

MARNIE SHIELDS: This is Marnie Shiels, Attorney Advisor and this is Legal Issues for State Administrators. And I like to answer questions as they come, so if you think of a question, feel free to just type it in the chat, and I will keep an eye out, and also couple of the folks from the unit are helping me, and so, they'll flag me if I don't notice your question. That way, as we're on a particular topic, we can answer the questions. Also, Emma is going to be taking notes about the questions that are asked because we are still working on updating our FAQs. And so, whatever questions get asked, we will take that into consideration in terms of what new questions might get added to the FAQs. So, I'm going to start off this presentation by giving you guys some homework. And what I mean by that is I'm going to tell you what are the documents that you should be reading as a STOP Administrator and that you should be familiar with, and I'm going to show you how to find them.

First, are the grant conditions, so to see your award documents first, go into JustGrants and actually read all the conditions of your awards, make sure you understand them, ask questions if you don't. On our website, there are general terms and conditions. You can look at these general terms and conditions on our website. They should be the same as what's in your award, but some of the award conditions have more information than just what's in the award conditions. It'll say, "This particular website is incorporated by reference," and then it'll have much longer information about the conditions. So, make sure you don't just read the short version but that you read all of the details, and the little red bracket there is showing you where the sort of longer form detailed versions are. Next thing is to read all of the relevant statutes. For the STOP statute, you can see I provided some citations here. And then, for the SASP. There are also overarching definitions and grant conditions that apply to everyone. And what you can do to find these is if you just type that, what I have here, into Google, so for example, 34 U.S.C. 10441, there's a couple different websites. I usually use the one from Cornell, but there're others that make sure it's up to date and that it has the VAWA 2022, which the Cornell site does because I've used it. But that way, you can look at the actual statutes, read what the statute says about the program. Next, related to that is the regulations and we have these on our website. So, there's a citation, 28 CFR part 90, subpart B is STOP, subpart A is the overarching things that apply to everybody. And if you go to this link on the website, it has all of the details. It has the actual text of the regulation.

Next is the financial guide, which you're going to hear a lot more about tomorrow from Erin and Suheyla. It gives you all of the financial information that you need to know about having a grant from us. And there's also other regulations, like we talk about 2 CFR a lot, which is sort of the overarching grant management type regulations. Those regulations are summarized in this financial guide. Then, there's a lot of FAQs. And so, we have the STOP and SASP program both have their own sets of FAQs, there's an FAQ set on the VAWA Confidentiality Provision, and then there's a separate one specifically on the collaboration between the STOP Administrator and the Indian Tribes in the state that's part of the implementation planning process. So, here's the information on how to find those FAQs. Again, take the time, read them carefully. If there's questions, ask your grant manager.

Now, I'm going to go into some of the substantive requirements for these grants. I'll start with the overarching ones that apply to everybody, and then I'm going to talk separately about SASP, and then about STOP. First is the confidentiality requirement. And the shortest summary of this requirement is that grantees that are providing victim services cannot share identifying information about the clients they serve unless there's either a court mandate, a statutory mandate, or the client signs an informed time-limited release of information. And if you look at the regulations and the FAQs, there's a lot of information about what needs to go into a release of information for it to be qualifying. And you all, as part of your application, you sign something called a confidentiality notice form and every year you sign this form, and that form lays out the full details of the requirement. And it's our way of making sure that you understand this is what we're agreeing to, and this is what we're agreeing to enforce across our sub-grantee pool. What states should require at the application is the same kind of thing as we do, some kind of acknowledgement so that the sub-grantees also acknowledge, "We understand this requirement, we will be applying it." But the next issue is when you are monitoring your sub-grantees, what to look for in terms of making sure that they're compliant. So, if you have a monitoring checklist or something like that, or a list of questions that you would ask during monitoring, you should have some questions about confidentiality. You might want to ask, "Do you have a confidentiality policy?" You might want to review that policy. You might want to ask questions about their release of information process. If they have a release form, you will want to look at that, those kinds of things. So, really getting into it to assess, are the sub-grantees meeting this requirement. And then, the next question, I thought I'd try to make this a little bit interactive, is when you are monitoring, you have to be able to, you know, ensure that the grantees are doing what they're supposed to be doing, but you yourself cannot look at confidential victim information.

I thought maybe some of you could put in the chat, are there ways that you have to monitor where you can avoid asking for confidential information? I'm just going to wait a minute and see if anybody wants to give some examples for this. We have TA for this provision. Yes, redacting the names and the case numbers, redacting client records, that's certainly a common one. Now, keep in mind that that redaction is something that's going to take time for the sub-grantee. Rather than asking to see every single record redacted, you might want to come up with a percentage, you know, we'd like 10% of your records with client names redacted, if that seems like that would be a reasonable number of records to look at, something like that, so that you don't overburden them. You can also do something like having them just keep, like, a checklist of the services provided or the service hours or something like that, so they could show you, like, you know, we documented providing these specific service hours but without linking it to, "Here's the specific clients who were provided with those hours." Just some examples. But the basic idea is that as you monitor, you have to make sure not to look at confidential information.

My next topic is legal assistance. And this one actually does only apply to STOP, but I put it in this part of the presentation because it is one of these overarching provisions. And if you attended my VAWA 2022 session, then you heard more about this topic

because of the changes to it. But the idea is that if you're funding legal assistance, then you need to sign this letter because you're basically assuring that you will require it from your legal assistance sub-recipients. And then, the sub-recipients will need to sign the letter, if they're doing legal services. So, if you have a sub-recipient that's not doing any legal services, they don't need it. But anybody's who's doing legal services has to sign this letter. And you can see I provided the link of where to find the sample letter. And then, this is sort of a summary of what the letter provides. The other presentation -- if you weren't there, you can watch the video or the slides, I think, are available -- then it has the actual language of what's in it or just look at the link and see the sample certification letter. First is that the people who are providing the legal assistance are properly licensed or accredited, that the people providing the legal assistance have the right training or expertise to be providing this, that they developed the training in collaboration with a victim service provider, and that the grantee will inform victim service providers and law enforcement about their work, and that the grantee does not require mediation of the victim and offender physically together. One question that often comes up about that fifth one is what if you have a state law that requires mediation, child custody cases, for example? In that case, you would be fine, or your sub-grantee would be fine, in signing the certification because it is the state law that's requiring the mediation, not the recipient or sub-recipient program requiring it.

Next, and this is the last of the sort of overarching things and then, I'll pause for questions. The 501(c)(3) requirement and you probably all know this but what this refers to is the section of the federal tax code for nonprofits. And so, it refers to specifically a letter from the Internal Revenue Service or IRS documenting that this particular organization has this 501(c)(3) nonprofit status. And it's a little different for the two programs of when you need to be getting the 501(c)(3) letter from the sub-recipient. So, for STOP, it's not tied to eligibility because the allocation is for victim services, not for victim service providers. So, you could be funding somebody that's not a victim service provider under that allocation and therefore, they wouldn't necessarily have to be a nonprofit. But the match exemption is for victim service providers who are providing victim services. And so, for the organization to be exempted from match and then therefore the state to also be exempted from the match, they would need to document that they meet the definition of a victim service provider, which with two exceptions is a nonprofit organization. The two exceptions are governmental rape crisis centers not in territories. I apologize to the territories, but that is the language in the statute. And then, Tribal government organizations can be victim service providers and therefore don't need the 501(c)(3). But anybody that's not one of those two categories, if they're providing victim services and they're a victim service provider, you should be asking them for that 501(c)(3) letter in order to apply the match exemption correctly. And then, for SASP, basically, the definition of the sub-grantee pool is rape crisis centers and other nonprofits. So, they do have to be 501(c)(3) except for governmental rape crisis centers not in territories and Tribal government organizations. So, anybody that's not one of those two is not eligible if they don't provide you with the 501(c)(3) letter.

The first thing on SASP is administrative costs. Under the SASP program by statute, you are allowed 5% of your award for administrative costs. Whatever the amount is you

get from us, you take 5% of that and you can keep that for your administrative costs. And administrative is defined in the regulations. This citation is actually for the STOP regulations, but the same thing would apply to the SASP program. And so, administrative costs are the costs directly associated with administering the SASP program. And that section of the regulations provides a whole list of examples. For any of you that are also VOCA administrators, it's very consistent with the list that's provided in the VOCA regulations. And it's things like the salary of the STOP administrator, the cost of putting on a peer review, if you have some kind of a pre-application conference, the cost of that conference, if you provide training and TA for the sub-grantees, all those kinds of things. And then, if the costs are allocable to both SASP and another program, you would have to assess the proportionate share. Say you had a TA conference that covers SASP, STOP, and VOCA, you would need to figure out what percentage of the cost of that are attributable to VOCA, what percentage are attributable to STOP and what percentage are attributable to SASP. And then, you would need to allocate the cost of it accordingly. And the same thing if the administrator's salary, if you're administering more than one program, you would need to figure out the proportion of your time that is attributable to each program and then allocate accordingly.

MELISSA SCHMISEK: Yeah.

MARNIE SHIELDS: Next for SASP is the collaboration requirement. You are required to collaborate with your state coalition and representatives of underserved communities. And this applies in both the development of the application and the implementation of the award. And you'll see in the application when you apply to us for the SASP money, that in your narrative you have to talk about how it is that you're doing these things. So, how are you collaborating with your state coalition? How often do you meet with them, for example, things like that? What is their role? How are they involved in the development of the application? And then, the same kinds of questions for underserved. And then as you implement, what is their role? For example, are they part of the peer review panel or things like that? Do they help you shape what your priority areas will be in your solicitation if you have them? Those kinds of things. There's also a letter, like a certification letter, that you would sign saying that you're meeting these collaboration requirements and having some specific details about that.

And then, SASP sexual assault services. The SASP program is limited to direct victim services only. So, you can't do things like sexual assault nurse examiner programs. You cannot do sexual assault response teams. You can't do law enforcement. It's direct victim services. I see a question. "Are there concerns about conflicts of interest when the state coalition has been the prime recipient of the SASP award?" I'm going to need a little more information about that question. Do you want to unmute and explain a little bit?

MAN: Sure. From Rhode Island, we have our sexual assault coalition is essentially a coalition of one. It's one agency. There are only state-wide sexual assault agency. Although some of our DV agencies are trying to go kind of dual as they're not necessarily getting along all the time. So, we try to work with them about the application

and stuff, but also, they're going to be an applicant and potentially, you know, the recipient. So, how close does that collaboration with the coalition have to be?

MARNIE SHIELDS: Got it. Yeah. And that's a tricky one. And I feel like the territories have some similar issues and maybe also the District of Columbia, with those smaller areas versus somewhere like California where I live, because the coalition is typically not also acting as a service provider. And so, they're providing information about their members, for example, or helping inform their members about the existence of the solicitation. I think in your situation, we might want to just have a separate conversation because I think you're right to be concerned about conflicts and we can talk about, you know, particularly with your grant manager, how to involve the coalition appropriately, but also prevent inappropriate conflicts. So, back to...

MAN: Oh, Marnie, sorry to interrupt. There was another question. Related to STOP, did you say we need to verify 501(c)(3) status for all STOP victim service recipients, or did I misunderstand the previous slide?

MARNIE SHIELDS: For STOP, there're two different things, and I think Erin and Suheyla are going to go more into this tomorrow because it's related to the match requirement. But to give you sort of the short form, the STOP program has a 25% match requirement, but there's an exemption from that if the sub-award is either for a Tribe or if it's to a victim service provider and for victim services. So, then you would take whatever your award amount is. Say your award is \$1 million and then of that award, 30% goes to victim service providers for victim services, then \$300,000 would be subtracted and you would only have to provide that match on \$700,000 of the award. So, that is why it's really important to, you know, document this. And then, the second piece related to match is that if it's a victim service provider, but they are not providing victim services, so they're under one of the other allocations, for example, they're doing law enforcement training, you, the state, would still owe the 25% match for that sub-award, but you would not be able to pass it on to that sub-recipient. So, again, this is why it's important to document are they eligible for either the exemption or the limitation where you can't pass it through to them. And the criteria for that about whether they're a victim service provider turns on in part whether they're a 501(c)(3) except for those tribal government organizations and the governmental rape crisis centers not in territories. So, everybody but those two categories, you should be asking for the 501(c)(3), because you're going to need to figure out are you--are you the state providing match on that sub-award or if not, can you pass it to them or not? So, that's why it's important for STOP. Any other questions?

MAN: Not at this time, Marnie. Thank you.

MARNIE SHIELDS: Okay. Thank you.

MAN: Thank you.

MARNIE SHIELDS: So, the next thing for SASP is that the sub-grantees must serve sexual assault victims regardless of age. The sub-award can be for a particular age population. For example, if you wanted to do a sub-award specifically targeting elder victims, you can do that. But the agency that you're granting it must serve all ages of victims. In my elder abuse example, if there was an elder specific service provider, they would not be eligible. And then, I have a note, outreach versus education, because education prevention, those kinds of things are not in scope for this program because as I said, it's only for direct victim services, but the outreach is allowable. And what I mean by outreach and what that distinction is, is that you can promote your services basically as a sub-grantee. So, you can put out there, you know, if you're raped, call our hotline, those kinds of things. Here's what some warning signs are of drug and alcohol-facilitated sexual assault and how to get help for that, that kind of thing. It could even be like how to recognize that you need our help and how to get it. But it can't be prevention and education kinds of things more generally.

The last thing, and I have this in red because it's one of the new areas from VAWA 2022, is direct payments. What you can do with the SASP is services basically. And under that list of services now is direct payments. And those direct payments have to be related to the sexual assaults and we would encourage you to pay the vendor directly rather than giving funding to the victim. And this is not new in a sense that it was unallowable previously because this type of thing was allowable. There have been states doing similar types of things, but it's clarifying so that you know you can do this kind of thing where if the victim has some expense that's related to the victimization, you can pay for that need versus having to provide it directly within the sub-recipient organization. For example, they need to have their locks rekeyed, you can pay the locksmith to do that. A caution, though, is that if whatever the victim needs is a renovation. For example, you couldn't give them a new doorknob because that would be a renovation. But you could get the locksmith to come and rekey it for them. And for the solicitations this year, you could look right now at the SASP Culturally Specific Solicitation because that one is out and all of the SASP Programs have a new direct payments issue. And it has some examples of the kinds of things that could be supported under direct payments.

Now, the last thing I have is just a note for pass through administration because a lot of states we know are doing this. And there will be a separate session on this, so I'm just going to kind of flag the issue that if you are carrying out pass through administration, by which I mean you're giving the money to another entity, usually the state coalition. And the state coalition or other entity is then actually carrying out the award. They're selecting the sub-recipients, potentially monitoring the sub-recipients, those kinds of things. The separate webinar session goes into much more detail. You have to share the administrative cost if you're doing that. You have to make sure that the state is ensuring that the funds are spent appropriately, and then I'm referring you back to the 2 CFR into the financial guide. And then, ensure that the reporting of activities at the sub-grant level is equivalent to what it would be if the state was directly overseeing the award. So, you know, the same progress reports that would be submitted still need to be submitted. And you really need to make sure -- and again, we're going to go into this

more in the next session -- is that you really need to lay out between the state administrator and the coalition exactly what are the roles of who's going to do what and make sure that the state is still responsible for ensuring the funds are spent appropriately. So, you can't just hand the money to the coalition and be like, "Bye-bye, money. Have fun." You have to still be involved in approving the recommended sub-awards and monitoring in some way so that you can be confident that the funds are being spent appropriately.

And I see there's a question. "What was meant by renovation as opposed to paying a locksmith?" So, what I meant is like when you move into a new house, or at least what I did, you get a locksmith to come out. And they don't actually give you a new doorknob. They have some tools and then they give you a new key. And now, there's a new key that works in my lock. Therefore, the person who lived in my house before me can no longer get into my house. That's not a renovation because you're not physically changing anything about the property, whereas, if you are actually putting in a new deadbolt for example because the client is really worried that their deadbolt doesn't work or that they don't have a deadbolt. That would be a renovation and you would not be able to do it. This also comes up a lot with security systems. So, the victim wants a security system, and you have to look for one that does not require wiring either for the, like, internet connectivity or for the electricity and also that doesn't have any sort of permanent mounting. I know it is possible to find those types of security systems that would not be a renovation, but you have to be cognizant of that. And again, if you have these issues, contact your grant manager and they can help you assess is this a renovation? Is it not a renovation? Should I approve this or not?

I am going to head on into the STOP Program now. First of all, is the administrative cost. And this is by regulation rather than by statute. The STOP Program can use 10% for administrative costs. And otherwise, everything else is exactly the same as what I said for SASP in terms of the eligible purposes of administrative cost, they need to share between programs if you have some expense that addresses multiple programs, all those things, same deal. Next for STOP is the allocations. This is a program; the STOP Program has a lot of purpose areas. It covers a lot of different activities that you can do. And you have a lot of discretion as a state administrator. Whereas with the SASP Program, it's got a very limited purpose. This one is very broad, so it gives you a lot of discretion to really make it fit the needs of your state. And you must meet these allocations and the purpose areas pretty much. That's why allocation is very important. So, 25% of the funds must be for law enforcement, 25% for prosecution, 30% for victim services of which 10% is to culturally specific community-based organizations, 5% to courts and then 15% is discretionary, meaning it could be one of those five types of entities or it could be to a different type of entity as long as it's within the STOP Purpose Areas. There's also a separate set-aside of 20% for sexual assault in at least two allocations not counting discretionary.

For example, you could have victim services and prosecution. You could fund some sex crimes units and prosecution and summary crisis centers, just for example. You could spread it out across all the allocations, but it needs to be 20%, that's in at least two of

the nondiscretionary allocations. And then, notice I bolded the word to in some of these, because that is a very relevant question. The sub-award has to be to that specific type of entity. So, for example, the court money has to go to courts only and the culturally specific has to go to culturally specific community-based organizations, whereas the law enforcement, prosecution and victim services use the word for. So, that means that you could fund a victim service provider for law enforcement training for example. And you would need to have, like, an MOU to show that the law enforcement is agreeing that "Yes, we want this training from this victim service provider." But you can have it go to a victim service provider rather than to law enforcement for example versus the court money has to go to courts. And then, if you want more information about how to figure out which allocation, then go to the FAQs. We have a whole lot of examples. And I'm going to do another little interactive thing in a minute.

But I see there are some questions. So, I'm going to answer the questions first and then I will come back to that. So, first question, "Would we find more information regarding unallowable renovations through SASP in the statute or overall federal funding regulations?" Not really. It's in the solicitation for the program. It's listed as an unallowable cost. And if you have more specific questions, you're thinking about funding something specific, talk to your grant manager. And they will talk to Debbie Murphy, who is on this webinar and is who we call the NEPA coordinator, National Environmental Policy Act.

Next question, "What if no courts apply for funding, does that 5% go to discretionary?" I am going to come back to that question because it has to do with re-allocation of funds. And there's a whole different section about re-allocation of funds. And I'm going to go over it under that section. Another question, "Any court, district magistrate, et cetera?" And that is correct. In many states, it goes to the state administrative office of the courts. Because I think in a lot of states, that office is the only entity that is allowed to take court money. But it could go to a Tribal court. It could go to a juvenile court if they're doing an activity that's appropriate for the STOP funds. So, yes, any level of court, any type of court, it just has to go to an actual court entity. And actually, look at that.

My next slide is re-allocation. I could go right into that question. The statute has two different circumstances under which a state can re-allocate their funds. The first is if the funds are returned. For example, you award the money to law enforcement, and they can't use it, so they give it back. Then you could reuse it as victim services or as whatever you want. Essentially, discretionary as the person who asked the question to put it. Because the sort of logic there is you met the allocation. You gave that money to law enforcement. The fact that they didn't end up using it is not your fault. And so, then you can reuse it in a different allocation. Keep in mind the end date of your grant and make sure that if you do re-allocate that you leave yourself enough time to close out any open sub-awards before the close out of your award with us. So, keep an eye on that.

The second re-allocation is a little bit trickier. And this is where the person's question comes in about what if the courts don't apply. You can also re-allocate if the state does



not receive sufficient applications. And for this one, look at the FAQs because there's documentation of what you should have if you seek to re-allocate under that second prong. And you don't technically need to do a GAM. But we would encourage you to do that so that you can document that we approved it, so that you don't have us look at your progress reports and be like, 'Hey, STOP administrator, why didn't you fund any courts?' And then you say, 'Oh, well, we didn't get any to apply.' And then, we're going to ask you, 'Okay. Well, did you have all these documentations that the FAQ says you need to have?' And so, it's helpful to do that process just so you have it documented. That's like, 'No. You approved it. Check out this GAM.' And Melissa in the chat is reminding us that a GAM is short for a grant award modification, and that is a process in our JustGrants grant management system. And so, using courts is an example because that was the specific question that was asked is you would need a letter from the Administrative Office of the Courts basically saying, 'We don't want this money.' And there have been a couple of states that have gotten approved with that where the Administrative Office of the Courts was the only entity that could take the court money and they put in writing, 'We don't want the money.' Now, your courts should be part of your implementation planning committee, so you should have a relationship with the court that then you can use to talk to them about, 'Why don't you want this money? Here's some ideas of what you could do with this money.' And really try to work with them on that. But if they don't want it, there's nothing you can do about that. And then, you can re-allocate it.

For some of the other allocations like the culturally specific, we're going to want to know things like, 'How did you do the outreach about the existence of the solicitation?' 'Did you share it with any culturally specific entities?' 'Did you get any feedback from them, or could you get some feedback of why they didn't apply?' 'Were there any entities in that allocation that did apply? And if they did, why didn't you fund them?' You know, 'What was the flaw in the application?' 'Were they ineligible for some reason?' 'Was it out of scope?' 'What was going on there?' And like I said, you'll see in the FAQs, there's a whole list of documents that you should provide, so that to sort of substantiate that 'We did our due diligence in terms of getting this out there and we really couldn't fund it.' And then, you would be able to re-allocate.

I did have match in here. I forgot that I put this in here also. I've already gone over this, but it's 25%, as I said with the exemption for victim service providers that are providing victims services or for Tribes. And you can choose to pass it through to sub-grantees. You don't have to. So, this is different if you are a VOCA administrator, this is very different because for VOCA, you are in fact required to pass it on to your sub-grantees. And so, I think this sometimes creates confusion. And for STOP, you can as long as the sub-grantee is not a victim service provider, but you don't have to. So, if you have some state victim services money, for example, you can match your STOP award with that state money or you can pass it through to the other types of sub-grantees, but not victim service providers. There is a process for you to apply to us for a waiver of match based on financial hardship. But I'm telling you, it is a very high standard. We made an exception for COVID because of all that was going on with COVID and all of the financial hardship that created, we took the position of, 'COVID is a financial hardship,'

basically. You just had to write a letter saying, "We had financial hardship because of COVID, give us a waiver." But moving forward, I think that got you 2019 and 2020, but someone on the STOP unit, maybe you can clarify which years had that. But for 2022, for sure, 2023, you're going to have to go through this process and you have to really document the financial hardship. And as I said, it is a high standard. You're more likely to get a partial waiver than a full waiver, because for a full waiver, you're going to have to document that not only can you as a state not make this match, but your sub-grantees can't make a match either. You might get partial for the admin, for example, if you can show that you as a state can't make it. And that is again my note that you-that for the admin portion you still have to match. And then, just a tip, it can be cash or in-kind programs, cash or in-kind match, and voluntary match is okay, but not encouraged because you've got to make sure it's really voluntary. You might have a victim service provider that says, "We've got all these volunteers that are part of our program. They can provide the match. So, they can do that." You can't require it. But if they want to, that's okay. But it needs to be truly voluntary.

I see there is a question. "We sometimes split fund STOP programs. Can we use the sub-recipients match for only one year of the grant if we have more than enough match for the other year? For example, we split fund a project with '18 and '19 STOP. We the state have met the '18 match requirement. Can we use the match the sub-recipient provides towards the '19?" I'm going to say, probably yes. And Erin may want to chime in on this one as well, but you would need to document that the match was linked to the activities provided under the '19 award. If it's something completely separate, that would be more of an issue. Do you want to chime in on that one, Erin?

ERIN LAURA: Hi. This is Erin Laura from the Grants Financial Management Division. Yes, what you said is right, Marnie. The only thing I would add, I just thought of it because we had talked about it earlier, Melissa had mentioned that this was the question, is you can't have them overmatch because they've already met the match on the '18. So, it would have to be attributed to that '19 specifically. If they only receive '18 fund, then you can't use that match to go towards '19, like Marnie had said. So, you just have to make sure it's documented, and you have all of the source documentation to support it. I think sometimes it's a little bit easier to talk more specifics as well because general conversations about these makes it a little bit harder. But I agree with you, Marnie.

MARNIE SHIELS: Thank you. So, I'm going to try to go back, but it won't let me. Now, it will. For some reason, my PowerPoint keeps getting stuck. I want to go back a little bit to administrative costs because I realize I forgot something. It's not a straight up 10%. So, for SASP, it's just like you get your award, you take five percent off the top. For STOP, that's not true. For STOP, it's 10% out of each allocation. So, you would take your total award, you would take 30% for victim services and then take 10% for admin and do that for each allocation. It's going to add up to the same at the end of the day. But that's the structure of the statute for the admin cost for STOP. Next, I'm going to talk briefly about the implementation plan.

Generally, the implementation plan is due every four years. If you go on our website, similar to where all those FAQs were that I showed you, there's a checklist. Hopefully, you're all very familiar with it because you should have just used it for the implementation plan that was due in 2022. And there's a planning committee that you're required to have that has very specific people on it, like your coalition, culturally specific and underserved, entities, those entities that work with culturally specific and underserved populations. And then, you're supposed to have a broader consultation within your state. Again, looking at who are the most significant culturally specific and underserved populations and Tribes. You need to have tribal representatives on your committee, and you also need to consult every state and federally recognized Tribe in the state. So, this is an involved, complicated process. And so, we would really encourage you not to just be like, "Shoo. We're done with 2022. Now we can rest for a few years." Like, start meeting with your committee even this early and have it really be a long-term process towards the next one. Normally, every four years, you do the full implementation plan and then on the off years, you would just have to submit either a letter saying we're still good with our current plan, we're not changing anything, or you can submit updates if you did want to change something. But this year, because of some of the changes in VAWA 2022, you are going to have to submit an addendum to your plan. And the specific things I went over in a lot more detail in the VAWA 2022 webinar, but those definitions and grant conditions that are in the statute, there are certain ones that have been determined to be applicable, and you're going to need to talk about how you as a state are meeting those applicable overarching definitions and grant conditions.

There was a document that was sent out that lists, "Here's what the applicable provisions are, and that document is also on our website." And I'm doing a separate webinar as part of this NGO on the new certifications. And one of the new certifications is also about the "applicable grant conditions." For that webinar, I'll go through those grant conditions also. The second thing is that you must submit those letters as part of the implementation plan from law enforcement, prosecution courts, and victim services, where they talk about the need for grant funds, the intended use of the funds, the expected results, and the demographics of the population to be served. Those letters will now need to include demographics on sexual orientation and gender identity, which was not included before. You will need to send a new set of letters that includes that additional information, and the solicitation will spell this all out also of what it is that you'll need to provide.

And last, we have the certifications and I'm going to go through each certification just at kind of a high level. There's a certification form that's on our website that's linked in the solicitation that will have all this detail. You will sign the certification as part of the application. The first one is on fees and costs. This has to do with costs for criminal cases for the four VAWA crimes, domestic violence, dating violence, sexual assault, and stalking, and costs for protection orders. And there's a list of the types of costs, filing, issuance, registration, witness fees. There's a whole list in the section where victims can't be charged any of these fees. The next one is forensic exam payment, where basically you're certifying that the state or another governmental entity bears the

full out-of-pocket cost for the payment of sexual assault forensic exams, and that you will do so without requiring the victim to cooperate with law enforcement or with the criminal justice system. Next is polygraphing, which is a certification that the law enforcement is not requiring law enforcement or other governmental actors are not requiring victims of sexual assault to submit to polygraphs as a condition of investigating or prosecuting the sexual assault. The judicial notification requirement, which requires you to certify that for protection orders and for domestic violence crimes, you provide notice to the offender that they may be prohibited under federal law or under any relevant state laws from possessing a firearm. Those two in red are the brand-new ones. And as I said, I am going to go through those in detail in the other webinar. But there's one about best practices for victim centered prosecution, and then there's one about those grant conditions, those overarching conditions in VAWA as applicable.

For example, confidentiality would be an applicable condition. So, in your application, or your implementation plan update for this year, you're going to discuss how you are ensuring that your sub-grantees comply with the confidentiality requirement. And then, you'll be certifying that you are having them comply with it. The certification is much more generic, it just says you're certifying that you will ensure your sub-grantees comply with applicable VAWA grant conditions, but for the implementation plan you'll need to have more detail.

And that is the end. I have lots of time for questions if you have any. I know Erin said she has a joke if you want to hear it, while we're waiting for people to type in their questions.

ERIN LAURA: I do. Okay, Marnie, if a seagull flies over the sea, what flies over the bay?

MARNIE SHIELDS: Bagel?

ERIN LAURA: That's too easy. Yeah.

MARNIE SHIELDS: Very good. Thank you.

ERIN LAURA: I did want to just make sure that I was clarifying the question about the splitting of the cost for the match because I was trying to come up with amounts to kind of do it, but I'm not sure that virtual it would be very clear to show this. I could put it on a slide and maybe we can put something together for the presentation tomorrow. But if you are splitting your sub-award between your 18th funding and your 19th funding then you're making your sub-recipient match the full amount of federal funds. The match amount can only be in proportion to the funding for that 19. So, although you may have met your 18, you can't then take the 18 match and apply it to that 19 award because the 18 activities have to be specific to the 18 activities. It might be better if you want to have a more one-on-one conversation about this, because I have a lot of questions and it might be easier to walk through it since it still needs to be in proportion to the federal funding stream amounts.

MARNIE SHIELDS: Do you want to put your email in the chat, Erin?

ERIN LAURA: Yeah, I can.

MARNIE SHIELDS: I see some other questions have come in. So, thank you. "Is there a timeline for when the formula STOP and SASP solicitations will be released?" Melissa, do you want to take that one?

MELISSA SCHMISEK: I can. I don't have a hard date because we're currently working on them. The solicitations have been going out on a rolling basis. I believe SASP is going to be going out first. But I would say, in the next month or so, we'll definitely send out email notifications to everybody to announce that it's released, so you don't miss it. And if anyone else on the call here from the team has more refined information, chime in. But that's my general timeline. Do you have anything different, Kevin? Do you think that's right?

KEVIN: No, I think you're spot on. I don't think the two points of contact for those respective programs are on this call, so...

MELISSA SCHMISEK: All right.

KEVIN: Yeah. So, I don't think that they can chime in either, so...

MELISSA SCHMISEK: Yup.

KEVIN: But I think you're right. It's going to be coming out fairly soon, so, we will provide notification, obviously.

MELISSA SCHMISEK: For sure. Yeah.

MARNIE SHIELDS: Okay. Next question. Thank you. "Did you say that some kind of document was set out identifying the applicable sections of VAWA 2022? Who was it sent to and approximately when?" It was sent to the state STOP administrators a few months ago. And can someone from the unit put that in the chat again? The one that talks about the prosecution, the new certifications?

ERIN LAURA: I think Amy sent it out. So, let me do some digging on that.

MARNIE SHIELDS: You can paste it from the website. I think on the VAWA 2022 website, you were able to paste that on that other webinar. I don't know. Someone from the unit will track it down and make sure that you all have it or at least that we can post it in the chat here. Next question. "More for clarification. SASP serves youth of all ages and STOP conserve ages 11 and older." That is correct. So, SASP is lifespan, whereas STOP is, "Youth and adult." And youth is defined starting at age 11. So, STOP conserve 11 and up. This is another question for Melissa and Kevin. "This will be my

first round of solicitations, so I'm a bit anxious about the process. How long does that stay open?"

KEVIN: Typically, it stays open for at least six weeks, but it may be open longer. I don't know exactly, but at a minimum, it should stay open for at least six weeks.

MELISSA SCHMISEK: Yeah. That's right.

KEVIN: So, yeah, just keep an eye out for notifications of when the solicitation is released. But there's things that you can do to ensure in advance that you're not behind. Make sure all your log-in information is up to date, SAM.gov, JustGrants, Grants.gov, all those important pieces. So, we'll send a notification if that information in JustGrants is up to date then you'll receive notification that the solicitation is released because that's where we pull the contact information to notify grantees of when a solicitation is posted. So, things you can do in advance that will help your application process in the long run. Again, if you have questions, reach out to any of us at OVW.

MARNIE SHIELS: Thanks, Kevin. I see another sort of hybrid financial question, so be ready, Erin. "How detailed does the percentage of time allocated to each grant have to be for the grant administration staff? Can it just be a percentage of time each week or does OVW require actual hours spent working each grant be logged?" And I'm going to say they should have a time sheet and it should be based on the actual hours. Erin, do you want to take that?

ERIN LAURA: So, for state administrators, they do have to follow their internal policies and procedures. Some state agencies have time studies, I believe, Marnie. So, their level of detail is a little different. But first off, follow your internal policies and procedures for documenting time. To go off what Marnie was saying, we do require grantees to keep detailed time and attendance reports to show, you know, the hours. It's not based on a percentage and estimate. It should be based on actuals. But again, go back to what your internal process is and if your internal process is not a time study. I don't know the exact verbiage, but it's different for state agencies than it is for nonprofits. If it's not the time study, then yes, it will need to be the actual time spent and documented.

MARNIE SHIELS: Got it. Thank you.

ERIN LAURA: You're welcome.

MARNIE SHIELS: Very helpful. I don't see any more questions. So, I realized I didn't do the audience participation exercise I've been planning when we talked about allocations. So, I will...

KEVIN: Marnie, I'm sorry to interrupt. I'm so sorry to interrupt. There is a hand raised.

MARNIE SHIELS: Oh, okay.

KEVIN: If they want to unmute themselves.

MARNIE SHIELS: Please.

FEMALE: Hi. Yeah, I was typing out my question but figured it would be easier to just say it verbally. For the MOU in the allocation categories, for example, our coalition is doing trainings for law enforcement. What is -- I don't know the right wording for it -- the level of authorization for a law enforcement agency to sign off in an MOU, like, would it be our state police? Would it be some kind of group, because we don't have a county system or anything like that?

MARNIE SHIELS: For that kind of thing, it would be typically who is the law enforcement entity that's getting trained.

FEMALE: Okay.

MARNIE SHIELS: So, then, law enforcement could say, "We want to partner with this coalition, and we agree to receive their training."

FEMALE: Okay, great. Thank you.

MARNIE SHIELS: Any other questions or any other hands raised?

KEVIN: No hands raised and no questions in the chat, Marnie.

MARNIE SHIELS: Okay. Now, I can do my audience participation exercise. You are a STOP Administrator, and you would like to fund a sexual assault nurse examiner program. What allocation are you funding it out of? There's more than one right answer, I'll tell you that. Law enforcement or prosecution? That is correct. Of course, always discretionary. Victim Services is not correct. I picked that particular example because it is about collecting evidence for the criminal justice system. It is also about providing health care, but it is not under the definition of victim services, and so it would be law enforcement, prosecution, or discretionary, and not victim services and not courts.

Okay. I see another question. "When using STOP funds to reimburse local police departments for sexual assault exams/medical evidentiary exams, how would the match requirement be met since police departments are not a direct victim service provider?" So, there's a little bit to unpack in this question. Because I think you're asking -- and you might want to either type or preferably unmute yourself and chime in if I'm wrong. You're talking about the certification requirement that the state or another governmental entity bears the full out-of-pocket costs for sexual assault, medical forensic exams, and you're using STOP funds to meet that requirement. Now, if you're doing that, there's two requirements you have to meet. The exam has to be performed by a trained examiner for victims of sexual assault. It does not necessarily have to be a sexual assault nurse

examiner or something specific like that, but they do have to have some sexual assault exam training. And then, second is that they cannot require the victim to send the bill to their private health insurance provider. I'm assuming that you're meeting those two things and that that's what's going on in this question. So, then you would need to meet the match. If you're giving the money to a police department, you can pass the match to the police department because the police department is not a direct victim service provider. So, you could just have them provide the match. And they could provide it with things, like, "Do they have a sex crimes detective that's not part of the grant?" There are other sexual assault activities, I guess, that would be related to this project that are not covered by the grant or by other federal grants that they could then use for match.

MELISSA SCHMISEK: If we have some few minutes left, could you talk a little bit about for both SASP and STOP, the intersection of addressing sexual assault and/or domestic violence in cases of human trafficking?

MARNIE SHIELS: Oh, thank you.

KEVIN: Thank you.

MARNIE SHIELS: I could make myself a note to talk about that and then...

KEVIN: Thank you, Melissa.

MARNIE SHIELS: I appreciate you bringing that up. You read my mind. I'm going to also make a note about MMIP which for those of you who don't know, is Missing and Murdered--Missing or Murdered Indian Persons, because both of these are things--we saw a lot in the implementation plans and that we've been getting a lot of questions about. And so, trafficking is not a fifth VAWA crime, and I might believe, and a lot of people might believe that it's inherently a form of sexual assault, sex trafficking, rather not trafficking generally, but sex trafficking, at least -- it's not defined that way in VAWA. If you want to do trafficking or Missing or Murdered Indian or Indigenous People, it has to be about our four crimes. It's about domestic violence or sexual assault, and the intersection with trafficking, or it's about Missing or Murdered Indigenous People who were sexually assaulted or were victims of domestic violence. It's at that intersection, not just trafficking by itself. If we see something in an implementation plan or a progress report where you're just saying, "We did this great project on sex trafficking." We are going to reject it, because you have to frame it as sexual assault victims who were sex-trafficked for SASP. For STOP, it could be domestic violence victims or sexual assault victims, but it has to be at that intersection. And it has to be on a case-by-case basis. Is this a victim of sexual assault who was also trafficked? We're going to assume that because they are victims of sex trafficking, that they were sexually assaulted.



MELISSA SCHMISEK: And Marnie, to tease it out a little bit more. Let's say there is a sub-recipient that is providing services to people who were sex-trafficked and sexual assault victims. The services that are provided to that person need to somehow be connected to the sexual assault. And they may also implicate impacts of sex trafficking. But it can't be the person happened to have experienced sexual assault in their past, but now are seeking services because they want to seek housing or something to help stabilize, so they don't have to be involved in sex work or the sex industry. The services they need have to be connected to the sexual assault or to domestic violence.

MARNIE SHIELS: Right. And that can be hard, I think, to tease out. But it's important that you do tease it out. For example, you might have somebody that is a survivor of child sexual abuse, and that trauma is what led them on the path to being sex trafficked. And so, the services they need are really to deal with that lifespan of trauma dating back to childhood sexual abuse. And so, you really are treating childhood sexual abuse. But as I said, you have to tease that out so that you really are cognizant of the fact that you're serving somebody for child sex abuse, not for trafficking.

MELISSA SCHMISEK: Yeah. And then there's a comment there in the chat if you want to read it, Marnie, it's what we're talking about.

MARNIE SHIELS: Yeah, "We are talking about adults, correct? Not the CSEC of youth" --Child Sexual Exploitation -- I'm not sure what the other C is for. So, for SASP, it could be any age, so it could be a 15-year-old that is sex-trafficked and has this history of sexual abuse that's really, you know, part of their life span trauma. For STOP, it would be either 11 and up when they were victimized or an adult survivor of child sexual abuse. Commercial Sexual Exploitation of Children. Got it. Thank you.

MELISSA SCHMISEK: And I'm just going to add from a programmatic perspective, what we're seeing pop up from time to time is that there are sub-recipients who are organizations that specifically work in the area of sex trafficking and sexual exploitation, and they are not dual-DV, domestic violence or sexual assault programs, or rape crisis center, or a domestic violence shelter. They are specifically a human trafficking sexual exploitation organization. And my advice would be to really look through those project activities, and the budget, and make sure that they are speaking to that intersection and understand it. Because oftentimes, it's raising a lot of questions for us and we really have to look into it because to just address sex trafficking or trafficking, or MMIP, Missing and Murdered Indigenous People, we're going to have to follow-up, ask questions, and look at the narratives. Because otherwise it's out of scope and that money may have to be paid back. That's why we wanted to raise it here and really just to pay some extra attention to those projects that are proposing to do that kind of work. We understand the importance of it, but we have to have fidelity in what we're able to do within the confines of the programs.

MARNIE SHIELDS: Related to that, I'm just going to mention, again, this is something I talked about in the VAWA 2022 session, but there's a couple of new margin areas like this is similar to the sex trafficking and the MMIP which is FGM/C, which is female genital mutilation and cutting, and then forced marriage. So, within VAWA 2022, it's similar to how trafficking is addressed, there's a provision saying that victims of the four crimes at the intersection with FGM/C and with forced marriage can be served. But it's exactly as Melissa was describing for trafficking, so it would need to be they are a victim of sexual assault within forced marriage and you're addressing the sexual assault. For example, it could be domestic violence also for STOP, except there's a new purpose area in STOP and a change to the prevention purpose area. So, for STOP, under the new purpose area or under the prevention purpose area as amended, you can do FGM/C without it being connected to the other crimes.

MELISSA SCHMISEK: My contact information is on the slide, so you're welcome to email me or always email your grant manager. And if it's a legal question, they can loop me in at that point.

KEVIN: Yeah, absolutely. I think it's probably best to email your grant manager first, and then if they are unavailable to respond, then we typically loop in Marnie or another Attorney Advisor. But please reach out to your OVW Grant Manager first.

MARNIE SHIELDS: Sounds good. Thanks, everybody.