# Arkansas Department of Finance and Administration
# Office of Intergovernmental Services

# RULES AND REGULATIONS FOR THE ARKANSAS DOMESTIC VIOLENCE SHELTER FUND

**Promulgated Under the Authority Of**
**A.C.A. § 9-6-101, et seq.**

**Effective**

# REGULATIONS GOVERNING ARKANSAS DOMESTIC VIOLENCE SHELTER FUND

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## 100. INTRODUCTION

Act 583 of 2017, Section 6 created a special revenue fund known as the "Domestic Violence Shelter Fund" (DVSF). This fund shall be used to provide funding for statewide grants awarded to a statewide domestic violence entity under the Arkansas Domestic Violence Shelter Act. The fund shall consist of: (1) The special revenues collected under § 9-15-202(d)(1) and § 16-10-305(h)(1); (2) Monies obtained from private grants or other sources that are designated to be credited to the fund; and (3) Any other revenues authorized by law. These rules establish the procedures to be used in implementing the above statute.

Section 1 of Act 583 of 2017 amends Arkansas Code Title 9 to add Chapter 6, the Arkansas Domestic Violence Shelter Act. A.C.A. § 9-6-105 authorizes and directs the Department of Finance and Administration (DFA) to develop and promulgate rules which sets the criteria for the grant applications and award process.

DFA has delegated the authority to administer the grant program to DFA Office of Intergovernmental Services (IGS). IGS shall review all grant applications, determine which applicants shall receive awards under this program, and retain oversight of all grant expenditures.

These rules establish the procedures to be used in implementing Act 583 of 2017.

## 101. SOURCE OF FUNDS

The fund shall consist of: (1) The special revenues collected under § 9-15-202(d)(1) and § 16-10-305(h)(1); (2) Monies obtained from private grants or other sources that are designated to be credited to the fund; and (3) Any other revenues authorized by law.

## 102. DEFINITIONS

As used in this chapter:

(1) Advocate means an employee, supervisor, or administrator of a shelter.

(2) Dating relationships means a romantic or intimate social relationship between two (2) individuals that is not a casual relationship or an ordinary fraternization in a business or social context and that is determined by examining the following factors:

(A) The length of the relationship;

(B) The nature of the relationship;

(C) The frequency of interaction between the two (2) individuals involved in the relationship;

(3) Domestic abuse means:

(A) Physical harm, bodily injury, or assault against an individual in a dating relationship by the other individual in the dating relationship or against a member of a family or household by another member of the family or household;

(B) Mental harm caused by the infliction of fear of imminent physical harm, bodily injury, or assault against an individual in a dating relationship by

the other individual in the dating relationship or against a member of a family or household by another member of the family or household; or

(C) Sexual conduct between family or household members or between individuals in a dating relationship, whether minors or adults, that constitutes a crime under the laws of this state;

(4) Family or household member means a:

(A) Spouse;

(B) Former spouse;

(C) Parent;

(D) Child;

(E) Person related to another family or household member by blood;

(F) Person who cohabits with another family or household member or who cohabited in the past with another family or household member; and

(G) Person who shares one (1) or more children in common with another person;

(5) Statewide domestic violence entity means an entity that:

(A) Provides all the required core and continuing education for statewide domestic violence shelters and programs;

(B) Is governed by a board of directors that is made up of a majority of publicly funded statewide domestic violence shelter program directors;

(C) Functions as the clearinghouse of domestic violence statistical data for Arkansas; and

(D) Exclusively services domestic violence programs;

(6) Shelter means an entity that:

(A) Provides services, including food, housing, advice, counseling, and assistance to victims of domestic abuse and their minor dependent children in this state; and

(B) Meets the program, fiscal and training requirements of this chapter; and

(7) Volunteer means a person who donates his or her time to provide services to victims at a shelter.

## 200. DETERMINATION OF GRANT AWARDS

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IGS will select all recipients funded through the DVSF in accordance with A.C.A § 9-6-105.

## 201. ELIGIBLE RECIPIENTS

An eligible entity must be a domestic violence shelter/program; must provide services including food, housing, advice, counseling and assistance to victims of domestic abuse and their minor, dependent children in the State of Arkansas; and must meet the program, fiscal and training requirements.

## 202. USES OF GRANT AWARDS

A statewide domestic violence entity that receives a grant under this chapter shall distribute funds to a shelter if the shelter:

(1) Develops and implements a written nondiscrimination policy to provide services without regard to race, religion, color, age, marital status, national origin, ancestry, or sexual orientation;

(2) Provides a facility that is open, accessible, and staffed by an advocate or volunteer each day of the calendar year and twenty-four (24) hours each day.

(3) Provides emergency housing and related supportive services in a safe and protective environment for victims of domestic abuse and their children;

(4)(A) Provides a crisis telephone hotline that is answered by an advocate or a volunteer who meets the training requirements under this chapter each day of the calendar year and twenty-four (24) hours each day.

(B) The crisis telephone hotline required under subdivision (4)(A) of this section shall not be answered by an answering machine, answering service, or mobile telephone voicemail;

(5)(A) Requires all advocates and volunteers who provide direct services to victims to sign a written confidentiality agreement that prohibits the release of:

(i) The name or other personal and identifying information about a victim served at the shelter; and

(ii) The name or other personal and identifying information about a family or household member of a victim served at the shelter.

(B) The confidentiality agreement required under subdivision (5)(A) of this section does not:

(i) Apply to an advocate who testifies in court under a lawfully issued witness subpoena; or

(ii) Prevent disclosure for federal grant review, audit, or reporting;

(6) Develops and implements a written plan for outreach efforts to aid victims of domestic violence;

(7) Provides peer support groups for victims;

(8) Provides assistance and court advocacy for victims seeking orders of protection; and

(9) Provides training and educational information on domestic violence for professionals, community organizations, and interested individuals.

## 203. CRITERIA FOR AWARDING GRANTS

IGS shall perform the following in administering the Arkansas Domestic Violence Shelter Grant Program:

(1) Annually evaluate each shelter receiving funds under this chapter for compliance with the program, fiscal, and training requirements under this chapter;

(2) Provide training and technical assistance to shelters receiving funds under this chapter to ensure minimum standards of service delivery;

(3) Serve as a clearinghouse for information relating to domestic abuse; and

(4) Provide educational programs on domestic abuse for the benefit of the general public, victims, specific groups of persons, and other persons as needed.

## 204. FISCAL REQUIREMENTS

A statewide domestic violence entity that receives a grant under this chapter shall distribute funds to a shelter if the shelter:

(1) Incorporates in this state as a private nonprofit corporation that is exempt from taxation under the Internal Revenue Code, 26 U.S.C. § 501 (c) (3), and that has the primary purpose of providing services to victims of domestic abuse or domestic violence;

(2) Is governed by a board of directors;

(3) Develops and implements written personnel policies that state the shelter's employment practices;

(4) Develops and implements written procedures that conform with the uniform system of recordkeeping developed by the Department of Finance and Administration or its designee to ensure proper handling of funds; and

(5) Provides the department or its designee with statistical data that states following:

(A) The type of services provided by the shelter; and

(B) The number of victims and children served each year.

## 205. TRAINING REQUIREMENTS

A statewide domestic violence entity that receives a grant under this chapter shall distribute funds to a shelter if the shelter:

(1) (A) Requires each member of its board of directors to attend an orientation that is administered by a statewide domestic violence entity and approved by the Department of Finance and Administration or its designee within six (6) months after joining the board of directors.

(B) The orientation required under subdivision (1)(A) of this section shall include an explanation of the dynamics of domestic violence and the role of a board member;

(2) (A) Requires each advocate and volunteer who provides direct services to victims to attend fifteen (15) hours of initial staff training approved by the department designee.

(B) The initial staff training required under subdivision (2)(A) of this section shall include without limitation the following topics of instruction:

(i) Crisis intervention;

(ii) Case management;

(iii) Safety planning;

(iv) Individual or group facilitation; and

(v) Proper procedure for answering the crisis telephone hotline; and

(3) (A) Requires each advocate who provides direct services to victims to attend ten (10) hours of continuing education annually that is approved by the department or its designee.

(B) The continuing education required under subdivision (3)(A) of this section shall include without limitation the following topics of instruction:

(i) Crisis intervention;

(ii) Case management;

(iii) Safety planning;

(iv) Individual or group facilitation; and

(v) Proper procedure for answering the crisis telephone hotline.

## 206. REPORTING REQUIREMENTS

IGS will provide an annual report by October 1 of each year to the Director of DFA, the Chair of the Senate Interim Committee on Children and Youth, and the Chair of the House

Committee on Aging, Children and Youth, Legislative and Military Affairs containing the following information:

(1) The incidence of domestic violence in this state based on information obtained from shelters that receive funds under this chapter;

(2) A description of shelters that meet the requirements and receive funds under this chapter; and

(3) The number of persons assisted by the shelters that receive funds under this chapter.

## 207. MONITORING AND CONFIDENTIALITY

Monitoring will be conducted by a statewide domestic violence entity that receives a grant under this chapter. This entity shall have the right to enter and inspect the premises of a shelter receiving funds under this chapter and perform an annual evaluation or otherwise determine compliance with this chapter. IGS will receive monitoring reports from the statewide domestic violence entity.

Information from files, reports, evaluations, inspections, or other sources that is received by IGS or by a statewide domestic violence entity that receives funds under this chapter and its employees and designees is confidential and shall not be disclosed publicly in a manner that identifies an individual or facility.

## 300. GRANT SPECIFICATIONS AND APPLICATIONS PROCESS

IGS will announce the availability of funding under the Domestic Violence Shelter Fund Program via Notice of Funds Available and Request for Proposal (RFP).

## 301. REQUESTS FOR PROPOSALS

IGS will post notice on the appropriate State of Arkansas website. The Notice will contain a due date for submission of applications and a list of all required documents. All applications and supporting documentation must be received by the stated deadline. In the event of extraordinary circumstances (e.g. inclement weather) a late filing may be accepted by approval of the Administrator of IGS upon certification by the applicant that extraordinary circumstances prevented timely filing.

IGS will review all applications and make determinations regarding the applicants' requests based on eligibility, availability of funding, statutory restrictions and grant management requirements.

IGS will notify applicants of the funding decisions. Applicants may request reconsideration in writing no later than ten (10) days of receiving notification. IGS reserves the option to use a review panel or board, or subcommittee thereof, for any or all portions of the review and award process.

## 302. DISTRIBUTION OF FUNDS

IGS will distribute funds to awarded entities for expenditures in accordance with their approved budget and in compliance with applicable state law, rules and regulations.

## 303. EQUAL OPPORTUNITY

All programs must furnish assurance of compliance with applicable civil rights laws and regulations.

## 304. FREEDOM OF INFORMATION ACT

Proposals submitted in response to any RFP are subject to the provisions of the Freedom of Information Act.