



Frequently Asked Questions about the Final Family
Violence Prevention and Services Regulations

Q: What is the Family Violence Prevention and Services Act (FVPSA)?

A: FVPSA is the primary federal funding stream for immediate/emergency shelter and supportive services for survivors of family, domestic and dating violence and their dependents. FVPSA also provides funding for a national network of training and technical assistance resource centers, state domestic violence coalitions, discretionary grant programs, and the National Domestic Violence Hotline, which includes the National Dating Abuse Helpline, LoveisRespect.org.

Q: How many adults and children are currently being served by FVPSA-funded grantees?

A: Each year, FVPSA-funded programs serve approximately 1.3 million victims and their children and respond to 2.7 million crisis calls (excluding those received by the National Domestic Violence Hotline, www.thehotline.org, and the National Dating Abuse Helpline, www.loveisrespect.org). Annually, the National Domestic Violence Hotline responds to more than 200,000 calls, conducts approximately 23,500 online chats, and receives over 1.5 million visits to its website. The National Dating Abuse Helpline responds to almost 16,500 calls, answers over 29,000 digital chats, and receives more than 2.5 million visits to its website yearly.

Q: What do these regulations do?

A: The rule incorporates FVPSA statutory requirements from the 2010 reauthorization as well as best practices, existing program policies, and guidance into regulation.

Q: Who do these regulations affect?

A: This rule applies to all FVPSA grantees, including State and Indian Tribal grantees, State Domestic Violence Coalitions, National Resource Center and Training and Technical Assistance grantees, Specialized Services for Abused Parents and their Children grantees, and the National Domestic Violence Hotline and National Dating Abuse Helpline.

While the FVPSA Program does not fund or regulate every domestic violence shelter and supportive service program in the country, the new regulations clarify and reinforce that, as a condition of receiving FVPSA funds, all FVPSA grantees must adhere to statutory and regulatory requirements that are vital to the FVPSA mission of supporting welcoming, inclusive,

and accessible services for all survivors of family, domestic and dating violence and their dependents.

Q: When must grantees and subgrantees comply with these regulations?

A: Since these regulations became effective on January 3, 2017, all FVPSA grantees and subgrantees must now comply with this rule. The final rule, which was published in the Federal Register on November 2, 2016, has also been disseminated to all FVPSA grantees via email listservs with instructions to disseminate to all subgrantees.

Q: Are these regulations placing new requirements on FVPSA grantees?

A: No. These regulations only incorporate and clarify FVPSA statutory requirements from the 2010 reauthorization as well as existing program policies and guidance into regulation. These regulations also reference and reinforce broad government-wide regulations that apply or potentially apply to all FVPSA-funded programs, such as those related to Title VI of the Civil Rights Act of 1964; the Age Discrimination Act of 1975; Section 504 of the Rehabilitation Act of 1973; Title IX of the Education Amendments of 1972; and Section 1557 of the Affordable Care Act.

Q: What is your authority to publish and implement these regulations?

A: FVPSA Reauthorization 2010, 42 U.S.C. 10404(a)(4), authorizes the HHS Secretary to prescribe such regulations and guidance reasonably necessary to carry out FVPSA provisions to ensure accountability and transparency of the actions of grantees and contractors, or as determined to be reasonably necessary to implement FVPSA provisions.

Q: Why does the rule include definitions for “domestic violence,” “family violence,” and “dating violence”?

A: Historically, the terms “domestic violence” and “family violence” appear in the FVPSA statute and, consequently, both are defined in these regulations. These regulations do not address the interchangeability of these terms, but do explain that the term “domestic violence” will be used more extensively. Additionally, the “domestic violence” definition mirrors and specifically references the Violence Against Women Act Reauthorization of 2013 (VAWA 2013). VAWA 2013 includes “intimate partner violence” in the definition of “domestic violence” and, therefore, the rule includes this language. FVPSA reauthorization in 2010 also included a new definition for “dating violence” which mirrors VAWA 2013 and, thus, is included in the final regulations.

Q: What confidentiality requirements apply to FVPSA programs?

A: The FVPSA statute includes a requirement that grantees not disclose confidential or private information; however, challenges experienced by States and State subgrantees in complying with this statutory mandate, as well as increased concerns about new technology, require additional clarification on the definition of “personally identifying information” and regulatory guidance. Further, since FVPSA reauthorization, grantee monitoring has revealed multiple violations of these provisions. Finally, because States administer multiple federal funding streams that may conflict with the FVPSA provisions, the Final Rule provides additional guidance in §1370.4 on what confidentiality requirements apply to FVPSA programs.

Q: What kind of discrimination do these regulations prohibit?

A: The non-discrimination requirements outlined in the rule include prohibitions against discrimination on the basis of actual or perceived sex including gender identity, religion, and actual or perceived sexual orientation. These non-discrimination provisions are in addition to broad government-wide or Department of Health and Human Services-wide civil rights protections in regulations prohibiting discrimination on the basis of race, color, national origin, disability and age that apply to all HHS grantees, including FVPSA grantees. These include, but are not limited to, Title VI of the Civil Rights Act of 1964 (Pub. L. 88-352), as amended, and all requirements imposed by or pursuant to the Regulation of the Department of Health and Human Services (45 CFR Part 80); Section 504 of the Rehabilitation Act of 1973 (Pub. L. 93-112), as amended, and all requirements imposed by or pursuant to the Regulation of the Department of Health and Human Services (45 CFR Part 84); Title IX of the Education Amendments of 1972 (Pub. L. 92-318), as amended, and all requirements imposed by or pursuant to the Regulation of the Department of Health and Human Services (45 CFR Part 86); the Age Discrimination Act of 1975 (Pub. L. 94-135), as amended, and all requirements imposed by or pursuant to the Regulation of the Department of Health and Human Services (45 CFR Part 91); and Section 1557 of the Affordable care Act (Pub. L. 111-148), as amended, and all requirements imposed by or pursuant to the Regulation of the Department of Health and Human Services (45 CFR Part 92).

Q: Do these non-discrimination requirements apply to all FVPSA programs?

A: Yes. In the FVPSA Reauthorization of 2010, anti-discrimination language, formerly contained in a separate statutory section applicable to the entire title, was relocated to the Formula mandatory grants to States section. This led to confusion and was misinterpreted by some in the field to apply only to State formula grantees. The new regulatory language eliminates this confusion by clarifying that the anti-discrimination provisions cover all FVPSA grant programs and, therefore, apply to all grantees and subgrantees.

Q: Do these regulations impose any new requirements on grantees and subgrantees resulting from the Supreme Court’s holding in Obergefell et. al. v. Hodges, Director, Ohio Department of Health, et. al. Docket No. 14-556, June 26, 2015?

A: No. All FVPSA-funded grantees and subgrantees are required to serve program recipients regardless of whether an individual may be married to a person of the opposite or same sex. In other words, this guidance does not change previous grantee guidance since survivors of intimate partner violence, regardless of marital status, have always been eligible for FVPSA-funded services and programming.

Q: What does it mean to provide comparable services?

A: At times, sex segregation or sex-specific programming may be essential to the normal or safe operation of a program. In this instance, however, a grantee or subgrantee must provide comparable services to individuals who cannot be provided with the sex-segregated or sex-specific programming. This includes not only providing access to services for male victims of family, domestic, and dating violence, but also making sure not to limit services for victims with adolescent children. Individuals who cannot be provided with the sex-segregated or sex-specific programming must also have equal access to a comparable length of stay, supportive services, and transportation as needed to access services. This regulatory guidance closely mirrors language in the Department of Justice’s [Frequently Asked Questions](#) document detailing non-discrimination grant conditions in the VAWA Reauthorization Act of 2013.

Q: Do these regulations require FVPSA programs to eliminate “conditions” on the receipt of emergency shelter?

A: Yes. These regulations clarify that FVPSA programs cannot impose “conditions” on the receipt of emergency shelter. This means FVPSA programs are prohibited from applying inappropriate screening tools to prevent individuals from accessing shelter or services. Screening tools that cannot be used include criminal background checks, sobriety requirements, or requirements to obtain specific legal remedies, or mental health or substance use disorder screenings. Additionally, the receipt of shelter cannot be conditioned on participation in other services including, but not limited to, counseling, parenting classes, mental health or substance use disorders treatment, pursuit of specific legal remedies, or life skill classes. And all services must be voluntary as statutorily mandated in the FVPSA Reauthorization of 2010.

Q: Do these regulations identify human trafficking victims as a service population?

A: The FVPSA statute does not specifically identify human trafficking victims as a service population; nevertheless, the statute does not prevent FVPSA programs from providing services to individuals experiencing family, domestic, or dating violence who may also be victims of human trafficking. As a result, these regulations clarify that FVPSA programs are strongly

encouraged to safely screen for and identify victims of human trafficking who are also victims or survivors of domestic violence and provide services that support their unique needs. FVPSA programs may further offer shelter and non-residential services to victims of human trafficking who are not also domestic violence victims provided other funding mechanisms, such as funds from other federal programs, local programs, or private donors, are used to support those services. Finally, FVPSA funding opportunity announcements include human trafficking victims who are also victims of co-occurring domestic or dating violence as examples of underserved populations and human trafficking has been and will continue to be an Administration priority that is addressed at FVPSA grantee meetings and by FVPSA-funded technical assistance providers.