

TITLE 39  
HEALTH AND SAFETY

CHAPTER 52  
DOMESTIC VIOLENCE PROJECT GRANTS

39-5201. DECLARATION OF POLICY. The legislature finds that domestic violence is an issue of growing concern. Research findings show that domestic violence constitutes a significant percentage of homicides, aggravated assaults, and assaults and batteries in the United States. Domestic violence is a disruptive influence on personal and community life and is often interrelated with a number of other family problems and stresses. Refuge for victims of domestic violence is essential to provide protection to victims from further abuse and physical harm. Refuge provides temporary safety and resources to victims who may not have access to such things if they remain in abusive situations.

It is the purpose of the legislature in the adoption of this chapter to provide funding for projects in the several areas of the state for the purpose of aiding victims of domestic violence and other crimes.

It is understood that the intention of the provisions of this chapter is not to supersede the authority or responsibilities of agencies of state government responsible for providing services to persons pursuant to the child protective act, crime victims compensation act or adult protective provisions in the Idaho Code.

[39-5201, added 1982, ch. 181, sec. 1, p. 470; am. 2000, ch. 343, sec. 1, p. 1161.]

39-5202. DEFINITIONS. As used in this chapter:

(1) "Domestic violence" means the physical injury, sexual abuse or forced imprisonment or threat thereof of a family or household member.

(2) "Family or household member" means one who is related by blood, marriage, or who resides or has resided with or has been married to the person committing the domestic violence.

(3) "Safe house" means a place available on an as needed basis for temporary residence to victims of domestic violence and their children.

(4) "Refuge" means a place available on a twenty-four (24) hour, seven (7) days a week basis, to provide temporary residence to victims of domestic violence and their children.

(5) "Crisis line" means an emergency twenty-four (24) hour telephone service staffed by persons able to provide information and referral to community services.

(6) "Council" means the Idaho council on domestic violence and victim assistance created in section 39-5203, Idaho Code.

[39-5202, added 1982, ch. 181, sec. 1, p. 470; am. 2000, ch. 343, sec. 2, p. 1162.]

39-5203. COUNCIL ON DOMESTIC VIOLENCE AND VICTIM ASSISTANCE. (1) The Idaho council on domestic violence and victim assistance is hereby established. The council shall be the advisory body for programs and services affecting victims of domestic violence and other crimes in Idaho.

(2) For budgetary purposes and for administrative support purposes, the council shall be assigned, by the governor, to a department or office within the state government.

[39-5203, added 1982, ch. 181, sec. 1, p. 471; am. 2000, ch. 343, sec. 3, p. 1162.]

39-5204. COMPOSITION. The council shall consist of seven (7) members appointed by the governor. At least one (1) member shall reside in each of the seven (7) substate regions established pursuant to section 39-104, Idaho Code. Members shall be representative of persons who have been victims of domestic violence, care providers, law enforcement officials, medical and mental health personnel, counselors, and interested and concerned members of the general public.

[39-5204, added 1982, ch. 181, sec. 1, p. 471.]

39-5205. APPOINTMENT AND TERM OF OFFICE. Each member of the council shall be appointed for a term of three (3) years, except that of the members first appointed; two (2) shall be appointed for a term of one (1) year, two (2) shall be appointed for a term of two (2) years, and three (3) shall be appointed for a term of three (3) years. If a vacancy occurs, a new member shall be appointed in accordance with the provisions of the original appointment for the unexpired portion of the vacated term. Members may be replaced because of poor attendance, lack of participation in the council's work, or malfeasance in office.

[39-5205, added 1982, ch. 181, sec. 1, p. 471.]

39-5206. COMPENSATION AND EXPENSES. Members of the council shall be entitled to receive actual and necessary expenses plus compensation as provided in section 59-509(g), Idaho Code.

[39-5206, added 1982, ch. 181, sec. 1, p. 471.]

39-5207. ORGANIZATION OF COUNCIL -- EMPLOYMENT OF NECESSARY PERSONNEL. (1) The council shall annually designate one (1) of its members to serve as chairman and one (1) member to serve as vice chairman, who shall act as chairman in the chairman's absence. The chairman shall call meetings as provided in the rules of the council.

(2) The council shall adopt and amend rules governing its proceedings, activities and organization including, but not limited to, provisions governing a quorum, procedure, frequency and location of meetings, and establishment, functions and membership of council committees.

(3) The council may employ and shall fix the compensation, subject to provisions of chapter 53, title 67, Idaho Code, of such personnel as may be necessary including, but not limited to, an administrator, who shall be designated as the executive director of the council and who shall be exempt from the provisions of chapter 53, title 67, Idaho Code.

[39-5207, added 1982, ch. 181, sec. 1, p. 471; am. 2000, ch. 343, sec. 4, p. 1162.]

39-5208. RESPONSIBILITIES AND DUTIES. The council shall:

(1) Establish standards for projects applying for grants from the council under this chapter;

(2) Disseminate information on availability of funds and the application process;

(3) Receive grant applications for the development and establishment of projects for victims of domestic violence and certain other crimes;

(4) Distribute funds after approval of projects meeting council standards;

(5) Assess, review and monitor the services and programs being provided for victims of domestic violence and other crimes under this chapter;

(6) Monitor programs and services for victims of domestic violence and other crimes to assure nonduplication of services and to encourage efficient and coordinated use of resources in the provision of services;

(7) Compile data on the services and programs provided to victims of domestic violence and other crimes and the geographic incidence of domestic violence and other crimes in this state; and

(8) Submit annual reports to the governor and the legislature.

[39-5208, added 1982, ch. 181, sec. 1, p. 471; am. 2000, ch. 343, sec. 5, p. 1163.]

39-5209. RULES. The council shall promulgate, adopt and amend rules and criteria to implement the provisions of this chapter regarding applications and grants for domestic violence project funding and for funding under any other grant program administered by the council. Such promulgation, adoption and amendment shall be in compliance with the provisions of chapter 52, title 67, Idaho Code.

[39-5209, added 1982, ch. 181, sec. 1, p. 472; am. 2000, ch. 343, sec. 6, p. 1163.]

39-5210. ELIGIBLE PROJECTS. To be eligible for domestic violence grants pursuant to this chapter, a project must provide a safe house or refuge and a crisis line, except in the case of a project providing services to batterers. No funds may be granted to batterer programs from the domestic violence project account which are derived from marriage license or divorce fees. Other services which may be provided include, but are not limited to:

(1) Counseling;

(2) Educational services for community awareness, for prevention of domestic violence and for the care, treatment and rehabilitation of parties to domestic violence;

(3) Support groups;

(4) Assistance in obtaining legal, medical, psychological or vocational services.

[39-5210, added 1982, ch. 181, sec. 1, p. 472; am. 1990, ch. 243, sec. 1, p. 695; am. 1992, ch. 51, sec. 1, p. 156; am. 2000, ch. 343, sec. 7, p. 1164.]

39-5211. QUALIFICATIONS OF APPLICANTS. To qualify for domestic violence grants under the provisions of this chapter, an applicant must:

(1) Propose to operate and provide an eligible project;

(2) Be a private, nonprofit corporation of the state of Idaho, or a public entity of the state of Idaho;

(3) Provide matching moneys equal to twenty-five percent (25%) of the amount of the grant. The applicant may contribute to or provide the required local matching funds. The value of in-kind contributions and volunteer labor from the community may be computed and included as part of the local matching requirement;

(4) Require persons employed by or volunteering services to the project to maintain the confidentiality of any information that would identify individuals served by the project; such information identifying individuals

served by the project shall be subject to disclosure according to chapter 1, title 74, Idaho Code;

(5) Require victims to reimburse the project monetarily or through volunteer efforts for services provided as they are able to do so. Minimum reimbursement may be established by the council, with a sliding scale of reimbursement based on the victim's ability to pay;

(6) Provide a policy of nondiscrimination in its admissions and provision of services on the basis of race, religion, gender, color, age, marital status, national origin or ancestry.

[39-5211, added 1982, ch. 181, sec. 1, p. 472; am. 1990, ch. 213, sec. 45, p. 518; am. 2000, ch. 343, sec. 8, p. 1164; am. 2015, ch. 141, sec. 94, p. 447.]

39-5212. DOMESTIC VIOLENCE PROJECT ACCOUNT. There is hereby created in the state operating fund the domestic violence project account. Moneys received from the fees imposed by section 39-5213, Idaho Code, and section 39-6312, Idaho Code, shall be credited to the account and shall be perpetually appropriated to the council on domestic violence and victim assistance for grants for domestic violence projects and to meet the costs of maintaining the operation of the council.

Eligible projects shall be given priority by the council based upon an allocation of funds to projects in the seven (7) substate regions established pursuant to section 39-104, Idaho Code, in the proportion that marriage licenses are filed in each region.

[39-5212, added 1982, ch. 181, sec. 1, p. 473; am. 1990, ch. 243, sec. 2, p. 695; am. 2000, ch. 343, sec. 9, p. 1164.]

39-5213. FEE IMPOSED. (1) In addition to the fee due to the county recorder of each county of this state under the provisions of section 31-3205, Idaho Code, for the issuance of a marriage license, the recorder shall collect upon presentation of proper identification by the applicants an additional fee of fifteen dollars (\$15.00) for each license issued, which additional fee shall be remitted to the state treasurer for credit to the "domestic violence project account" created in section 39-5212, Idaho Code.

(2) In addition to any other fee imposed for filing an action for divorce in the district court, there shall be collected a fee of twenty dollars (\$20.00) for each divorce action, separately identified, which additional fee shall be remitted to the state treasurer for credit to the domestic violence project account created in section 39-5212, Idaho Code.

[39-5213, added 1982, ch. 181, sec. 1, p. 473; am. 1990, ch. 244, sec. 1, p. 696.]