

# Family Violence Prevention & Services Program

## FAQ on Eligibility of Services Under the Family Violence Prevention and Services (FVPSA) Program

### Background Information

Some grantees have asked for clarification about FVPSA definitions and which persons are eligible to receive services with Family Violence Prevention and Services Act (FVPSA) funding. This document seeks to provide guidance on the FVPSA definitions, the intent of funding, as well as who is eligible for services under FVPSA.

First, it is important to understand the purpose of FVPSA. FVPSA is the primary funding stream for local domestic violence programs to provide core services, including crisis response, safe housing, advocacy, counseling, legal assistance, safety planning and comprehensive support.

Specifically, FVPSA's statutory purposes as per 42 U.S.C. § 10401 (b) are to

- (1) assist States and Indian tribes in efforts to increase public awareness about, and primary and secondary prevention of, family violence, domestic violence, and dating violence; and
- (2) assist States and Indian tribes in efforts to provide immediate shelter and supportive services for victims of family violence, domestic violence, or dating violence, and their dependents.

### 1. How does FVPSA define family violence, domestic violence, and dating violence?

Under FVPSA 42 U.S.C. §10402(4) **Family violence** means any act or threatened act of violence, including any forceful detention of an individual, that

- (A) results or threatens to result in physical injury; and
- (B) is committed by a person against another individual (including an elderly individual) to or with whom such person—
  - (i) is related by blood;
  - (ii) is or was related by marriage or is or was otherwise legally related; or
  - (iii) is or was lawfully residing.

The FVPSA Rule 45 CFR §1370.2 mirrors this definition.

Per 42 U.S.C. §10402(2), the definitions of domestic violence and dating violence have the meaning given these terms as found in 42 U.S.C. §13925(a), which is in Subchapter III of the Violence Against Women Act:

**Domestic violence** means felony or misdemeanor crimes of violence committed by:

- (1) a current or former spouse or intimate partner of the victim
- (2) a person with whom the victim shares a child in common
- (3) a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner,

- (4) a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or
- (5) any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

The FVPSA Rule (45 CFR §1370.2) incorporates the statutory definition of domestic violence and also includes, but is not limited to, criminal or non-criminal acts including:

- (1) intimidation, control, coercion and coercive control, emotional and psychological abuse and behavior, expressive and psychological aggression, financial abuse, harassment, tormenting behavior, disturbing or alarming behavior, and
- (2) additional acts recognized in other Federal, Tribal State, and local laws as well as acts in other Federal regulatory or subregulatory guidance.

The expanded definition in the FVPSA Rule is not intended to be interpreted more restrictively than the FVPSA and VAWA statute, but rather to be inclusive of other, more expansive definitions. For example, many states have broadened their definitions of domestic violence to include a range of behaviors commonly understood as abusive, such as "threatening, harassing, or tormenting behavior."

Although the term **intimate partner violence** is not defined in FVPSA or VAWA, it is a commonly used term that is interchangeable with domestic violence, or dating violence (see the FVPSA Funding Opportunity Announcements for FVPSA formula grants). The Centers for Disease Control and Prevention defines intimate partner violence to include physical violence, sexual violence, stalking and psychological aggression (including coercive tactics) by a current or former intimate partner (i.e., spouse, boyfriend/girlfriend, dating partner, or ongoing sexual partner).

**Dating violence** means violence committed by a person:

- (1) who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- (2) where the existence of such a relationship shall be determined based on a consideration of the following factors:
  - (i) the length of the relationship
  - (ii) the type of relationship
  - (iii) the frequency of interaction between the persons involved in the relationship.

The FVPSA rule (45 CFR§ 1370.2) expanded the dating violence definition to provide examples of types of dating violence which includes but is not limited to the physical, sexual, psychological, or emotional violence within a dating relationship, including stalking. The definition was further expanded to read that dating violence may happen in person or electronically, and may involve financial abuse or other forms of manipulation which may occur between a current or former dating partner regardless of actual or perceived sexual orientation or gender identity.

## 2. Why are the terms family violence and domestic violence at times used interchangeably?

As discussed in the Preamble of FVPSA Rule 45 CFR Part 1370, page 76451 published November 2, 2016, both the field and Congress have used the terms family violence and domestic violence interchangeably for decades, notwithstanding that there are also those in the field who may not use one term or the other, such as due to varying States' laws' definitions of the terms when describing the violence experienced between intimate partners and in describing the programs and services utilized by those impacted by such violence.

In 1984 when FVPSA was first named and authorized, the term family violence was commonly used as synonymous with domestic violence (violence between intimate partners). However, family violence is now often used more broadly to encompass the diverse forms of violence that occur within families, including child maltreatment, domestic or intimate partner violence, sibling and elder abuse.

Additionally, legislative history, including the 2010 FVPSA reauthorization, is replete with descriptive language citing “domestic violence,” “domestic violence service providers,” and “domestic violence victims” while only briefly referencing “family violence” in the Senate Committee’s legislative explanation (CAPTA Reauthorizations Act of 2010- 111 S. Rpt. 378 Title IV-FVPSA, 17-19). This indicates that family violence is the term less commonly relied upon and that Congress has historically appropriated FVPSA funds to address domestic violence. Further, the Catalogue of Federal Domestic Assistance (CFDA) describes FVPSA grant programs as Family Violence Prevention and Services/Grants for Domestic Violence Shelter and Supportive Services (93.671) and Family Violence Prevention and Services/State Domestic Violence Coalitions (93.591).

Therefore, for clarity and in keeping with the historical FVPSA interpretation of family violence, the FVPSA Program’s guidance is that although the definitions of family violence and domestic violence are included in the statute, it is the overlapping language related to both terms that is the primary focus of FVPSA, i.e. violence between intimate partners. Further, the term **domestic violence** will continue to be used more narrowly to focus primarily on domestic violence and dating violence which can be used interchangeably with intimate partner violence.

### 3. Can FVPSA funds be used to provide services to ALL victims of family violence such as victims of elder, sibling or child abuse?

The intent of FVPSA is to provide funding for core domestic violence services to intimate partners, including same sex persons, and their dependents. While FVPSA funds are not intended to be used for stand-alone programs addressing child abuse, sibling or elder abuse, sexual assault or abuse between persons not in intimate relationships, FVPSA recognizes that many victims of domestic violence experience multiple forms of violence and abuse throughout their lives. Therefore, comprehensive domestic violence programs can include staff training and programming to address the multiple forms of trauma experienced by victims of domestic violence and their dependents. For example, an older person who is a victim of sexual assault by their intimate partner would be eligible to receive services under FVPSA. An elderly person experiencing financial exploitation and physical violence in her home by an adult child may be better suited to the services offered by Adult Protective Services, with support from the local program on safety planning and domestic violence resources.

Another example is a FVPSA-funded program providing presentations to the community about domestic violence. A program providing a presentation about domestic or intimate partner violence that also covers the intersections with other types of family violence would be allowable under FVPSA. A program that provides entire presentations exclusively on child abuse or sibling abuse would be outside the scope of FVPSA funding.

Because FVPSA funding does not cover all forms of violence, it is incumbent upon all domestic violence programs, as part of service provision, to build collaborations with other local service providers that work with victims of violence that intersect with domestic violence such as providers that specialize in

working with elder abuse and child abuse. There are federal funding streams available that address those specific issues, such as funding through the [Child Abuse and Treatment Act](#) and the [Elder Justice Act](#).

#### **4. What if my state or tribe defines domestic violence and/ or family violence differently than FVPSA?**

While the expected use of FVPSA funds is to provide funding for domestic and intimate partner violence, the definition of domestic violence in the statute includes felony or misdemeanor crimes of violence committed by “any other person against an adult or youth victim who is protected from that person’s acts *under the domestic or family violence laws of the jurisdiction*” (42 U.S.C. §10402(2)). To the extent that states and tribes have laws that define domestic or family violence that are broader than violence between intimate partners, FVPSA allows funds to be used to provide services on a limited basis. For instance, if a tribe has a law where the definition of family violence is broader than FVPSA, and the tribe chooses to use FVPSA dollars to serve additional types of victims within their family violence program, then the program could provide shelter to an adult victim who has been abused by their adult child. Regardless of state and tribal laws, we expect FVPSA funds will not be used to fund stand-alone programs serving survivors of non-intimate partner family violence, such as a child advocacy center.

The historical context of the FVPSA Program is that FVPSA funds are intended to be used for domestic violence or intimate partner violence. Therefore, for states or tribes that have a law defining domestic or family violence more broadly than violence between intimate partners and that wish to use FVPSA funds for non-intimate partner violence on a limited basis, the state or tribe must document how it plans to use FVPSA funds for non-intimate partner violence and that victims of intimate partner violence in the state or tribe are receiving full and meaningful access to services provided under FVPSA.

In conclusion, the best use of FVPSA funding is to fund core services for survivors of domestic and intimate partner violence, although there may be limited circumstances when it can be used more broadly. If there is confusion or a lack of understanding in your locality about the terms, definitions, intent and purpose of FVPSA, it may be an opportunity to provide some education about what is allowed under FVPSA funding and to have a discussion about what other resources are available in the community to serve survivors that cannot be covered by FVPSA funding.

**If you had additional questions, concerns or need technical assistance on this issue, please feel free to reach out to you the Project Officer assigned to your region.**

#### **HHS Regions 1 and 4**

Region 1: Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut

Region 4: North Carolina, South Carolina, Kentucky, Tennessee, Georgia, Mississippi, Alabama, Florida

Contact: Lori Gardner, Program Specialist

Phone: 202-205-7891

Email: [lori.gardner@acf.hhs.gov](mailto:lori.gardner@acf.hhs.gov)

#### **HHS Regions 2, 3, 5**

Region 2: New York and New Jersey

Region 3: Pennsylvania, West Virginia, Delaware, Maryland, District of Columbia, Virginia

Region 5: Minnesota, Wisconsin, Michigan, Illinois, Indiana, Ohio

Contact: Angela Yannelli, Senior Program Specialist

Phone: 202-401-5524

Email: [Angela.Yannelli@acf.hhs.gov](mailto:Angela.Yannelli@acf.hhs.gov)

**HHS Regions 6 and 9**

Region 6: New Mexico, Oklahoma, Arizona, Texas, Louisiana

Region 9: Nevada, California, Arizona

Contact: Rebecca Odor, Senior Program Specialist Phone: 202-205-7746

Email: [Rebecca.Odor@acf.hhs.gov](mailto:Rebecca.Odor@acf.hhs.gov)

**HHS Regions 7 and 8**

Region 7: Iowa, Missouri, Kansas, Nebraska

Region 8: Montana, North Dakota, South Dakota, Wyoming, Utah, Colorado

Contact: Kim Feeney, Senior Program Specialist

Phone: 202-358-3245

Email: [Kimberly.Feeney@acf.hhs.gov](mailto:Kimberly.Feeney@acf.hhs.gov)

**HHS Region 10**

Region 10: Alaska, Oregon, Idaho, Washington

Contact: Shena Williams, Senior Program Specialist

Phone: 202-205-5932

Email: [Shena.Williams@acf.hhs.gov](mailto:Shena.Williams@acf.hhs.gov)