

Dear Senators MARTIN, Riggs, Stennett, and  
Representatives WOOD, Vander Woude, Chew:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of  
the Department of Health and Welfare:

IDAPA 16.05.04 - Domestic Violence Council Grants (ZBR Chapter Rewrite) - Proposed Rule  
(Docket No. 16-0504-2101).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the  
cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research  
and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative  
Services. The final date to call a meeting on the enclosed rules is no later than 08/29/2022. If a meeting is  
called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis  
from Legislative Services. The final date to hold a meeting on the enclosed rules is 09/26/2022.

The germane joint subcommittee may request a statement of economic impact with respect to a  
proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement,  
and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has  
been held.

To notify Research and Legislation, call 334-4854, or send a written request to the address on the  
memorandum attached below.



Terri Kondoff  
Director

# Legislative Services Office Idaho State Legislature

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*Serving Idaho's Citizen Legislature*

## MEMORANDUM

**TO:** Rules Review Subcommittee of the Senate Health & Welfare Committee and the House Health & Welfare Committee  
**FROM:** Principal Legislative Drafting Attorney - Elizabeth Bowen  
**DATE:** August 11, 2022  
**SUBJECT:** Department of Health and Welfare

IDAPA 16.05.04 - Domestic Violence Council Grants (ZBR Chapter Rewrite) - Proposed Rule (Docket No. 16-0504-2101)

### Summary and Stated Reasons for the Rule

The purpose of this proposed rule is to rewrite a chapter of rules concerning domestic violence council grants, in order to simplify and streamline the language.

### Negotiated Rulemaking / Fiscal Impact

Negotiated rulemaking was conducted. There is no anticipated negative fiscal impact on the state general fund.

### Statutory Authority

This rulemaking appears to be authorized pursuant to Section 39-5209, Idaho Code.

cc: Department of Health and Welfare  
Frank Powell and Trinette Middlebrook

### \*\*\* PLEASE NOTE \*\*\*

Per the Idaho Constitution, all administrative rules may be reviewed by the Legislature during the next legislative session. The Legislature has 3 options with this rulemaking docket: **1)** Approve the docket in its entirety; **2)** Reject the docket in its entirety; or **3)** Reject the docket in part.

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Paul Headlee, Deputy Director Legislative Services Office	Kristin Ford, Manager Research & Legislation	Keith Bybee, Manager Budget & Policy Analysis	April Renfro, Manager Legislative Audits	Glenn Harris, Manager Information Technology
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Statehouse, P.O. Box 83720  
Boise, Idaho 83720-0054

Tel: 208-334-2475  
legislature.idaho.gov

**IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE**

**16.05.04 – DOMESTIC VIOLENCE COUNCIL GRANTS**

**DOCKET NO. 16-0504-2101 (ZBR CHAPTER REWRITE)**

**NOTICE OF RULEMAKING – PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 39-5209, Idaho Code.

**PUBLIC HEARING SCHEDULE:** A public hearing concerning this rulemaking will be held as follows via Zoom:

<b>Virtual Public Hearing</b>
<b>Friday, August 12, 2022 10:00 a.m. (MT)</b>
<b>Join from the meeting link</b> <a href="https://us06web.zoom.us/j/88108527349?pwd=VTltTU9sM1B4Y3pscmlEQTZ1SjhtUT09">https://us06web.zoom.us/j/88108527349?pwd=VTltTU9sM1B4Y3pscmlEQTZ1SjhtUT09</a>
<b>Meeting ID: 881 0852 7349</b> <b>Passcode: zHXh28</b>
<b>Find your local number: <a href="https://us06web.zoom.us/j/88108527349">https://us06web.zoom.us/j/88108527349</a></b> <b>Meeting ID: 881 0852 7349</b> <b>Passcode: 598101</b>

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

In accordance with [Executive Order 2020-01: Zero-Based Regulation](#), this chapter of rules is being rewritten. The intent is to prevent the accumulation of costly, ineffective, and outdated regulations and reduce regulatory burden to achieve a more efficient operation of government. These rule changes represent a comprehensive review and revision of this chapter, in collaboration with the public, to streamline and simplify this rule language.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: N/A

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year as a result of this rulemaking:

This rulemaking is not anticipated to have any fiscal impact on the State General Fund, or any other known funds.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the November 3, 2021, Idaho Administrative Bulletin, (Vol. 21-11, p. 46), December 1, 2021, Idaho Administrative Bulletin, (Vol. 21-12, p. 20), February 2, 2022, Idaho Administrative Bulletin, (Vol. 22-2, p. 38), and the April 6, 2022, Idaho Administrative Bulletin, (Vol. 22-4, p. 28).

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Heather Cunningham at (208) 332-1542.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 24, 2022.

DATED this 30th day of June, 2022.

Tamara Prisock  
DHW – Administrative Rules Unit  
450 W. State Street – 10th Floor  
P.O. Box 83720  
Boise, ID 83720-0036  
phone: (208) 334-5500  
fax: (208) 334-6558  
e-mail: [dhwrules@dhw.idaho.gov](mailto:dhwrules@dhw.idaho.gov)

**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 16-0504-2101**  
**(Zero Based Regulation (ZBR) Chapter Rewrite)**

**16.05.04 – DOMESTIC VIOLENCE COUNCIL GRANTS**

**000. LEGAL AUTHORITY.**

Under Section 39-5209, Idaho Code, the Idaho Council on Domestic Violence and Victim Assistance is authorized to promulgate, adopt, and amend rules regarding applications and grants administered by the Council. ( )

**001. SCOPE.**

These rules define the application process, eligibility determination, and other requirements for the grants administered by the Council. ( )

**002. -- 009. (RESERVED)**

**010. DEFINITIONS.**

For the purpose of these rules, the following definitions apply: ( )

**01. Council.** The Idaho Council on Domestic Violence and Victim Assistance (ICDVVA). ( )

**02. Domestic Violence.** Crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the state of Idaho, or a family or household member. This definition also includes criminal or non-criminal acts constituting 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 additional acts. This definition applies to

individuals and relationships as set forth in 45 CFR 1370.2. ( )

**03. Program Guidelines.** Collectively, the applicable federal and state statutes, these rules, grant applications, application instructions and scoring rubrics published by the Council regarding grant opportunities, Council grant management manuals, Council service standards for funded programs, Council grant management policies and procedures, and written grant or subgrant agreements entered into with successful grant applicants, all of which will be enforced by the Council. ( )

**04. Regions.** The (7) public health districts as defined in Section 39-408, Idaho Code. ( )

**05. Victim.** A person who suffers direct or threatened physical, sexual, emotional, psychological, or financial harm either: ( )

**a.** As a result of an act by someone else and the act causing harm is a crime under state or federal law; or ( )

**b.** As a result of an act by someone with whom they share a relationship as defined in Section 39-6303(1), (2), (3), and (6), Idaho Code. ( )

**011. -- 014. (RESERVED)**

**015. GENERAL GRANT PROGRAM REQUIREMENTS.**

**01. Application Procedure.** All applicants must meet eligibility requirements specified in program guidelines for their application to be considered. Eligible applicants must submit a completed application to the Council and meet the requirements specified in program guidelines prior to the application deadline. ( )

**02. Review and Selection of Applications.** All eligible grant applications will be reviewed, scored, and selected by the Council under the selection criteria specified in the program guidelines. All applicants will be notified of their application status in a reasonable timeframe after the application deadline. The Council may conduct on-site and remote evaluations and follow-up evaluations as specified in the program guidelines. ( )

**03. Written Agreements.** All applicants selected for grant funding must enter into a written grant or subgrant agreement setting forth the terms of their grant. Procedures for payment are set forth in the agreement. Non-compliance with agreement provisions are grounds for non-payment or termination of the grant. ( )

**04. Reporting and Recordkeeping Requirements.** The grantee must maintain accurate, current, and complete client, administrative, and fiscal records, including accurate records of the receipt, obligation, and disbursement of funds, under the requirements specified in the program guidelines. ( )

**05. Termination of Funding.** The grantee may only use the grant funds in accordance with program guidelines. If at any time the Council becomes aware of a grantee's noncompliance with program guidelines, illegal use of grant funds or fraud, or criminal activity, the Council may terminate the agreement. The Council may require an audit of grant funds. The Council may further terminate a grant if the project loses viability or is unlikely to meet the intent of the original application. ( )

**016. GRANT AWARDS AND ELIGIBILITY.**

**01. State Domestic Violence Project Grants.** To be eligible for a state domestic violence grant, a program must comply with the applicable requirements of Sections 39-5210 and 39-5211, Idaho Code, these rules, and any additional requirements in the grant application announcement from the Council. ( )

**02. Federal Family Violence and Services Act (FVPSA).** To be eligible for a FVPSA grant, a program must comply with all the applicable sections of the Family Violence Prevention and Services Act, other federal rules and regulations, and any additional requirements in the grant application announcement from the Council. ( )

**03. Federal Victims of Crime Act (VOCA) Grant.** To be eligible for a VOCA grant, a program must comply with all the applicable sections of the Victims of Crime Act, any other federal rules and regulations that apply, these rules, and any additional requirements listed in the grant application announcement from the Council. ( )

**04. State Offender Intervention Program Grants.** The Council may offer and administer grant funds to offender intervention programs. ( )

**05. Tribes.** All federally acknowledged tribes in the State of Idaho are eligible for Council funding. ( )

**06. Other Grants.** The Council may administer other state or federal grants or funds, or both, within its authority under Section 39-5208, Idaho Code, under these rules, and within its discretion. ( )

**017. TIME FRAMES.**

**01. Grant Applications for Annual Grants from the Council.** ( )

**a.** When each funding opportunity becomes available, the Council will publish a “Grant Application Announcement” (GAA) on the Council website at [icdv.idaho.gov](http://icdv.idaho.gov). The GAA will specify the deadline for submission of proposals. In no event will the deadline be less than sixty (60) days from the date of the publication of the GAA. ( )

**b.** The Council will comply with all other applicable state or federal laws requiring the publication of a GAA notice. ( )

**c.** A copy of each GAA will also be sent to current grantees and to persons and organizations who have requested notification. Anyone requesting notification of solicitations of grant proposals must email their request to [info@icdv.idaho.gov](mailto:info@icdv.idaho.gov) with “Grant Application Notice Request” in the subject line. ( )

**d.** Applications for annual grants must be delivered as specified in the GAA, no later than the date and time specified therein. ( )

**02. Proposals or Supplemental Grants.** Applications for supplemental grants may be submitted for consideration at any time during the effective period of a grant as specified in the program guidelines. ( )

**018. DISPOSITION OF APPLICATIONS.**

The Council will grant or deny funding as specified below, and all applicants will be notified in writing as to the disposition of their application. ( )

**01. Applications.** The Council will grant or deny funding for applications within ninety (90) days of the application deadline. ( )

**02. Supplemental Applications.** Allocation of supplemental funding is made at the discretion of the Council, based upon the availability of funds. Need is determined by evaluating the best available data. ( )

**03. Late Applications.** If funds remain after the Council’s consideration of all timely initial and renewal applications, applications for funding received after the deadline specified in any GAA may be acted upon at a regularly scheduled meeting of the Council. ( )

**019. EVALUATION OF APPLICATIONS.**

Applications are evaluated according to the following criteria: ( )

**01. Threshold Factors.** Before an application is evaluated and scored, an affirmative determination must be made that the application is complete and the applicant’s program meets the eligibility requirements under Section 016 of these rules. Ineligible projects will not be considered or approved. ( )

**02. Scoring of Applications.** ( )

**a.** Use of Rubric. When the GAA is released, the Council will specify the criteria to be used in evaluating the applications and the scoring rubric to be used. When the Council announces its funding decision for a project, the Council will include the applicant's score. ( )

**b.** Scoring. There will be two (2) Council members and two (2) Council staff responsible for evaluating and scoring each eligible application using the scoring rubric released with the application. Council members may not score applications from applicants within the region that they represent. ( )

**03. Evaluation Criteria.** The specific criteria used by the Council may vary with each funding opportunity and will be based upon best available data regarding statewide and regional needs and federal program requirements. However, the criteria will generally include at least consideration of the following: ( )

**a.** Compliance with federal and state grant requirements; ( )

**b.** Assessment of existing victim services in the community and demonstrated need for current and proposed services; ( )

**c.** Adequate training of employees and volunteers in trauma-informed care and the implementation of such care; ( )

**d.** Plans for expansion where service gaps exist, especially among underserved populations; ( )

**e.** Resourcefulness and efficiency of program; ( )

**f.** Stability of program and succession planning to ensure continuity of service delivery; ( )

**g.** Appropriate and responsible fiscal management of program; and ( )

**h.** Collaboration between and among programs. ( )

**020. PROJECT EVALUATIONS.**

**01. Initial Evaluation.** Prior to the awarding of an initial grant, the Council is authorized to conduct an on-site evaluation of the program to ensure that the program is in substantial compliance with these rules and applicable program guidelines, and to determine the capability of the program to provide the services for which funding is requested. The program must provide for review of any and all client records, program records, financial statements, and other documents needed by the Council to make its determination, including any information that may have changed since the time the application was submitted. ( )

**02. Federally Required Monitoring.** The Council will comply with all federal monitoring requirements, including the requirement to regularly monitor projects. The Council will evaluate projects at least every two (2) years. These evaluations may be conducted on-site or remotely. ( )

**03. Follow-Up Evaluations.** In addition to any initial on-site evaluation, the Council is authorized, upon reasonable notice to the program, to conduct such on-site evaluations of the program: ( )

**a.** To determine continued compliance with these rules and the program guidelines and any other applicable requirements; or ( )

**b.** To determine the continued capability of the program to provide the services for which funding has been granted. ( )

**021. -- 029. (RESERVED)**

**030. DENIAL, SUSPENSION, OR TERMINATION OF GRANT.**

**01. Compliance Issues.** A grant may be suspended pending investigation to determine compliance with these rules and the program guidelines. An application for a grant may be denied or a grant terminated if the program is not in compliance with these rules or the program guidelines. ( )

**02. Misconduct.** In cases of criminal conduct within a funded program, the Council may suspend or terminate funding until the matter is resolved and the program is again in compliance with grant requirements. ( )

**03. Disincorporation.** In the event a legal entity which is the recipient of a grant disincorporates, the Council must be informed in writing within twenty (20) days and the grant terminated. Grant funds for all but the portion of the fiscal year during which services required under the grant were performed must be recovered by the Council. Reallocation of remaining grant funds may be made by the Council to other eligible recipient(s). ( )

**04. Internal Take-Over.** If there is a change in legal control and operation of any entity which is a grant recipient, including substantial changes in the governing board, the Council must be notified in writing within twenty (20) days. The grant may continue in effect without interruption. ( )

**031. -- 099. (RESERVED)**

**STATE DOMESTIC VIOLENCE GRANTS  
(Sections 100-199)**

**100. STATE DOMESTIC VIOLENCE PROJECT GRANTS.**

**01. Overview.** Money may be granted to a program under the State Domestic Violence Project Grants, Sections 39-5201 through 39-5213, Idaho Code, and any applicable policies, rules, and regulations. ( )

**02. Distribution.** The Council annually awards grants totaling no less than fifty-one percent (51%) of the funds collected under Section 39-5212, Idaho Code, during the last completed state fiscal year. On an annual basis, following determination by the Council of the total funds available for domestic violence grants, the Council will establish and announce the amount of funding available to eligible projects throughout the state. Grants will be awarded consistent with the requirements under Section 39-5212, Idaho Code. ( )

**a.** At its discretion, the Council may award any domestic violence grant funds not obligated or expended during any grant period. ( )

**b.** At its discretion, the Council may solicit proposals for specific types of programs or services to fill identified domestic violence shelter needs in any region. ( )

**101. -- 199. (RESERVED)**

**VICTIM ASSISTANCE GRANTS  
(Sections 200-299)**

**200. VICTIMS OF CRIME ACT (VOCA) VICTIM ASSISTANCE GRANTS.**

**01. Overview.** Money may be granted to a program under Victims of Crime Act of 1984, P.L. 98-473, Title II, Chapter XIV, 42 U.S.C. 10601, et seq (VOCA), and any applicable rules and regulations. ( )

**02. Distribution.** On an annual basis, following the Council's receipt of a grant award letter from the U.S. Justice Department announcing the amount available for Idaho's victim assistance grant under VOCA, the Council will establish the amount of funding to be subgranted to qualifying projects. Determination of the actual percentage and amount of funds to be subgranted for the priority categories and any other categories, or for each region, or both, and for statewide projects will be based on best available data to the Council. ( )

**a.** Allocations for Priority and Other Categories. The Council will allocate the federal crime victim



assistance funds granted to Idaho to programs in compliance with applicable VOCA regulations. ( )

**b.** Allocations for Service Areas. ( )

**i.** The Council will subgrant at least five percent (5%) of the available amount to eligible programs in each of the seven (7) regions of the state and five percent (5%) to eligible programs offering statewide services; if there are not statewide programs with eligible applicants and acceptable applications, the Council will use discretion in allocating the statewide portion elsewhere. The Council has the discretion to allocate remaining funds (sixty percent (60%)) throughout the state where needed. In all decisions regarding fund allocation, the Council will consider the best available data, including the type of services offered by each applicant and the types of services available or lacking in each region, and endeavor to fund programs in each region that ensure services to meet identified needs of victims are available. ( )

**ii.** At its discretion, the Council may solicit proposals for specific types of programs or services to fill identified victim service gaps in any region. ( )

**c.** Unexpended Funds. Any victim assistance grant funds not obligated or expended during any grant period will be apportioned by the Council at its discretion, within the established federal limits governing use of the funds. In the event that a program is unable to use all of its grant or subgrant within the time limits of the agreement, the Council has discretion to work with the program to reallocate funds to other programs. ( )

**201. -- 299. (RESERVED)**

**FAMILY VIOLENCE GRANTS  
(Sections 300-399)**

**300. FAMILY VIOLENCE PREVENTION AND SERVICES ACT (FVPSA) GRANTS.**

**01. Overview.** Money may be awarded to a program under the Family Violence Prevention and Services Act (FVPSA) Grant, Title III of the Child Abuse Amendments of 1984 P.L. 98-457, 42 U.S.C. 10401, et seq. and any applicable rules and regulations. ( )

**02. Distribution.** If all seven (7) regions have qualified and eligible applicants, then ten percent (10%) of the FVPSA Grant funds will be awarded to each region. ( )

**a.** The Council has discretion to disperse the remaining funds (thirty percent (30%)) throughout the state based on need and demand for services, as determined by considering best available data, and consistent with FVPSA guidelines. If any regions do not have eligible applicants with acceptable applications, the Council will use discretion in allocating that region's remaining percentage to other programs as described above. ( )

**b.** At its discretion, the Council may solicit proposals for specific types of programs or services to fill identified victim service gaps in any region. ( )

**301. -- 999. (RESERVED)**