<b>Article 5. Reporting .....</b>	<b>22</b>
Section 5.01 Financial Reports .....	22
Monthly Financial Report (MFR) for State General Funds .....	22
Monthly Reimbursement Request for Federal Funds .....	22
Quarterly Financial Report (QFR) .....	22
Section 5.02 Equipment Retention/Disposal Report.....	22
Section 5.03 Victim Services Reports.....	23
Quarterly Outcomes and Education Report .....	23
Victim Services Biannual Report.....	23
Section 5.04 Reporting Specific to Federal Grants .....	23
FVPSA .....	23
STOP .....	23
VOCA.....	24
SASP.....	24
Section 5.05 Data Reporting.....	24
Quarterly Data Report.....	24
Quarterly VOCA Enhanced Services Report.....	24
State Fiscal Year Data Report.....	24
Section 5.06 Prevention Reporting .....	25
Quarterly Common Indicator and Narrative Report .....	25
End of Year Evaluation Report.....	25
Section 5.07 BIP/PBP Reporting .....	25
Monthly Review of Online Database.....	25
Biannual Narrative Report .....	25
Annual Self-Evaluation of Services .....	25

**Article 6. Program Policies, Procedures and Planning.....26**

Federal Policies and Procedures Required of All Subgrantees (6.01-6.07).....	26
Section 6.01 Governing Body.....	26
Section 6.02 Civil Rights.....	26
Non-Discrimination: Equal Employment Opportunity .....	26
Non-Discrimination: Civil Rights of Clients .....	27
Whistleblower Protections for Employees .....	27
Filing Grievances: Client Policies and Procedures.....	28
Filing Grievances: Discrimination.....	28
Americans with Disabilities Act (ADA) Practices and Policies.....	28
Services for Persons with Limited English Proficiency .....	28
Section 6.03 Workplace Policies and Procedures.....	29
Drug-Free Workplace .....	29
Workplace-Related Sexual Misconduct and Domestic/Dating Violence.....	29
Record-Keeping .....	29
Section 6.04 Direct Services .....	30
Voluntary Services .....	30
Participant Orientation .....	30
Transportation Policies .....	30
Confidentiality .....	30
Mandatory Reporting.....	31
Releases of Information .....	31
Section 6.05 Personnel Policies and Procedures .....	32
Hiring and Training Staff.....	32
Determination of Suitability for Individuals Interacting with Minors .....	33
Volunteer Management.....	33
Section 6.06 Fiscal Policies and Procedures.....	33
Employee Travel.....	33
Unallowable Costs.....	33
Fiscal Management.....	34
Purchasing Practices and Procedures.....	34
Equipment Purchases and Tracking .....	35
Emergency Assistance .....	35

Gift Cards .....	35
Housing, Utilities and Storage Deposits.....	36
Section 6.07 Organizational Partnerships.....	36
Memoranda of Agreement .....	36
State General Funds Required Policies, Procedures, and Plans (6.08-6.14).....	37
Section 6.08 Governing Body.....	37
Mission Statement.....	37
Articles of Incorporation and By-laws .....	37
Other Duties.....	37
Section 6.09 Workplace Policies and Procedures.....	38
Record-Keeping: Client Policies, Procedures and Records .....	38
Safety of Premises .....	38
External and Interior Security.....	38
Emergency Procedures .....	39
Technology Safety and Best Practices .....	39
Reporting .....	39
Record-Keeping .....	39
Section 6.10 Direct Services .....	40
Intake Paperwork/Process.....	40
How and When Services are Provided/Participant Handbook .....	40
Grievance Procedure .....	40
Section 6.11 Personnel Policies and Procedures .....	41
Personnel Management .....	41
Volunteer Management.....	41
Section 6.12 Fiscal Policies and Procedures.....	42
Relocation Reimbursement.....	42
Insurance .....	42
Section 6.13 Community Partnerships .....	42
Coordination and Referral.....	42
Section 6.14 Planning .....	43
Service Delivery Plan.....	43
Outreach and Community Education Plan.....	43
Program Evaluation Plan .....	43

<b>Article 7. Links and Useful Websites .....</b>	<b>45</b>
Alaska State Statutes and Regulations .....	45
Data .....	45
Federal Funding.....	45
Fiscal Administration .....	46
Primary Prevention Programming.....	47
Reporting .....	47
Staff Training.....	48
Victim Services .....	48
<b>Appendices .....</b>	<b>50</b>
Appendix 1. Allowable/Unallowable Costs Guides .....	50
Appendix 2. Model Medication Policy for DV Shelters (NCDVTMH) .....	50
Appendix 3. ANDVSA Model Confidentiality Policy .....	50
Appendix 4. FAQ's on Survivor Confidentiality Releases (NNEDV) .....	50

## About this Guidebook

This guidebook is a living document and will be updated annually as needed. Links to information found on the internet or in another location in the manual are inserted throughout, therefore viewing the guidebook in an electronic format is most helpful for the user. Additionally, appendices are included to provide more detailed information on commonly asked questions and topics. Suggestions for information to include in future iterations of this document to help programs manage CDVSA funding, reporting requirements, compliance with state and federal regulations, etc. is appreciated. Please contact your Program Coordinator with your comments and suggestions.

## Article I. About the Council on Domestic Violence and Sexual Assault

The Council on Domestic Violence and Sexual Assault (CDVSA), housed within the Alaska Department of Public Safety, is designated as the state-administering



Alaska's Council on  
Domestic Violence  
& Sexual Assault

agency for federal and state funding streams of the following federal Department of Justice (DOJ) and Department of Health and Human Services (DHHS) grants: Victims of Crime Act (VOCA), Family Violence and Prevention Services Act (FVPSA), Sexual Assault Services Program (SASP), and the Violence Against Women Act (VAWA/STOP). CDVSA also receives funding from the State of Alaska General Fund to support community-based domestic violence and sexual assault victim services and prevention programming statewide.

To manage and administer these multiple funding streams, the responsibilities of CDVSA include:

- Prepare applications for the federal grant funds;
- Provide staff support to a nine-member Board;
- Develop and distribute the application notice and application forms;
- Receive and coordinate the distribution of the submitted subgrantee applications to the Board for review;
- Review and make recommendations to the Board regarding funding for submitted applications;
- Receive funds from the federal granting agency and disburse the funds to the subgrantees throughout the grant cycle;
- Maintain accurate ledgers and other fiscal records for all subgrantees;
- Evaluate and monitor compliance of subgrantees in meeting state and federal requirements;
- Provide guidance and technical assistance to subgrantees;
- Collect statistical data from the subgrantees to assess program effectiveness to provide information to the federal granting agency; and,

- Prepare and submit the required progress, financial, and evaluation reports to the aligned federal agency by the assigned deadlines.

State statute governing the Council on Domestic Violence and Sexual Assault as well as CDVSA by-laws and regulations for domestic violence and sexual assault programs, rehabilitation of perpetrators of domestic violence, and CDVSA grant administration can be found at: <https://dps.alaska.gov/CDVSA/About-Us/Statutory-Responsibilities>

## **Section 1.01 Purpose, Core Values, and Vision Statement**

### **Our Purpose**

To empower Alaska communities to create a future free of domestic and sexual violence.

Alaska State Statute, Article 01. Sec. 18.66.010: *To provide for the planning and coordination of service to victims of domestic violence or sexual violence or to their families and to perpetrators of domestic violence and sexual assault, and to provide for crisis intervention and prevention programs.*

### **Our Core Values**

- **Excellence:** Committed to ethics, high standards, and best practices
- **Passion:** A driven and inquisitive approach to our work
- **Receptivity:** Compassionate, flexible, and openminded
- **Collaboration:** Working together to find solutions

### **Our Vision from the CDVSA 2020 Strategic Plan**

By 2025, we have a comprehensive, interconnected system of services accessible to ALL Alaskans that decreases domestic and sexual violence.

## **Section 1.02 Department Structure and Contact Information**

### **CDVSA Council Board**

The CDVSA Board provides direction and oversight. The Board meets on a quarterly basis and is responsible for approving priorities for funding as well as approving funding amounts as recommended by Proposal Evaluation Committees.

Four public members are appointed by the Governor to the Council Board, including one rural representative. The remaining five positions are set by policy and reflect each department of State of Alaska government responsible for and involved in domestic violence and sexual assault policies, programs, and focus.

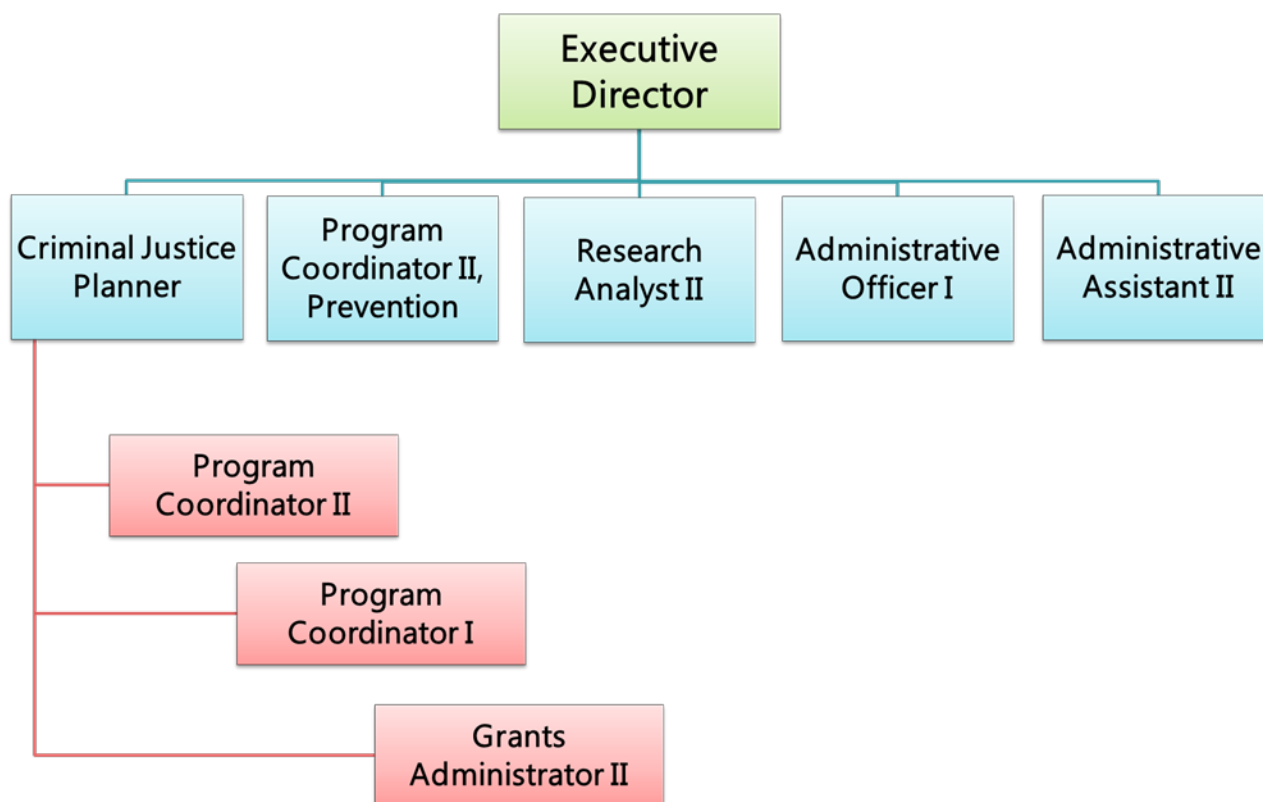
The CDVSA Board is comprised of the following members:

- The Department of Public Safety Commissioner or their designee;
- The Department of Health and Social Services Commissioner or their designee;
- The Department of Education and Early Development Commissioner or their designee;



- The Department of Corrections Commissioner or their designee;
- The Department of Law Attorney General or their designee;
- Four individuals (public members) with experience and expertise in the provision of services to victims of domestic violence and sexual assault, appointed by the Governor.

## CDVSA Staff and Roles



Below are descriptions of the CDVSA staff members subgrantees will interact with most frequently:

**Program Coordinators** (PC) serve as crucial positions in administering federal and state funding. They provide technical assistance to programs to support delivery of victim services as well as prevention programs. They receive and monitor reporting requirements, answer questions regarding allowable costs for grant awards, and monitor for funding and regulatory compliance through telecommunication methods and on-site review visits. Each subgrantee is assigned a Program Coordinator who is the first point of contact for any questions or needs. If the scope of need is beyond the PC's area of knowledge, your PC will link you to the appropriate staff member for additional guidance.

**The Grants Administrator and Administrative Officer** comprise the financial team. In conjunction with the Program Coordinators, these staff members process financial reports and reimbursement requests, review and approve budget adjustment requests, and authorize advances on state general funds. They answer questions regarding the

disbursement of funds and when to expect receipt of monies. They may reach out for missing financial reports, clarification on expenses, and to determine where a program is at with spending. The Financial Team also conducts financial desk reviews from the CDVSA office.

**The Research Analyst** is responsible for collecting data for funds administered through the CDVSA by maintaining and implementing updates to the databases, extracting data for reporting to both state and federal agencies, and tracking service delivery trends. The Research Analyst will reach for clarification on submitted data and may administer additional surveys in response to requests received by CDVSA from various entities.

### **Section 1.03 Training, Conferences, and Networking Opportunities**

CDVSA strives to continue our mission by providing grantees and community partners with opportunities to access training, conferences, and networking opportunities for the purposes of building skills, furthering education, and sharing knowledge, resources, and best practices. CDVSA maintains a webpage where some of these opportunities are posted: <https://dps.alaska.gov/CDVSA/Grantee-Support/Training-Opportunities>.

#### **CDVSA Offerings**

##### **1) Annual Grantee Meeting**

Subgrantees of CDVSA are required, as part of their award conditions, to participate in an annual meeting.

The goal of the gathering is to offer a balance of:

- Learning new information
- Sharing ideas and direction
- Listening and contemplating new ways to achieve our mission
- Meeting new people
- Developing and strengthening new and old relationships

Experts in the fields of domestic violence, sexual abuse, non-profit management, board development, violence prevention, data-collection, trauma-informed care, and other relevant topics are regularly invited as keynote speakers. Ideas and proposals for sessions are sought from Alaskan leaders in their fields, including staff from CDVSA-funded agencies.

##### **2) Prevention Summit**

The Summit is a capacity building event designed to support communities in implementing primary prevention strategies specific to domestic violence, sexual assault, dating violence, and stalking. Workshops are designed to build baseline knowledge in the area of primary prevention work including building blocks for prevention and successful strategies for implementing and evaluating community-based programming. Time is set aside each day for teams to develop a specific community prevention strategy and/or plan to be implemented

following the conference. Technical assistance for communities is available to ensure that plans generated during the conference are able to be realized.

### 3) Sexual Assault Response Teams (SART) Training

CDVSA sponsors at least two SART trainings a year. Members of active SAR Teams (advocates, nurses/forensic examiners, law enforcement, and prosecutors) across the state of Alaska including those without a full team in their community but who respond to sexual assault reports and coordinate with teams in other communities to provide a full continuum of care to victims are eligible to apply to these trainings. There is no registration fee and travel and lodging costs to attend in-person training for non-state SART responders are paid for by CDVSA, however the cost of food and per diem is borne by the participant or their employer. Notice of upcoming SART trainings is posted to the website at: <https://dps.alaska.gov/CDVSA/Grantee-Support/Training-Opportunities>.

### 4) Alaska Comprehensive Forensic Training Academy (ACFTA)

The ACFTA training course, hosted by the UAA College of Health and the Alaska Nurses Association, is designed for nurses and health care professionals who seek to increase their ability to provide evidence-based and trauma informed care to individuals and communities who have experienced violence. The course is free due to the sponsorship of CDVSA. It consists of 20-25 hours of independent, online learning and 20-25 hours of face-to-face instruction. Travel scholarships are available.

## **Required Trainings**

CDVSA requires that the following trainings be completed by subgrantee staff, as indicated.

### 1) Understanding Domestic Violence (DV) and Sexual Assault (SA)

All staff and volunteers who are providing direct services to adult victims of domestic violence and/or sexual assault must complete a minimum of 40 hours of training prior to providing unsupervised direct services. The purpose of this training is to increase understanding of the ways in which domestic violence and sexual assault impact our world, our communities, and our personal lives. Topics include an overview of DV and SA, the impact of DV on children, trauma informed care, mandated reporting of child and vulnerable adult abuse, confidentiality, protective orders, safety planning, historical trauma, crisis and suicide intervention, and vicarious trauma.

While programs may provide staff with their own approved course, the Alaska Network on Domestic Violence and Sexual Assault statewide coalition facilitates a 30-hour online course that can be utilized along with an additional 10 hours of supervised direct service work at your agency. For more information go to: <https://andvsa.org/what-we-do/advocacy/andvsa-online-course/>

### 2) Mandatory Reporting

Staff and direct-service volunteers of CDVSA-funded programs are considered by Alaska state law (AS 47.17.020 and AS 47.24.010) to be mandatory reporters of child and vulnerable adult abuse and must receive training on reporting requirements during the first month of

employment. Training needs to be refreshed annually (13 AAC 90.105). CDVSA requires that subgrantees utilize the training provided by the Alaska Office of Children's Services to ensure consistency and up-to-date information. This training is found online at:

<http://dhss.alaska.gov/ocs/Pages/childrensjustice/mandatoryreporting.aspx>.

### 3) CPR/First Aid

Any staff member or volunteer having direct contact with clients of CDVSA-funded agencies must be trained in CPR and First Aid and keep their certification up to date.

### 4) Civil Rights

In order to comply with U.S. Department of Justice's Office on Civil Rights (OCR) requirements, subgrantees of CDVSA must provide yearly training to employees on Civil Rights and Responsibilities. A record of staff who attended the training must be submitted to CDVSA within the first quarter of the fiscal year. This training is found at the OCR website at:

<https://www.ojp.gov/program/civil-rights/online-training>.

## Article 2. Available Funds

CDVSA distributes funds from the State and Federal grants listed below via competitive application processes. Requests for Proposals (RFP) are posted on our website and on the State of Alaska online public notices website: <https://aws.state.ak.us/OnlinePublicNotices/>.

### Section 2.01 Alaska State General Funds (GF)



These funds are appropriated annually by the State Legislature and used to support victim services, battering intervention programs, and Council administration. General funds also support statewide prevention and research activities.

More detail on State General Funds allowable and unallowable costs is found in Appendix 1. Also, please note that there may be more specific allowable or unallowable costs under the conditions of a particular General Funds award. Always be sure to be familiar with the details of your award as stated in the original Request for Proposals (RFP).

GF ALLOWABLE COSTS	GF UNALLOWABLE COSTS
Funds identified for community-based grants are considered unrestricted except for the unallowable costs listed at right. While state general funds have broad applicability to all budget line items, they must be expended in line with the activities, projects, and outcomes identified and submitted in a grant proposal and approved by CDVSA program and financial staff. General funds may be used for items that are not allowable with federal funds but must align with the approved project proposal.	<ul style="list-style-type: none"> <li>▪ Interest costs on loans</li> <li>▪ Contingency funds</li> <li>▪ Fines, penalties, or bad debts</li> <li>▪ Contributions or donations</li> <li>▪ Entertainment</li> <li>▪ Lobbying</li> </ul>

#### **MATCH REQUIREMENT: 15%**

Cash or in-kind, not to include any other state funds or other CDVSA funding streams. Match may be decreased at the discretion of the Council; updates are publicized at the beginning of each fiscal year.

#### **MANDATED STATEMENT FOR MATERIALS AND PUBLICATIONS:**

All materials and publications resulting from award activities shall contain the CDVSA logo and a statement that funding was provided by a grant from CDVSA and includes the CDVSA-assigned award number.

## Section 2.02 Victims of Crime Act Funds (VOCA)



VOCA funds distributed by CDVSA come from a formula grant program administered by the Office for Victims of Crime, housed in the U.S. Department of Justice. These funds provide financial support to state and local agencies that offer services to crime victims and come from a U.S. Treasury account generated entirely by the fines and penalties levied against criminals convicted of federal crimes. As such, the amount available in this fund can vary greatly from year to year. The Council awards the majority of this funding directly to programs that provide services to victims of domestic violence, sexual assault, and other violent crimes.

More detail on VOCA Funds allowable and unallowable costs is found in Appendix 1. Also, please note that there may be more specific allowable or unallowable costs under the conditions of a particular VOCA award. Always be sure to be familiar with the details of your award as stated in the original Request for Proposals (RFP).

VOCA ALLOWABLE COSTS	VOCA UNALLOWABLE COSTS
<ul style="list-style-type: none"> <li>▪ Crisis intervention services</li> <li>▪ Legal advocacy</li> <li>▪ Personal advocacy &amp; emotional support</li> <li>▪ Automated systems &amp; technology</li> <li>▪ Contracts for professional services</li> <li>▪ Coordination of activities &amp; multidisciplinary response to crime victims</li> <li>▪ Administrative and operational costs in support of direct services</li> <li>▪ Public awareness activities</li> </ul>	<ul style="list-style-type: none"> <li>▪ Active investigation and prosecution of criminal activities</li> <li>▪ Capital expenses</li> <li>▪ Compensation for victims of crime</li> <li>▪ Fundraising activities</li> <li>▪ Lobbying activities</li> <li>▪ Medical care, except as allowed by other VOCA Rule provisions</li> <li>▪ Research and studies</li> <li>▪ Salaries and expenses of management</li> </ul>

### **MATCH REQUIREMENT: 25%**

Cash or in-kind, not to include any Federal funds or other CDVSA funding streams. VOCA allows match waiver requests; information on match waivers is found in the Fiscal Administration for Subgrantees section of this manual.

### **MANDATED STATEMENT FOR MATERIALS AND PUBLICATIONS:**

All published materials (written, web-based, audio-visual, or any other format) paid for with VOCA funds must include the federal award number, as in: *This project was funded by the U.S. Department of Justice, Grant 20xx-xx-xx-00xx, awarded by the Council on Domestic Violence and Sexual Assault.*

## Section 2.03 Sexual Assault Services Program Funds (SASP)

SASP is a formula grant provided through the Office on Violence Against Women, housed under the U.S. Department of Justice. The purpose of SASP is to provide intervention, advocacy, accompaniment (e.g., accompanying victims to court, medical facilities, police departments, etc.), support services, and related assistance for adult, youth, and child victims of sexual assault, non-offending family and household members of victims, and those collaterally affected by the sexual assault.



More detail on SASP Funds' allowable and unallowable costs is found in Appendix 1. Also, please note that there may be more specific allowable or unallowable costs under the conditions of a particular SASP award. Always be sure to be familiar with the details of your award as stated in the original Request for Proposals (RFP).

SASP ALLOWABLE COSTS	SASP UNALLOWABLE COSTS
<ul style="list-style-type: none"> <li>▪ Hotline services</li> <li>▪ Crisis intervention services</li> <li>▪ Accompaniment and advocacy through medical, criminal justice, and social support systems</li> <li>▪ Covering costs associated with emergency support for victims</li> <li>▪ Counseling and healing services</li> <li>▪ Information, referrals &amp; outreach</li> <li>▪ Direct Service staff training &amp; travel</li> <li>▪ Administrative costs associated with SASP-funded positions and activities</li> </ul>	<ul style="list-style-type: none"> <li>▪ As an entire agency, only providing services to victims of a specific age group</li> <li>▪ Education, training, prevention activities</li> <li>▪ Legal advice or representation</li> <li>▪ Lobbying</li> <li>▪ Research projects</li> <li>▪ Modifications/renovations of buildings</li> <li>▪ Vehicle purchases</li> <li>▪ Sexual Assault Forensic Examiner projects</li> <li>▪ Criminal justice related projects</li> <li>▪ Financial support to Sexual Assault Response Teams</li> <li>▪ Food or beverages</li> <li>▪ Fundraising</li> <li>▪ Domestic violence services unrelated to sexual violence</li> <li>▪ Activities that compromise victim safety and recovery and undermine offender accountability</li> </ul>

**MATCH REQUIREMENT: 0%**

There is no match requirement for SASP funds.

**MANDATED STATEMENT FOR MATERIALS AND PUBLICATIONS:**

All published materials (written, web-based, audio-visual, or any other format) paid for with SASP funds must include the federal award number, as in: *This project was supported by a SAS Formula Grant 20xx-xx-xx-00xx, awarded by the Council on Domestic Violence and Sexual Assault. The opinions, finding, 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 of the U.S. Department of Justice, Office on Violence Against Women.*

**Section 2.04 Services\* Training\* Officers\* Prosecutors Funds (STOP)**

STOP funds come from a formula grant provided through the Office on Violence Against Women. The intent of this funding is to improve the criminal justice system's response to violence including the crimes of sexual assault, domestic violence, stalking, and dating violence and to support and enhance services for victims. Funds may also be used to support secondary victims such as children who may have witnessed violence; victims/survivors of sexual violence who are in correctional and detention settings; and individuals who have historically been marginalized from mainstream services. STOP funds are committed to four specific areas: prosecution, law enforcement, victim services, and courts and are awarded to all states and territories through a federal formula that uses a base amount plus a consideration for population.



More detail on STOP Funds' allowable and unallowable costs is found in Appendix 1. Also, please note that there may be more specific allowable or unallowable costs under the conditions of a particular STOP award. Always be sure to be familiar with the details of your award as stated in the original Request for Proposals (RFP).

STOP ALLOWABLE COSTS	STOP UNALLOWABLE COSTS
<ul style="list-style-type: none"> <li>▪ Hotline services</li> <li>▪ Crisis intervention services</li> <li>▪ Services for sexual assault survivors</li> <li>▪ Accompaniment and advocacy through medical, civil or criminal justice, immigration and social support systems</li> <li>▪ Substance abuse counseling fees</li> <li>▪ Legal services</li> </ul>	<ul style="list-style-type: none"> <li>▪ Lobbying</li> <li>▪ Research projects</li> <li>▪ Modifications/renovations of buildings</li> <li>▪ Vehicle purchases</li> <li>▪ Legal services to defend women who assault, kill, or otherwise injure their abusers.</li> <li>▪ Moving expenses</li> </ul>



STOP ALLOWABLE COSTS	STOP UNALLOWABLE COSTS
<ul style="list-style-type: none"> <li>▪ Activities supporting direct services</li> <li>▪ Information, referrals &amp; outreach</li> <li>▪ Prevention education and publications</li> <li>▪ Community-based, linguistically and culturally specific services and supports</li> <li>▪ Program evaluation</li> <li>▪ Administrative costs associated with STOP-funded positions and activities</li> </ul>	<ul style="list-style-type: none"> <li>▪ Vouchers for services such as housing or counseling</li> <li>▪ Payment of immigration fees</li> <li>▪ Activities that compromise victim safety and recovery and undermine offender accountability</li> </ul>

**MATCH REQUIREMENT: 0%**

There is no match requirement for STOP funds.

**MANDATED STATEMENT FOR MATERIALS AND PUBLICATIONS:**

All materials and publications (written, web-based, audio-visual, or any other format) paid for with STOP funds 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.*

## **Section 2.05 Family Violence Prevention and Services Program (FVPSA)**

FVPSA funding comes out of the U.S. Department of Health & Human Services' Family & Youth Services Bureau and is provided to all states to finance domestic violence programs. All programs receiving these grant funds in Alaska provide supportive services and many operate shelter facilities that are staffed around the clock and provide a full spectrum of services including basic food and immediate shelter, crisis intervention, counseling, and advocacy to domestic violence victims and their children.



More detail on FVPSA Funds allowable and unallowable costs is found in Appendix 1. Also, please note that there may be more specific allowable or unallowable costs under the conditions of a particular FVPSA award. Always be sure to be familiar with the details of your award as stated in the original Request for Proposals (RFP).

FVPSA ALLOWABLE COSTS	FVPSA UNALLOWABLE COSTS
<ul style="list-style-type: none"> <li>▪ Shelter &amp; Emergency Services</li> <li>▪ Counseling</li> <li>▪ Services for Children</li> <li>▪ Advocacy, Case Management &amp; Referrals</li> <li>▪ Prevention, Training &amp; Outreach</li> <li>▪ Direct Service staff training &amp; travel</li> <li>▪ Operating &amp; Administrative Costs</li> </ul>	<ul style="list-style-type: none"> <li>▪ Sexual assault programming &amp; SART activities</li> <li>▪ Direct payments to victims</li> <li>▪ Medical care costs</li> <li>▪ Fees or Compliance with conditions for service</li> <li>▪ Lobbying</li> </ul>

**MATCH REQUIREMENT: 20%**

Cash or in-kind, not to include any Federal funds or other CDVSA funding streams.

**MANDATED STATEMENT FOR MATERIALS AND PUBLICATIONS:**

All published materials (written, web-based, audio-visual, or any other format) paid for with FVPSA funds must include the federal award number, as in: *This project was funded by the U.S. Department of Health and Human Services, Grant 20xx-xx-xx-00xx, awarded by the Council on Domestic Violence and Sexual Assault.*

## **Article 3. Fiscal Administration for Subgrantees**

### **Section 3.01 Request for Proposal (RFP) and Award Process**

The CDVSA typically issues funding awards on a three-year cycle, with continuation applications required for years 2 and 3 of the cycle. Award cycles may be extended at the discretion of the Council. The CDVSA's procedures for the disbursement of the federal and state funds it manages include the following steps:

- CDVSA reviews federal grant award notification documents, identifying all special conditions and allowable costs, and makes plans for passing funds through to sub-recipients.
- CDVSA staff develop a Request for Proposal (RFP) outlining the available funds and the eligible services that may be requested from each fund source.
- RFPs are posted on the [Alaska Online Public Notices](#) site (per state regulation) and the [CDVSA website](#). Often an opportunity is provided for interested parties to participate in a question and answer session with CDVSA staff prior to the application due date. Any questions asked and answers given are subsequently made public at the same locations as the RFP is posted.
- Applications received by the noticed day and time are reviewed for completeness and, if all criteria are met, are reviewed and scored by a Proposal Evaluation Committee (PEC).
- PEC scores are based on predetermined and objective scoring criteria to include type of services being requested, alignment with the services requested in the RFP, and a budget review in terms of allowable costs and appropriate expenditures.
- The PEC makes recommendations to CDVSA staff.
- CDVSA staff will determine how much each applicant will receive including which source of funds will be disbursed, based on the amount requested, total available funds, applicant's organizational capacity and past performance, and eligibility to receive federal funds.
- PEC and CDVSA staff recommendations are submitted to the CDVSA Board of Directors for review and approval prior to finalizing grant awards.

### **Section 3.02 Eligibility Documentation**

Eligible applicants for CDVSA funding include:

- Nonprofit organizations;
- Municipalities or other political subdivisions of the state;
- Other State agencies;
- Federally recognized Alaska Native Tribes;
- Community organizations;

- Faith-based organizations although CDVSA grant funds may not be used to fund any inherently religious activity, such as prayer or worship, participation in such activity by individuals receiving services must be voluntary, and programs funded by the CDVSA are not permitted to discriminate in the provision of services based on a beneficiary's religion.

In addition, to be eligible for consideration, the applicant cannot be disbarred from doing business with the State of Alaska or the United States of America.

### **Section 3.03 Match**

Match is the shared portion of a project not funded by the CDVSA. Match funding is a straightforward concept that is considered a key component of many funding opportunities. It involves CDVSA agreeing to provide project funding with the requirement that a certain percentage of match funds are committed to the project budget from sources other than CDVSA. The intent of match funding is to have a shared commitment from the community and agency receiving public funds. CDVSA match requirements vary for each funding type and also may change from fiscal year to fiscal year.

Specific questions regarding match may be directed to CDVSA staff.

#### **Types of Match**

- 1) Cash Match includes all allowable sources of cash. Cash match is sometimes called "hard" match because it is using actual monies.
- 2) In-Kind Match includes all third-party donations and volunteer time that can be valued as a non-cash contribution to the program.

#### **Match Sources**

The CDVSA subawards have two sources of funding: state and federal. The source of match, whether it is cash or in-kind, must come from a source of funds that are different than the fund source being matched. As an example, state funds can be used to match federal funds, but state funds cannot match state funds. Also, CDVSA funds from one grant award cannot be used to match other CDVSA grant awards.

Sources of cash match funds can come from other state or federal grant awards, city or municipal funds, or unrestricted cash donations. In addition, in-kind (non-cash) match is allowable and encouraged. Documentation of in-kind match must show the value of the donated service or item and it must be retained the same as all other financial source documentation.

Finally, match funding is restricted to the same allowable use of funds as the fund source being matched and must align with the intent of the activities being matched.

#### **Allowable and Unallowable Uses**

Matching funds are restricted to the costs allowed by a particular funding stream. Please note that sometimes the terms of a CDVSA grant award may be more limited than allowable costs of a funding stream. Nevertheless, subgrantees may look to all allowable costs for that fund

source for match. As an example, an agency receiving an award that only allows for direct-service personnel expenses but is funded by VOCA may still use the cost of donated space for match on that award even though they would not be able to use funds from that award to pay for facility costs.

The source and purpose of match being used must be clearly identified in your approved budget. Any deviation or introduction of new match is unallowable without the approval of CDVSA.

### Match Waivers

CDVSA has an approved match waiver process for agencies receiving those funding streams that offer the potential for a waiver. Please note that not all funds managed and distributed by CDVSA allow for this possibility.

If an agency is experiencing a unique and justifiable hardship that prevents them from reaching their required match, and if they receive funds from a stream that offers the possibility of a match waiver, they may request a reduction of a portion of that requirement. Waivers must be requested and approved each year, as they are time limited and do not carry over into subsequent fiscal years. Please contact your Program Coordinator for help determining if a match waiver request is possible, given your program's specific awards.

## Section 3.04 Disbursement Process

### State General Funds

State General Funds (GF) are disbursed on a quarterly schedule as an advance. Subgrantees receiving GF will receive funds per the following approximate schedule, dependent on State of Alaska processing times:

Payment Number	Date	% of Award
Payment 1	By September 1	25%
<b>Note:</b> Date dependent on approval date of beginning of the year budget and grant documents.		
Payment 2	September 15	25%
Payment 3	December 15	25%
Payment 4	March 15	20%
Final Payment	August 30	5%
<b>Note:</b> Date dependent on date of receipt of the Q4 Financial Report.		

Subgrantees receiving GF will provide a monthly financial report to CDVSA indicating expenditures from the award. See [Article 5: Reporting](#) for more information.

## Federal Funds

All federal grant funds are issued through a monthly reimbursement process. Reimbursement forms indicate which federal grant and fiscal year funds are being requested from, which cost categories were used, the amount of match associated with the monthly expenditures, and the total amount requested. The reimbursement form is found on the "Finance" tab at:

<https://dps.alaska.gov/CDVSA/Grantee-Support/ReportingForms>. Requests are to be submitted and processed on the following timeline:

- By the 15th of the month, subgrantees complete a reimbursement request form for expenditures from the previous month.
- Reimbursement requests must be submitted each month; if no expenditures have occurred, a zeroed request form should be submitted.
- The reimbursement request must be signed by the authorizing official and emailed to [cdvsa.grants@alaska.gov](mailto:cdvsa.grants@alaska.gov). The subject line should reflect the agency name, funding stream and month of reimbursement.
- Late reimbursement requests will not be processed until the 15th of the following month.

Subgrantees can expect to see payment 21 days after the reimbursement request deadline.

## Section 3.05 Budget Adjustment Request Process (BAR)

If it is necessary to make changes to an approved budget, a Budget Adjustment Request (BAR) is required to be submitted and approved **prior to** expending funds differently than from the original budget or last approved BAR. Request forms are found on the "Finance" tab at: <https://dps.alaska.gov/CDVSA/Grantee-Support/ReportingForms>.

- A request is required for any deviation of cost category from the original budget or from the most recently approved BAR.
- A detailed explanation of why the change is necessary is required.
- The BAR must be approved prior to the subgrantee using the funds as proposed. Failure to request prior approval may result in over-expenditures either not being reimbursed (federal funds) or deducted from the subsequent advanced funds amount (state general funds).
- If it is necessary to adjust a budget in response to an unpredicted, emergency expense, subgrantees should contact their Program Coordinator as soon as possible to discuss the situation.
- BARs can be submitted at any time; however, final BARs must be submitted no later than June 1.
- Budget adjustments exceeding 10% per funding stream require significant justification and, even then, may be denied. Excessive BARs within a single funding stream may also result in denial.
- The BAR must be signed by the authorizing official and emailed to [cdvsa.grants@alaska.gov](mailto:cdvsa.grants@alaska.gov). The subject line should reflect the agency name and funding stream.

### **Section 3.06 Equipment Purchase Process (items valued at \$5,000+)**

Subgrantees are required to request approval prior to purchasing equipment with grant funds. An item is classified as equipment when its value is \$5,000 or greater. (Items of lesser value are considered to be “supplies” and do not need approval to be purchased.) Inventories of equipment are maintained by CDVSA to track purchases made by subgrantees with awarded funds; however, subgrantees should also maintain an internal record of equipment purchases.

Prior to purchase, a subgrantee must submit an Equipment Purchase Request Form to their Program Coordinator who must approve the request prior to you making this purchase. The form can be found at <https://dps.alaska.gov/CDVSA/Grantee-Support/ReportingForms>.

Subgrantees should follow their own internal [procurement policies and procedures](#) and retain source documentation (such as proof of competitive bidding and/or price comparison) until the item meets criteria for “disposal”. Within 30 days of purchasing equipment subgrantees must submit an Equipment Retention/Disposal Certification Form to their Program Coordinator. More information on the equipment purchase, retention, and disposal process is found at <https://dps.alaska.gov/CDVSA/Grantee-Support/ReportingForms>, under “Equipment”.

### **Section 3.07 Quarterly Reporting**

After the close of each state fiscal year quarter, a Quarterly Financial Report (QFR) must be submitted. The 4<sup>th</sup> quarter financial report (July 30) serves as the final closeout for the grant, in most cases. See [Article 5: Reporting](#) for more information about submitting the QFR.

In the closeout QFR, CDVSA will allow a variance of up to 10% within each cost category to allow for reconciliation, based on a final BAR. Any variance greater than 10% of a category will not be approved or reimbursed.

Subgrantees certify by checking the closeout box that expenditures have been reconciled and the reported numbers are final. If a subgrantee requires additional time for reconciliation, contact CDVSA to request consideration of an extension.

### **Section 3.08 De-obligation of Funds**

If a subgrantee is unable to spend out the entirety of their grant award within the grant award period (July 1 - June 30), funds must be returned. As soon as a subgrantee knows they are unable to spend out their award, they should contact CDVSA to discuss what steps to take.

As federal funds are on a reimbursement only process, funds will not need to be returned to CDVSA, and the amount of de-obligation should be noted on the Quarterly Financial Report.

State General Fund award de-obligations will be deducted from the final 5% disbursement that is withheld until receipt of the 4<sup>th</sup> quarter Financial Report. If the amount of funds to be returned is greater than the 5% amount, arrangements must be made with CDVSA to return the funds in the form of a check issued by the subgrantee.

## Article 4. Monitoring

### Section 4.01 Goals of Monitoring

Monitoring is one of the principal responsibilities of CDVSA. It is the responsibility of Program Coordinators and the Grants Administrator to assist subgrantees in implementing approved projects within a framework of relevant state and federal statutes, regulations, policies, procedures, and guidelines so as to achieve maximum success. Federal regulations state that a subgrantee should be monitored in person once every two years. CDVSA utilizes annual Financial Desk Reviews and Risk Assessments to supplement programmatic onsite reviews.

Through proactive monitoring of subgrantees, the Program Coordinators and Grants Administrator can ensure that fiscal accountability and programmatic integrity are maintained. In addition, monitoring enables CDVSA to:

- Ensure that projects initiated by subgrantees are carried out in a manner consistent with the subgrantee's stated project scope
- Identify and resolve problems that may impede effective implementation of project
- Collect data to provide comprehensive fiscal information and specified progress reports to the federal granting agency
- Provide needed consultation and technical assistance to the subgrantee

Through the monitoring processes, the CDVSA demonstrates good stewardship of the federal and state funds it disburses to subgrantees and can accomplish a significant portion of the responsibilities required of state-administering agencies.

### **Risk Assessment**

Risk assessments for each subgrantee are conducted by CDVSA staff during the first month of the fiscal year. The framework for calculating risk includes review of the following:

1. Amount of grant award(s)
2. Time since last review
3. Details related to de-obligation of funds
4. Punctuality and accuracy of reports
5. Budget adjustments
6. Findings from previous audits and CDVSA programmatic and financial reviews
7. Length of time prominent staff have been with the agency (such as ED and financial officer)
8. Level of communication with CDVSA

Assessing risk helps determine the schedule of programmatic monitoring and financial desk reviews for the fiscal year.



## **Section 4.02 Financial Desk Reviews**

Each year, the CDVSA is responsible for arranging financial desk reviews with all subgrantees. Financial monitoring is a critical component of CDVSA's overall due diligence and fiduciary responsibility for the distribution and oversight of public funding.

During the financial review, the appointed CDVSA staff will review the agency's source documentation from a specified period of time. The goal of the annual financial desk review is to identify areas of the subgrantee's strength, interpretation, or challenge. This is an opportunity to ensure expenditures align with allowable costs of a given funding stream and to verify that the agency is maintaining accurate financial records.

The appointed CDVSA staff is responsible for creating clear expectations and outcomes for each review (general to all subgrantees and specific to individual subgrantees).

### **Steps in the Financial Desk Review Process**

#### **1) Notification**

The subgrantee receives notification of the upcoming Financial Desk Review and is given 30 days to gather and submit the requested documents. Documents to be reviewed include:

- Staff documents such as timesheets, documentation of monetary value of volunteer time, insurance policies.
- Process documents such as travel authorization, selection process for contractual work.
- Purchase documents such as paid receipts and invoices, documentation of in-kind donations.

#### **2) Review**

The CDVSA Financial Monitor reviews documents and communicates with subgrantee, as needed, seeking clarification or additional documentation.

#### **3) Interview**

The CDVSA Financial Monitor and subgrantee schedule an interview to discuss the monitor's discoveries and recommendations.

#### **4) Report Issued**

The CDVSA Financial Monitor issues a report which includes the areas in need of correction and the agreed upon deadline for the subgrantee to submit proof of compliance.

#### **5) Close-out Letter Issued**

After receipt of the proof of compliance, the subgrantee receives a Financial Compliance Satisfaction Letter.

#### **6) Non-compliance**

In certain instances of non-compliance, special conditions may be applied that will require ongoing monitoring.

## **Section 4.03 Programmatic Onsite Reviews**

Onsite monitoring allows a face-to-face interaction with the subgrantee's staff and board of directors to discuss specific issues related to the project, such as implementation plan progress, and financial, programmatic, and personnel issues. During the onsite review, the Program Coordinator has the opportunity to observe grant activity, review files, and make determinations about stated versus actual service provision. Onsite monitoring also allows an opportunity to develop or continue a collaborative relationship between the state-administering agency and the subgrantee. Onsite monitoring may also be conducted virtually, utilizing audio and video telecommunication methods, if travel is prohibited.

### **Steps in the Onsite Review Process**

#### **1) Schedule the Visit**

CDVSA contacts the subgrantee to arrange a time for a site visit. All the key personnel involved in the grant should participate in the site visit. At a minimum, the Program Coordinator should meet with the Executive Director, Project Director, Board President, and Fiscal Officer.

#### **2) Prepare for the Site Visit**

To prepare for the site visit, the Program Coordinator does the following:

- Issues a letter to the subgrantee and Board President outlining how the onsite will proceed and establishing a deadline for the subgrantee to submit all requested supporting documents
- Requests and reviews supporting documents submitted by the subgrantee
- Identifies any missing progress or financial reports
- Checks for any unmet special conditions of the awards
- Reviews the overall scope of work of the awards
- Develops a checklist of information, documents, or activities to be addressed onsite that align with state and federal regulations

#### **3) Conduct Community Partner Survey**

Prior to visiting the agency, the Program Coordinator sends out an online survey requesting input from a sample of key community agencies with whom the subgrantee maintains a Memorandum of Understanding. The goal is for CDVSA to better understand how the subgrantee engages and works with community partners and to identify successes and challenges in developing and sustaining community partnerships.

The Program Coordinator will share the survey results with the subgrantee during the onsite visit and/or as an accompaniment to the post-onsite letter.

#### **4) Conduct the Site Visit**

The Program Coordinator and agency Director and/or Program Manager will work together to put together a schedule for the site visit. The Program Coordinator utilizes several

monitoring tools to direct the site visit, which include a checklist of items and procedures to view and a guided tour of the facility. These tools will be shared with the agency Director and/or Program Manager prior to the site visit. The Program Coordinator will also conduct a series of interviews with key agency staff including a representative from the Board of Directors.

At the close of the site visit, any administrative and financial issues that were identified during the Program Coordinator's review of the pre-onsite materials and/or during the site visit will be discussed along with areas of success and achievement. The Program Coordinator will solicit from the subgrantee general feedback as well as any needs for technical assistance.

### 5) Site Visit Follow Up

Upon completion of the onsite visit, the Program Coordinator emails a letter to the subgrantee and the Board President identifying the issues reviewed for compliance, any requirements for corrective action, and an agreed upon deadline for completing the corrective action(s). When documentation of the corrections is received, the Program Coordinator issues a final letter of completion, which officially closes the programmatic review process.

Should any major concerns be discovered during the programmatic monitoring process, such as fraud, waste, abuse, as well as intentional and unintentional violations and serious irregularities, the Program Coordinator will immediately report this discovery to the Executive Director of CDVSA.

## Article 5. Reporting

Subgrantees of CDVSA are responsible for submitting monthly, quarterly, biannual, and/or yearly reports, depending on the nature of their funded projects and the funding stream(s) awarded. CDVSA maintains a Program Reporting Forms page on the website to which is posted a fiscal year timeline of reports and due dates, as well as information and instructional documents and the reporting forms to be used: <https://dps.alaska.gov/CDVSA/Grantee-Support/ReportingForms>.

### Section 5.01 Financial Reports

#### Monthly Financial Report (MFR) for State General Funds

All subgrantees provide CDVSA with a monthly report of expenses for each state-funded award they receive which includes all General Fund victim service awards, Community Readiness (CR) and Community Based Primary Prevention Programs (CBPPP), Battering Intervention Programs (BIP), and Prison Battering Prevention (PBP) awards. The reports are due on the 15<sup>th</sup> following every monthly reporting period.

#### Monthly Reimbursement Request for Federal Funds

Federal funds are dispersed to subgrantees on a reimbursement basis, unlike General Funds. Therefore, it is necessary to submit monthly reimbursement requests for actual expenditures. These requests are considered timely if received by the 15<sup>th</sup> of every following month. Late arriving requests may result in payment being delayed until the next month.

**NOTE:** *Reimbursement Requests are expected to be received even if there were no expenditures that month, in which case the request will indicate \$0 in the expenditure columns.*

#### Quarterly Financial Report (QFR)

All subgrantees submit a quarterly financial report for each CDVSA funding stream, indicating actual expenses per cost category as allocated in their original budget or any budget adjustment that has been approved. These reports are due on the 30<sup>th</sup> of October, January, April, and July, reflecting expenses from the previous state fiscal year quarter.

### Section 5.02 Equipment Retention/Disposal Report

At the end of every award period, subgrantees submit an Equipment Retention/Disposal Certification Form for each item purchased with CDVSA funding with an original value of \$5,000 or greater. The form indicates if this item is being retained or disposed of and whether or not its value has depreciated to less than \$5,000 and no longer needs to be inventoried. These forms are due July 30.

More information on the equipment purchase, retention, and disposal process is found at <https://dps.alaska.gov/CDVSA/Grantee-Support/ReportingForms>, under "Equipment".

## **Section 5.03 Victim Services Reports**

### **Quarterly Outcomes and Education Report**

Victim Service programs submit quarterly a report tallying number of participants in their programs, responses to outcome surveys completed by participants, number of community education presentations conducted, and number of participants at those presentations.

**NOTE:** Recipients of VOCA Enhanced Services grant funding are not required to submit these reports.

### **Victim Services Biannual Report**

Victim Service programs submit a narrative report regarding delivery of services, issues or notable trends, gaps in services, staffing issues, service delivery to underserved populations, etc. on a biannual basis. Reports are due January 30 and July 30.

## **Section 5.04 Reporting Specific to Federal Grants**

### **FVPSA**

#### 1) Annual FVPSA Data Report:

Programs receiving FVPSA funds are required to submit an annual data report to CDVSA. The reporting period is the federal fiscal year (October 1 – September 30). FVPSA grantees pull the report from the Microsoft Access Database, and it is due October 30.

#### 2) FVPSA End of Year Performance Report

Programs receiving FVPSA funds also complete a narrative performance report providing examples or summaries of domestic violence program accomplishments and challenges for the state fiscal year (July 1-June 30).

#### 3) FVPSA Letter on Agency Letterhead

Programs receiving FVPSA funds produce a letter on agency letterhead certifying receipt of FVPSA funding and that the funds were expended according to funding requirements. A sample letter is found on the [CDVSA Program Reporting Forms](#) page.

### **STOP**

#### 1) STOP Annual Progress Report

Programs receiving STOP funds are required to submit an annual progress report (also known as a Muskie Report) for the calendar year (January 1-December 31) to the CDVSA. The STOP Administrator will contact all subgrantees in late January/early February to provide instructions and the reporting form. Progress reports are due back to the STOP Administrator in early March.

The STOP Subgrantee Progress Report asks questions about data, demographics, outreach, and service delivery. It also asks for narrative responses to questions about how funding has supported program goals and about the areas of remaining need with regard to victims/survivors of domestic violence, sexual assault, stalking and trafficking. To view the

reporting form, reporting tools, and reporting instructions visit:

<https://www.vawamei.org/grant-program/stop-formula-grant-program/>.

## **VOCA**

### **1) End of Year VOCA Questions Survey**

In October, VOCA recipients are sent a Survey Monkey link and asked to complete a short survey of 7 narrative questions.

## **SASP**

### **2) SASP Annual Progress Report**

Programs receiving SASP funds are required to submit an annual progress report (also known as a Muskie Report) for the calendar year (January 1-December 31) to the CDVSA. The SASP Administrator will contact all subgrantees in late January/early February to provide instructions and the reporting form. Progress reports are due back to the SASP Administrator in early March.

The SASP Subgrantee Progress Report asks questions about data, demographics, outreach, and service delivery. It also asks for narrative responses to questions about how funding has supported program goals and about the areas of remaining need with regard to victims/survivors of sexual assault. To view the reporting form and reporting tools visit: <https://www.vawamei.org/grant-program/sasp-formula-grant-program/>.

## **Section 5.05 Data Reporting**

### **Quarterly Data Report**

Subgrantees submit quarterly reports of their data, as produced from the database employed to collect the data from their program(s). This data is due 30 days after the end of each quarter, i.e. the 30<sup>th</sup> of October, January, April, and July.

**NOTE:** VOCA Enhanced Services award recipients submit data in a different format, as indicated below.

### **Quarterly VOCA Enhanced Services Report**

VOCA Enhanced Services subgrantees submit data similarly as above but on a distinct report form. This report is also due 30 days after the end of each quarter, i.e. the 30<sup>th</sup> of October, January, April, and July.

### **State Fiscal Year Data Report**

A State Fiscal Year data report is due 30 days after the end of the State Fiscal Year, i.e. July 30. Similar to the quarterly reports, this yearly report is pulled from the database being employed to collect statistical data.

**NOTE:** VOCA Enhanced Services award recipients do not need to submit this report.

## **Section 5.06 Prevention Reporting**

### **Quarterly Common Indicator and Narrative Report**

Community Readiness (CR) and Community Based Primary Prevention Program (CBPPP) subgrantees submit quarterly reports providing a record of accomplishments, capacity development, efforts, challenges, and assistance needs. These reports are submitted online and are due by the 30<sup>th</sup> of October, January, April, and July.

### **End of Year Evaluation Report**

Community Readiness (CR) and Community Based Primary Prevention Program (CBPPP) subgrantees send an annual end-of-year evaluation report to the CDVSA Prevention Program Coordinator by July 30.

## **Section 5.07 BIP/PBP Reporting**

### **Monthly Review of Online Database**

Battering Intervention Programs (BIP) and Prison Battering Prevention (PBP) programs are expected to continually enter data into the online database. At a minimum, by the end of each quarter all data should be current and entered in the system. The research analyst will review the data in the database 30 days after the end of the quarter. The BIP/PBP database is located at: <https://batterersintervention.dps.alaska.gov/>.

**NOTE:** This database requires a username and password to enter. BIP/PBP programs should have established access when they were awarded funding. Please contact the CDVSA research analyst or your program coordinator if assistance is needed to get into the database.

### **Biannual Narrative Report**

Battering Intervention Programs (BIP) and Prison Battering Prevention (PBP) programs submit a report regarding working with community partners, programmatic changes, staff training, referrals, participant status, and formal grievances received on a biannual basis. Reports are due January 30 and July 30.

### **Annual Self-Evaluation of Services**

The purpose of the Annual Self-Evaluation of Services Report is to review the accountability of services provided by state-approved batterers' intervention programs and prison batterers' programs to ensure their quality and effectiveness. The report covers the previous calendar year (January 1 – December 31) and is due to CDVSA by January 30.

## **Article 6. Program Policies, Procedures and Planning**

The CDVSA has a statutory responsibility to adopt regulations in accordance with AS 44.62 (Administrative Procedure Act) and to protect the health, safety, well-being, and privacy of persons receiving services financed with grants or contracts under this chapter. In addition, the federal grants awarded to CDVSA require compliance with conditions and assurances stated explicitly in the grant documents. Therefore, it is the responsibility of CDVSA to monitor for compliance from the subgrantees receiving the state and federal funds dispersed to them. To this end, subgrantees need to establish and maintain a set of policies and/or procedures to guide their work and assist board members, staff, volunteers, and clients in remaining compliant and staying true to the purpose of the organization's mission.

The policies and procedures required of CDVSA subgrantees are separated in this section between federal- and state-required policies. All subgrantees of CDVSA funding are obliged to establish federally mandated policies and procedures. In addition, agencies receiving General Funds (state) awards from CDVSA must comply with state regulations.

---

### **Federal Policies and Procedures Required of All Subgrantees (6.01-6.07)**

---

#### **Section 6.01 Governing Body**

Grantee has documentation that shows that the governing body approves the annual budget and regularly reviews financial reports.

#### **Section 6.02 Civil Rights**

Because a U.S. Department of Justice award is a form of "federal financial assistance," the recipient of an award (and any "subrecipient" at any tier) must comply with additional civil-rights-related requirements above and beyond those that otherwise would apply. There are two categories of requirements: civil rights laws and nondiscrimination provisions. For more information visit:

[Civil Rights | Department of Justice Grants and Cooperative Agreements: Statutes and Regulations related to Civil Rights and Nondiscrimination | Office of Justice Programs \(ojp.gov\)](https://www.ojp.gov/civil-rights)

#### **Non-Discrimination: Equal Employment Opportunity**

All grantees of CDVSA funding sign award assurances, submit a certificate indicating compliance with civil rights regulations, and agree to comply with required federal certifications. Regarding prohibitions against discrimination in employment practices, grantees affirm that they shall not discriminate based on race/ethnicity, language, sex, gender, age, sexual orientation, gender identity, (dis)ability, social class, economic status, education, marital status, religious affiliation, residency, or HIV status in the provision of services or employment practices.

In order to monitor for compliance with this prohibition, it is expected that grantees:



- State, in solicitations or advertisements for employees to work on a grant project, that the grantee is an equal opportunity employer.
- Display an Equal Employment Opportunity notice in a conspicuous area accessible to employees.
- Submit a certification form to the Office of Civil Rights certifying compliance with the EEO requirements.

### **Non-Discrimination: Civil Rights of Clients**

Grantees shall comply fully with [42 U.S.C. 2000d](#) (U. S. Civil Rights Act) and [29 U.S.C. 794](#). Title VI, 42 U.S.C. § 2000d was enacted as part of the Civil Rights Act of 1964 and prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance. Title 29, USC 16 §794 states, "No otherwise qualified individual with a disability in the United States, as defined in section 705(20) of this title, shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

In order to monitor for compliance with these prohibitions regarding discriminatory practices, it is expected that grantees:

- Have a policy in place prohibiting discriminatory practices based upon the actual or perceived: race/ethnicity, language, sex, gender, age, sexual orientation, gender identity, (dis)ability, social class, economic status, education, marital status, religious affiliation, residency, or HIV status.
- Have a policy and/or procedure in place regarding notifying program participants that it does not discriminate in the delivery of services.
- Conduct training annually for employees and volunteers on the requirements under federal civil rights laws and submit the record of staff trained to CDVSA within the first quarter of the fiscal year.
- Establish and operate internal information-collection systems to provide necessary racial statistics for staff, clients, beneficiaries, or participants annually. Records and reports must be available for review by the CDVSA and by the appropriate federal agency upon request.

### **Whistleblower Protections for Employees ([U.S. Office of Justice Programs](#))**

Recipients of Office of Justice Programs (OJP) grants and cooperative agreements (and any subrecipients at any tier) must comply with, and are subject to, all applicable provisions of 41 U.S.C. 4712, including all applicable provisions that prohibit, under specified circumstances, discrimination against an employee of an OJP recipient by the OJP recipient as reprisal for the employee's disclosure of information related to gross mismanagement of a federal grant, a gross waste of federal funds, an abuse of authority relating to a federal grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal grant.

Recipients of OJP grants and cooperative agreements should inform their employees, in writing (and in the predominant native language of the workforce), of employee rights and remedies under 41 U.S.C. 4712.

### **Filing Grievances: Client Policies and Procedures**

Grantees are required to have written policies or procedures regarding notifying program participants of how to file complaints alleging discrimination by the grantee, including informing participants how to file complaints with the U.S. Office of Civil Rights. See “Filing a Civil Rights Complaint” at [Civil Rights | Filing a Civil Rights Complaint | Office of Justice Programs \(ojp.gov\)](https://www.ojp.gov/civilrights/filing).

### **Filing Grievances: Discrimination**

Subrecipients of federal funding are required to comply with all applicable federal laws prohibiting discrimination in the delivery of services and employment and must have written policies and procedures in place to respond to complaints that include:

- How members of the public and employees may file a complaint including how to file complaints with the U.S. Office of Civil Rights
- How the organization investigates the complaint
- How the organization ensures impartiality in investigating itself
- Who is responsible for conducting the investigation
- Who is responsible for making the findings
- What the legal standards and timetables are for issuing findings
- What duty the agency has to keep the complainant informed at each stage of the process
- What the organization’s responsibilities are when the investigation shows that remedial actions are warranted

### **Americans with Disabilities Act (ADA) Practices and Policies**

A grantee shall make provisions for meeting the needs of clients with disabilities. While a policy per se is not required, during a programmatic monitoring visit CDVSA staff will look for evidence that persons with disabilities can be accommodated in the delivery of services. More information can be found at: [Americans with Disabilities Act | U.S. Department of Labor \(dol.gov\)](https://www.dol.gov/eisv05/initiatives/ada/)

### **Services for Persons with Limited English Proficiency**

Services and activities provided by the grantee must be available to those with limited English proficiency (LEP) and there must be written LEP policies and procedures in place to include:

- Identifying a mechanism for accessing foreign or sign languages for those in need
- Training personnel how to access and employ the mechanism

- Providing foreign language posters to the general public
- Providing notices in the agency in languages that have met the language access threshold

More information can be found at:

[Civil Rights | Limited English Proficient \(LEP\) | Office of Justice Programs \(ojp.gov\)](#)

## **Section 6.03 Workplace Policies and Procedures**

### **Drug-Free Workplace (41 U.S.C. Chapter 81 - Drug-Free Workplace)**

As required by the Drug-Free Workplace Act of 1988, a grantee certifies and assures that it shall adopt and implement a policy to provide a drug-free workplace. This policy must include notification to employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace and shall specify the actions that will be taken against an employee for violation of such a prohibition.

More information regarding obligations to maintain a drug-free workplace can be found in the Required Federal Certifications document that grantees sign at the start of each state fiscal year.

### **Workplace-Related Sexual Misconduct and Domestic/Dating Violence**

Grantees must have a policy to address workplace-related incidents of sexual misconduct, domestic violence, and dating violence involving an employee, volunteer, consultant, or contractor. The policy must address:

- (1) allegations of workplace-related incidents of sexual misconduct, domestic violence, and dating violence by an employee, volunteer, consultant, or contractor;
- (2) workplace supports for employees, volunteers, consultants, or contractors who are victims of sexual misconduct, domestic violence, or dating violence; and
- (3) adjudications that will result in an employee, volunteer, contractor, or consultant being prohibited from occupying positions that could undermine the ability of the recipient or subrecipient to carry out the grant funded project, such as positions working with victims and other vulnerable populations.

A policy may provide that certain adjudications do not prohibit an individual from occupying such a position but must include standards for granting such an exemption for an individual.

To read the federal award condition:

<https://www.justice.gov/ovw/page/file/1295756/download>

For resources to develop, implement, and respond to this policy:

<https://www.workplacesrespond.org/ovwgrantees/>

### **Record-Keeping**

A grantee shall have a records retention policy and maintain client records in a secure location.

## **Section 6.04 Direct Services**

### **Voluntary Services**

Subrecipients of CDVSA funding are required to have a policy that states the agency does not impose conditions upon receipt of supportive services or shelter stay. For original language visit United States Code Title 42, Chapter 110, §10408.(d)(2):  
[https://uscode.house.gov/view.xhtml?req=\(title:42%20section:10408%20edition:prelim\)](https://uscode.house.gov/view.xhtml?req=(title:42%20section:10408%20edition:prelim))

### **Participant Orientation**

A grantee shall provide clients with hard copy or electronic documents orienting them to the agencies' services and applicable policies and procedures to include:

- (1) Services that are available.
- (2) Notification that services are provided free of charge<sup>1</sup>.
- (3) Clients' rights of confidentiality including clients' obligation to maintain confidentiality.
- (4) Notification that the program does not discriminate in delivery of services.
- (5) Policies or procedures describing how to file complaints alleging discrimination by the grantee, including how to file complaints with U.S. Office of Civil Rights.

### **Transportation Policies**

Subgrantee award conditions state: Pursuant to Executive Order 13513, "Federal leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), DOJ encourages recipients and sub-recipients ("sub-grantees") to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this award, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.

The subrecipient will encourage adoption and enforcement of on-the-job seat belt policies and programs for its employees and contractors when operating agency-owned, leased, or personally owned vehicles.

In addition, Alaska car seat laws require all passengers to wear a seat belt and describe appropriate safety restraints for children, depending on age and size of the child.

### **Confidentiality (ANDVSA Model Policy on Confidentiality)**

Federal and state laws define the confidentiality rules for programs that receive governmental funding. The Violence Against Women Act (VAWA) contains broad protection

---

<sup>1</sup> The U.S. Department of Justice as well as the U.S. Department of Health and Human Services, which are the sources of CDVSA's federal funds, stipulate the sub-recipients of this funding provide free services to victims of federal and state crimes. For the purposes of this funding, a victim is defined as a person who has experienced physical, sexual, financial, or emotional harm as the result of the commission of a crime. Grantees of CDVSA funding cannot accept any kind of payment from clients for services paid for with CDVSA funds.

for victim confidentiality that governs any programs that receive funds under VAWA. The Family Violence Services Prevention Act (FVSPA) and Victims of Crime Act (VOCA) have similar confidentiality protections. Therefore, programs should follow a policy of absolute confidentiality with participant information as discussed in the *ANDVSA Model Policy on Confidentiality* (found in the appendices), unless the information falls under one of the exceptions discussed in Section IV (Exceptions to Confidentiality) or the concerned party gives their informed, written, reasonably time-limited consent as discussed in Section V (Release of Information with Informed Consent).

Furthermore, programs' policies on confidentiality need to include procedures for reporting an actual or imminent breach of a service recipient's personally identifying information. Programs awarded VOCA funds must include in their procedures notifying the state VOCA administrator within 24 hours of detecting the imminent or actual breach. For clarification, agencies should inform their Program Coordinator within 24 hours of any confidentiality breach, and the Program Coordinator will take the necessary steps to inform the VOCA Administrator. The VOCA Administrator may contact your agency to gain any additional information necessary for reporting to the U.S. Department of Justice.

### **Mandatory Reporting**

The Federal Child Abuse Prevention and Treatment Act requires each state to have provisions or procedures for requiring certain individuals to report known or suspected instances of child abuse and neglect. In addition, 42 U.S. Code § 3058i requires states receiving federal funds to develop, strengthen, and carry out programs for the prevention, detection, assessment, and treatment of, intervention in, investigation of, and response to abuse, neglect, and exploitation of vulnerable adults.

Alaska State Regulations 13 AAC 90.105 discuss the requirements for training staff to comply with the above cited federal laws:

**(a)** A grantee shall provide training on the recognition and reporting of abuse or neglect to staff members who are required to report child abuse or neglect under AS 47.17.020 or the abuse of a vulnerable adult under AS 47.24.010. The training must take place

- (1) during the first month of employment, for new staff members; and
- (2) once a year, for all staff members.

**(b)** As part of the training required under this section, a grantee shall require each staff member to read and sign a statement that clearly defines all forms of reportable abuse or neglect and outlines the staff member's responsibility to report abuse or neglect. The statement must be retained in the staff member's personnel file.

### **Releases of Information**

In 28 CFR § 90.4, the U.S. Department of Justice states that, *In order to ensure the safety of adult, youth, and child victims of domestic violence, dating violence, sexual assault, or stalking and their families, grantees and subgrantees under this part shall protect the confidentiality and privacy of persons receiving services.*

Language in the grant conditions goes on to state:

**(i)** Personally identifying information or individual information that is collected . . . may not be released except under the following circumstances:

- (A) The victim signs a release as provided in paragraph (b)(3)(ii) of this section;
- (B) Release is compelled by statutory mandate, which includes mandatory child abuse reporting laws; or
- (C) Release is compelled by court mandate, which includes a legal mandate created by case law, such as a common-law duty to warn.

**(ii)** Victim releases must meet the following criteria:

- (A) Releases must be written, informed, and reasonably time limited. Grantees and subgrantees may not use a blanket release and must specify the scope and limited circumstances of any disclosure. At a minimum, grantees and subgrantees must: Discuss with the victim why the information might be shared, who would have access to the information, and what information could be shared under the release; reach agreement with the victim about what information would be shared and with whom; and record the agreement about the scope of the release. A release must specify the duration for which information may be shared. The reasonableness of this time period will depend on the specific situation.
- (B) Grantees and subgrantees may not require consent to release of information as a condition of service.

More information about signing releases of information can be found at [28 CFR § 90.4 - Grant conditions. | CFR | US Law | LII / Legal Information Institute \(cornell.edu\)](#)

## **Section 6.05 Personnel Policies and Procedures**

### **Hiring and Training Staff**

As per the provisions of 8 U.S.C 1324a(a)(1) and (2) regarding the unlawful employment of aliens, grantees must ensure that, as part of the hiring process for any position funded with subaward funds, the employment eligibility of the individual who is being hired is verified. Furthermore, grantees must maintain records of all employment eligibility verifications in accordance with Form I-9 record retention requirements.

In addition, as part of the monitoring process, grantees will be expected to have the following to share with the CDVSA reviewer:

- Agency's organizational chart identifying staff positions and lines of authority
- Training records of all grant-funded staff
- Position descriptions of all grant-funded staff

## **Determination of Suitability for Individuals Interacting with Minors**

Special conditions of the U.S. Department of Justice's Office of Justice Programs require that grantees make a determination of suitability of persons who may interact with participating minors, in advance of contact with underage participants. A fingerprint search of pertinent state (and, if applicable, local and tribal) criminal history registries or similar repositories is required, encompassing the time period beginning five calendar years preceding the date of the search. These criminal history checks must be repeated every five years.

Grantees must:

- Ensure that, as part of the hiring process for any position within the United States that is or will be funded (in whole or in part) with award funds, the grantee properly verifies the employment eligibility of the individual who is being hired;
- Notify persons associated with the grantees who are involved in activities under this award that employment eligibility verification is required and that it is unlawful to recruit and/or hire those deemed ineligible;
- Provide training to individuals required to be notified of the requirement; and
- Maintain records of all employment eligibility verifications (including I-9 records), notifications, and training information.

For more detail on this award condition and definitions of key language in the requirement, visit: <https://www.ojp.gov/funding/explore/interact-minors>

## **Volunteer Management**

CDVSA grantees receiving federal and/or state funding are required to utilize volunteers in some aspect of their organization. Therefore, CDVSA staff will request information about volunteer involvement and any policies or procedures related to volunteer recruiting, training, supervision, and/or performance evaluation during a programmatic review.

## **Section 6.06 Fiscal Policies and Procedures**

### **Employee Travel**

Grantees are expected to have policies and procedures in place for paying travel expenses that include:

- a. The basic reimbursement for travel expenses and the basic per diem and meal allowances allowed under the collective bargaining agreement between the state and its general government unit employees which is in effect at the time that CDVSA awards the grant;
- b. The conditions and processes under which the agency pays for travel costs of employees.

### **Unallowable Costs (CDVSA Grant Award Conditions)**

The program agrees to assure that grant funds are not used to pay for the following:

- Interest costs on loans;
- Contingencies;
- Lobbying;
- Fines, penalties or bad debts;
- Contributions or donations;
- Entertainment, including luncheons, banquets, gratuities, or decorations; or
- Activities that endanger the welfare of the victim.

### **Fiscal Management**

Grantees of federal and state funding are expected to have the following policies and procedures in place regarding the management of their funds:

1. Written accounting procedures.
2. A system in place for monitoring grant spending.
3. Accounting records that are organized and available.
4. Reasonable separation of financial duties and internal controls.
5. Documentation that shows the Board of Directors approves the annual budget and regularly reviews financial reports.
6. Grant expenses that can be identified from general ledger reports in a chart of accounts
7. Supporting documentation available for expenditures.
9. A current annual audit report or financial review readily available and a system for resolving audit exceptions. If more than \$750,000 in federal funds were expended in the grantee's fiscal year, then an A-133 audit is required.
10. A system to monitor subcontractor/consultant expenses and payments, if applicable.
11. An accounting system that reflects accurately staff time paid from multiple fund sources.
12. Time and attendance records for all staff paid from grant funds and match which are signed or electronically certified by the employee's supervisor.

### **Purchasing Practices and Procedures ([DOJ Grants Financial Guide](#))**

For procurement transactions using Federal award funds, grantees must use their own documented procurement procedures consistent with applicable State, local, and tribal laws and regulations. These procurement procedures must be periodically reviewed to ensure compliance with applicable regulations.

The U.S. Department of Justice states that award recipients and subrecipients must have a documented procurement process in place that includes:



- Checking for organizational conflict of interest with potential contractors;
- Ensuring that contracts are not awarded to contractors or individuals on the List of Parties Excluded from Federal Procurement and Non-procurement Programs; and
- Performing a System for Award Management (SAM) review of potential contractors or individuals.

State of Alaska Domestic Violence and Sexual Assault Program Standards concerning purchasing practices (13 AAC 95.310) are currently written as follows:

A grantee shall establish uniform purchasing practices and procedures for the procurement of goods and services. The practices and procedures must provide that

(1) for purchases of non-expendable personal property, the grantee will require three competitive price quotations from potential suppliers;

(2) for the award of a contract for services over \$5,000, a grantee must obtain at least three proposals, considering qualifications, resources, experience, and billing rates; for contracts under \$5,000, competitive solicitation is not required but selection must be made with practices that are as competitive as possible under the circumstances; for services contracts for which it is beneficial to the program to maintain continuity, the grantee may go out to bid once every three years; and

(3) the grantee shall retain written records of price quotations in accordance with 13 AAC 95.290 and shall include in the written records

(A) specifications;

(B) suppliers' names and addresses; and

(C) the prices quoted; price quotations for nonexpendable personal property may be in the form of copies of listings in catalogs.

### **Equipment Purchases and Tracking**

CDVSA processes regarding subgrantees' purchase and tracking of equipment valued at \$5,000 or greater is outlined under [Article 3: Section 3.06](#) and [Article 5: Section 5.02](#).

However, subgrantees should also establish their own internal procurement policies and procedures, as discussed in *Purchasing Practices and Procedures* above, when making purchases, to include details on the need for competitive bids and/or price comparison.

### **Emergency Assistance**

If a grantee provides any emergency assistance for service recipients or their dependents from grant funds, procedures must be in place to determine eligibility and authorization of release of funds.

### **Gift Cards**

As per federal allowable costs guidelines:

*Grantees may only use gift cards when the use of a credit or charge process is not feasible, such as assisting a victim in an emergency relocation or assisting a victim with travel expenses related to participating in criminal justice proceedings. Due to the complex nature of ensuring that gift cards are used only as intended, the use of gift cards is very limited. If a Grantee determines that the use of gift cards is necessary to provide services to victims, the Grantee must ensure that effective control and accountability is maintained over gift cards, including tracking and safeguarding of cards and ensuring that the cards are used solely for authorized purposes and for purposes that are otherwise an allowable use of VOCA funds.*

<https://www.doj.state.or.us/wp-content/uploads/2017/09/VOCA-Allowable-Unallowable-Costs-Services.pdf>

### **Housing, Utilities and Storage Deposits**

CDVSA funds may be used in support of transitional housing for and/or relocation of victims, which can include security deposits on housing, utilities, or storage units as allowed by the RFP. However, cautionary language is provided regarding refundable deposits and requires that grantees have practices and policies in place:

*Refundable security deposits for housing and utilities: Grantees are discouraged from paying for refundable security deposits, but if a security deposit would be an insurmountable obstacle for a victim to access housing or secure or retain utilities, then such costs would be allowed as "ordinary and necessary...for the proper and efficient performance of the Federal award" (Uniform Guidance, §200.404). Grantees must exercise their "established practices and policies" (Uniform Guidance, §200.404) regarding the reimbursement of security deposit refunds to the VOCA program. A security deposit refund would not be considered program income.*

<https://www.doj.state.or.us/wp-content/uploads/2017/09/VOCA-Allowable-Unallowable-Costs-Services.pdf>

## **Section 6.07 Organizational Partnerships**

### **Memoranda of Agreement**

A Memorandum of Agreement (MOA) is a signed commitment by two or more organizations about the nature of their collaboration, what they hope to achieve, and how desired results are to be reached. Although not a legally binding document, an MOA concretely spells out any terms of agreement in writing. It can also be used as a reference should any problems arise during the collaboration.

An MOA should include the names of the partnering agencies, signatures and date of signing for both agencies, a date of expiration or review/renewal, and responsibilities and expectations of each partner. It is expected that grantees will have MOAs with partnering agencies. CDVSA will include review of these agreements during the programmatic monitoring process.

More information regarding developing an MOA and samples can be found on the CDVSA website at: <https://dps.alaska.gov/CDVSA/Grantee-Support/Support-MOA-Steps>

---

## State General Funds Required Policies, Procedures, and Plans (6.08-6.14)

---

### **Section 6.08 Governing Body (13 AAC 90.020)**

#### **Mission Statement**

**(a)(7)** The governing body shall direct the grantee's planning process: the governing body shall develop statements of philosophy of service delivery, mission, and goals and objectives; the goals and objectives must be reviewed annually.

#### **Articles of Incorporation and By-laws**

**(a)(1)** The governing body shall have written documentation of its source of authority, through charter, articles of incorporation, or bylaws, as appropriate.

#### **Other Duties**

**(a)(2)** The governing body shall meet at least quarterly and keep minutes of all meetings;

**(a)(3)** The governing body shall appoint an executive director, and designate, in writing, the director's authority, which must include responsibility for the daily operation and administration of the program;

**(a)(4)** The governing body shall reflect representation of community concerns and interests by adopting and implementing a policy to recruit members of populations which are targeted for program services, particularly Alaska Native and other ethnic or racial populations;

**(a)(5)** The governing body shall approve, in writing, all documents of the grantee that establish policy, including personnel policies, budgets, budget revisions, and the accounting manual;

**(a)(6)** The governing body shall conduct open meetings; however, if excepted subjects are to be discussed at a meeting, the meeting must first be convened as a public meeting and the question of holding an executive session to discuss any of the following matters must be determined by a majority vote of the governing body; the only excepted subjects that may be discussed in an executive session are:

(A) matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the grantee;

(B) subjects that tend to prejudice the reputation and character of any person; however, the person may request a public discussion;

(C) matters which, by law, municipal charter, or ordinance, are required to be confidential.

**(a)(7)(b)** The governing body must represent community concerns and interests by consisting of members that reside in the program's service area.

## **Section 6.09 Workplace Policies and Procedures**

### **Record-Keeping: Client Policies, Procedures and Records (13 AAC 90.080)**

- (h) A grantee shall have written policies and procedures for periodic review of records of active clients for completeness and appropriateness.
- (i) A grantee shall have a standardized system for keeping records on clients that includes the following information for each client:
- (1) statements of problems and needs;
  - (2) a plan for problem resolution;
  - (3) a personal contact in case of an emergency; and
  - (4) known medical problems.
- (j) A grantee shall have written policies and procedures for closing and storing clients' records.

### **Safety of Premises (13 AAC 90.070)**

- (a) A facility must comply with applicable zoning ordinances and conform to electrical, sanitation, plumbing, building, and safety codes of the governmental jurisdiction in which the facility is located.
- (b) A facility must have adequate ventilation in all areas, and direct outside air ventilation to each bedroom.
- (c) Responsibility for cleaning the facility and its premises must be assigned in writing.
- (d) A grantee shall maintain records of facility inspections and conditional use permits for three years.

### **External and Interior Security (13 AAC 90.140)**

- (b) A shelter must be staffed by paid staff or a trained volunteer 24 hours per day, seven days per week, if one or more victims reside in the shelter. Shelter staff and volunteers must have at least eight hours of basic first aid training, which includes training in CPR and knowledge of the facility's emergency procedures.
- (d) There must be locks on windows and doors of the shelter to prevent entry by intruders.
- (e) There must be policies for the storage of medicines belonging to residents of the shelter that assure that the medicines are not accessible to children or unauthorized adults.

**NOTE:** As per ethical and legal obligations under the Americans with Disabilities Act (ADA), shelters will provide residents with an individual locking storage space for medications and valuables and will not limit or monitor the resident's access to that space, such as by holding the key in the shelter office. For more discussion of medication policies for shelters, consult the National Center on Domestic Violence, Trauma & Mental Health's *Model Medication Policy for DV Shelters* found in the appendices to this document.

**(g)** Orientation must be provided to all clients of the shelter, to inform them of the requirement for nonviolent behavior by children and adults while in the shelter.

### **Emergency Procedures (13 AAC 90.140)**

**(c)** There must be written procedures for the shelter for meeting potential emergencies such as fire, natural disasters, physical illness, and threats of physical injury. These procedures and emergency telephone numbers must be posted in prominent places in the shelter, and the procedures made known to staff, volunteers, clients, and if applicable, law enforcement officers. The emergency procedures must include:

- (1) assignments of tasks and responsibilities;
- (2) instructions for the use of alarm systems, emergency equipment and notification of authorities;
- (3) specification of escape routes in case of fire or natural disaster; and
- (4) coordination with law enforcement agencies for emergency plans regarding intruders and with fire departments for emergency plans for fire or natural disasters.

### **Technology Safety and Best Practices**

The CDVSA refers subgrantees to the Alaska Network on Domestic Violence & Sexual Assault (ANDVSA)'s *Model Policy on Confidentiality* for best practices and considers that policies adhering to these standards meet legal and ethical requirements for confidentiality and safety of a program participant's identifying information.

The *Model Policy* is included with this manual in the appendices and discusses technology safety and best practices in Section 10. The recommendations follow guidelines provided by the [National Network to End Domestic Violence](#) (NNEDV) and include standards in regard to:

- Community computers
- Email
- Onsite data management
- Third-party and cloud data management
- Cell phones and texting

### **Reporting (13 AAC 90.060)**

A grantee shall have written procedures that ensure fulfillment of reporting requirements imposed by licensing or funding sources.

### **Record-Keeping (ANDVSA Model Policy on Confidentiality)**

The *Model Policy on Confidentiality* (found in the appendices to this document) discusses information to be kept on participants in Section 7 and maintenance/destruction of program files in Section 8. Specifically, this document includes standards in regard to:

- Program file content
- Photographs of injuries

- Secure program file area
- Designated records custodian
- Regular destruction of program files
- Children's files

## **Section 6.10 Direct Services**

### **Intake Paperwork/Process (13 AAC 90.080)**

**(c)** A grantee shall have written procedures for client intake that address

- (1) evaluation of immediate danger of suicide or homicide, the appropriateness of the client to the program, the presence of child abuse or neglect, the presence of abuse of vulnerable adults, the influence of alcohol or drugs, and a lethality assessment, if applicable;
- (2) referral procedures for individuals not admitted to the program; and
- (3) conditions for acceptance and refusal of referrals from other agencies.

**(d)** A grantee shall have written procedures for discharge of clients, including provisions for referrals and clients' participation in discharge plans.

**(g)** A grantee shall have written policies and procedures for follow-up of clients that establish protection of clients' confidentiality during follow-up contacts, make provisions for safety checks, if applicable, and specify the conditions under which follow-up will be discontinued.

### **How and When Services are Provided/Participant Handbook (13 AAC 90.080)**

Providing clients with applicable programmatic information and policies is addressed in [6.04 Participant Orientation](#), however state regulations stipulate additional information to be included, as follows:

**(a)** A grantee shall provide ongoing clients with an orientation to the program that includes an explanation of clients' rights of confidentiality, clients' obligation to maintain confidentiality, the services that are available, program hours, activities ~~and fees~~<sup>2</sup>, rules governing clients' conduct, and infractions that can result in disciplinary action or discharge.

### **Grievance Procedure (13 AAC 90.080)**

**(b)** A grantee shall have a written policy that provides for reviewing and responding to clients' grievances and recommendations about program operations, and that delineates the means by which clients are familiarized with these procedures.

**NOTE:** [Section 6.02, Filing Grievances: Client Policies and Procedures](#), discusses the requirement to have written policies or procedures notifying program participants of how

---

<sup>2</sup> As of this printing, the words "and fees" appear in this paragraph of Alaska State Regulations. However, this is in conflict with the U.S. Department of Justice, and the words will be removed when the regulations are updated.

to file complaints alleging discrimination. The language of this state regulation includes policy for reviewing programmatic recommendations as well as grievances.

## **Section 6.11 Personnel Policies and Procedures**

### **Personnel Management (13 AAC 90.040)**

Determining eligibility for employment is addressed in [Section 6.05 Hiring and Training Staff](#), however state regulations discuss the requirement for additional information to be included in employee personnel records, specific training requirements, and having policy in place for staff recruitment, as follows.

**(a)** A grantee shall have a personnel management system that includes a written job description and qualifications for each position, and a current organizational chart that identifies staff positions and lines of authority within the program.

**(b)** A grantee shall maintain for each employee a personnel record that includes education and training completed, wage or salary information, and performance appraisals. Performance appraisals must be completed annually and in accordance with documented procedures. The records must be stored, maintained, and used in a manner that ensures confidentiality.

**(c)** A grantee shall develop a written training plan for the professional growth and development of staff.

**(d)** A grantee shall provide training in the following areas for staff and volunteers who provide services directly to clients, as appropriate:

- (1) standards for conducting lethality assessments, safety checks, and for the development of safety plans;
- (2) community resources;
- (3) assistance to clients in identifying options and planning goals for themselves; and
- (4) assessment of the need for, and the provision of, education and advocacy in the areas of domestic violence or sexual assault.

**(e)** A grantee shall adopt and implement policies to recruit staff who are representative of populations targeted for program services, particularly Alaska Natives and other ethnic or racial populations.

### **Volunteer Management (13 AAC 90.110)**

**(a)** A grantee shall have written policies on volunteer services that include

- (1) the philosophy, goals, and objectives of the volunteer program;
- (2) the responsibilities and tasks of volunteers;
- (3) the procedures and criteria for selecting volunteers; and
- (4) the accountability and reporting requirements of volunteers.

**(b)** A grantee shall have a documented training program for volunteers that provides information on clients' rights, program procedures, and procedures for emergencies.

**(c)** A staff person or persons must be designated to serve as supervisor of volunteer services.

**(d)** A grantee shall develop a procedure for reviewing volunteers' performance and providing feedback to volunteers.

## **Section 6.12 Fiscal Policies and Procedures**

### **Relocation Reimbursement (13 AAC 95.140)**

**(f)** Before paying a relocation cost under 13 AAC 95.160(c), a grantee must establish written policies that

- (1) state the circumstances under which the grantee will pay for the relocation costs;
- (2) state the maximum amount the grantee will pay; and
- (3) require the employee to reimburse the grantee for the relocation costs if the employee resigns.

### **Insurance (13 AAC 90.050)**

**(e)** A grantee shall have insurance that provides for the protection of the physical and financial resources of the program. This insurance must include personal injury liability insurance for employees, volunteers, and clients, and bonding insurance in at least one-fourth of the total grant received from the council.

## **Section 6.13 Community Partnerships**

### **Coordination and Referral (13 AAC 90.120)**

A grantee shall develop written [Memorandums of Agreement](#) (MOA) for coordination with agencies that serve as primary referral sources, such as alcohol, mental health, other domestic violence and sexual assault programs serving the same area, as well as the Department of Corrections and the divisions in the Department of Health and Social Services responsible for juvenile justice and child protection. These policies and procedures must delineate means to identify clients' special needs, assist clients in obtaining services, and avoid duplication of services provided by other agencies. These policies must specify conditions under which referrals are made and must list specific steps for referring.

Therefore, a grantee should have, at minimum, MOAs with the following:

- Office of Children's Services
- A Behavioral Health Provider
- Local Law Enforcement
- A Legal Entity (such as the District Attorney's Office)
- A Tribal Organization from the region
- Another Victim Services Organization



## **Section 6.14 Planning**

### **Service Delivery Plan (13 AAC 90.030)**

**(a)** A grantee shall have a planning process that includes

- (1) Communication and coordination of the planning process with the council and other domestic violence or sexual assault programs that serve the same populations;
- (2) Identification of resources within the service area that provide the same, similar, and supplementary services;
- (3) Assessment of the service needs of the populations to be served;
- (4) Consideration of the characteristics, needs, and distribution of the populations to be served; and
- (5) A written description of each service provided by the program and a statement of how each service relates to identified needs of the populations to be served.

**(b)** Consideration under (a)(4) of this section of the characteristics and needs of the populations to be served includes consideration of a group's culture, heritage, traditions, and language, and must be documented.

**(c)** A grantee shall develop and implement a written policy outlining the basic procedures under which the provisions of (a) and (b) of this section are implemented.

### **Outreach and Community Education Plan**

Programs should have a written plan that outlines how they provide public awareness, outreach, and community education. The plan should discuss how the agency identifies underserved populations within their service area and how they engage these populations. In addition, the plan should include methods employed to solicit feedback from the community, including from culturally specific organizations.

#### **1) Publications, website and other outward-facing materials**

All CDVSA funding streams require that all published materials (written, web-based, audio-visual, or any other format) include a citation of the state and/or federal funding award used to pay for the cost. Refer to [Article 2: Available Funds](#) for details on mandated statements for materials and publications, as per each funding stream.

### **Program Evaluation Plan (13 AAC 90.130)**

A grantee shall have a written evaluation plan that includes

- (1) An assessment of the attainment of goals and objectives;
- (2) Designation of persons responsible for conducting the evaluation, including the governing body's role;
- (3) Description of the types of data collected;

- (4) Identification of factors which are important in contributing to the success of the program;
- (5) An assessment of how the grantee affects the community and clients it serves; and
- (6) A means for the evaluation findings to be used in the planning process described in 13 AAC 90.030.

## Article 7. Links and Useful Websites

Below is a list of websites referred to in this manual plus additional sites that may be useful resources for administrators of victim services agencies. Please note this is not an exhaustive list. Other links of interest and use may be found on the [CDVSA website](#) or on the websites of the organizations listed below. If you know of an important resource that should be linked here or on the CDVSA website, please share that information with your program coordinator.

---

### Alaska State Statutes and Regulations

---

#### **State of Alaska Council on Domestic Violence and Sexual Assault Grant Administration Regulations**

[CDVSAGrantAdministrationRegulations.pdf;.aspx \(alaska.gov\)](#)

#### **State of Alaska Domestic Violence and Sexual Assault Program Standards**

[CDVSARegulations.pdf;.aspx \(alaska.gov\)](#)

#### **State of Alaska Domestic Violence and Sexual Assault Program Statute**

[CDVSAStatute.pdf;.aspx \(alaska.gov\)](#)

#### **State of Alaska Programs for Rehabilitation of Perpetrators of Domestic Violence**

[CDVSA BIP Regulations.pdf;.aspx \(alaska.gov\)](#)

---

### Data

---

#### **Intimate Partner Violence in Alaska Interactive Data Dashboard**

<https://public.tableau.com/profile/ajic.uaa#!/vizhome/AVSDashboard-CDVSA-AJIC/Introduction?:render=false>

#### **Alaska Victimization Survey, University of Alaska Anchorage Justice Center**

<https://www.uaa.alaska.edu/academics/college-of-health/departments/justice-center/research/alaska-victimization-survey>

---

### Federal Funding

---

#### **Family Violence Prevention and Services Program (FVPSA)**

<https://www.acf.hhs.gov/fysb/programs/family-violence-prevention-services/about>

FVPSA is the primary federal funding stream dedicated to the support of emergency shelter and related assistance for victims of domestic violence and their children.

- FVPSA Final Rule  
<https://www.acf.hhs.gov/fysb/law-regulation/family-violence-prevention-and-services-act-final-rule>

## **Sexual Assault Services Program (SASP) and Services\* Training\* Officers\* Prosecutors (STOP): Office on Violence Against Women (OVW)**

<https://www.justice.gov/ovw/grant-programs>

The OVW provides federal leadership in developing the national capacity to reduce violence against women and administer justice for and strengthen services to victims of domestic violence, dating violence, sexual assault, and stalking.

- STOP Annual Progress Report  
<https://www.vawamei.org/grant-program/stop-formula-grant-program/>
- SASP Annual Progress Report  
<https://www.vawamei.org/grant-program/sasp-formula-grant-program/>

## **Victims of Crime Act (VOCA): Office for Victims of Crime (OVC)**

<https://www.ovc.ojp.gov/>

Established in 1988 through an amendment to the Victims of Crime Act of 1984, OVC is charged by Congress with administering the Crime Victims Fund (the Fund). Through OVC, the Fund supports a broad array of programs and services that focus on helping victims in the immediate aftermath of crime and continuing to support them as they rebuild their lives.

- VOCA Definitions, Allowable and Unallowable Costs, and Services  
<https://www.doj.state.or.us/wp-content/uploads/2017/09/VOCA-Allowable-Unallowable-Costs-Services.pdf>

---

## **Fiscal Administration**

---

### **DOJ Grants Financial Guide**

[https://www.ojp.gov/sites/g/files/xyckuh241/files/media/document/DOJ\\_FinancialGuide\\_1.pdf](https://www.ojp.gov/sites/g/files/xyckuh241/files/media/document/DOJ_FinancialGuide_1.pdf)

The U.S. Department of Justice's Grants Financial Guide is a reference manual assisting federal award recipients in fulfilling their fiduciary responsibility to safeguard grant funds and ensure funds are used for the purposes for which they were awarded. It compiles a variety of laws, rules and regulations that affect the financial and administrative management of awards.

### **The Foraker Group**

<https://www.forakergroup.org/>

The Foraker Group serves as the state association and capacity building organization for nonprofits and tribes across Alaska.

### **National Council of Nonprofits**

<https://www.councilofnonprofits.org/>

The Council of Nonprofits keeps nonprofits informed and empowered to create a positive public policy environment that best supports them in advancing their missions.

---

## Primary Prevention Programming

---

### Alaska Safe Children's Act

<https://education.alaska.gov/schoolhealth/safechildact>

Alaska Safe Children's Act (informally known as Erin's and Bree's Law) is made up of two separate pieces of legislation concerned with awareness and prevention of sexual abuse, sexual assault, and dating violence for children and teens.

### Centers for Disease Control and Prevention: Violence Prevention

<https://www.cdc.gov/violenceprevention/index.html>

The CDC Violence Prevention programs include Adverse Childhood Experiences (ACEs), Intimate Partner Violence Prevention, Child Abuse and Neglect Prevention, Sexual Violence Prevention, Elder Abuse Prevention, Suicide Prevention, Firearm Violence Prevention, and Youth Violence Prevention.

### Healthy Alaskans

<https://www.healthyalaskans.org/>

Led by a state and tribal partnership, Healthy Alaskans brings together partners from many sectors across the state to improve health and ensure health equity for all Alaskans through shared understanding, united efforts, and collective accountability at the community, organizational, and individual and family level.

### PreventConnect

<http://www.preventconnect.org/>

The goal of PreventConnect is to advance the primary prevention of sexual assault and relationship violence by building a community of practice among people engaged in such efforts as well as to build the capacity of local, state, territorial, national and tribal agencies and organizations to develop, implement and evaluate effective prevention initiatives.

---

## Reporting

---

### BIP/PBP Reporting (Requires username and password to access)

<https://batterersintervention.dps.alaska.gov/>

### CDVSA Reporting Forms and Instructions

<https://dps.alaska.gov/CDVSA/Grantee-Support/ReportingForms>

### Office of Children's Services Mandatory Reporting Information and Training

[http://dhss.alaska.gov/ocs/Pages/childrensjustice/reporting/welcome\\_dscrp.aspx](http://dhss.alaska.gov/ocs/Pages/childrensjustice/reporting/welcome_dscrp.aspx)

This site was developed for the purpose of being a "one-stop-shop" for Alaskans who need information on how to report child abuse and neglect as well as information on how to recognize and respond to the different forms of child abuse and neglect.

---

## Staff Training

---

### **CDVSA Posted Training Opportunities**

<https://dps.alaska.gov/CDVSA/Grantee-Support/Training-Opportunities>

### **Civil Rights**

<https://www.ojp.gov/program/civil-rights/online-training>

### **Mandatory Reporting**

<http://dhss.alaska.gov/ocs/Pages/childrensjustice/mandatoryreporting.aspx>

### **Understanding Domestic Violence and Sexual Assault**

<https://andvsa.org/what-we-do/advocacy/andvsa-online-course/>

---

## Victim Services

---

### **Alaska Children's Alliance**

<http://www.alaskachildrensalliance.org/>

The mission of the Alaska Children's Alliance is to promote a culturally appropriate multidisciplinary response to child maltreatment throughout Alaska.

### **Alaska Institute for Justice**

<http://www.akijp.org/>

Alaska Institute for Justice's mission is to promote and protect the human rights of all Alaskans including immigrants, refugees and Alaska Native communities by providing critical services to these underserved populations, including legal representation, language interpretative services, training and educational programs.

### **Alaska Native Justice Center**

<https://anjc.org/>

The Alaska Native Justice Center offers services for victims of domestic violence, sexual assault, human trafficking, dating violence and stalking, as well as for adult reentry, coaching and mentoring, youth advocacy, and family law. They offer these services to participants of all ethnicities - while keeping the initiatives rooted in Alaska Native culture.

### **Alaska Network on Domestic Violence and Sexual Assault (ANDVSA)**

<https://andvsa.org/>

The mission of the ANDVSA is to be a collective voice for victims and survivors and to support those agencies and communities working to prevent and eliminate domestic and sexual violence.

### **National Center on Domestic Violence, Trauma and Mental Health**

<http://www.nationalcenterdvtraumamh.org/>

The mission of the National Center on Domestic Violence, Trauma and Mental Health is to develop and promote accessible, culturally relevant, and trauma-informed responses to

domestic violence and other lifetime trauma so that survivors and their children can access the resources that are essential to their safety and well-being.

### **National Children's Alliance**

<https://www.nationalchildrensalliance.org/>

National Children's Alliance is a professional membership organization dedicated to helping local communities respond to allegations of child abuse in ways that are effective and efficient - and put the needs of child victims first.

### **National Network to End Domestic Violence (NNEDV)**

<https://nnedv.org/>

NNEDV, a social change organization, is dedicated to creating a social, political, and economic environment in which violence against women no longer exists.

### **Rape, Abuse, and Incest National Network (RAINN)**

<https://www.rainn.org/>

RAINN created and operates the National Sexual Assault Hotline in partnership with more than 1,000 local sexual assault service providers across the country and operates the DoD Safe Helpline for the Department of Defense. RAINN also carries out programs to prevent sexual violence, help survivors, and ensure that perpetrators are brought to justice.

### **Strong Hearts Native Helpline**

<https://www.strongheartshelpline.org/>

Strong Hearts Native Helpline is a safe domestic, dating and sexual violence helpline for American Indians and Alaska Natives, offering culturally appropriate support and advocacy.

## Appendices

### **Appendix 1. Allowable/Unallowable Costs Guides**

- General Funds
- VOCA Funds
- SASP Funds
- STOP Funds
- FVPSA Funds

### **Appendix 2. Model Medication Policy for DV Shelters (NCDVTMH)**

### **Appendix 3. ANDVSA Model Confidentiality Policy**

### **Appendix 4. FAQ's on Survivor Confidentiality Releases (NNEDV)**





## GENERAL FUNDS ALLOWABLE & UNALLOWABLE COSTS

State General Fund (GF) dollars are appropriated annually by the Alaska State Legislature for expenditures outlined by CDVSA for the purpose of meeting our agency's vision, mission, and goals. CDVSA in turn allocates these funds to specific expenditure categories.

## GENERAL FUNDS ALLOWABLE COSTS & ACTIVITIES

**Funds identified for community-based grants are considered unrestricted except for the prohibited cost items, below.** While state general funds have broad applicability to all budget line items, they must be expended in line with the activities, projects, and outcomes identified and submitted in a grant proposal and approved by CDVSA program and financial staff. General funds may be used for items that are not allowable with federal funds but must align with the approved project proposal.

## GENERAL FUNDS UNALLOWABLE COSTS & ACTIVITIES

1. **Interest costs on loans.**
2. **Contingency funds.**
3. **Lobbying,** for example ANDVSA membership dues.
4. **Fines, penalties, or bad debts.**
5. **Contributions or donations.**
6. **Entertainment.** Examples include but are not limited to:
  - Food for a luncheon or banquet
  - Catering
  - Decorations
  - Cultural, sporting, or arts events tickets



## VOCA ALLOWABLE & UNALLOWABLE COSTS

The Victims of Crime Act (VOCA) was signed by President Ronald Reagan on October 12, 1984. The Act is a federal law that provides financial assistance through the creation of the Crime Victims Fund to support a variety of services and activities to assist victims of crime. Pursuant to the Act, priority is given to programs serving victims of sexual assault, spousal abuse, child abuse and underserved victims. The Act additionally gives each State the opportunity to meet the needs of all victims while encouraging services for the above-mentioned priority categories.

## VOCA ALLOWABLE COSTS & ACTIVITIES

### DIRECT SERVICES

1. **Facilitation of participation in criminal justice and other public proceedings arising from the crime (legal advocacy).**
2. **Immediate emotional, psychological, and physical health and safety services.** Examples include but are not limited to:
  - Crisis intervention services
  - Accompanying victims to hospitals for medical examinations
  - Hotline counseling
  - Safety planning
  - Emergency food, shelter, clothing, and transportation
  - 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
  - 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
  - Window, door, or lock replacement or repair and other repairs to ensure a victim's safety
  - Costs of the following, on an emergency basis:  
(i.e. When one of the following is not expected to be available quickly enough to meet the emergency needs of a victim [typically within 48 hours of the crime]: The State's compensation program; the victim's - or in the case of a minor, the victim's parent's or guardian's - health insurance plan; Medicaid; or other health care funding source.)
    - Non-prescription and prescription medicine
    - Prophylactic or other treatment to prevent HIV/AIDS infection or other infectious disease
    - Durable medical equipment (wheelchairs, crutches, hearing aids, eyeglasses, etc.),
    - Other healthcare items
  - Emergency legal assistance, such as for filing for restraining or protective orders and obtaining emergency custody orders and visitation rights



**3. Personal advocacy and emotional support.** Examples include but are not limited to:

- Working with a victim to assess the impact of the crime
- Identification of victim's needs
- Case management
- Management of practical problems created by the victimization such as:
  - Acting on behalf of the victim with other service providers, creditors, or employers
  - Assisting the victim to recover property retained as evidence
  - Assisting in filing for compensation benefits
  - Helping to apply for public assistance
- Identification of resources available to the victim
- Provision of information, referrals, advocacy, and follow-up contact for continued services
- Traditional, cultural, and/or alternative therapy/healing (e.g., art therapy, yoga)

## ACTIVITIES SUPPORTING DIRECT SERVICES

**4. Automated systems and technology.**

**5. Contracts for professional services.**

**6. Coordination of activities.** Examples include but are not limited to:

- Statewide coordination of victim notification systems
- Crisis response teams
- Coalitions to support and assist victims
- Salaries and expense of coordinators

**7. Multi-system, interagency, multidisciplinary response to crime victims.**

## ADMINISTRATIVE COSTS

**8. Equipment and furniture.**

**9. Indirect costs.**

**10. Leasing or purchasing of vehicles,** if they are essential to providing direct services.

**11. Maintenance, repair, or replacement of essential items.**

**12. Operating costs.**

**13. Organizational expenses** necessary and essential to providing direct and other approved victim services.

**14. Personnel costs directly related to providing direct services and supporting activities.**

Examples include but are not limited to:



- Staff and coordinator salaries (including fringe benefits)
- Prorated share of liability insurance

**15. Project evaluation.**

**16. Public awareness.**

**17. Skills training for direct service staff and volunteers.**

**18. Supervision of direct service providers.**

**19. Training-related travel costs for paid direct service staff.**

**20. VOCA administrative time.** (i.e. time administrative staff spend working on VOCA-specific tasks, such as processing payroll for VOCA-funded staff or entering data for VOCA-funded activities)

## VOCA UNALLOWABLE COSTS & ACTIVITIES

- 1. Active investigation and prosecution of criminal activities.**
- 2. Capital expenses.**
- 3. Compensation for victims of crime.**
- 4. Fundraising activities.**
- 5. Lobbying activities.** (e.g. ANDVSA membership dues)
- 6. Medical care,** except as allowed by other VOCA Rule provisions.
- 7. Research and studies.**
- 8. 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 the VOCA Rules).



## SASP ALLOWABLE & UNALLOWABLE COSTS

Funded through the U.S. Department of Justice Office on Violence Against Women, the purpose of the Sexual Assault Services Program (SASP) is to provide intervention, advocacy, accompaniment (e.g., accompanying victims to court, medical facilities, police departments, etc.), support services, and related assistance for adult, youth, and child victims of sexual assault, non-offending family and household members of victims, and those collaterally affected by the victimization.

### SASP ALLOWABLE COSTS & ACTIVITIES:

1. **24-hour hotline services** providing crisis intervention services and referral for victims of sexual assault.
2. **Accompaniment and advocacy for victims of sexual assault through medical, criminal justice, and social support systems.**
  - Including medical facilities, police, and court proceedings
  - May include legal advocacy but no legal advice or representation
3. **Crisis intervention, short-term individual and group support services, and comprehensive service coordination and supervision** to assist sexual assault victims and family or household members.
4. **Counseling services for victims of sexual assault**, including child and adult victims of child sexual abuse.
  - Short-term counseling is allowable up to one year
5. **Information and referral to assist the sexual assault victim and non-offending family or household members**, including outreach activities.
6. **Community-based, linguistically, and culturally specific services and support mechanisms**, including outreach activities for underserved communities.
7. **Development and distribution of materials on issues related to the services described in the previous bullets.**
  - Examples include pamphlets, brochures, or community presentations announcing services available under the grant.

### DETAILS ON ALLOWABLE COSTS

#### HOTLINE SERVICES:

1. A hotline may be supported to the extent it is for sexual assault victims. If the hotline covers a broader array of issues, the costs should be pro-rated according to the percentage of calls



that are for sexual assault. In order for a multi-issue hotline to receive SASP funds, the people who answer the hotline would need to have sexual assault specific training.

#### **SERVICE PROVISION:**

1. Services offered should address victims of intimate partner, stranger, and non-stranger sexual assault, as well as adult, adolescent, and child sexual violence, regardless of when the assault occurred. Victims of any gender may be served.
2. Services rendered to children do not have to be connected with serving an adult parent, and there is no age restriction on providing services to children. Funds may also be used to provide services to children who have not been assaulted but whose parent is a victim of sexual assault.
3. While the subgrantee organization must provide services to sexual assault victims of all ages, the specific subgrant of SASP funds may focus on a particular age group, such as children or elders. For example, SASP may be used to hire a children's or youth advocate, as long as the subgrantee offers sexual assault services to victims regardless of age.
4. A subgrantee may provide women's only and men's only support groups, but only if it is necessary to the essential operation of the program that these support groups be segregated by sex. If a recipient can establish that sex-specific support groups are necessary to the essential operation of the program, "comparable services" are required to be provided to victims who cannot be served by the sex-specific support groups.
5. Services may be provided to victims of sexual assault within a detention setting (prison, jail, etc.)

#### **COVERING COSTS FOR VICTIMS:**

1. Costs associated with emergency supports for needs directly related to an incident of sexual assault are allowable. Examples include but are not limited to:
  - Transportation to attend therapy or court
  - Assistance with necessary bills if victim is unable to work due to assault or has to take unpaid leave from work to attend criminal or civil proceedings
2. Financial support related to healing may be allowable; ongoing financial supports are best considered on a case-by-case basis.
3. Gift cards to victims are only allowable if they are used for allowable costs under SASP, such as the purchase of emergency food or gas to allow victims to attend appointments related to the victimization. Agencies must acquire receipts from the victim documenting that the gift card was only used for the purchase of allowable items. Without receipts, these costs will be deemed unallowable and repayment of these funds will be required.
4. Paying for an application fee to help a sexual assault survivor apply for housing is allowable.



### **DETAILS ON OUTREACH:**

1. Providing brief information in a school or community setting about what sexual violence is and how to access available services is allowable. SASP funds may not be used for education and prevention, however.
2. SASP funds may be used to coordinate and facilitate activities for Sexual Assault Awareness Month if the outcome is to increase awareness of the subgrantee's sexual assault services and resources.
3. Allocation of SASP grant funds to support activities that help to ensure individuals with disabilities and Deaf individuals and persons with limited English proficiency have meaningful and full access to services is encouraged. For example, grant funds can be used to support American Sign Language (ASL) interpreter services, language interpretation and translation services, or the purchase of adaptive equipment. Applicants proposing to use grant funds to create websites, videos and other materials must ensure that they are accessible to persons with disabilities and grant funds must be allocated for these purposes.

### **DETAILS ON TRAINING:**

1. Volunteer-related expenses are allowable as they relate to the SASP project. Examples include training to provide crisis intervention and supervision of direct-service volunteers.
2. Costs for training advocates (volunteer or employee) who will provide specific grant-funded services are allowable. Funds may not be used to provide a generalized statewide training nor may funds be used to develop training curriculums.
3. The amount of funds spent on training should represent only a small portion of the overall subgrant.

### **DETAILS ON ADMINISTRATIVE ALLOWABLE COSTS:**

1. Funds may be used toward rent, office supplies, computer equipment, office furniture, etc. as long as they are associated with a SASP-funded position providing direct sexual assault services.
2. Costs associated with the development of policies and protocols are allowable as long as the cost is only a small aspect of the overall direct service project, particularly if revising policies and protocols is an integral part of a project's effort to improve the delivery of direct intervention services to survivors of sexual violence.



## **SASP UNALLOWABLE COSTS & ACTIVITIES:**

### SERVICES

- 1. Subgrantees who provide services only to a specific age group.**
  - For example, a child advocacy center may not receive SASP funds unless they also provide services to adult victims of sexual assault.
- 2. Education programs or training** for allied professionals or the general public.
- 3. Activities focused on prevention efforts.**
  - Examples include but are not limited to bystander intervention, social norm campaigns, or presentations on healthy relationships.
- 4. Legal advice or representation.**
- 5. The development of training curricula.**
- 6. Lobbying** – e.g. ANDVSA membership dues.
- 7. Research projects.**
- 8. Physical modifications to buildings**, including minor renovations.
- 9. Vehicle purchases.**
- 10. Sexual Assault Forensic Examiner (SANE) projects.**
- 11. Criminal justice-related projects** including law enforcement, prosecution, courts, and forensic interviews.
- 12. Financial support to Sexual Assault Response Teams (SART).** However, if an advocate position is funded under the SASP grant, the advocate's time to attend SART meetings may be covered as part of the advocacy being provided.
- 13. Domestic violence services that do not relate to sexual violence.**
- 14. Food or beverages.**
- 15. Fundraising**, including financial campaigns, endowment drives, solicitation of gifts and bequests, and similar expenses incurred solely to raise capital or obtain contributions.

### ACTIVITIES THAT COMPROMISE VICTIM SAFETY AND RECOVERY AND UNDERMINE OFFENDER ACCOUNTABILITY

**The Office on Violence Against Women does not fund activities that jeopardize victim safety, deter or prevent physical or emotional healing for victims, or allow offenders to escape**





**responsibility for their actions.** SASP projects that engage in activities that compromise victim safety and recovery may be eliminated from further funding consideration. Examples of these activities include but are not limited to:

1. Procedures or policies that exclude victims from receiving safe shelter, advocacy services, counseling, and other assistance based on their actual or perceived age, immigration status, race, religion, sexual orientation, gender identity, mental health condition, physical health condition, criminal record, work in the sex industry, income or lack of income, or the age and/or gender of their children.
2. Procedures or policies that compromise the confidentiality of information and/or privacy of persons receiving services.
3. Procedures or policies that fail to include conducting safety planning with victims.
4. Project designs, products, services, and/or budgets that fail to account for the unique needs of individuals with disabilities, with limited English proficiency, or who are Deaf or hard of hearing, including accessibility for such individuals.
5. Procedures or policies that deny individuals access to services based on their relationship to or involvement with the perpetrator.
6. The development of materials that are not tailored to the dynamics of sexual assault or to the culturally specific population(s) to be served by the funded project.
7. Procedures or policies that require victims to take certain actions in order to receive services (e.g. receive counseling, seek an order for protection, report to law enforcement, etc.)
8. In child- or youth-focused projects, failing to develop policies addressing confidentiality, parental involvement/consent, mandatory reporting, and collaboration with other ancillary services providers.



## STOP ALLOWABLE & UNALLOWABLE COSTS

Funded through the U.S. Department of Justice Office on Violence Against Women, the STOP (Services, Training, Officers, and Prosecutors) Violence Against Women Formula Grants are awarded to states to develop and strengthen the criminal justice system's response to violence against women including the crimes of sexual assault, domestic violence, stalking, and dating violence and to support and enhance services for victims.

While victim services should focus on projects and services that primarily serve adult women and girls from age 11 through adulthood, victims of any gender may be served. Funds may also be used to support secondary victims such as children who may have witnessed violence; men, women and children who currently or have been victims of sexual violence who are now in correctional and detention settings; and individuals who have historically been marginalized from mainstream services such as those within the LGBTQI community.

## STOP ALLOWABLE COSTS & ACTIVITIES:

### DIRECT SERVICES

1. **Emergency food, shelter, and transportation** within the context of victim services enhancing safety of the victim and her/his dependents, including reasonable costs for out of state travel.
2. **Crisis intervention, short-term individual and group support services, and comprehensive service coordination and supervision** to assist victims and family or household members.
3. **24-hour hotline services** providing crisis intervention services and referral for victims.
4. **Services for child sexual assault survivors (ages 11 and above only).**
5. **Services for adults who survived child sexual abuse.** Stop funds may be used to address child sexual abuse when the victim is now an adult, if the abuse occurred or continued when the victim was aged 11 or older.
6. **Payment for substance abuse counseling for domestic abuse or sexual assault victims**
  - Services must be provided by a counselor whose approved scope of work specifically addresses substance abuse issues for victims of DV/SA.
7. **Accompaniment and advocacy for victims through medical, civil or criminal justice, immigration, and social support systems.**
  - Including medical facilities, police, and court proceedings
  - May include legal advocacy but no legal advice or representation



**8. Legal services including but not limited to:**

- Family law
- Housing
- Public benefits
- Other similar civil matters

## **ACTIVITIES SUPPORTING DIRECT SERVICES**

**9. Service Coordination and Training** necessary for a coordinated community response to survivors of domestic violence, dating violence, sexual assault and/or stalking.

**10. Information and referrals to assist the victim and non-offending family or household members.**

**11. Outreach services** informing victims and/or potential victims about available services.

- Efforts must be population specific and informed by members of the population to be served.

**12. Prevention education.**

- Strategies, programming, and activities to stop first-time perpetration and first time victimization.

**13. Community-based, linguistically, and culturally specific services and support mechanisms.**

- Including outreach activities for underserved communities.

**14. Publications,** including but not limited to:

- Training materials
- Victim service directories
- Brochures

**15. Program evaluation.**

## **DETAILS ON ALLOWABLE COSTS**

### **SERVICE PROVISION:**

1. Services offered should address victims of domestic violence, dating violence, adult and child sexual assault (if the child survivor is 11 years of age or older), or stalking. Victims of any gender, gender identity, or sexual orientation may be served.
2. Services rendered to children do not have to relate to serving an adult parent, if the child is 11-years of age or older. Funds may also be used to provide services to children who have not been assaulted but whose parent is a victim of any of the above listed categories of violence. For example, children who witness violence.



3. Services may be provided to victims of the above listed categories of violence within a detention setting (prison, jail, etc.)
4. A subgrantee may provide women's only and men's only support groups, but only if it is necessary to the essential operation of the program that these support groups be segregated by sex. If a recipient can establish that sex-specific support groups are necessary to the essential operation of the program, "comparable services" are required to be provided to victims who cannot be served by the sex-specific support groups.

#### **COVERING COSTS FOR VICTIMS:**

1. Costs associated with the payment of a victim's first month's rent are allowable and preferred over paying a deposit. However, the payment of a deposit is also allowable if an agreement between the funded agency and the landlord identifies the funded program to be reimbursed the deposit at the end of the lease.
2. Gift cards are allowable but are limited to allowable costs under STOP, such as the purchase of gas or child care so that the victim can participate in a focus group. Agencies must acquire receipts from the victim documenting that the gift card was only used for the purchase of allowable items. Without receipts, these costs will be deemed unallowable and repayment of these funds will be required.
3. It is allowable to provide a stipend to reimburse participants for their costs in attending a focus group, such as gas or childcare. This can be done through actual reimbursement or through a generic gift card in an amount intended to compensate for such costs. Focus groups must be part of the implementation of one of the STOP Program purpose areas, for example a focus group as part of the development of local "policies that enhance best practices for responding to domestic violence, dating violence, sexual assault, and stalking."

#### **DETAILS ON TRAINING:**

1. Costs associated with the training of officers, court personnel, judges, prosecutors, and victim service advocates who provide specific grant-funded services are allowable. Funds may not be used to provide a generalized statewide training.
2. STOP funds may be used to purchase food in some instances. The provision of food and beverages at training events or conferences is governed by the most recent version of the DOJ Financial Guide.

#### **DETAILS ON ADMINISTRATIVE ALLOWABLE COSTS:**

1. When a grantee receives multiple funding streams, the rent and operational expenses of the agency must be prorated among the different funding sources. In addition, the rent must be reasonable. If the shelter owns its own facility, only related expenses such as utilities and building security may be charged to the grant.



2. STOP funds may be used to purchase supplies and equipment necessary to support the program goals. "Equipment" consists of property having a useful life of more than one year and a per unit acquisition cost of \$5,000. "Supplies" are all tangible property less than \$5,000 per unit that will be expended during the project period.
3. If a subgrantee has a federally approved indirect cost rate, the state must honor it. If there is no federally approved indirect cost rate, the state must recognize a rate negotiated between the state and the subgrantee (in accordance with 2 CFR 200) or a "de minimus indirect cost rate" of 10% of Modified Total Direct Costs as defined in 2 CFR§200.414.

## STOP UNALLOWABLE COSTS & ACTIVITIES:

1. **Lobbying** – e.g. ANDVSA membership dues.
2. **Research projects.**
3. **Physical modifications to buildings**, including minor renovations.
4. **Vehicle purchases.**
5. **Legal services** to defend women who assault, kill, or otherwise injure their abusers.
6. **Moving expenses** (outside of transportation costs to enhance safety as outlined above).
7. **Vouchers for services** such as for housing or counseling.
8. **Payment of immigration fees** for battered immigrant women.

## ACTIVITIES THAT COMPROMISE VICTIM SAFETY AND RECOVERY AND UNDERMINE OFFENDER ACCOUNTABILITY

**The Office on Violence Against Women does not fund activities that jeopardize victim safety, deter or prevent physical or emotional healing for victims, or allow offenders to escape responsibility for their actions.** STOP projects that engage in activities that compromise victim safety and recovery may be eliminated from further funding consideration. Examples of these activities include but are not limited to:

1. Procedures or policies that exclude victims from receiving safe shelter, advocacy services, counseling, and other assistance based on their actual or perceived age, immigration status, race, religion, sexual orientation, gender identity, mental health condition, physical health condition, criminal record, work in the sex industry, income or lack of income, or the age and/or gender of their children.
2. Procedures or policies that compromise the confidentiality of information and/or privacy of persons receiving services.



Alaska's Council on  
Domestic Violence  
& Sexual Assault

3. Procedures or policies that fail to include conducting safety planning with victims.
4. Project designs, products, services, and/or budgets that fail to account for the unique needs of individuals with disabilities, with limited English proficiency, or who are deaf or hard of hearing, including accessibility for such individuals.
5. The use of pre-trial diversion programs in cases of domestic violence, dating violence, sexual assault, or stalking or the automatic placement of offenders in such programs.
6. Couples counseling, family counseling, or any other joint victim-offender counseling as a routine or required response to sexual assault, domestic violence, dating violence, or stalking, or in situations in which child sexual abuse is alleged.
7. Mediation in cases of domestic violence, dating violence, sexual assault, or stalking, except where the mediation is voluntary for the victim and there is screening for such victimization prior to the start of mediation, there is informed consent on the part of the victim, the mediators have appropriate training on such victimization issues, and the process includes ongoing safety planning for victims and flexibilities such as having the victim and offender physically separated.



## FVPSA ALLOWABLE & UNALLOWABLE COSTS

Administered by the U.S. Department of Health and Human Services, the Family Violence Prevention and Services Act Grant (FVPSA) is a formula grant which provides federal funding to all states and territories. CDVSA uses these funds to finance programs throughout Alaska that address the issue of domestic violence by providing shelter or related assistance to victims and their children. These programs operate shelter facilities that are staffed 24/7 and provide a full spectrum of services including basic food and immediate shelter, crisis intervention, counseling, and advocacy.

### FVPSA ALLOWABLE COSTS & ACTIVITIES

- 1. Shelter and supportive services to adult and youth victims (and their dependents) of family violence, domestic violence, or dating violence.**
  - Including paying for the operating and administrative expenses of the shelter facilities
  - Shelter may include group housing, rental subsidies, temporary refuge such as a hotel room or safe house, or lodging in individual units such as apartments.
- 2. Assisting a victim to develop a safety plan** and supporting their efforts to make decisions related to their ongoing safety and well-being.
- 3. Individual and group counseling** to include peer support groups, and referral to community-based services to assist victims and their dependents with recovery from the effects of the violence.
- 4. Services, training, technical assistance, and outreach to increase awareness** of family violence, domestic violence, and dating violence and promote accessibility of services offered to victims.
- 5. Provision of culturally and linguistically appropriate services.**
- 6. Services for children exposed to family violence, domestic violence, or dating violence.** Examples include but are not limited to:
  - Age-appropriate counseling
  - Supportive services
  - Services for the non-abusing parent that support that parent's role as a caregiver
  - Services that work with the non-abusing parent and child together
- 7. Advocacy, case management services, and information and referral services.** Examples include but are not limited to:
  - Assistance accessing Federal and State financial assistance programs
  - Legal advocacy for victims and their dependents



- Medical advocacy, including referrals for appropriate health care services (including mental health, alcohol, and drug abuse treatment)
    - *Reimbursement for these health care services is **NOT** allowable*
  - Assistance locating and securing safe and affordable permanent housing and accessing homelessness prevention services
  - Provision of transportation, child care, respite care, job training and employment services, financial literacy services and education, financial planning, and related economic empowerment services
  - Parenting and other educational services for victims and their dependents
- 8. Prevention services.** Examples include but are not limited to:
- Outreach and education to underserved populations
  - Healing services for children and youth exposed to domestic or dating violence
  - Home visiting programs for high-risk families
  - Screening programs in health care settings

## FVPSA UNALLOWABLE COSTS & ACTIVITIES

- 1. Sexual assault programming** (outside of sexual abuse within an intimate partnership).
- 2. Lobbying**, for example ANDVSA membership dues.
- 3. Direct payment to victims or their dependents.**
- 4. Any emergency service or shelter that requires compliance with certain conditions in order to be received/provided**, for example requiring residents to do household chores in order to remain at a shelter.
- 5. Charging fees to victims receiving FVPSA funded services.**
- 6. Providing services or training exclusively on types of abuse or assault outside of domestic violence between intimate partners and their dependents.** (*Training and services for other types of abuse/assault may be covered as part of training/services for Domestic Violence, just not as stand-alone.*)
- 7. Reimbursement for any health care services.**



## **MODEL MEDICATION POLICY FOR DV SHELTERS\***

### **Introduction**

As state domestic violence coalitions and local domestic violence programs across the country work to create more accessible and trauma-informed shelter programs, staff and advocates have sought guidance on designing medication policies that better serve survivors who are experiencing mental health symptoms or living with mental health disabilities.

This Model Medication Policy for Domestic Violence Shelters, developed in response to these requests, is intended to provide coalitions and programs with guidance on designing medication policies that reflect survivor-centered values and to help to create more accessible and trauma-informed shelter environments. It also responds to requests from domestic violence programs for guidance on drafting policies that comply with their ethical and legal obligations under the Americans with Disabilities Act (ADA),<sup>1</sup> the Fair Housing Act (FHA),<sup>2</sup> and Section 504 of the Rehabilitation Act.<sup>3</sup> These three federal statutes have implications for how domestic violence shelters screen and admit survivors and how they store and handle medications.

While this Model Policy is intended to guide domestic violence coalitions and programs as they work to draft medication policies and train staff in ways that support survivors and their children who are experiencing mental health symptoms or living with mental health disabilities, it is not a substitute for legal counsel. Domestic violence programs should consult with an attorney to ensure that their policies comply with all relevant local, state, and federal laws.

For more information or to provide feedback on this Model Policy, please contact the National Center on Domestic Violence, Trauma & Mental Health at 312-726-7020 (P), 312-726-4110 (TTY), or [info@nationalcenterdvtraumamh.org](mailto:info@nationalcenterdvtraumamh.org).

---

\* Written by Mary Malefyt Seighman, JD, Kelly Miller, JD, and Rachel White-Domain, JD, on behalf of the National Center on Domestic Violence, Trauma & Mental Health.

<sup>1</sup> The Americans With Disabilities Act (42 U.S.C. §§ 12101 et seq.).

<sup>2</sup> The Fair Housing Act (FHA Amendments Act of 1988, 42 U.S.C. §§ 3601 et seq.).

<sup>3</sup> Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794).

## **Shelter Policy on Medications**

### **I. Purpose**

\_\_\_\_\_ (“the shelter”) is committed to providing a safe, accessible, and trauma-informed environment for survivors of domestic violence and their children. In addition, the shelter acknowledges its ethical and legal obligations to serve survivors of domestic violence and their children without regard to disability status. To these ends, the shelter has adopted this medication policy. All staff and volunteers will receive training on and copies of this policy. Staff and volunteers are responsible for complying with the policy and for seeking guidance from a supervisor if they have any questions or concerns about the policy.

### **II. Definitions**

For purposes of this policy, the following definitions will apply:

- 1) **Medication** means any drug that is legally in the possession of the survivor, her children, or a person seeking admittance to the shelter or her children; this definition includes prescription medications and medications available for legal purchase without a prescription.
- 2) **Dispensing** medication means distributing or providing medication to a person staying at the shelter by opening a locking closet or container and handing the medication container or individual dosage to another person.
- 3) **Mental health disability**, as defined by the ADA, means a mental health-related (1) “impairment that substantially limits one or more major life activities,” (2) “a record of such an impairment,” or (3) “being regarded as having such an impairment.”<sup>4</sup>

The World Health Organization International Classification of Functioning, Disability and Health (ICF) defines disability as “the outcome or result of a complex relationship between an individual's health condition and personal factors, and of the external factors that represent the circumstances in which the individual lives.” Thus, disability is not a static state of impairment but “falls on a continuum from enablement to disablement.” Trauma and mental health conditions can precede psychiatric disability but do not always do so. Psychiatric disability occurs when the effects of trauma and/or mental health conditions significantly interfere with the performance of major life activities. Psychiatric disability may come and go, remit, or be more persistent. Safety and support can reduce psychiatric disability.

<sup>4</sup> The Americans With Disabilities Act (42 U.S.C. §§ 12101 et seq.).

A person who is in recovery from an addiction to illegal drugs or alcohol is considered disabled and protected from discrimination under the ADA. However, disability status is *not* conferred by the *use* of illegal drugs. Current users of illegal drugs and persons convicted for illegal manufacture or distribution of a controlled substance are not considered disabled by virtue of that activity or status.<sup>5</sup>

### III. Policy Provisions

#### A. Advocacy Related to Mental Health and Medications

The shelter seeks to create a welcoming and inclusive environment in which all survivors are empowered to identify and access the support and resources that they need. The shelter does not discriminate against or “screen out” survivors based on their or their children’s disability status or use of medications. However, the shelter recognizes that offering advocacy related to mental health, disability, and use of medication can be a critical component to comprehensive safety planning and to ensuring that all of the survivor’s needs are addressed.

- 1) Staff and volunteers will not ask questions about survivors’ or their children’s mental health status, disability, or use of medications as part of the screening process.
- 2) Staff and volunteers will provide every survivor who is residing at the shelter with a copy of this medication policy and/or an explanation of the policy.
- 3) Staff and volunteers will offer every survivor information and advocacy related to mental health, disability, and medications. Here are some examples of how staff and volunteers can start this conversation:
  - “Experiencing abuse can affect how we feel and respond to other people and the world around us.”

---

<sup>5</sup> Neither the ADA nor the FHA prohibits programs from serving survivors who are currently using illegal drugs. The survivor would simply not be protected under the ADA and FHA on that basis. While not considered a disability under the ADA or FHA, use of alcohol or other drugs can be disabling and is often a form of self-medication for the traumatic effects of abuse or mental health conditions. Survivors may also be coerced into using alcohol or other drugs by an abusive partner. Therefore, while not the focus of this policy, employing strategies to support survivors with regard to alcohol and other drugs is a critical part of ensuring that DV services are accessible and survivor centered.

- “Many people who have been abused experience strong feelings such as anger, sadness, or hopelessness, or they may have difficulty sleeping, eating, or getting things done in a day.”
  - “I hope that this can feel like a safe space to talk about how you’re feeling.”
  - “At this shelter, we don’t judge people or refuse services to people based on their mental health status.”
  - “If you want to, I hope that this can feel like a safe space to talk about any mental health needs you might have.”
  - “When people come to shelter, they sometimes have to leave important medications behind. If you need help getting medications that you left behind, you can let us know and we will try to help.”
- 4) Staff and volunteers will not make assumptions about the mental health status, disability, or use of medications by survivors or their children; instead, staff and volunteers will offer the same information and advocacy related to mental health, disability, and medications to every survivor.

## **B. Storage and Dispensation of Medications**

The shelter seeks to afford shelter residents with the greatest possible privacy and autonomy, while also providing a safe shelter environment.

- 1) Staff and volunteers will not store or dispense medication or monitor how survivors access medications.
- 2) The shelter will provide every survivor with an individual locking box, locker, or locking cabinet (“locked space”) for storage of medications and valuables.
- 3) The shelter will not limit or monitor the survivor’s access to her locked space, such as by holding the key in the shelter office.
- 4) If a survivor indicates that she needs access to refrigerated storage space, the shelter will provide refrigerated storage space in the manner that provides the greatest possible privacy and autonomy.

## **C. Safety Agreement**

During a survivor’s stay at shelter, staff and volunteers will ask her to make sure that any medications she has are safety secured.

- 1) The shelter will ask every survivor to sign an agreement that she will store any medications in her individual locking box, locker, or locking cabinet

provided, or if it is one requiring refrigeration, as otherwise provided. The agreement will provide that survivors who have medications that must be taken in the event of a medical emergency may carry them on their person (e.g., in a fanny pack).

- 2) In the event that the survivor has concerns about signing the agreement, staff or volunteers will ask the survivor if an accommodation or change to the policy would allow her to comply. If the staff or volunteer and the survivor cannot find a reasonable accommodation to the policy and non-compliance poses a direct threat to the safety of the survivor or to others, the survivor can be asked to leave shelter.

#### **D. Accommodations**

The shelter recognizes that survivors come to the shelter with many diverse needs. As advocates, we are committed to meeting the individual needs of each survivor. Whenever possible, we will make accommodations to ensure that our shelter is accessible to all survivors.

- 1) Survivors will not be required to take medication as a condition of shelter or receipt of services.
- 2) If a survivor has difficulty following any rule or policy of the shelter because of her mental health condition or use of medication, the shelter staff will work with the survivor to find a reasonable accommodation.<sup>6</sup>
- 3) If a survivor engages in behavior that is related to her mental health condition or use of medication and that poses a direct threat to herself or other people, the shelter will (1) take steps to ensure the immediate safety of all individuals and then (2) work with the survivor to find a reasonable accommodation that is aimed at eliminating future threats.
- 4) A survivor will not be asked to leave shelter unless (1) her behavior or inability to follow a rule or policy poses a direct threat to herself or other people, (2) there is no reasonable accommodation that would eliminate the

---

<sup>6</sup> Examples: (1) A client whose medication causes her to experience nausea will not be required to participate in meal preparation. (2) A client whose medication makes it difficult for her to sit through group meetings may be excused when she feels she must leave. (3) A client whose medication makes her very sleepy and/or who needs extra sleep may work out an alternative schedule with staff for her attendance at job training or other required activities.

direct threat, and (3) all possible and appropriate referrals are made to ensure the safety and well-being of the survivor and others.

### **E. Providing Access to Information About Medications**

- 1) Staff and volunteers will not provide advice about medications unless they are authorized by law and the shelter to do so.
- 2) Staff and volunteers may provide Internet access for clients to find out information about medications.

### **F. Nurse and Physician Visits**

The shelter recognizes that abuse can affect a person's mental health and that mental health services can sometimes be a critical component of the services that survivors and their children need to heal from trauma. The shelter also recognizes the right of each person to control her own mental health care.

- 1) The shelter will make every effort to provide access to mental health services including, when possible, arranging for a mental health professional to visit the shelter on a regular basis to answer questions about medications, to provide medication evaluations, and/or to prescribe medication.
- 2) Survivors and their children will not be required to meet with mental health professionals, participate in mental health treatment, or take medication as a condition of shelter or receipt of services.

### **G. Policy Violation**

- 1) If a staff member or volunteer becomes aware of a violation of this policy by another staff or volunteer, she is required to report the violation to her direct supervisor or to the appropriate person as indicated in the employee manual.
- 2) If a supervisor becomes aware of a violation of this policy, the supervisor is responsible for addressing the issue with the staff member or volunteer observed violating the policy or that person's supervisor.
- 3) When addressing a violation of the policy with a staff member or volunteer, the supervisor will employ reflective supervisory practices, including discussion about the individual's understanding of the policy and rationale for violating it, steps to remediate, and plan for follow-up supervision.

- 4) Violation of this policy by a staff member or volunteer can result in verbal warning, written reprimand, temporary suspension, or termination, depending on the nature of the violation.

This policy was adopted on \_\_\_\_\_ (date).

\_\_\_\_\_  
Authorized Signature

## **TALKING ABOUT MENTAL HEALTH AND MEDICATIONS WITH SURVIVORS IN SHELTER**

### **TALKING POINTS FOR DV ADVOCATES**

As advocates, we are committed to making every survivor and child feel welcomed at the shelter. We know that everyone comes to shelter with different needs and we are committing to providing everyone with the support and advocacy that she needs to access safety and heal from trauma.

The shelter does not discriminate against or “screen out” survivors based on their or their children’s disability status or use of medications. At the same time, offering advocacy related to mental health, disability, and use of medication can be a critical component to comprehensive safety planning and to ensuring that all of the survivor’s needs are addressed.

#### **Don’t ask. Offer.**

When speaking with a survivor, you should not ask her to reveal information about her or her children’s mental health status, disability, or medications. Instead, you should simply offer the same advocacy related to these issues to every survivor by using conversation starters such as the following:

- “Experiencing abuse can affect how we feel and respond to other people and the world around us.”
- “Many people who have been abused experience strong feelings such as anger, sadness, or hopelessness, or they may have difficulty sleeping, eating, or getting things done.”
- “I hope that this can feel like a safe space for you to talk about how you’re feeling.”
- “At this shelter, we don’t judge people or refuse services to people based on their mental health status.”
- “If you want to, I hope that this can feel like a safe space to talk about any mental health needs you might have.”
- “When people come to shelter, they sometimes have to leave important medications behind. If you need help getting medications that you left behind, you can let us know and we will try to help.”
- \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



## **MEDICATION SAFETY AGREEMENT**

Welcome to the shelter. We are committed to providing you with the greatest possible privacy and autonomy during your shelter stay, while also providing a safe shelter environment for everyone.

We recognize that you or your children may have medications with you. If so, you must keep them secured during your stay. We will provide you with an individual locking box, locker, or locking cabinet ("locked space") for storage of these medications. You are responsible for making sure that any medications belonging to you or your children are safety secured in this locking space at all times. You may also use the locked space to store other belongings.

If you have medications that must be taken in the event of a medical emergency, you may carry them on your person (e.g., in a fanny pack). You are responsible for keeping these medications out of the reach of children at all times.

If you have any questions or concerns about this policy, or if you need a change or accommodation to this policy, please alert a staff member before signing. We would be happy to work with you to find a reasonable accommodation.

If you agree to this policy, please sign below.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



Model Policy on Confidentiality  
Revised November 2018

## Table of Contents

I. Introduction: Purpose and Basic Terms .....	1
II. Written Agreement to Maintain Confidentiality .....	2
III. State and Federal Laws that Govern Confidentiality .....	2
IV. Exceptions to Confidentiality .....	3
V. Release of Information with Informed Consent .....	8
VI. Transmission of Confidential Information within the Agency .....	11
VII. Information Kept on Participants .....	11
VIII. Maintenance/Destruction of Program Files .....	12
IX. Common Scenarios that Implicate Confidentiality .....	13
X. Technology Safety and Best Practices .....	14

### Response Protocols

XI. Missing Persons Report .....	16
XII. Contact with Immigration Authorities (Department of Homeland Security-ICE) .....	17
XIII. Subpoenas & Court Orders .....	18
XIV. Search Warrants & Arrest Warrants .....	20
XV. Emergency Responders... ..	21
XVI. Child Custody Orders and Writs of Assistance... ..	22

## **I. Introduction: Purpose and Basic Terms**

(Shelter/program name's) confidentiality policy consists of the legal and ethical requirements related to the disclosure of personal or personally identifying information about program participants. Protecting a program participant's confidentiality is a core tenet of (shelter/program name's) work. Survivors of domestic violence and sexual assault rely on confidentiality for safety, security, and recovery, and may be less likely to use the program's services without the assurance of robust confidentiality. This policy describes specific practices we use to maintain confidentiality, and, when applicable, the laws underlying those practices.

To understand this policy, staff should know the differences between *confidentiality*, *privacy*, and *privilege*. *Confidentiality* refers to the ethical or legal rules prohibiting disclosure of information about program participants. *Privacy* refers to an individual's expectation that information related to their self will not be shared, either by themselves or by someone with whom they share the information. *Privilege* refers to a rule of evidence that prevents disclosure of information shared in confidence in legal proceedings.

For the purposes of this policy, “program participant” means a survivor of domestic violence or sexual assault, including a minor, who contacts the (shelter/program name) or receives any services from (shelter/program name), whether that contact or those services are received by telephone, electronically, or in person. “Staff” includes all paid staff, relief workers, volunteers, advocates, counselors, and student interns of the (shelter/program name). “Victim counselor” is defined in Section IV.C. Confidential information includes any written or spoken information exchanged in private between a program participant and a victim counselor in the course of that relationship related to sexual assault or domestic violence. Confidential information includes all information received by, and any advice, report or working document given or made by, the advocate to the survivor. Any and all knowledge, advice, records, notes, program participant and organizational records or working documents, including electronically maintained records or notes relating to a program participant, are considered confidential. See AS18.66.200 et seq.

## **II. Written Agreement to Maintain Confidentiality**

All program participants, staff and board members must sign a written agreement to maintain confidentiality. This agreement will be placed in the personnel files of the staff and in the individual files of program participants and board members.

## **III. State and Federal Laws that Govern Confidentiality for Survivors of Domestic Violence and Sexual Assault**

Federal and state laws define the confidentiality rules for programs that receive governmental funding. The Violence Against Women Act (VAWA) contains broad protection for victim confidentiality that governs any programs that receive funds under VAWA. The Family Violence Services Prevention Act (FVSPA) and Victims of Crime Act (VOCA) have similar confidentiality protections. Therefore (shelter/program name) should follow a policy of absolute confidentiality with program participant information as discussed below, unless the information falls under one of the exceptions discussed in [Section IV](#) (Exceptions to Confidentiality) or the concerned party gives their informed, written, reasonably time-limited consent as discussed in [Section V](#) (Release of Information with Informed Consent).

### **A. Federal Law: VAWA Provisions**

Program staff must not disclose any information about a program participant to anyone outside of the (shelter/program name). This is pursuant to VAWA, which mandates that programs which receive funding from the Office on Violence Against Women (OVW) shall not -

- “disclose, reveal, or release any personally identifying information or individual information collected in connection with services requested, utilized, or denied through grantees’ and subgrantees’ programs regardless of whether the information has been encoded, encrypted, hashed or otherwise protected” 34 U.S.C. § 12291 (b)(2)(B)(i), nor “disclose, reveal, or release individual client information without the informed, written, reasonably time-limited consent of the person ... about whom information is sought.” 34 U.S.C. § 12291 (b)(2)(B)(ii).

VAWA also allows for personally identifying information to be released when required by a statutory or court mandate. See below for more information about those mandates.

VAWA defines “personally identifying information” as “individually identifying information for or about an individual including information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault, or stalking, regardless of whether the information is encoded, encrypted, hashed, or otherwise protected, including—

- (A) a first and last name;
- (B) a home or other physical address;
- (C) contact information (including a postal, e-mail or Internet protocol address, or telephone or facsimile number);
- (D) a social security number, driver license number, passport number, or student identification number; and
- (E) any other information, including date of birth, racial or ethnic background, or religious affiliation, that would serve to identify any individual.” 34 U.S.C. § 12291 (a)(20).

**Sharing personally identifying information about any person who has not received services is also a breach of confidentiality.** Protocol for responding to inquiries like a missing person report is discussed in later sections.

#### B. State Law: CDVSA Regulations

The Council on Domestic Violence and Sexual Assault (CDVSA) regulations apply to any program that receives funds through CDVSA. The regulations state that a “grantee shall ensure the privacy of a person receiving services from a grantee, and shall preserve the confidentiality of client records, privileged communications under AS 25.35.100-25.35.150 [currently renumbered at 18.66.200-18.66.250], and information pertaining to a person served by the grantee . . . .” 13 AAC 95.280.

## **IV. Exceptions to Confidentiality**

Without written, informed, time-limited consent to release information (discussed in [Section VI](#)), there are limited instances when a program may legally breach the confidentiality provisions of VAWA, FVSPA, VOCA, and Alaska statutes and regulations. In addition to sharing information with a valid release of information, VAWA permits disclosure in the case of “statutory or court mandate.” CDVSA regulations allow disclosure in three circumstances: mandatory reporting of child or vulnerable adult abuse, to protect the life or safety of a person, and court orders pursuant to the victim/victim counselor privilege in AS 18.66.200-250. See discussion below of whether staff are mandated, under Alaska law, to report abuse of a child or vulnerable adult, or to make a report to protect a person’s life or safety.

With each of these exceptions, advocates will disclose only the **minimum information necessary** to follow the law. This standard protects as much program participant confidentiality as possible. VAWA requires that if release of information is necessary pursuant to statute or

court order that the program must make reasonable attempts to notify victims affected by the disclosure of information and take necessary steps to protect the privacy and safety of the persons affected by the release. This could mean that you will need to take steps to protect a survivors' family or friends, for example. 34 U.S.C. § 12291(b)(2)(C).

#### A. Mandatory Reporting:

AS 47.17.020 states that “paid employees of domestic violence and sexual assault programs, and crisis intervention and prevention programs” who “in the performance of their occupational duties, have reasonable cause to suspect that a child has suffered harm as a result of child abuse or neglect shall immediately report the harm to the nearest office of the department [Office of Children’s Services.]” This mandatory reporting law allows disclosure of personally identifying information under both VAWA’s statutory mandate exception and CDVSA’s regulations at 13AAC 95.280 (3)(B). Note that this mandatory reporting obligation is limited to “paid employees.” It does not extend to volunteers, interns, board members, or other unpaid staff unless they are performing other occupational duties included in the statutory list of mandatory reporters.

The paid employee to whom the abuse is disclosed is personally responsible for determining whether or not they have “reasonable cause” to suspect abuse and is personally responsible for ensuring a report is filed. In order to abide by the “immediate” requirement of the statute, reports should be made as quickly as possible while following the protocol below, and always within 24 hours. All efforts should be made to support the survivor and maintain her autonomy.

Our protocol for making mandatory reports for child abuse is:

1. If time permits, paid staff member discusses the report with their supervisor.
2. Paid staff member notifies the program participant that they are making a report if it will not endanger the child.
3. If appropriate, paid staff member invites program participant to make the report themselves, or invites them to be in the room while the paid staff member makes a report.
4. A victim advocate (if paid staff member is not a victim advocate) does a risk assessment with the program participant including the abuser’s response to any state involvement, and ensures that a safety plan is in place and program participant is receiving any services needed.
5. Paid staff member calls Office of Children’s Services to make the report.
6. If it can be done safely, paid staff member or victim advocate follows up with program participant to make sure the participant is still receiving the services they need.
7. While maintaining survivor’s confidentiality, paid staff member takes reasonable steps to protect the privacy and safety of any other persons affected by the release.

Note, the definition of child abuse and neglect under Alaska law includes “mental injury” to a child. Importantly, the statute excepts paid staff from reporting mental injury caused by exposure to domestic violence (e.g., a child seeing one parent abuse the other) so long as the staff has “reasonable cause to believe that the child is in safe and appropriate care and not presently in danger of mental injury as a result of exposure to domestic violence.” **Thus, paid staff should not report child abuse or neglect when they have reasonable cause to believe that a child is**

**now in safe and appropriate care and is not presently in danger of mental injury as a result of exposure to domestic violence, i.e., coming into (shelter/program name). However, staff must make a mandatory report if they know that the program participant is returning to a situation where the staff reasonably expects that the child will be exposed to domestic violence, for example, leaving (shelter/program name) and returning to the formerly abusive situation.**

Paid staff must also report when, “in the performance of their professional duties,” they have “reasonable cause to believe that a vulnerable adult suffers from undue influence, abandonment, exploitation, abuse, neglect, or self-neglect” (AS 47.24.010). A vulnerable adult “means a person 18 years of age or older who, because of incapacity, mental deficiency, physical illness or disability, advanced age, chronic use of drugs, chronic intoxication, fraud, confinement, or disappearance, is unable to meet the person’s own needs or to seek help without assistance” (AS 47.24.900). Reports should be made to Adult Protective Services.

### B. Protect the Life or Safety of a Person

Staff may disclose confidential information when a program participant demonstrates an imminent life-threatening safety risk to herself or others, including immediate danger of suicide or serious injuries requiring medical attention. CDVSA’s regulation permits disclosure of confidential information if, “a release of the information **is required** to protect the life or safety of a person.” 13 AAC 95.280 (2). A program participant’s information should only be released under this exception in the most exigent circumstances. When determining whether to release information in this narrow circumstance, staff should assess the immediacy of the situation:

- 1) Do they have a plan?
- 2) How specific are the details of their plan?
- 3) Do they have the means to carry out the plan?
- 4) Is the plan feasible?
- 5) Is the desire to seek help for the program participant based on the advocate’s general concerns about the program participant’s life choices, or truly based on concerns that harm might imminently occur if help is not received?

The most obvious scenario which could implicate this exception is where an advocate sees a program participant disoriented and slurring speech with an empty pill bottle nearby. Staff may decide to call law enforcement or emergency responders depending on the exigency. As with other exceptions to confidentiality, reports should be limited to the minimum information necessary to mitigate the life-threatening risk.

### C. Court-Ordered Exceptions Pursuant to the Victim/Victim Counselor Privilege

#### 1. What is the privilege?

Alaska has a victim/victim counselor privilege in AS 18.66.200-250. The privilege is a rule of evidence that prevents confidential communications made between a victim and victim counselor from being disclosed in certain legal proceedings.



The privilege statute provides that in the event of civil, criminal, or administrative proceedings, a victim counselor may not be compelled to provide information in court proceedings subject to eight exceptions. These disclosures, if ordered by a court, are permitted under both VAWA's court mandate exception and specifically cited as an exception under CDVSA's regulations at 13 AAC 95.280 (3)(A).

## 2. Who can release information under the privilege?

The victim holds the privilege, meaning they can release the information or waive the privilege if they choose. For minors or incompetent individuals, see the chart below:

<p><b>For a minor or an incompetent person,</b> Alaska law states that the parent, legal guardian, or guardian ad litem of the minor is authorized to consent to release of a minor's information, except if the minor has a protection order against the parent or legal guardian, the parent or legal guardian has been charged with a crime against the minor or otherwise has an interest adverse to the minor regarding the privilege.</p>	<p><b>If the minor is determined by a court to be capable of knowingly waiving the privilege,</b> then the minor may do so.</p>	<p><b>A guardian ad litem</b> can be appointed under the statute by the court for purposes of releasing information, at the request of either the minor, incompetent person, parent or legal guardian.</p>
---	---	--

## 3. Who and what does the privilege apply to?

Some specific definitions apply to this privilege and the exceptions:

- AS 18.66.250(3) defines "**victim**" as "a person who consults a victim counselor for assistance in overcoming adverse effects of a sexual assault or domestic violence."
- AS 18.66.250(6) defines "**victim counselor**" as "an employee or supervised volunteer of a victim counseling center that provides counseling to victims (A) who has undergone a minimum of 40 hours of training in domestic violence or sexual assault, crisis intervention, victim support, treatment and related areas; or (B) whose duties include victim counseling.  
Note: If a staff member's duties do not include victim counseling, then they must receive 40 hours of training in domestic violence and sexual assault to ensure that they are covered by the privilege. This should include a review of Alaska's confidentiality law, and of (shelter/program name) confidentiality policy. A full 40 hours of training should be documented and kept in the staff personnel file.
- AS 18.66.250(5) defines "**victim counseling center**" as "a private organization, or organization operated by or contracted by a branch of the armed forces of the United States, or a local government agency that has, as one of its primary purposes, the provision of direct services to victims for trauma resulting from a sexual assault or domestic violence; is not affiliated with a law enforcement

agency or a prosecutor's office; and is not on contract with the state to provide [child welfare services]."

- AS 18.66.250(1) defines "**confidential communications**" as "information exchanged between a victim and a victim counselor in private or in the presence of a third party who is necessary to facilitate communication or further the counseling process and that is disclosed in the course of victim counseling resulting from a sexual assault or domestic violence."

#### 4. What are the exceptions to the privilege?

The eight exceptions to victim-victim counselor privilege are, per AS 18.66.210:

##### *1. Reports of suspected child abuse or neglect;*

Staff members are mandated reporters for child abuse or neglect and a court order is not necessary before complying with the mandatory reporting laws. However, this exception means that staff may also be ordered into court to testify about the report.

##### *2. Evidence that the victim is about to commit a crime;*

There are very few circumstances where this would apply. One example may be if a victim is planning to leave the state with their kids to keep them from the other parent, which could constitute custodial interference, a crime under Alaska law. If staff know this information, they arguably have information that a program participant is about to commit a crime and could risk prosecution as an accomplice.

##### *3. A proceeding that occurs after the victim's death;*

A program's confidentiality regarding a victim's information does not end if the person dies, however if there is a legal proceeding such as a civil lawsuit or a murder trial, this exception may require the victim-counselor to testify.

##### *4. A communication relevant to an issue of breach by the victim or victim counselor of a duty arising out of the victim-victim counselor relationship;*

Victim counselors owe certain duties of care to victims who seek their services, such as the duty to protect a victim's confidentiality. If a victim were to sue the victim counselor because they had suffered harm due to a breach of that duty, the victim counselor could not hide behind the shield of confidentiality to avoid disclosing information about the breach.

##### *5. A communication that is determined to be admissible hearsay as an excited utterance;*

An excited utterance is an evidentiary term that allows witnesses to testify about statements made by others outside of court if the statement was made temporally close enough to the condition causing excitement or shock such that the veracity of the statement could not be disputed. This exception will only apply to statements made very shortly after the incident. For example, a program participant calls or shows up at the program *immediately* after the assault and makes statements that could aid in prosecution.

##### *6. A child-in-need-of-aid proceeding;*



This exception produces one of the most common types of orders received by (shelter/program name). A child-in-need-of-aid proceeding is a court case initiated by the state to protect children who are alleged to be abused or neglected. (shelter/program name) may receive an order to bring any and all information and records pertaining to a participant who is currently receiving or has received services in the past from (shelter/program name). If the records the court ordered to be produced contain references to people other than the person whose records fall within the exception, the program should request permission to redact the records before producing them.

*7. A communication made during the victim-victim counselor relationship if the services of the counselor were sought, obtained, or used to enable anyone to commit or plan a crime or to escape detection or apprehension after the commission of a crime;*

This exception could apply if the victim counselor knows that the victim is about to commit a crime and is asked by the victim to help, or takes actions to help that victim execute that crime or evade legal responsibility for the crime. For example, the victim counselor knows that there is an arrest warrant out for victim and that the police are searching for her, and then victim counselor helps the victim to leave the state.

*8. A criminal proceeding concerning criminal charges against a victim of domestic violence or sexual assault where the victim is charged with a crime*

*(A) under AS 11.41 against a minor; or*

*(B) in which the physical, mental, or emotional condition of the victim is raised in defense of the victim.*

This exception may apply when a program participant has been charged with committing a crime against a child. For example, an advocate reported bruises on a child to the Office of Children's Services (OCS), a program participant is arrested, and the prosecutor wants the advocate to testify at trial about seeing these bruises. Subsection (B) includes situations where a program participant is charged with a crime and the defense attorney puts the victim's condition at issue as part of the defense arguing, for example, that the victim acted defensively because due to chronic abuse.

5. When does (shelter/program) turn over information if an exception applies?

**To be clear, (shelter/program name) does not turn over records in this category unless there is a specific court order citing the confidentiality statute and the exception that applies, and the order is signed by a judge. A subpoena, signed only by a court clerk, is not sufficient for the release of information, even if the information falls under one of these exceptions.** The response protocol to court orders and subpoenas is described in [Section XIII](#).

## V. Release of Information with Informed Consent

Staff may disclose information if the program participant gives them explicit, written, permission to do so pursuant to an informed release of information. This is permitted under both VAWA and CDVSA regulations. VAWA requires that grantees shall not “disclose, reveal, or release individual client information without the informed, written, reasonably time-limited consent of the person . . . .” 34 U.S.C. § 12291 (b)(2)(B)(ii), and CDVSA Regulations permit disclosure of

confidential information if the program participant “signs a release of information form.” 13 AAC 95.280(2).

#### A. Informed Written Consent- Process

Informed consent means that program participants must be clearly advised of the possible consequences of any release of confidential information maintained by (shelter/program name). At a minimum, VAWA regulations (28 CFR 90.4(b)(3)(ii)) require that staff:

1. Discuss with the program participant:
  - **why** the information might be shared;
  - **who** would have access to it and;
  - **what** information could be shared under the release.

Before staff obtains a release from a program participant, they shall review with the program participant the information that is being asked to be released and highlight the benefits and drawbacks of releasing the information before the program participant decides whether or not to give consent for its release.
2. Ensure that the program participant understands that signing the release is not a condition of service.
3. Reach agreement with the program participant about what information would be shared and with whom.
4. Record the agreement about the scope of the release. Staff does this through use of shelter/program’s Release of Information form, including a reasonable time period for the release given the specific situation.

Additionally, staff should ensure that:

1. The request for an agreement to release information are conveyed in the program participant’s first language and in a style they understood;
2. The program participant has the full opportunity to say no and understands the release can be revoked at any time before any information is shared.
3. The program participant understands that releasing even a part of the confidential information contained in the file to any third party may waive participant’s ability to assert the victim/victim counselor privilege regarding other confidential information contained in the client file.

#### B. Consent to Release for Minors and Legally Incapacitated Persons

Under VAWA, 34 U.S.C. § 12291 (b)(3)(ii)(C) and 28 C.F.R. § 90.4 (b)(3)(ii), the following regulations for consent apply to minors and legally incapacitated persons.

NOTE: The information in the following chart is somewhat inconsistent with Alaska law on who can consent to a release of information under the testimonial victim/victim counselor privilege. (See [Section IV\(C\)](#).) If the release of information does not involve information being sought in a criminal, legislative, or administrative proceeding – where the testimonial privilege would apply – then the VAWA requirements for minors and consent to releases should be followed.

<p><b>If the victim is an unemancipated minor</b>, the release must be signed by the minor and by a parent or guardian. Consent for release of information <b>may not</b> be given by the abuser of the minor or the abuser of the minor's parent.</p>	<p><b>If the minor is incapable of knowingly consenting</b>, then the parent or guardian may consent to a release on the minor's behalf. If a parent or guardian consents on behalf of a minor, the program should attempt to notify the minor about the release of information as appropriate, e.g., for their age.</p>	<p><b>If the minor is able to receive services under law without the parent or guardian's consent</b>, then they may sign the release of information without additional consent.</p>	<p><b>For a legally incapacitated person</b>, a court-appointed guardian can consent to the release of information. Consent for release of information may not be given by the abuser of the legally incapacitated person.</p>
--	--	--	--

### C. Written Release of Information: Contents

The written release is specific as to the information to be released and include the purpose for which the information is to be released. The release must designate the individual or agency to whom the information is to be released. Written authorizations will be placed in the program participant's file.

### D. Releases from Other Agencies

Release of information forms from another agency, even if signed by the program participant, should be carefully scrutinized to confirm it complies with the requirements of VAWA and CDVSA regulations. When (shelter/program name) receives an outside release of information staff should immediately contact the program participant and confirm that the release was informed and voluntary before releasing confidential information. We use our own form for release of information whenever possible because we know it is VAWA compliant.

(Shelter/Program name) should work with outside agencies to explain the (shelter/program's) confidentiality protocols in advance of receiving a request for release of confidential information in the form of an outside agency's release, subpoena, or court order.

### E. Emergency Verbal Authorization Not Allowed

Since VAWA requires a written release of information, we do not allow verbal authorizations of releases of information. Written releases of information may be submitted, if a program participant's privacy can be protected, by fax, an electronic scanned copy, or via other secure methods.

## F. Program Participant Revocation of Consent

If a program participant verbally revokes an authorization to release information or records, staff should attempt to get that revocation in writing. But even without written revocation, staff must honor the verbal revocation and not release any information. Staff should record the verbal revocation in the program participant's file with a date and staff initials.

## **VI. Transmission of Confidential Information within the Agency**

### A. Staff Access to Program Participant Information

Information within the agency should be only be shared on a "need to know" basis and with the program participant's confidentiality needs always in mind. Staff should only share necessary information about program participants with other staff, and staff shall share information with supervisors only when necessary or upon request. Supervisors should elicit only the information they need to know to ensure quality of services and to provide feedback to staff.

### B. Board Member Access to Program Participant Information

All members of the (shelter/program name) Board of Directors are required to sign an agreement to maintain confidentiality. However, Board members do not have access to open or closed program participant files, nor to information which would identify a program participant, except under extraordinary circumstances such as an alleged breach of the victim counselor's duty in a court proceeding. Board member access to personal information will only be authorized by the Executive Director or as otherwise required by law.

### C. Program Participant Access to Information About Themselves or Other Program Participants

No program participants shall have access to confidential information about any other program participant. Program participants may review their own files in the presence of a staff member. The program participant may copy portions of the file or take notes from the file. A program participant or staff member shall not remove a program file from the (shelter/program name) premises unless required to do so for court or for another purpose for which a victim has signed an informed, written release. Such removal from the premises will be for the shortest possible time and the records will always be secured and with the staff person who has them in their care.

## **VII. Information Kept on Participants**

### A. Program File Content- Funding Source Requirements CDVSA-Alaska Administrative Code

The content of program participant files is limited to information that is required by CDVSA for statistical and funding purposes including: (1) statements of problems and needs; (2) a plan for problem resolution; (3) a personal contact in case of an emergency; and (4) known medical problems 13 AAC 90.080 (i). Program files may also contain information necessary in a service plan and documentation of services rendered; and other limited information needed to protect the program and its workers from liability.

Verbatim statements made by or concerning a program participant are never included in the program participant file. Program participants are not to write in a program file. Any staff writing in the program participant file should sign and date each entry. All information contained in the program file should be factual only and not include interpretative or evaluative remarks about the program participant. Certain specific documents will need to be signed by the program participant, such as but not limited to, service plan, individual rights, program policies, confidentiality statement, medical and child care releases, and any releases of information voluntarily executed.

Documents received by the program participant from other sources such as the court system, civil or criminal attorney, DHSS, OCS, etc., generally should not be kept in the program file. Exceptions could include when the program needs to keep a copy of a protective order in the program file so that staff is fully informed about the batterer and provisions in the protective order. In exceptional cases like this, documents should be shredded as soon as they are no longer needed and staff should have a system in place to calendar their destruction. Staff should assist program participants in making their own personal files to keep all important documents they may need in the future and safety plan accordingly.

#### B. Photographs of Injuries

Staff should avoid personally photographing injuries so that they do not inadvertently become a witness in a case, but can encourage programs participants to do so as part of documenting their abuse.

### **VIII. Maintenance/Destruction of Program Files**

#### A. Secure Program File Area

Open and closed program participant files must be kept in a locked file cabinet or a locked area, which is secure at all times. Program participant files may only be read by the program participant, program participant's advocate, the advocate's supervisor, or another staff member, volunteer, relief worker, or student intern with a demonstrated "need to know" basis.

#### B. Designated Records Custodian

The designated records custodian, who is responsible for the secure maintenance of all program participant and administrative files, is the executive director or a designee. Whether the Executive Director or designee, the records custodian should be identified in writing and referenced in the organization's subpoena response policy.

#### C. Regular Destruction of Program Files

(Shelter/Program Name) shall conduct a file review every six months, and all documents, except those required by CDVSA shall be removed unless essential for on-going service provision. For purposes of CDVSA the files must contain the green (Contact Form) and gold (Services

Provided Report). Program files older than three years shall be completely shredded including forms required by CDVSA (13 AAC 95.290), but the program must keep a record of the program participant's name and CDVSA record number to determine if they are a new or continuing client when seeking future services.

Program participants should sign a statement acknowledging that they have been notified of the retention and destruction procedures of (program/shelter name). The executive director or a designee shall supervise the destruction, if any, of program participant files.

If a program participant requests that their program file be destroyed before the three year mandatory period for keeping grant records, staff should completely shred all information except for the green (Contact Form) and gold (Services Provided Report). After three years the green and gold forms shall be shredded.

#### D. Children's Files

(Shelter/program name) shall maintain separate files for each program participant, including children (minors).

### **IX. Common Scenarios That Implicate Confidentiality**

#### A. Disclosure of Information to Another Network Program or to the Network Office

There is no exception to the confidentiality statutes for communication with other network programs or to the network office or legal program. A program participant should sign a written release of information to share information with other Network programs or the Network itself.

#### B. General Public

All materials used for teaching, public announcements, community education, or written or verbal reports directed to sources outside (shelter/program name) shall not include personal identifying information about program participants. The only exception to this is when the program participant asks (shelter/program name) to be identified and gives permission in writing. (Shelter/Program) can share aggregate, non-personally identifying data and demographic information.

#### C. Funding Sources

Funders such as the CDVSA who request to audit program files may not access any program participant's personally identifying or confidential information without the participant's consent (and consent may not be a condition of receiving services). To access non-personally identifying information, the funder must still sign a confidentiality agreement before viewing any records. Personally identifying information (as described above in [Section 3A](#)) shall be removed from records before they are provided to auditors. You may wish to contact ANDVSA for guidance on how to accomplish this.

VAWA prohibits victim service providers from providing identifying information about program participants to the US Department of Housing and Urban Development. (HUD) (or other funders). After a period of public notice and comments, HUD may request “non-personally identifying data that has been de-identified, encrypted, or otherwise encoded.”

#### D. Contact with Program Participant in Public Places

Program staff shall protect a program participant's confidentiality in the community and public places by not acknowledging the program participant unless first acknowledged by them. This guideline can vary based on the best judgment of staff. For example, it may be appropriate for staff members to nod or smile the same way they would acknowledge anyone they see or made eye contact within the community.

The staff member should discuss this situation with the program participant in advance and let the program participant know how the staff member plans to respond based on how the program participant wants the staff member to respond or not respond in public.

#### E. Batterers' Intervention Programs

As with other communication with outside agencies, (shelter/program name) needs a signed written release to discuss program participant's information with a batterer's intervention program. This release may not be a condition for services.

The local batterers' intervention program has a responsibility to conduct safety checks with victims of domestic violence/sexual assault when they are providing services to a batterer. If we have our program participants' permission, (Shelter/program name) works with the local batterers intervention program to ensure it is conducting routine safety checks with (shelter/program name) program participants in a manner that is safe to (shelter/program name) program participants and protects victim confidentiality. Batterers attending batterers' intervention programs do not have the same confidentiality protections that are accorded to program participants receiving services from (shelter/program name).

## **X. Technology Safety and Best Practices**

This section is adapted from resources provided by the National Network to End Domestic Violence (NNEDV), available at <https://www.techsafety.org/resources/>.

#### A. Community Computers

If a computer is made communally available to program participants, program participant's confidentiality and privacy must be protected, especially with regard to shared networks and access to the web.

Staff should allow multiple users to make login accounts on the computer to avoid making program participants' files accessible to others; they may alternately choose to install a “Guest”



user that cannot save files to the desktop. In this case, it may be useful to provide participants with a USB drive, if possible, in order to store personal files in a private manner.

If an Internet browser is installed, staff should ensure that browsing history is automatically deleted. Utilize the browser settings and tools to automatically delete internet tracking, history, cookies, site blocking, auto-complete features, and login information. Do not allow browsers or other sites to auto-save logins and passwords.

### B. Email

If a survivor initially contacts you through email, your response should include asking the survivor if emailing is a safe method of communicating. For some survivors, it may be the only method available to get help, but for others a phone call might be safer. If you are providing support via email, check in periodically to see if email is still a safe and preferred method of communicating.

When responding to emails from survivors, delete the previous conversation thread. That way if the email accidentally gets forwarded, intercepted, or the account is accessed by the abuser, the entire history of the conversation isn't revealed.

Discuss email safety and privacy with survivors, encouraging them to delete messages received and those from both their sent and deleted folders if they are concerned that their account could be accessed by someone else.

Staff should regularly delete emails, attachments, and files from survivors so as to not keep identifying information for longer than needed. Internal communication about survivors should be restricted. Do not include survivors' full names or other identifying information in emails.

If your email service backs up to a third-party cloud storage system, ensure that the emails are being deleted from there as well.

### C. Onsite data management

If your client and agency data is stored and managed onsite by your agency, ensure that your server has a firewall to protect your computers from breaches and use appropriate access levels to ensure that staff members only see information relevant to their roles.

### D. Third-party and cloud data management

VAWA regulations require grantees to take reasonable efforts to prevent inadvertent releases of personally identifying information or individual information collected, including information stored in the cloud.

If your data is stored or managed by a third party, know the third party's security measures and ensure that others will not have access to your files.



If your data is managed through a cloud computing company, your agreement with the company should allow you to retain ownership of your data and must prohibit them from using, sharing, or selling it. It must also allow you to permanently delete files from their server. Find out the company's protocol for responding to legal requests, and ensure that they will consult you before disclosing data. If the company's servers are remote, know that their jurisdiction's legal requirements regarding disclosures of data may differ from yours.

#### E. Cell Phones and Texting

Advocates should not save program participants' full names, phone numbers, or other contact information into a work phone's contacts. Save as little information as possible. When the professional relationship is over, delete all contact information from the phone and text logs. Phone numbers will otherwise remain in the phone or text log indefinitely. All work phones with client information in them must be password protected.

It is not optimal to use a personal cellphone to communicate with program participants however if this is necessary, the device must be password protected and only accessible by the staff member. All client information should regularly be cleared off the phone and completely cleared when the staff member is no longer affiliated with (shelter/program name).

Begin text conversations by informing the program participant of issues they should be aware of, such as: whether this conversation will be viewed/seen by anyone else (within the agency), does the advocate have any mandatory reporting obligations, and any other information survivors need to know. Advocates can end text conversations by informing the program participant that the conversation will be deleted on the agency side, and sharing tips on safe texting practices.

When implementing texting as a method to communicate with program participants, make sure that you have a conversation with them about text messaging safety. Technology continues to advance at a rapid rate and staying current with technology and its application is essential to advocacy practice and survivor safety planning. Also be aware that texting allows both parties to store the history of the conversation as well contact information.

## **XI. Response Protocols: Missing Person Report**

### A. Relationship with law enforcement

Staff shall work with law enforcement in advance of a request for information about a program participant so they understand the important safety and policy issues behind the (shelter/program's) Missing Person Report Protocol protocols (see below).

### B. Missing Person Report Protocol

#### **Before receiving report:**

1. At time of intake, staff should ask program participants about the likelihood of a missing person report being filed by the abuser.

2. Staff should discuss with a program participant the safety implications of the program participant contacting law enforcement if a missing person report is filed, and the (shelter/program name) protocol in advance of a missing person report being filed.
3. If the program participant believes that it is safe to contact law enforcement to confirm they are not missing, the participant may wish to do so. But they should be advised that law enforcement has no legal obligation to keep this information confidential, and they may decide to share it with the abuser or other person.
4. If it is not safe for the program participant to contact law enforcement, staff should safety plan with the program participant.

**Upon receiving a missing person report:**

1. Staff should not confirm or deny whether a program participant is staying at the shelter or share information on how to contact the program participant without a written, informed, release of information specifically authorizing such a disclosure.
2. Staff should explain to law enforcement that they cannot confirm or deny the identity of program participants and in fact giving out this information would violate state and federal confidentiality laws.
3. Staff should be respectful and courteous and acknowledge to law enforcement that the agency appreciates that law enforcement has limited resources but that program policy due to state and federal law is to offer to take a message.
4. Staff should contact the program participant if possible and explain that law enforcement will assume they are a missing person until law enforcement receives confirmation that they are safe. In some circumstances this can enhance survivor safety. It is the survivor's decision whether or not to contact law enforcement.

The program participant's information is never released without written consent because doing so can seriously jeopardize their safety. Even confirming whether or not law enforcement should continue to search for a survivor may be enough information for the batterer to track down the program participant's location.

## **XII. Response Protocols: Contact with Immigration Authorities (Department of Homeland Security-Immigration and Customs Enforcement (ICE))**

### **A. No Exception to Confidentiality Statute**

There is no exception to federal or state confidentiality laws when working with a survivor who is a noncitizen. Under no circumstances should staff contact immigration authorities or law enforcement regarding the immigration status of a program participant without the participant's written and informed consent.

### **B. Authority of Department of Homeland Security to Search Program**

Immigration authorities have no authority to search (shelter/program name) premises without a search warrant. If immigration authorities attempt to search the premises the Executive Director, ANDVSA Legal Program, or (shelter/program attorney) should be contacted immediately, and the authorities should not be allowed entry.

### XIII. Response Protocols: Subpoenas & Court Orders

#### A. Definitions

**Subpoena for the Testimony of Staff or Production of Records.** The court issues subpoenas at the request of various professionals within the legal system. A subpoena can be issued in a civil or criminal case. A subpoena is typically signed by the court clerk. The subpoena may be directed to (shelter/program name) or its personnel or it may be directed to a program participant. The subpoena may demand the production of records or documents (subpoena to produce), or it may demand the presence of a particular person to testify in court, before a grand jury, or at a deposition (subpoena to appear), or it may demand both the production of records or documents and the presence of a particular person to testify (subpoena to appear and produce).

A subpoena is not sufficient to release confidential information (unless it is accompanied by a court order) but it cannot not be ignored without penalty. It should be addressed by the (shelter/program name). Below are samples of the court forms for subpoena.

IN THE DISTRICT/SUPERIOR COURT FOR THE STATE OF ALASKA  
AT \_\_\_\_\_

vs. Plaintiff(s) \_\_\_\_\_  
Defendant(s) \_\_\_\_\_

CASE NO. \_\_\_\_\_

SUBPOENA TO APPEAR & PRODUCE

To: \_\_\_\_\_  
Address: \_\_\_\_\_  
You are commanded to appear in court to testify as a witness in the above case at:  
Date and Time: \_\_\_\_\_ at \_\_\_\_\_, Alaska.  
Courtroom: \_\_\_\_\_  
You are ordered to bring with you \_\_\_\_\_

(SEAL)

Date \_\_\_\_\_  
Subpoena issued at request of \_\_\_\_\_  
Attorney for \_\_\_\_\_  
Address \_\_\_\_\_  
Telephone \_\_\_\_\_  
If you have any questions, contact the person named above.

RETURN  
I certify that on the date stated below, I served this subpoena on the person to whom it is addressed, \_\_\_\_\_, in \_\_\_\_\_, Alaska. I left a copy of the subpoena with the person named and also tendered mileage and witness fees required by court rule.

Date and Time of Service \_\_\_\_\_  
Service Fees:  
Service \$ \_\_\_\_\_  
Mileage \$ \_\_\_\_\_  
TOTAL \$ \_\_\_\_\_

If served by other than a peace officer, this return must be notarized.  
Subscribed and sworn to or affirmed before me at \_\_\_\_\_, Alaska  
on \_\_\_\_\_

(SEAL)

Clerk of Court, Notary Public or other person authorized to administer oaths.  
My commission expires \_\_\_\_\_

Civil Rule 45  
Dist. Ct. Civ. R. 11(f)

CTV-110 (8/96)(7)  
SUBPOENA TO APPEAR & PRODUCE

IN THE DISTRICT/SUPERIOR COURT FOR THE STATE OF ALASKA  
AT \_\_\_\_\_

vs. Plaintiff(s) \_\_\_\_\_  
Defendant(s) \_\_\_\_\_

CASE NO. \_\_\_\_\_

SUBPOENA TO APPEAR

To: \_\_\_\_\_  
Address: \_\_\_\_\_  
You are commanded to appear in court to testify as a witness in the above case at:  
Date and Time: \_\_\_\_\_ at \_\_\_\_\_, Alaska.  
Courtroom: \_\_\_\_\_ (SEAL)

Date \_\_\_\_\_  
Clerk of Court

Subpoena issued at request of \_\_\_\_\_  
Attorney for \_\_\_\_\_  
Address \_\_\_\_\_  
Telephone \_\_\_\_\_  
If you have any questions, contact the person named above.

RETURN  
I certify that on the date stated below, I served this subpoena on the person to whom it is addressed, \_\_\_\_\_, in \_\_\_\_\_, Alaska. I left a copy of the subpoena with the person named and also tendered mileage and witness fees for one day's court attendance.

Date and Time of Service \_\_\_\_\_  
Service Fees:  
Service \$ \_\_\_\_\_  
Mileage \$ \_\_\_\_\_  
TOTAL \$ \_\_\_\_\_

If served by other than a peace officer, this return must be notarized.  
Subscribed and sworn to or affirmed before me at \_\_\_\_\_, Alaska  
on \_\_\_\_\_

(SEAL)

Clerk of Court, Notary Public or other person authorized to administer oaths.  
My commission expires \_\_\_\_\_

Civil Rule 45  
Dist. Ct. Civ. R. 11(f)

CTV-111 (8/96)(3)  
SUBPOENA TO APPEAR

**Court Orders Signed by a Judge or Magistrate.** The court may order the production of information in a civil or criminal case. The court order may be directed to (shelter/program name) or its personnel or it may be directed to a program participant. The court order may demand the production of records or documents, demand the presence of a particular person to testify in court or both. Court orders should specifically cite Alaska's confidentiality statute and the exception that applies to the confidential communication. Staff must immediately respond in some way to the court order or they could be held in contempt.

#### B. Response Protocol Flow Chart

Because subpoenas and court orders are perennially confusing subjects, we put the response protocol into a flow chart on the following page.

## Is it a subpoena or a court order?

### Subpoena:

A subpoena will say either "subpoena to appear" or "subpoena to appear and produce" at the top. It will list a time and date when "you are commanded" to go to court. It will be signed normally by a court clerk.

### Court Order:

A court order will be signed by a magistrate or judge. It might say "order" or "order on release for records."

### Reponse protocol to subpoena:

1. Do not confirm or deny whether or not the shelter/program has records on the person. Determine whether the subpoena is asking for someone to testify or seeking documents, or both.
2. Contact the records custodian or their designee to determine whether or not they have records on that person. **Having or not having records does not change your response to an outside agency.** This is very important because if you object only when your program has records, you're signaling to the issuer whether or not you provided services to a specific individual.
3. If possible, contact the person about whom the information is sought and ask them if they would wish to have their information released. Fully inform them of their legal rights and options not to disclose. It is best practice to have them review their file before they release information. If they want to disclose their information, obtain a written release.
4. If the person signs a written release, then the program shall release copies of confidential documents or testify in proceeding, but only on the information covered by the release, and only to the person/agency covered.
5. If the person does not sign a release, then you shelter/program must still respond to the subpoena. At this point, you should likely contact your shelter/program attorney or the ANDVSA Legal Program. Options for response include a motion to quash the subpoena or a motion for *in camera* review of the records if the information is an exception to the victim/victim counselor privilege.

### Response protocol to a court order

1. Follow section (1)-(4) of the response protocol to subpoena.
2. If the person does not want the information released, determine whether or not the court order is for information that is one of the eight exceptions to the victim/victim counselor privilege.
3. If it is not, contact your shelter/program attorney or the ANDVSA Legal Program. An attorney may choose to file a motion to clarify, reconsider or vacate the order.
4. If it does ask for information that is an exception to the victim/victim counselor privilege, but shelter/program believes that the court order is asking for over-broad information, it should write to the court to request *in camera* review. (Contact your local shelter/program attorney or ANDVSA Legal Program for assistance). An attorney may ask the court to narrow the order or to ask for *in camera* review of records.
4. If *in camera* review is denied or not requested, shelter/program shall disclose only the minimal information required by the court order. The program participant should be notified if possible about disclosure and the program should safety plan with her.
5. Only copies of documents should be brought to court, never originals, unless originals are required.



## **XIV. Response Protocols: Search Warrants & Arrest Warrants**

### **A. Definitions**

A **search warrant** is a written order, issued by a judge or magistrate in the name of the state, directed to a peace officer of the state commanding the officer to search the person or place named for the property or person specified in the warrant. A search warrant can also be issued by the federal government. A search warrant identifies what crime the police believe has been committed and what can be seized. There are very few circumstances where a search warrant would be served on (shelter/program name). If a search warrant is served at (shelter/program name) it would probably be for physical evidence, such as clothing or a weapon, believed to be connected with a crime. Records are not often considered "fruits" or instrumentalities of a crime. A search warrant could also be issued to allow entry by law enforcement into the shelter to arrest someone inside.

An **arrest warrant** is a written order, issued by a judge or magistrate in the name of the state, directed to a peace officer, commanding the officer to arrest a specified person for a crime for which there is probable cause. An arrest warrant can also be issued by the federal government. An arrest warrant does not give law enforcement authority to search (shelter/program name) premises. Law enforcement will have to get a search warrant if they believe a wanted person is located at the program.

### **B. Response Protocol**

Review the order to determine whether it is an arrest warrant or a search warrant. In either case, immediately contact the Executive Director and explain to law enforcement your protocol: "Please wait outside the door while I go get our Executive Director. She is the only one authorized to accept the warrant and allow any entry into the program due to strict federal and state confidentiality laws." If the Executive Director is not available,

#### **Arrest Warrant:**

1. An arrest warrant does not give law enforcement the authority to enter the shelter.
2. Use the response, "I cannot confirm or deny that this person is residing in the shelter."
3. If possible, notify the program participant about the warrant and that law enforcement is waiting on the premises. Let her know that you cannot give her legal advice but give her the opportunity to voluntarily give herself up to law enforcement or refer her to legal assistance.
4. If the program participant refuses to be taken into custody, she must leave the shelter within a reasonable period of time, as the shelter cannot be harboring a fugitive.

#### **Search Warrant:**

1. If reasonable, wait for the Executive Director to arrive and accept the warrant.
2. Explain to the law enforcement officer your obligation to maintain the confidentiality of others in the shelter. Ask them to wait until you have had a chance to notify the residents that law enforcement will be entering.

3. Accompany law enforcement as they conduct the search to be sure the search is limited to the content of the warrant.
4. The basis of the warrant may inform whether or not you allow the program participant to continue residing in the shelter. It may provide evidence of a safety risk.

## **XV. Response Protocols: Emergency Responders and Non-Emergency Responders**

### A. Definitions

(Shelter/program name) has the obligation to protect the health and safety of its staff and participants in addition to maintaining their confidentiality. While most of the time staff will contact an emergency responder, it is also possible that program participants could call an emergency responder such as the police or an ambulance. The protocol for whether that emergency responder should be allowed into the building depends on the exigency of the emergency and who called the responder.

### B. Response Protocol

Only staff should answer the door to (shelter/program name). If there is an emergency responder at the door, inquire as to who called them and what the emergency they are responding to is. If time permits, notify your Executive Director. If time doesn't permit, staff will have to make a judgement call based on the following:

**Emergency Situation:** These could include but are not limited to, drug overdoses, weapon injuries, fire, or heart attack.

1. Allow emergency responders immediate entry into the building. If emergency situation is contained to one part of the building or the injured person can be safely moved, allow the emergency responder only to that area.
2. If possible, minimize the breach of confidentiality by having staff notify program participants in advance.
3. If advance warning is not possible, notify program participants after emergency responders have entered so that they can minimize the breach of confidentiality.
4. If time permits, have the responders sign a confidentiality agreement after the fact.

**Non-Emergency Situation:** These could include but are not limited to, theft, non-life threatening drugs in the shelter, participant or staff fractures or sprains, and bug infestation.

1. If staff has requested that they respond to some event, then follow essentially the same protocol above. However there will be more time to give program participants advance notice so that every effort should be made to secure the area so that program participant confidentiality is protected.
2. If staff did not make the call, ask the emergency responder who contacted them to respond (if they know).
3. If it is a program participant that made the call, then do not confirm or deny whether that program participant is there but contact them while the responder waits.

4. If you cannot find the program participant, or it was not a program participant who made the call, do not let in the emergency responder.
5. If you are able to find the program participant who made the call, ask the program participant if there is a way to resolve the issue internally without involving the emergency responder.
6. If the program participant wants to speak with the emergency responder, then ask them to sign a release and have them speak with the emergency responder in the office or have them do so outside the shelter. Remind the program participant of their duty to maintain the confidentiality of other program participants.

## **XVI. Response Protocols: Child Custody Orders and Writs of Assistance**

### A. Definitions

Alaskan law enforcement could show up at (shelter/program name) to enforce a child custody order for the children of a program participant. Generally, the police will only get involved if an Alaska court has entered a valid custody order and has authorized the police to pick up the kids because a parent is not following the order. The pick up order might be called a “Writ of Assistance.” It is essentially a court order asking the police for their assistance to pick up the children and return them to the parent who has custody. The writ should be from Alaska and signed by a judge or magistrate in Alaska. Law enforcement in Alaska generally won’t enforce an out-of-state child custody order without an order from an Alaska court verifying that it is valid.

### B. Response Protocol

Review the order to determine whether it is signed by an Alaska court and appears current and valid. Immediately contact the Executive Director and explain to law enforcement your protocol: “Please wait outside the door while I go get our Executive Director. She is the only one authorized to allow any entry into the program due to strict federal and state confidentiality laws.” If the Executive Director is not available,

1. A writ of assistance does not give law enforcement the authority to enter the shelter.
2. Politely use the response “I cannot confirm or deny that this person/these children are residing in the shelter.”
3. If possible, notify the program participant about the child custody order and that law enforcement is waiting on the premises. Show her the order and suggest that she speak with an attorney regarding its legality and her rights and be clear that you cannot advise her about those rights.
4. If she wants to give the children to law enforcement, have her sign a release of information. Do your best to ensure that the transition happens in a trauma-informed and safe manner. Refer the program participant to legal assistance.
5. If the program participant does not give the children to law enforcement, tell law enforcement that you can not confirm or deny that the children are there. Refer the program participant to legal assistance. If the (shelter/member program) learns that the custody order is valid and the client is in violation of it, the (shelter/member program)



cannot continue to allow the program participant and her children to stay there as they will be in violation of Alaska custodial interference laws.

# FAQ's on Survivor Confidentiality Releases

Confidentiality Institute & The Safety Net Project at the  
National Network to End Domestic Violence

## **What this is:**

This document addresses common questions regarding confidentiality and releases of information. It takes into account the confidentiality and privacy provisions in the U.S. federal Violence Against Women and Department of Justice Reauthorization Act of 2013 (VAWA 2013) and the Family Violence Prevention Services Act of 2010 (FVPSA 2010). In analyzing the meaning and application of the confidentiality and privacy provisions of these statutes, their purpose (to protect adult, youth, and child victims of domestic violence, dating violence, sexual assault, or stalking and their families) must be kept at the forefront.

## **What this is not:**

Confidentiality and privilege laws vary from state to state, as do other laws that may be impacted by this legislation. The National Network to End Domestic Violence (NNEDV) is not an expert on individual state laws and does not provide legal advice to VAWA and FVPSA grantees. The analysis below is not intended to be a substitute for local, legal advice from an attorney who is familiar with a particular jurisdiction's laws related to confidentiality and privilege of victim/victim advocate relationships. If you have specific questions or situations that you wish to discuss further, please feel free to contact NNEDV's Safety Net Project: [safetynet@nnedv.org](mailto:safetynet@nnedv.org).

In general, this information is intended for advocates employed by nonprofit agencies. Nevertheless, it is also important for other partner agencies and professionals to understand as well. As a partner of a nonprofit agency, when requesting information from another agency, you want to be sure that the information you're getting has been obtained properly. Furthermore, it is important for partners to understand that nonprofit advocates must abide by certain legal limitations when releasing information.

This project was supported by Grant No. 2013-TA-AX-K006 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 Department of Justice, Office on Violence Against Women.

## **Table of Contents**

General Principles.....	Pg. 2
Basic Release Template Questions.....	Pg. 3
Confidentiality & Partnership Questions.....	Pg. 4
Age, Consent, & Guardian Questions.....	Pg. 7
Emergencies, Hotlines, & Written Consent Questions.....	Pg. 8
Databases & Confidentiality Questions.....	Pg. 10
Mandated Reporters and Confidentiality Questions.....	Pg. 12
Additional General Questions.....	Pg. 13

### **General Principles:**

- A. **U.S. state, territorial, and federal laws and regulations apply.** Laws may apply differently to different partners who work with survivors.
- B. **An agency cannot require a survivor to provide a release of information in order to receive services.**
- C. **Survivors should be notified** of what information a program has about them and how their information will be used.
- D. **Releases of information should be client-centered** to enhance services provided to the survivor and not for the sole purpose of easing the program's administration.
- E. **Always consider the most protective privacy option.** Before obtaining a release of information, determine whether there is another way to accomplish the purpose without the advocate or agency releasing the survivor's personally identifying information.
- F. Releases of information must be **written, informed, and reasonably time-limited.**
- G. **A release of information is required if** an agency or advocate is asked by the survivor to release specific pieces of their individual personally identifying information outside of the advocate's own agency or program.
- H. **A release of information may not be required if** there is a court mandate or statutory obligation to report, such as suspected child abuse or neglect.
- I. **Survivors should be notified** when a release is made under a court mandate or statutory obligation.
- J. **Whenever releasing information about a survivor, programs and advocates should keep in mind the "minimum necessary concept,"** meaning that even with a release or mandatory report, share only the information necessary to accomplish the survivor's purpose or to meet the requirements of the reporting obligation, and only have that release open for the amount of time necessary to meet the survivor's needs.

## **Basic Release Template**

1. **Q:** *When is a release required under VAWA 2013/FVPSA 2010?*  
**A:** If you are a non-profit agency that is receiving VAWA or FVPSA funds, you need a written, time-limited, and informed release of information from a survivor to share any individual personally identifying information about that survivor with anyone outside of your agency. This includes even confirming that a particular person is receiving or has received services.
2. **Q:** *Is the release template available in other languages?*  
**A:** The model release form is available in English and Spanish. Please email [safetynet@nnedv.org](mailto:safetynet@nnedv.org) to receive a copy if you do not have one. If your organization translates the form into other languages, we would love to receive a copy so that we can share it with other organizations.
3. **Q:** *Do we have permission to alter the form (e.g., increase the font size) for those who may have difficulty seeing the information?*  
**A:** Yes, the form can be altered to increase accessibility. However, please do not make any adaptations that change the intent of the form.
4. **Q:** *The model release seems to be very precise, lending to a very limited scope of information that could be shared. Is this necessary?*  
**A:** Yes. The model release is what we recommend as best practice and is consistent with the requirements of VAWA and FVPSA. It helps to ensure that there is informed consent and that the client knows what pieces of information are being released and to whom. Because it is important for survivors to have control of what specific information they would like shared, the more specific the release, the better.
5. **Q:** *Is it necessary to complete a new release any time a different person needs to be contacted at one agency or anytime a new piece of information needs to be exchanged?*  
**A:** Yes. This is best practice and it is consistent with the requirements of VAWA and FVPSA. If the person or agency to whom the information is being released or the specific information to be shared was not included in the original release of information form that the survivor signed, a new release of information form is needed. While this could add some additional steps for advocates, these steps are designed to protect clients' personal information.  
 In addition, advocates can only share the specific information noted in the release form and cannot share information the survivor later reveals to the advocate.
6. **Q:** *Is it necessary to have an expiration date on the release of information?*  
**A:** Yes. VAWA and FVPSA require a release to be time-limited, and this is best practice. The release can be reaffirmed and extended if the survivor confirms that it is still valid and authorizes a new expiration date.
7. **Q:** *What is a proper length of time for a release to be valid?*  
**A:** VAWA and FVPSA require releases to be "reasonably time-limited." Whether a time limit is reasonable should be determined by the purpose of the release and the circumstances of the survivor's situation. The length of time that a release is effective should be the minimum length of time necessary under the circumstances, and should be tied to the service the survivor is requesting. It should be as short as necessary to meet the client's purpose (for example, a release could be for a few minutes, or a few hours, or a few days). This helps to ensure that services are guided by the survivor and take into account situations that may change radically from day to day.  
 In general, there is no reason a waiver should ever be more than 15 days or 30 days since the release can be reaffirmed and extended if the survivor confirms that the release is still valid and authorizes a new expiration date.

8. **Q:** *What if I only see a client in person once a month but do phone counseling on a regular basis? Some of the survivors we work with are from a rural area and it can be difficult to get a release signed every time the survivor wants information released. In those situations, is it appropriate for the release to be for longer than a few days?*

**A:** VAWA and FVPSA state that releases have to be “reasonably time-limited,” and that means under the circumstances for individual cases and situations. It may be that a 30-day release could be reasonable and appropriate in a situation like this, especially since you have regular phone contact with the survivor.

In addition, it is always good practice to ensure that you regularly check in with survivors to determine whether their circumstances have changed and remind them that they have the right to withdraw that release at any point. This is to ensure that the informed consent is based on up-to-date information.

9. **Q:** *Why should we specify the form of communication that a release will take?*

**A:** Discussing with survivors what form of communication will be used when sharing the information in the release ensures that survivors are fully informed of the various confidentiality risks associated with different types of communication. For example, there may be a greater confidentiality risk if documents are shared through an on-line storage site (like Dropbox) than if a phone call is made to that agency. Or, since email is not a secure form of communication, the survivor may be concerned about email, both the email content and attachments. Survivors should be made aware of risks associated with different communication methods and be allowed to choose which are used. Without specifying what form of communication is being used, you may not be giving the survivor the information s/he needs to provide true informed consent.

10. **Q:** *What is best practice: having a separate release for each agency the survivor’s information is being released to or having several agencies listed on one form?*

**A:** Best practice is to have a separate form for each agency that the survivor’s information is being released to. This helps ensure that the survivor is fully informed, both of who is receiving her/his information and of the particular consequences associated with that agency getting the information. If you consistently work with a few particular agencies, individual forms could be developed that lists each agency (e.g., one for Section 8 housing, one for the prosecutor, one for the food bank). The benefits and consequences of the release for each agency can then be identified on the form, in addition to being discussed with the survivor before s/he signs the release.

11. **Q:** *When can information be shared outside our agency without a release?*

**A:** The only time that individual personally identifying information can be shared by your agency without a release from the survivor is if you are compelled by state law or a court order to provide certain information. Mandatory reporting is a common example of a state law that would be an exemption. It is important to note that in most states, a subpoena is not a court order and thus is often not an exemption to the confidentiality obligations. Even where there is a court order, VAWA and FVPSA require programs to take measures to protect privacy, which could include going to court to challenge the validity of the subpoena or court order.

## **Confidentiality & Partnerships**

12. **Q:** *If a community pulls together a team of representatives from law enforcement, victim services, prosecution, and courts, are the victim services representatives prohibited from speaking about the victim without a release?*

**A:** Different partners in a multi-disciplinary team may have different confidentiality requirements, and each partner needs to understand his/her own respective obligations. For example, police and prosecutors do not generally need a release to speak about the case, but an advocate from a non-profit agency can only speak about a survivor if the survivor signed a release of information allowing that disclosure.

However, the non-profit agency or its representatives can talk generally about many things that are useful to the group, such as domestic violence and sexual assault dynamics, services that are available, aggregate totals, and general information that is not personally identifying. The non-profit advocate can also gather

information that is helpful to a survivor in those partnerships and help a survivor decide what information s/he would like the partnership to know and how that information should be shared.

13. **Q:** *What if there's a cooperative agreement form signed by all professionals involved stating that any information shared during the meeting will not be shared outside of the meeting?*

**A:** Regardless of any cooperative or confidentiality agreements, non-profit victim services cannot share personally identifying information with partners of a team (multi-disciplinary team, SART) without a release from the survivor. Such cooperative agreements to not share are typically unenforceable outside of the group, thus putting survivor information at risk of forced disclosure. The survivor needs to request and approve that the non-profit advocate can talk about his/her case with the team. Survivors also have the right to choose which aspects of their case are discussed and what members of the team are part of the discussion.

Each participant in the team needs to be aware of his/her particular confidentiality obligations and needs to obtain his/her own releases from the survivor to discuss individual information. Survivors need to be informed of every agency that is part of the team and be informed if additional people are added to the team. It can be helpful to have a staff person who is not involved with any specific case to be the member of the team in order to avoid accidental disclosure of details.

- An analogy: If your primary care doctor, your lawyer, and your therapist/counselor were to sit on a community health task force together, they could not discuss your private information, the details of your medical or psychological history, or anything else that might be identifying without getting your permission to do so because of their confidentiality obligations.

14. **Q:** *What information can we discuss with our task force partners without a release?*

**A:** Quite a bit, actually. You can ask follow-up questions about the information being shared with you. You can discuss general trends in cases. You can address things such as, "I'm hearing that young women on the university campus are having challenges with law enforcement trying to figure out who has jurisdiction: campus police or the municipal police? How do you know who has jurisdiction?" You can discuss hypothetical cases, such as how your agency would respond in a variety of situations, and common scenarios, but you cannot discuss anything on any level that would identify individual cases or people. Remember, things like the number of children the survivor has, the faith the survivor practices, or the survivor's ethnic heritage might be personally identifying, particularly in small communities.

If your agency has an advocate who never works directly with survivors, that person may be the best person to sit on the taskforce because he or she can provide feedback in these partnerships without accidentally sharing identifying information. It's important to remember that you need a signed release of information to even share that a particular person has received services from your agency.

15. **Q:** *If a police officer drives a survivor to a non-profit DV/SV program and later calls to ask how the survivor is doing, can the advocate share survivor information without a release? What if the officer calls and would like to leave a message for the survivor?*

**A:** Even if the officer knows that the survivor is or was at a non-profit advocacy office, the non-profit advocate cannot share survivor information without a release. The advocate can generally thank the officer for caring about victims, explain that the advocate "can neither confirm nor deny if the survivor is receiving services," and can offer to take a message and post it on the program's private bulletin board. The non-profit advocacy program should have a consistent response (e.g., the answer should not differ depending upon the victim) so as to avoid inadvertently providing information about any individual survivor's location.

16. **Q:** *Can collaborative agencies with an MOU containing confidentiality language share victim information for funder reporting reasons without getting a release?*

**A:** No. Regardless of the language within a MOU, releases are always necessary to share personally identifying individual client information. However, you can share aggregate information for reporting to funders. Aggregate information are totals, so it's acceptable to report that your program referred 7 people in a particular month, but it is not acceptable to provide any individual identifying details.

It is important to remember that what is identifying varies from community to community. It is never



appropriate to share names, dates of birth, and U.S. social security numbers. Keep in mind that a combination of information could also be identifying; for example, sharing that you served a 42 year-old Caucasian woman with 4 children, ages 11, 9, 8, and 6 or a 32 year-old Asian woman with a 2 year-old could identify them. Individual “de-identified” profiles can be used to re-identify people in other databases (such as HMIS). Communities and agencies should consider what information is identifiable for individuals receiving services, focus on sharing aggregate, non-identifying information, and should always provide the least amount of individual information possible.

The three major U.S. federal funding sources (Office for Victims of Crime, Office on Violence Against Women, and Department of Health and Human Services) **do not** require you to unduplicate victims between agencies, so there is no need to share personally identifying individual client information to meet federal reporting requirements. In addition, domestic violence programs that receive HUD funding are exempt from entering identifying information into the HMIS database.

17. **Q:** *What if it is discovered that a client staying in shelter has an outstanding warrant for his/her arrest? Does this fit under any “exemption”? What are the requirements for cooperating with authorities?*

**A:** There is no “arrest warrant” exemption in VAWA or FVPSA. There is no obligation or law that requires non-profit advocates to proactively inform the police. If a program becomes aware of a warrant, they can and should notify the victim and help him/her self-report to the police and get legal assistance.

18. **Q:** *What if law enforcement asks if a person is in shelter because there is a missing person report for them? Do we need a release to tell them whether the person is in shelter?*

**A:** It is absolutely necessary to get a release from a survivor before informing law enforcement of the survivor’s location. Many times, abusers will file missing person reports to try to identify the victim’s location. Victim services program should proactively educate local law enforcement about how abusers misuse missing person reports, the program’s confidentiality requirements, and collaborate with law enforcement on appropriate protocols when law enforcement suspects a “missing person” is in shelter.

19. **Q:** *What if our state has a duty to warn law (if survivor is suicidal or homicidal)?*

**A:** First, check and be absolutely sure that you understand your state’s law. Some agencies assume that they have a “duty to warn” but the state law does not actually support that assumption. If you reveal confidential survivor information without a specific state law mandate or without having a signed release of information, it may be a violation of VAWA, FVPSA, or state law. Some states require reporting to police or to the intended victim of the threat if a survivor is in imminent danger of harming herself or others, and in that case the report would be an exemption to the confidentiality requirements. In other words, if you are legally mandated to report this situation, then you may do so without a release. Check with your state domestic violence coalition if you are unsure if your state has a duty to warn law that applies to you, and make sure you know exactly what it requires you to do. VAWA and FVPSA require that you only disclose the minimum amount of information necessary to comply with the actual law.

20. **Q:** *Does a prosecutor victim witness advocate need to have procedures in place to secure the victim's confidentiality and privacy and use the "Model Release" form when sharing or storing information?*

**A:** Survivors should be informed of the confidentiality limitations that pertain to victim assistants (victim/witness advocates) employed by a prosecutor’s office. Victim/witness advocates do not necessarily need to obtain a release of information form to share survivor information, but they are required to give notice. It is best practice to provide written information to survivors about what happens with their information and get signatures from survivors indicating that they have read and understand your data collection/information sharing practices. If any or all of the information s/he provides to you could possibly be released to other parties (including the attorneys in the prosecutor’s office), inform the victim of this before s/he chooses to begin working with you.

When communicating with victims, it is important to distinguish between a “policy” of not sharing information, a law prohibiting the sharing of information, and any laws requiring the sharing of information (such as constitutional requirements that law enforcement share information with criminal defendants).

21. **Q:** *We are advocates employed by a non-profit domestic and sexual violence program and housed within the courthouse. Are we able to share information with the prosecutor?*

**A:** While it is common for non-profit advocates to have workspaces in courthouses, prosecutor offices, police departments, or other locations, your physical location does not change your confidentiality obligations. If you are employed by the non-profit organization, the VAWA and FVPSA confidentiality protections still apply, and you are not able to share information with the prosecutor or anyone else in co-located situations without a written, specific, time-limited, signed release of information. Co-locating has many benefits but also some challenges and non-profit advocates must prevent accidental disclosure of confidential client information outside of the personnel within your agency.

22. **Q:** *Can releases be for mutual exchange (meaning that I can talk to police and the police can talk to me, for example)?*

**A:** Some organizations, such as law enforcement, may not need a release form signed to be able to share limited information, but the partnering non-profit program would need a release on their end to share any identifying information.

For two agencies that are both required to have releases, it is always best practice for each agency to have its own release. This ensures that survivors are fully informed by each agency of their respective obligations and the specific information to be released by each agency.

Keep in mind that you must have a release to share information; another agency cannot obtain a release from the survivor for you to share information with them.

### **Age, Consent, & Guardians**

23. **Q:** *Does VAWA/FVPSA prohibit an abusive parent (abusive to child and/or other parent) from signing a release for an unemancipated minor's records?*

**A:** Yes. Section 3 of VAWA 2013 and FVPSA 2010 state that “consent for release may not be given by the abuser of the minor, person with a disability, or the abuser of the other parent of the minor.”

24. **Q:** *If parents have shared custody of a minor child, do both the non-abusive and abusive parent need to sign a release?*

**A:** No. VAWA/FVPSA only requires the signature of one non-abusive parent and the minor child to authorize release of a child's information.

25. **Q:** *What about unemancipated teenagers without a parent or guardian? Is there a certain age where a young adult no longer needs a parent or guardian's signature on a release?*

**A:** “Emancipation” is determined by state law, and teens can be “emancipated” for different purposes (e.g., a 14 year old may be able to consent to receive health care services but not to marry). VAWA 2013 specifically states that only the minor's consent to release information is needed if the minor is legally allowed to access your services on his or her own. No parent or guardian signature is required. If you are unsure of your state law, contact your state domestic violence coalition. Remember that the release of information is not to provide services, but to share the survivor's information with other agencies when necessary.

26. **Q:** *If you are providing services for a child, at what age does the child need to sign a release of information?*

**A:** VAWA and FVPSA require that the unemancipated minor and the non-abusive parent sign the release of information. Although neither VAWA nor FVPSA specifies an age at which children should sign a release, if they are unable to sign they should be informed, in an age-appropriate way, that the parent/guardian is signing papers to allow you to talk to others in the community. If the child is unable to sign the form, in place of the child's signature, the advocate should note the age of the child, the fact that the release was explained to the child, and the date.

As stated in the previous answer, it is important to recognize that if you are able to provide services to a minor without the consent of the parent or guardian, then VAWA allows the minor to sign a release



independently. Both the minor and parent or guardian would sign when services can only be provided with the parent or guardian's consent, or if both the minor and the parent or guardian are receiving services.

27. **Q:** *If the signatures need to be of the non-abusive parent or guardian, how does one determine the non-abusive parent or guardian?*

**A:** If you are working with a minor or a person who has a disability, ask all the questions you would normally ask to identify who the abusive person is. Typically programs have a policy or practice to determine the abusive party. This usually begins with asking the survivor to identify the abuser. It's always important to be careful in this assessment, to follow your agency's policies, and to use your professional training and best judgment.

28. **Q:** *If the victim has a cognitive disability and the caregiver is not appropriate to sign the release due to either being the abuser or having obvious bias to the abuser, who can authorize a release?*

**A:** The most important thing is to figure out if the person even needs someone else to sign the release of information on his or her behalf, or if they can sign it themselves. Regardless of disability, the only time a guardian is allowed to sign a release of specific information is if the person with a disability has been legally adjudicated as unable to sign legal documents and the guardian has been court appointed.

The best practice is to ensure involvement of the survivor in all aspects, ensure that they are fully informed, and obtain proof of court-appointed guardianship. A person with a disability may have a caregiver and still be able to give consent themselves if there has not been a guardian appointed by the court.

If the person has been found by a court to need a legal guardian and the guardian is a threat, then a new guardian needs to be appointed. **\*\* Remember, the release is not to provide services, but to share the survivor's information with other agencies in the community. \*\***

### **Emergencies, Hotlines, and Written Consent**

Because VAWA and FVPSA require a written release, oral releases are not recommended and oral releases are not best practice. It is understood that agencies may sometimes advocate for or assist survivors over the phone, and it is encouraged that agencies develop policies and protocols for assessing each situation individually to determine how best to serve a survivor requesting services.

An agency should first determine if a release is needed or if there is another way to meet the survivor's immediate advocacy needs without the agency releasing personally identifying information. Oftentimes advocates can make calls on behalf of a survivor without releasing any identifying information (for example, inquiring about bed space or available services). Since a survivor can choose to share any information about him or herself with any agency, using three-way calling to connect the survivor to the other program could be another option.

If a survivor would like a non-profit advocacy program to share identifying information about him/her, with another agency, then VAWA and FVPSA require a written release. It's important that a release is signed, either over electronic communication or in person. If neither of these options is possible, or if the situation requires timely assistance, an advocate should read through the release on the phone with the survivor, ensure that the survivor fully understands each aspect, and write on the release that the release was read and oral consent was given. It is best practice to have the survivor sign it in person at a later date if possible.

29. **Q:** *Do organizations running a hotline or crisis line fall under the requirements of needing a written consent to share identifying survivor information?*

**A:** The requirements apply to all VAWA or FVPSA grantees and sub-grantees that are serving victims with VAWA or FVPSA funding. All agencies should develop policies and protocols for determining on an individual basis how to obtain consent when talking with a survivor by phone. Your organization may be able to make calls to inquire about services and resources without giving out any identifiable information about the survivor. Although, depending on the situation and community, merely obtaining information about a perpetrator may confirm that the victim is seeking your services. This should be acknowledged and the survivor notified.

In addition, it may be possible and effective to use three-way calling so that the survivor can speak directly

to the agencies from which s/he is seeking information or assistance. *\*\*Remember: Releases are only needed when you're sharing a survivor's personally identifying or confidential information with someone else. If you are providing information to a survivor, no release is needed.\*\**

30. **Q:** *Most of our communication with survivors is over the phone, making it difficult to obtain written releases. How do we effectively advocate for our clients with other service providers/systems in these situations?*

**A:** The first question that should be asked before any release of information is obtained (written or oral) is whether there is another way to meet the survivor's immediate advocacy needs without the agency releasing personally identifying information about the survivor. For example, could the advocate support the survivor and help her/him make the call and talk to the other agency or professional herself/himself? Your agency could also use three-way calling to facilitate the connection and the survivor can provide all personally identifying information themselves.

It's perfectly reasonable to call another service provider and say "I spoke with a woman today and she really needs xxx. Can I give her your number and have her call you?" In cases where you must share personally identifying client information, a release is essential. Because VAWA and FVPSA require a written release, oral releases are not recommended and oral releases are never best practice.

31. **Q:** *In an urgent situation, can the signed release be emailed or digitally signed?*

**A:** Yes, although the best practice is to have a signed release in your file that is signed in person, organizations can decide on an individual basis when to accept an emailed or digitally signed release to ensure that the release was signed by the survivor. Since abusers can easily access another person's email account and/or make an email (or digital signature) appear to be from someone else, always confirm an emailed or digitally signed release with the survivor by phone prior to sharing survivor information.

32. **Q:** *When, in an emergency, we get an oral release for a particular piece of information, should we still fill out a form? What do other programs do?*

**A:** Because VAWA and FVPSA require a written release, oral releases are not recommended and oral releases are never best practice. However, programs that do, on rare occasion, use oral releases generally go through the full release form, reading it aloud over the phone, and then note on the signature line that oral consent was given and the date it was given. The advocate should verify the person's identity before reading the form and signing it, and ensure that the survivor signs the form at the next possible opportunity.

33. **Q:** *For court advocates who are advocating in court (often the client is right there) are releases needed?*

**A:** Non-profit based court advocates who are allowed by state law to speak in court on behalf of a survivor should have a release of information from the survivor and consent to appear in court. Before the hearing, the advocate should review with the survivor what will happen at the hearing, the role of the advocate, and what information the survivor would like shared. If you are appearing in court to support the survivor but are not actually speaking on behalf of a survivor, it's important to notify the survivor that your presence can signal to observers that she is receiving your agency's services.

34. **Q:** *What about releasing information to Emergency Medical Services?*

**A:** You can contact emergency medical services and tell them the nature of the emergency without telling them identifying information. In many cases, the survivor will be conscious and able to inform EMT staff themselves and decide how much they want to share. It is important to remember that even if it is appropriate to call 911, it is never appropriate to share her/his whole case history or file. Identifying information is not necessary for 911 to respond. What some advocates do is to respond "I don't know" or give non-identifying information ("around 45 years old" instead of actual birth date) when asked these questions by the 911 operator. In addition, it is not appropriate to specifically comment on why s/he was receiving assistance from your organization.

35. **Q:** *Can instructions from the survivor about to whom and what information, if any, can be released in the event she/he is missing or deceased be included in a release form?*

**A:** Advocates may have this discussion, in a delicate way, with a survivor if the survivor is fearful for his/her life. It is a best practice to ask the survivor what he/she would want the advocate and program to do with his/her information in the case that something happens to him/her. It would be important to discuss how the advocate would know if the survivor is missing or deceased or if he/she fled and just didn't tell anyone. Not knowing and releasing his/her information could be dangerous to the missing person or surviving family members of a deceased victim.

Because VAWA and FVPSA confidentiality provisions do not address the issue of deceased victims, a nonprofit DV/SA program should look to their state law for guidance regarding the survivability of any confidentiality or privilege between a victim and the program.

36. **Q:** *Is it true that oral granting of consent is not best practice but oral withdrawal of consent is ok? Couldn't someone impersonate the victim when withdrawing consent, too? Why is there a difference?*

**A:** Less harm (and program liability) can come with withdrawing consent (even when waiting to verify the survivor's identity) than might result from releasing information without proper consent. Furthermore, when a survivor withdraws consent, it happens immediately, and although the withdrawal should be reduced to writing, the withdrawal of release goes into effect at the time of request.

Consent for release of personal information or withdrawal of consent should usually ONLY be given by the victim, so it's important to ensure, as always, that no one is impersonating the victim. Best practice is to get the withdrawal in writing as soon as possible.

## **Databases & Confidentiality**

Waivers are signed for a very specific purpose. They are not to make our lives as advocates easier or to allow us to collect more personally identifying data to analyze or share with others. Each time a victim signs a release of information, s/he is entrusting you with his/her personal information, and it is extremely important to avoid using this data in other forms or in other ways. Some organizations use an internal database to keep track of services provided and a release is not needed when limited information is collected, protected, and not shared with parties outside of the agency.

37. **Q:** *Do we need a release from survivors to put their personal information in our organization's database?*

**A:** Releases are only required when sharing information outside your agency, but your agency should have full ownership of the database and must ensure that it cannot be accessed by anyone else. Additionally, best practice is to always get consent by a survivor, or at least provide notice, for all the ways their personal information may be used. Survivors should be fully informed of the agency's data collection processes and of the risks and the uses of databases.

Organizations should analyze what information is being collected and for what purposes. Some organizations do a periodic assessment of their forms and database to ensure that they are only collecting the minimal information required to provide the requested services. This both minimizes the work for advocates and respects the privacy of survivors.

It is also important for agencies to think through all data collection and maintenance processes. Databases should be maintained by and within individual agencies. It is important to safeguard computers to protect victims' personally identifiable information. For example, many local programs keep sensitive client-level information on computers that are not connected to the Internet. Programs that need to use cloud-based databases should have the data encrypted (locked) and only the program's staff holds the encryption key. For more information on databases, see NNEDV's resources on databases and confidentiality at [techsafety.org](http://techsafety.org) or email [safetynet@nnedv.org](mailto:safetynet@nnedv.org).

38. **Q:** *What if a government agency is building a database using victim information that is of public record?*

**A:** If the information entered into the database is only from public records and you are a government agency, it may be possible to enter survivor's personally identifying information without a release of information. However, as a best practice, it is important that survivors are notified that their information will be entered into this database. In addition, provisions should be made for cases where the record is sealed or where the abuser works in the system (courts, law enforcement, etc.) and, if possible, a survivor should be allowed to opt

out of having her/his information collected and maintained in this way.

If you are a government entity and a survivor's information is entered erroneously into a database or that database is breached, you could be liable. It is also important to consider that the information in the database could be subject to a request under the state's sunshine laws from the media or any citizen.

Survivors should be informed of all uses of their information, as well as the consequences of that data collection, and should be able to decline. Agencies using survivor information should have policies and procedures to protect the information from intentional or unintentional disclosure. Victims may assume that going to court has some level of public disclosure, but they may not have the same assumption about the compilation of the information made by your government office. Therefore, s/he should be given notice about the information that is being compiled, and you and s/he should both recognize that, depending on what is collected and how it is maintained, it could become even more harmful if it gets released or used in ways that were unintended.

It also is important to ensure that the information going into the database is only information that is of public record and nothing additional. Whenever contemplating the creation of a database you should weigh the benefits of collecting and storing the information with the consequences of having the information being used and accessed in ways that are unanticipated. Whether it is helpful to an agency is not the standard for determining whether confidentiality requires a release of information from or notice to an individual whose information is being used, compiled, or shared.

39. **Q:** *Please speak to the issue of time limits of releases with regard to third-party state reporting databases.*

**A:** Under VAWA and FVPSA, the only information a program can release to third-party state reporting databases is non-personally identifying information in aggregate form (totals). For example, "We served 15 women and 22 children today." Since aggregate information is not identifying, a waiver from the survivor is not necessary.

Inherently, databases are not time limited. Once information is entered into a database, it is there to stay. Databases offer multiple opportunities for exporting data, creating many backup copies in multiple locations, and merging or rebundling data. Even if a survivor's information is later deleted, chances are that a backup of the database has been created at some point and the information will be stored for as long as that backup is retained by the agency administering the databases. For this reason, a release to input personally identifying information into a shared database cannot be time-limited, and therefore it is not a valid release under VAWA. State confidentiality laws may have additional requirements as well.

40. **Q:** *Can I enter survivor information into an external database to serve survivor's needs, such as one for victim-notifications, using a time-limited, written, and informed release of information?*

**A:** Where a survivor expresses a need or desire to have identifying information entered into an outside third-party database (such as a victim notification system), the program should work with the survivor to determine the best way to make that information entry. Before an advocate or employee of the program can enter the information into the database for the survivor, you should confirm that: 1) the data is being entered to meet a survivor-defined goal (remember: complying with a program's funding requirements is not a survivor-defined goal); 2) the survivor is fully informed of all pros and cons of participating in the database, alternative methods to meet the need, and the inability to remove or control information once it is entered; 3) the survivor understands that this data entry is *not* a condition of service, and the survivor can decide exactly what information is entered and what information is not entered. If all of the above are confirmed and the survivor wishes to have the program enter the information, then a written, informed release that time-limits when the information can be entered needs to be completed.

- *Note: Even the program acknowledging that they know a survivor counts as a release of information. The risks of disclosing the receipt of services from the program need to be discussed with the survivor.*

41. **Q:** *Our state has developed a central database program and requires personally identifying information about our clients such as name, birth date, addresses, types of violence committed, narrative descriptions of work with the client, etc. We have a really hard time understanding how we are being confidential while we are transmitting all of this identifying data to people outside of our office. Is this allowable under VAWA or FVPSA?*



**A:** No, this is not allowable under VAWA or FVPSA. Entering client information into this database would probably violate VAWA and FVPSA as well as state law provisions in many states. You should contact your grant program manager to discuss this.

### **Mandated Reporters, Confidentiality, and VAWA**

**NOTE: If you are a mandated reporter, you should tell the victim up front the scope and limits of your ability to provide confidentiality.**

42. **Q:** *We work in a state in which advocates are NOT mandated by law to report child abuse. If an advocate observes something they think should be reported and the parent refuses to provide a release, under VAWA and FVPSA, can we do anything to protect the child?*

**A:** If you are not a mandated reporter, you need a written, informed, time-limited release to call the Child Protective Services (CPS) hotline; you cannot call CPS or some other outside agency unless you get the consent of the child and the non-abusive parent/guardian of an unemancipated minor. Consent may not be given by an abuser. In terms of advocacy and services however, there are many other things that can be done to address what is happening and to protect the child.

If you are a mandated reporter under your state's law, you may make a report to CPS without a release. Being compelled to share information according to state law is an exception to VAWA and FVPSA and mandatory reporting laws are an example. However, you may only disclose the minimum information required under state law.

43. **Q:** *Do I need to notify a survivor if I make a report to CPS and I am a mandated reporter?*

**A:** Best practice is to notify the victim and the non-abusive parent/guardian of an unemancipated minor and to take steps to protect their privacy and safety as much as possible. VAWA and FVPSA require that agencies make "reasonable attempts" to notify the survivor of the report. If it would be dangerous to do so, it could be reasonable to not specifically inform him/her. Best practice would also be to give the survivor an opportunity to self-report and use other services. A few state laws require follow-up with CPS and in these rare instances, you would not need a release for future conversations; although you would be obligated to notify the survivor of your mandate and what steps you must take to fulfill your legal obligation.

44. **Q:** *Is a release required for ongoing communication with CPS for follow-up services during the investigation?*

**A:** If you are a mandated reporter, you may make a report to CPS without a release. However, you may only disclose the minimum information necessary under state law. Any information beyond what is required under state law will require a release.

A few state laws require follow-up with CPS during investigations and in these rare instances, you would not need a release for future conversations; although you would be obligated to notify the survivor of your mandate. If your state does not specifically mandate follow-up with CPS, you would need a release of information in order to provide any information beyond what is required by the report of suspected child abuse or neglect. In assessing what you are required to do, be sure to distinguish between requirements during CPS investigations into suspected child abuse or neglect vs. CPS requests for information when a family has an open case because of abuse or neglect in the past. It is important to know your state laws and whether your professional role has specific confidentiality requirements. Check with your U.S. state or territorial coalition if you are not sure.

45. **Q:** *Are former clients still protected under confidentiality laws? What if we hear that a survivor could be in danger – is it a breach of confidentiality to call law enforcement if the person is no longer a client?*

**A:** Yes, former clients are still protected by confidentiality laws. Yes, it would be considered a breach of confidentiality to contact law enforcement or anyone else without a release. Calling law enforcement would reveal that the person previously received services from your organization. Without consent from the former client, you would be violating his/her confidentiality. This also applies if law enforcement or another agency

calls to confirm if someone used your services in the past.

In addition, we know that it is important to respect a survivor's self-determination in deciding when it is safe and when it is not safe to reach out for assistance, contact a program, or call the police. Doing this without the person's consent could undermine that self-determination and safety. It is also important to recognize that even if you are a mandated reporter, that a report is only required when there is suspected abuse under the statute. A rumor that abuse is occurring is not a basis for a report.

46. **Q:** *When a client enters our shelter, s/he completes an emergency contact sheet. If s/he does not return to the program one evening and we're not sure where she is, we contact the emergency contact to find out if s/he is okay or in danger. Is this okay?*

**A:** Do you explain to each person *before* filling out the emergency contact sheet that not returning or not communicating with the program is considered an emergency and the contact person will be contacted at that point, thereby informing them that s/he is or was in your shelter? The circumstances when the emergency contact form is used and the program's definition of "an emergency" should be made very clear, as it may change the person who gets listed on the form.

A best practice would be to have an informed, written, reasonably time-limited "Emergency Contact Release" that is the same as a release of information. The form should be along these lines: "In the event that I do not return to the program, I will call the program to let them know I am safe. In certain circumstances, the program is allowed to contact the following person/s. This emergency contact will be valid for the next      days. The circumstances are...." The advocate should have a conversation with the survivor about the risks and benefits of signing the release, its time limits, and how the advocate would know whether the survivor has purposely left shelter and is ok so that the advocate does not assume an emergency when there is no emergency. In addition, the advocate and survivor should discuss what the program should do if the victim's identified emergency contact does not know where the victim is and what actions the program will take. A survivor can choose not to name an emergency contact person, and the program cannot make consent to release information to an emergency contact a condition of services.

### **Additional Questions**

47. **Q:** *If a speaker comes to a survivor support group, will each client attending need to sign a release of information waiver?*

**A:** No, unless the agency is going to be sharing individually identifying information with the speaker (like a list of people who are attending the group). If clients are informed when they arrive that a guest speaker will be there that day and are told the name of the speaker and the speaker's affiliation, the clients can choose whether or not to attend that group. The speaker should sign a confidentiality agreement. If the clients choose to share their personal information to the speaker during or after that session, that is a choice they make and therefore no release is required.

48. **Q:** *If a survivor talks to the advocate and then talks to someone else (mother, friend, sister) would that be considered a waiver of her privilege?*

**A:** A release from the survivor is always needed for an advocate to share a survivor's information with another advocate or another organization. Survivors can tell their personal story to whomever they want. However, if a survivor shares specifics of confidential conversations they had with an advocate or the particulars of what an advocate told them, in some circumstances this may or may not be interpreted as a waiver under state law of confidentiality or privilege between the survivor and the advocate. Regardless, advocates and programs should continue to actively protect information and share only with releases to ensure compliance with VAWA and FVPSA and respect the survivor's privacy.

49. **Q:** *Do the VAWA protections apply only to clients of VAWA or FVPSA-funded staff or to all clients of a VAWA or FVPSA-funded domestic violence program?*

**A:** The protections apply to every survivor/client who requests, receives, or has received services from a domestic violence, sexual assault, dating violence or stalking program that receives VAWA or FVPSA funds. If the program is part of a larger agency that has many different types of service programs, it would only apply

within the victim services program, not the whole agency. All survivors who use the program's services should have the same confidentiality protections.

50. **Q:** *We are not a domestic violence program, but a homelessness service program that receives funding from the Office on Violence Against Women. Do the VAWA laws regarding confidentiality apply to us?*

**A:** The confidentiality requirements of VAWA and FVPSA apply to all grantees or sub-grantees of VAWA or FVPSA funds. If your organization is an umbrella organization that operates multiple programs (Salvation Army, YWCA, etc.), VAWA and FVPSA laws apply to your victim services or violence against women programs. Even if VAWA or FVPSA only funds a portion of your victim services or violence against women program, you should provide the same confidentiality protection to all victims who use your services.

51. **Q:** *Does the obligation to hold confidentiality with survivors extend to the entire staff of our non-profit sexual assault and domestic violence program?*

**A:** Yes. Every employee or anyone who has access (or potential access) to client information (including volunteers, interns, board members, temporary staff, or contracting staff) must follow the VAWA and FVPSA confidentiality provisions. The agency is obligated to follow the confidentiality requirements of VAWA and FVPSA.

52. **Q:** *What about information that is emailed? What about Information Technology (IT) personnel who have access to sensitive information on our computers?*

**A:** Email is absolutely not a confidential way to communicate information, and best practice is to keep all personally identifiable information out of email. If a victim asks you to share information via email, you should inform her/him about the security limitations of email. Regardless of any footer you place in your email stating that it is privileged or confidential communication, email can be breached at multiple points during its transmission. Confidential information about clients should never be emailed.

If individual IT personnel are contractors or employees of the domestic violence or sexual assault organization, they are bound by the same confidentiality provisions stated in VAWA and FVPSA and should sign the agency's contractor confidentiality agreement acknowledging that they understand and will abide by those confidentiality provisions.

53. **Q:** *Is our program able to enter identifying survivor information into a cloud-based database?*

**A:** If you outsource your database and storage of client information to a cloud-based provider, you may be violating VAWA/FVPSA confidentiality by giving all the employees of that company *and* the employees of their sub-contractor companies access to all of the survivor identifying information in your database. With databases, it is best practice for the program to 1) understand how the database system actually works, 2) retain control over who is able to see survivor information, and 3) choose database systems that do not give IT personnel who are outside of the program's control access to survivor information. Ask any database provider detailed questions about how their team is able to access information (not just what their policies are about access to information) and ask them how access can be made more restrictive.

54. **Q:** *Can one advocate who has received information from a client share it with a supervisor in the same agency or share it with a non-profit based advocate in another agency (because a client is moving to another jurisdiction, for example)?*

**A:** You can share information with your supervisor or team; although it is best practice that information be shared on a "need-to-know" basis. Agencies should have a policy in place about internal information sharing. For example, it may be appropriate to inform a supervisor or colleague of the status of an individual's court case or if they are possibly suicidal. It may not be necessary or appropriate, however, to share with a supervisor or co-worker that an individual told you s/he is an incest survivor in addition to recent violence that brought her to your program.

To share information with an advocate at another agency, you will always need a release.

55. **Q:** *When is it appropriate to share information talked about by clients in a support group session with*

*other staff that were not in the session?*

**A:** Your agency should have policies about sharing information internally. In general, information should be shared when it is relevant to providing requested services to a survivor or when an advocate needs support from a supervisor or colleague. Sharing limited information to help a client is permissible within your agency. For example, for grant purposes, the bookkeeper may need to know if the client is receiving services for domestic violence or sexual assault; however, the bookkeeper does not need to know the details of the abuse.

It is important to respect the trust that is built between advocates and survivors and within support groups. Survivors may share details and information about their situation with certain advocates or people within certain settings and still expect a level of discretion.

**56. Q:** *What should our DV/SA program do if we get a subpoena?*

**A:** First, have a plan, including an attorney to call in the event that a subpoena is received. Your plan should start with seeking to find out the wishes of the person's whose information is sought. If you cannot contact that person or the person does not want to share the information, then get legal advice and assess the best means to resist the subpoena. Strategies could include: contacting the attorney who issued it and asking them to rescind it, challenging service, filing a motion to quash the subpoena with the court, seeking other types of orders to protect the information, working with the survivor whose information is sought to determine her position and whether she will also be resisting the request for information, among other actions. Whatever you do, do not ignore the subpoena and hope it will go away on its own, and certainly don't destroy documents that may be subject to a subpoena once it has been served on your agency. To request additional technical assistance (for you or your attorney) or to request assistance from a pro bono attorney, contact the American Bar Association Commission on Domestic and Sexual Violence at [www.ambar.org/subpoenadefense](http://www.ambar.org/subpoenadefense) and go to the "Need Help?" section.

**57. Q:** *What about the use of surveillance cameras?*

**A:** In general, video surveillance laws are very broad. Anytime a person is in a public place, consent to be recorded is not needed. For example, the street outside of your building is a public place where there may be a security camera that shows who comes and goes.

However, if the cameras are being used by a non-profit agency for security, survivors receiving your services should be notified of its existence and the use of the videotapes. Signs can be posted informing that video surveillance is in use, and agencies should have policies developed that specify the video storage, retention, and deletion processes, which should be focused on maintaining survivor confidentiality. Releases would be needed if the videos were to be shared outside of the agency.

**58. Q:** *Do state confidentiality and privilege laws supersede Federal laws, such as VAWA and FVPSA?*

**A:** In terms of confidentiality, the strongest and most protective law is what should be followed. So, if you are in a state with strong confidentiality or privilege laws that are more protective than VAWA or FVPSA, then your state laws should be followed. If you are in a state that has weak or not as strong confidentiality provisions as VAWA and FVPSA, then VAWA and FVPSA protections should be followed. Either way, state and federal laws can inform best practices about protection of confidential, survivor information, such as the use of written, informed, and reasonably time-limited releases of information.

This project was supported by Grant No. 2007-TA-AX-K012 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 Department of Justice, Office on Violence Against Women.