



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, DC 20530

January 28, 2008

The Honorable Patrick Leahy
Chairman
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

Enclosed are the responses of Cynthia Dyer, Director of the Office on Violence Against Women, to written questions from Senator Biden following Ms. Dyer's confirmation hearing held on December 18, 2007.

Sincerely,

A handwritten signature in black ink, appearing to read "B. A. Benczkowski", with a stylized flourish at the end.

Brian A. Benczkowski
Principal Deputy Assistant Attorney General

Enclosures

cc: The Honorable Arlen Specter
Ranking Minority Member

**Senate Judiciary Committee Hearing
Nomination of Cynthia Dyer to be
Director of the Office on Violence Against Women
December 18, 2007**

Written Responses to Questions of Senator Joseph R. Biden, Jr.

(1) One of the cornerstones of the Violence Against Women Act is the state formula grant program entitled the Services, Training, Officers, and Prosecutors ("STOP") grant program. Utilizing STOP grant resources, States are able to develop coordinated community responses to domestic violence and rape, and develop innovative and effective strategies such as dedicated domestic violence police units, prosecutorial training or victim advocates in each courtroom. An important component of the STOP grant program is consistent communication, coordination and collaboration between individual state VAWA administrators and the Office on Violence Against Women ("OVW"). Recently, I've been concerned by informal reports of a growing communication gap between State VAWA administrators and OVW. Under your leadership, what kind of regular assistance and communication will occur between your Office and State VAWA administrators? Would you support quarterly conference calls or regional meetings with OVW and State VAWA administrators?

RESPONSE: As a former grantee in Texas of STOP funds, I agree that it is vitally important to have consistent and ongoing communication, coordination and collaboration between individual State STOP Administrators and OVW. To this end, I will ensure that the existing mechanisms for communication continue to function at the highest level possible. Within OVW, a unit of five Program Specialists, under the supervision of an Associate Director, focuses on administering the STOP Formula Grant Program. The STOP Unit engages in regular communication with STOP Administrators through one-on-one phone calls, e-mail, and conference calls. Each STOP Administrator has access to an assigned Program Specialist. STOP Administrators also often contact the Associate Director or OVW attorneys regarding statutory or other questions.

Furthermore, STOP Administrators will continue to have access to OVW technical assistance providers. I am pleased to note that, in Federal Fiscal Year 2007, OVW entered into a new cooperative agreement with the Alliance of Local Service Organizations (ALSO) specifically to provide technical assistance to STOP Administrators. OVW expects that ALSO will assist the STOP Unit in improving its communication with STOP Administrators and its ability to respond quickly and effectively to their concerns. This past year, ALSO helped OVW organize our annual National STOP Administrators Meeting, held in November in New Orleans. Other technical assistance for STOP Administrators has included regional meetings and a new STOP Administrators Manual. As discussed in response to question 3, below, OVW technical assistance providers also serve as resources to STOP Administrators regarding the new VAWA 2005 STOP Formula Grant Program certifications.

(2) Under your leadership, will OVW support the new Association of VAWA Administrators ("AVA"), including permitting STOP administrative funds to pay for AVA dues? How will your Office work closely with AVA?

RESPONSE: As Director, I plan to work closely with all STOP Administrators, including those who join AVA. To this end, I have already begun the process of reaching out to some of those STOP Administrators who have been instrumental in forming AVA. I hope to meet informally with them in the near future and, with their help, plan a larger meeting between OVW and AVA's Board members and regional leadership.

As for the issue of permitting STOP Administrators to use STOP Formula Grant Program funds to pay for their membership in AVA, I am not persuaded that this would be a permissible and appropriate use of STOP grant funds. As you may know, the former Acting Director of OVW determined that the use of STOP funds for AVA dues was not allowable under federal cost principles. In particular, she was concerned that the AVA – which is still in a formative stage – has not identified to OVW activities that it would perform that (1) are permissible uses of federal funds and (2) would not be provided for with other federal funds, including OVW technical assistance funds. OVW has explained to the STOP Administrators that they need to articulate clearly to OVW how AVA's activities would meet this standard before we could approve such a use of funds.

(3) Under your leadership, how will OVW provide State VAWA administrators with better guidance and interpretation on the Violence Against Women Act of 2005, particularly pertaining to the new STOP grant requirements in Section 101, such as certification on polygraph testing or judicial notification?

RESPONSE: OVW already has made significant efforts to educate STOP Administrators regarding the new STOP Formula Grant Program certification requirements. OVW has provided both formal training and ad hoc advice to States regarding compliance with the new certifications. Prior to the passage of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (VAWA 2005), at our September 2005 National STOP Administrators' Meeting, OVW briefed the Administrators regarding VAWA 2005's pending passage and possible ramifications. Again in November 2006 and November 2007, at our annual STOP Administrators' meetings, OVW attorneys reviewed the new STOP certifications and answered administrator questions. OVW also has hosted two conference calls with interested STOP Administrators regarding the new certifications, and OVW has distributed to STOP Administrators a list of "Frequently Asked Questions" that addresses the new certifications. OVW attorneys have responded to a number of technical assistance calls from State officials and coalitions regarding compliance with the new requirements. Moreover, the Executive Office of United States Attorneys' point of contact on VAWA issues has provided assistance to States regarding compliance with the new judicial notification certification.

OVW also has tasked certain technical assistance providers with helping States and others regarding how to implement changes in State laws and policies that will satisfy the new certification requirements. At the November 2007 annual meeting, OVW technical assistance providers presented workshops for the STOP Administrators on each of the new certifications. In particular, the Iowa Coalition Against Sexual Assault and the Maryland Coalition Against Sexual Assault (MDCASA) provided information on the new polygraph testing and revised forensic exam certifications and the National Council of Juvenile and Family Court Judges

(NCJFCJ) and the National Center on Full Faith and Credit offered technical assistance on the judicial notification certification. These organizations, as well as other OVW technical assistance providers, are available to the States to answer questions and offer additional technical assistance. Among other ongoing work, MDCASA is developing a toolkit specifically designed to assist States in effectively complying with the new forensic exam requirements, and NCJFCJ is developing sample judicial notification forms.

(4) Under your leadership, how will you ensure that OVW issues cohesive, clear and well-defined policy decisions to State VAWA administrators? How will you institute adequate mechanisms to respond to VAWA administrators' requests for justifications or review of policy decisions?

RESPONSE: I agree that it is important that OVW provide clear guidance to the STOP Administrators. I would note that, in administering a formula grant program, OVW has limited opportunities for making "policy" decisions: most OVW directives that affect the STOP Formula Grant Program are dictated by statute. There is room, however, to improve our communication to STOP Administrators regarding program requirements. One recent innovation has been the issuance of a "consolidated" list of frequently asked questions and answers regarding the STOP Formula Grant Program. This document reiterates, revises, and replaces STOP Formula Grant Program guidance going back to 1998, which was often issued in piecemeal form. The document is available on our website, and I am committed to ensuring that it is frequently updated so that STOP Administrators have access to one, current version of OVW guidance.

In addition, a revised set of OVW's STOP Program regulations, which reflect statutory changes made by both VAWA 2000 and 2005, is under review within the Department. These regulations will be published for public comment, and I hope that States will take the opportunity to participate in this process.

Finally, if STOP Administrators have particular questions or concerns, they always have access to their Program Specialist, their Associate Director, and OVW's leadership.

(5) Would you support increased technical assistance for State VAWA administrators on topics like Implementation Plan requirements or helping States meet federal certification requirements?

RESPONSE: I support providing STOP Administrators with the best possible technical assistance, but I also recognize that every dollar spent on technical assistance reduces the funding available to provide direct services to victims and their communities. In making funding decisions, I plan to balance both these concerns. As noted in my responses to questions one and three, above, OVW has made an FY 2007 award for a STOP Program technical assistance provider and has tasked a number of other organizations with assisting States to meet their certification requirements. On the subject of Implementation Plans, OVW has conducted several conference calls on this subject with STOP Administrators and has provided STOP Administrators with an updated Implementation Plan Tool Kit, which incorporates the statutory requirements of VAWA 2005.

(6) A critical component of the Director's responsibility is to report directly to the Attorney General and act as the Department's bully pulpit on issues of domestic violence and sexual assault? Do you expect to report to the Attorney General on a regular basis, and if so, how frequently? Other than personal meetings, are there other reporting mechanisms you will utilize, such as submitting written reports or updates? How do you intend to use the power of your position to promote anti-domestic violence policies throughout the Department of Justice?

RESPONSE: As Director, I take very seriously my responsibility to advocate an enhanced response to violence against women, both outside the Department and within it. I expect to meet with the Attorney General and other Department leaders on a regular basis.

(7) Kindly describe the current OVW structure, including but not limited to the specific units, each unit's responsibilities, the number of staff within each unit (including detailees) and their job titles and responsibilities. Please include an updated Office Organization Chart, if available. Also, please indicate if you have any plans to reorganize or change the Office structure in any substantive manner, including any hiring or terminations.

The following description reflects current OVW structure. As I gain more insight into the daily operations of OVW, I may revisit the internal structure; however, at this time I have no immediate plans to substantially change the structure, including any hirings or terminations. I am working on a revised organization chart, which includes the new Deputy Director for Tribal Affairs.

OVW is a component of the U.S. Department of Justice. I plan to fulfill my duties and responsibilities as Director as set forth in the Violence Against Women Office Act. The Director, who heads the Office, serves as the liaison between the Department of Justice and Federal, State and international governments regarding the crimes of domestic violence, sexual assault, dating violence and stalking. The Director is responsible for handling the Department's legal and policy issues regarding the implementation of VAWA and oversees an annual budget of almost \$400 million.

The Office of the Director includes the Principal Deputy Director, who reports directly to the Director, supports the Director as the liaison between the Department of Justice and Federal, State and international governments, and acts as the primary point of contact between OVW staff and the Director. In addition, the Office of the Director includes the Deputy Director for Outreach, a Public Affairs Specialist, Special Assistant to the Director, and Executive Assistant to the Director.

The Deputy Director for Tribal Affairs is responsible for administering grant programs, related grant awards and relevant technical assistance to Indian tribes, tribal courts, tribal organizations, and tribal non-profit organizations. The Tribal Affairs Division includes four Program Specialists under the management of the Deputy Director for Tribal Affairs.

OVW also has four Associate Directors, each of whom is responsible for one of the following program units: the Criminal and Civil Justice Division, Special Victims Division, Community and Formula Division, and Services Division.

The Criminal and Civil Justice Division is responsible for administering grant programs, related grant awards and relevant technical assistance designed to encourage State, local, and tribal governments and courts to treat violence against women as serious violations of criminal law; to strengthen civil and criminal legal assistance programs for victims of domestic violence, dating violence, sexual assault, and stalking; and to enhance culturally and linguistically specific services for victims of these crimes. The Division includes nine Program Specialists.

The Special Victims Division is responsible for administering grant programs, related grant awards and relevant technical assistance designed to address the issues of elder abuse, violence against individuals with disabilities, and visitation with and exchange of children. The Division includes three Program Specialists.

The Services Division is responsible for administering grant programs, related grant awards and relevant technical assistance that enhance the response to sexual assault, domestic violence, dating violence, and stalking in rural communities and provide transitional housing and related support services for victims. The Division includes four Program Specialists.

The Communities Division is responsible for administering grant programs, related grant awards and relevant technical assistance for the purpose of coordinating State victim services activities and strengthening the higher education community's response to sexual assault, stalking, domestic violence, and dating violence crimes. The division also administers formula grants to States in order to promote a coordinated, multidisciplinary approach to improving the criminal justice system's response to violent crimes against women. The Division includes five Program Specialists.

OVW also includes a Legal Counsel Division and Administration Division. The Legal Counsel Division is responsible for providing legal advice and guidance to OVW management, staff, and award recipients to ensure compliance with applicable laws and regulation; it also assists the management of OVW in review and development of legislation, regulations, and policies that enhance victims safety and offender accountability. The Legal Counsel Division includes three attorneys. The Administration Division is responsible for the management of OVW's budget, finance, human resources, information technology, and support services. The Administration Division includes seven staff members.

(8) Please describe your priority areas for OVW during your tenure? What is your vision for the Office?

RESPONSE: Overall, I hope to use my time as Director to continue to increase the profile of the Office and raise public awareness regarding sexual assault, domestic violence, dating violence, and stalking. In addition, I plan to focus on three particular issues during my tenure. First, I intend to increase access to holistic, full civil legal assistance for victims. As a former prosecutor, I know the limits of what the criminal justice system can accomplish for victims. Second, I plan to strengthen OVW's outreach and service to victims of sexual assault. Unfortunately, our work improving responses to sexual assault victims has not yet matched the advances that we have made against domestic violence. Finally, as a former prosecutor, I am committed to finding the best way to keep victims safe and hold offenders accountable for these

crimes. In particular, I believe we need to expand our dialogue in light of the recent Supreme Court decisions of *Crawford v. Washington*, 541 U.S. 36, 124 S.Ct. 1354, 158 L.Ed.2d 177 (2004) and *Davis v. Washington*, 547 U.S. ___, 126 S.Ct. 2266, 165 L.Ed.2d 224 (2006), which are having a profound impact on the way that prosecutors, law enforcement, and the courts handle domestic violence and other cases.

(9) What role do you expect your Office to play in drafting, reviewing and editing federal legislation that impacts domestic violence, sexual assault and stalking? Please detail your Office's procedures with respect to legislation. Please advise me if your Office has had an opportunity to review my proposed legislation, the National Domestic Violence Volunteer Attorney Network Act (S. 1515) and if so, does OVW supports the initiative? And if not, why not?

RESPONSE: I expect that OVW will continue to play a leading role in the Department in drafting, reviewing and editing federal legislation that impacts domestic violence, dating violence, sexual assault, and stalking. It is my understanding that OVW has performed this function since its inception and, most particularly, during the reauthorization of VAWA in both 2000 and 2005.

With regard to a domestic violence volunteer attorney network, we are keenly aware that there is a great need for adequate, trained legal representation for victims of domestic violence and that there are few sources of support for such legal services. Indeed, our Legal Assistance for Victims (LAV) Grant Program has been and continues to be OVW's most competitive grant program. As a result, we are always interested in strategies that have the potential to increase the number of attorneys who have been trained to represent victims. In the past, OVW has attempted to support state and local projects that focused on the *pro bono* provision of legal representation; it has been our experience, however, that *pro bono* attorneys are not willing to commit to the long-term, wrap-around holistic representation that victims of domestic violence and sexual assault most often need. Given their other work, attorneys who work on violence against women cases on a limited *pro bono* basis often do not expect to continue with the same victim for many years through many different legal hurdles. The short-term representation that they are most typically able to provide often can result in greater difficulties for victims when their cases are passed along to LAV-funded attorneys once the cases becomes complex or show signs of lasting longer than originally expected. The LAV-funded attorneys are often left to unravel the work of the *pro bono* attorney, and, unfortunately, sometimes what already has transpired limits what can later be done for a victim. We have heard from LAV attorneys that these are some of the most difficult cases to handle.

We appreciate the bill's focus on increasing the pool of free legal representation available to victims and encouraging *pro bono* representation. We would encourage you, however, to consider a method that would create a link between *pro bono* representation and existing LAV-funded projects to ensure that victims are not "dropped" when *pro bono* representation ends.

(10) During your tenure, do you expect new selections to the National Advisory Committee on Violence Against Women and a new agenda? During your tenure, do you expect the Federal

Interagency Coordinating Board on Violence Against Women to be active? And if so, what issues will you advise the Board to address?

RESPONSE: In 2006, the National Advisory Committee on Violence Against Women (the “Committee”) was re-chartered and charged with providing policy advice to the Attorney General and Secretary of Health and Human Services (HHS) concerning the implementation of VAWA, raising public awareness regarding violence against women, and facilitating cooperation among members of the criminal justice system and our communities. The final meeting of the Committee was held on December 3-4, 2007 in Washington D.C. The Committee provided recommendations to OVW regarding child witnessing, teen dating violence, outreach to faith-based and community organizations, and enhancing victim services. I plan to recommend to the Attorney General that he select members for a new Committee and term to assist the Department and HHS as we continue to move forward to raise public awareness and eradicate violence against women.

In addition, I plan to continue to hold meetings of the Federal Interagency Leadership Council on Violence Against Women. The Federal Interagency Leadership Council held its second meeting in November 2007. At this meeting the group elected to focus on the following important topics: sexual assault in Indian country, violence against women in later life, teen dating violence, and providing enhanced services for victims with disabilities and mental health problems. I look forward to facilitating another meeting of the Federal Interagency Leadership Council this spring.

(11) The Violence Against Women Act of 2005 included new provisions aimed specifically to battered immigrant women. What steps is the Office taking to ensure that programs are serving battered immigrant women?

RESPONSE: Immigrant women who are victims of domestic violence, dating violence, sexual assault and stalking face uniquely difficult hurdles in escaping violence. Language and cultural barriers, lack of information about their rights, and fear - fear of their abusers, fear of government, fear for their children - all make it extremely difficult for these individuals to get help. OVW has made reaching and serving immigrant victims a priority.

OVW addresses the needs of battered immigrants through its technical assistance initiative and discretionary grant programs. For example, immigration status, culture, religion, language, isolation and lack of information on available resources continue to undermine access to legal protections and services for immigrant victims of domestic violence, human trafficking, and sexual assault. Informed and well-trained advocates, attorneys and justice system personnel are key to ensuring that immigrant victims have access to services and the justice system. OVW currently funds four technical assistance projects that aim to improve the ability of our grantees to meet the needs of immigrant victims.

First, the Immigrant Women Program of Legal Momentum (IWP) provides training and technical assistance to improve the capacity of OVW grantees to provide culturally competent and effective services for immigrant victims of violence against women and their children..

Second, the Catholic Legal Immigration Network, Inc. (CLINIC) works with OVW, the Iowa Coalition Against Domestic Violence, and local domestic violence consultants to develop training for legal advocates on immigration issues relating to VAWA.

Third, the Iowa Coalition Against Domestic Violence's Advanced Special Immigrant Survivors Technical Assistance (ASISTA) Project provides comprehensive technical assistance on the intersection between immigration and domestic violence law. Its purpose is to centralize, enhance and expand immigration assistance to frontline advocates and attorneys who provide legal assistance to immigrant victims.

Fourth, KARAMAH: Muslim Women Lawyers for Human Rights (Karamah), in collaboration with Boat People S.O.S. (BPSOS), provides training to grantees and law enforcement agencies to provide them with expertise and the problem-solving strategies they need to meet the challenges of addressing domestic violence in immigrant communities, particularly Muslim and Southeast Asian communities.

(12) In the Violence Against Women Act of 2005 the issues of sexual assault, teen dating violence and stalking have been added to several of the grant programs' purpose areas. Under your direction, what will OVW do to ensure that your staff has expertise in these new issue areas and that data your office collects will reflect these new issue areas?

RESPONSE: As the Director of OVW, I am committed to ensuring that OVW staff maintain a high level of expertise in all areas of violence against women and that we continue to expand our knowledge on emerging issues within the field. I have been very impressed with the level of knowledge and experience that the OVW staff possesses on the issues of violence against women, including sexual assault, domestic violence, teen dating violence, and stalking. There are several staff members who, like me, came to OVW after having years of experience working in the field with domestic violence and sexual assault survivors; these include a former sexual assault forensic examiner (SAFE) advocate, a hot line worker, a sexual assault peer advocate, a rape crisis counselor, and a counselor/therapist who worked with teen dating violence victims. One of our staff members served on the board of a state sexual assault coalition for six years.

Furthermore, OVW staff have the unique opportunity to collaborate with experts from other Federal agencies, national criminal justice and advocacy organizations, and in the communities that OVW is supporting with grant funds. Through day-to-day interaction with the field and by attending education and training events sponsored by our technical assistance providers, we are positioned to consistently refresh and expand our own knowledge of the issues and to identify emerging issues we need to explore in partnership with the field.

To ensure that OVW collects data from our grantees reflecting these new issue areas, we are in the process of revising all of our data collection tools to reflect the new program purpose areas authorized by VAWA 2005. In addition, OVW has solicited and received recommendations from the sexual assault advocacy community regarding how to make our progress report forms better reflect the type of services provided to victims of sexual assault. With new progress reporting forms in place and through continued training and technical assistance for our grantees,

we anticipate that we will collect data that more accurately reflects how grant funds are being utilized.

(13) There are informal reports that several areas of the country are having difficulty meeting new requirements (set forth in the Violence Against Women Act of 2005) that ensure that sexual assault victims are not polygraphed as a condition of proceeding with an investigation. What steps will your Office take to help these errant localities? What oversight will your Office provide and how will your Office respond when complaints are forwarded to your Office that allege a state or territory is noncompliant with polygraph requirements?

RESPONSE: OVW provides States with two types of technical assistance to help them comply with the new certification requirements that VAWA 2005 added to the STOP Formula Grant Program. First, OVW attorneys provide both formal training and ad hoc advice to States, territories, and other jurisdictions regarding compliance. Most recently, this issue was addressed at the November 2007 STOP Administrators meeting in New Orleans. Second, OVW has tasked a number of its technical assistance providers with providing assistance to States, territories, and other jurisdictions regarding how to implement changes in State laws and policies that will satisfy the new certification requirements. In particular, OVW usually directs requests regarding the polygraph prohibition certification to the National Center for Victims of Crime. We note that, to date, OVW has received many more inquiries regarding other new certification requirements than regarding the polygraphing prohibition. This may be because States, under VAWA 2005, have until January 5, 2009 to bring their laws, policies, or practices into compliance with the prohibition.

Absent any negative information to the contrary, OVW will accept the signed certification of a State that has met the certification requirements of the STOP Formula Grant Program. If OVW receives complaints alleging that a State or Territory (or, in the case of the Arrest Program, another jurisdiction) is not, in fact, complying with a program certification, OVW will investigate the matter with the grantee. Our usual practice is to raise the issue informally and then follow up with a letter indicating that we have received information regarding noncompliance and request an explanation. Grantees are informed that, if they do not provide an adequate response or make necessary changes, OVW may terminate their funding. If appropriate, OVW may refer the grantee to one of our technical assistance providers for advice on best practices implemented in other jurisdictions. In the past, this practice has proved an effective means of addressing noncompliance.

(14) Title IX of the Violence Against Women Act created a tribal unit in your Office and a Deputy Director for Tribal Affairs position. What steps will you take to recognize and support the authority of the Deputy Director for Tribal Affairs across the Office and throughout the Department of Justice? What actions will you take to provide the Deputy Director direct and regular access to you so she or he might best carry out the duties delineated in Section 907 of the Violence Against Women Act of 2005?

RESPONSE: As Director, I plan to work very closely Lorraine Edmo, the Deputy Director for Tribal Affairs, on all grant-making and policy decisions that affect tribal governments and victims in Indian country. I can assure you that I see tribal issues and safety of Indian women as

a priority for OVW. I have an open-door policy with all OVW staff and I fully expect to engage in regular and daily communication with Lorraine Edmo regarding tribal affairs.

(15) The new Grants to Indian Tribal Government Program in Title IX of the Violence Against Women Act of 2005 was crafted to streamline administrative requirements and increase access for Indian tribes to grant funds and technical assistance. What steps will you take to achieve these goals?

RESPONSE: OVW made its initial awards under the Grants to Indian Tribal Governments Program (Tribal Governments Program) in Federal Fiscal Year 2007. In response to the solicitation released January 2007, OVW received 106 applications for funding from eligible applicants in 24 States, including 43 applications from applicants who did not previously receive any OVW grant funding. As anticipated, OVW did not have sufficient funding to meet the level of need articulated by each applicant. The 106 applicants requested a total of \$57,825,703 in grant funding; however, OVW had just over \$32 million available. OVW made 82 grant awards, which included 30 new grant award recipients. In Federal Fiscal Year 2007, tribal governments, tribal consortia, and tribal nonprofit organizations also submitted applications for funding to other OVW discretionary grant programs. These applicants requested more than \$24 million in funding, bringing the total amount of OVW funding requested to support Indian country projects in Fiscal Year 2007 to approximately \$82 million.

Based on our experience with the Federal Fiscal Year 2007 funding cycle, OVW anticipates that the amount of funding available to make awards under the Tribal Governments Program again will not be sufficient to meet the total demand for funding from Indian country in Federal Fiscal Year 2008. I will work with the Deputy Director for Tribal Affairs and other members of the senior management team at OVW to explore options for streamlining the application and reporting process for tribal government grantees, including whether it would be feasible to allow tribal governments to submit a single application for more than one OVW grant program, and whether it would be feasible to offer tribal government applicants a single grant award that is funded by multiple OVW grant award programs.

(16) Victims of domestic violence, sexual assault, and stalking need a continuum of care from emergency advocacy to legal assistance to long-term housing. Without such “wrap around” services victims may be vulnerable to continued assault and the prolonged effects of trauma. What role will the Office on Violence Against Women play in promoting comprehensive services to victims of violence against women?

RESPONSE: The twelve grant programs administered by OVW promote “wrap around” services to victims through a coordinated community response to violence against women. Because strong partnerships with different players within the criminal justice system are essential, communities seeking support are required to partner with non-profit, non-governmental advocacy organizations. This is to ensure that a community’s response to violence against women is grounded in expertise and understanding of the needs of survivors of domestic violence, dating violence, sexual assault, and stalking, including knowledge of the full range of services and treatment necessary to remedy the injustice that has been done.

The President's Family Justice Center Initiative has provided support to fifteen sites across the nation with funds from multiple grant programs and is one example of how a comprehensive, coordinated and advocacy driven response can make a difference. Using a model of collaboration to promote "wrap around" services in one location, the Family Justice Centers seek to marshal all available resources in a community into a coordinated, centralized service delivery system with accountability to victims and survivors. On-site partners include domestic violence and sexual assault advocates, the police, prosecutors, victim-witness specialists, civil legal attorneys, linguistically and culturally specific service providers, forensic medical staff, and child development specialists.

OVW will continue to seek innovative approaches to promoting "wrap around" services for victims and survivors and in doing so will continue to seek the counsel and advice of the leadership in the field, particularly within State and tribal sexual assault and domestic violence coalitions and other advocacy-based organizations.

(17) Child custody is one of the least improved and most troubling areas of domestic violence. Family courts award custody and unsupervised visitation to perpetrators of abuse within the family, sometimes ignoring clear evidence of the history of abuse. Do you support developing standards and training for courts, guardian ad litem and other child evaluators handling custody cases where abuse is an issue? Do you intend to take steps to address the intersection of domestic violence and child custody? And if so, please describe your plans.

RESPONSE: Post separation violence is a serious issue for victims of domestic violence because abusers often use the custody process as a means to maintain contact and control of the victim once she has left the relationship. Many victims are afraid to raise domestic violence as an issue in divorce and custody proceedings because they are increasingly viewed as "unfriendly" parents or worse they may be accused of parental alienation. This is a troubling trend that is increasing as victims continue to lose custody and many are now the "visiting" parent. Because many victims do not report abuse until after the relationship has ended, courts are increasingly skeptical of these allegations and believe that victims are using domestic violence as a tool to gain sole custody. Therefore many courts are ignoring reports from the victim and are ordering joint custody or unsupervised visitation unless there is clear and convincing evidence of domestic violence. Additionally, many judges believe that access to both parents is in the best interest of the child(ren), even if one parent has abused the other, and only restrict visitation if there is evidence to show that the parent has also been abusive toward the child(ren).

OVW has been addressing custody and visitation through the development of national training and resource materials with the intent to give communities and professionals the tools and strategies to effectively address these issues. Examples of our work in this area are as follows:

- In December 2007, OVW published the Guiding Principles of the Safe Havens: Supervised Visitation and Safe Exchange Grant Program (Guiding Principles). The Guiding Principles are meant to guide the development and administration of Supervised Visitation Programs, but also to address how communities should address domestic violence in the larger context.

- In order to educate judges, OVW is in the process of developing a bench card for use in custody and visitation cases and, in partnership with the National Council of Juvenile and Family Court Judges, has developed a judicial training for Safe Havens: Supervised Visitation and Exchange Program grantees.
- OVW provides funding to and works closely with the Legal Resource Center on Violence Against Women (LRC) to provide education, training, and assistance to improve the representation of domestic violence survivors in interstate custody cases. LRC operates a national toll-free telephone line and provides telephone and electronic technical assistance to practitioners; develops and delivers training programs for practitioners; maintains a network of attorneys who are willing to take inter-jurisdictional custody cases; maintains an Internet-based electronic database of relevant state laws; and works with State and local bar associations and law firms to recruit *pro bono* attorneys in interstate custody cases involving domestic violence. LRC is also in the process of developing the following products: 1) case law summaries on interstate custody and domestic violence cases; 2) sample briefs in interstate custody legal issues and descriptions of relevant jurisdictional laws; 3) a Uniform Child Custody Jurisdiction and Enforcement Act flowchart for judges; and 4) a relocation checklist and user's guide for attorneys and advocates.
- Under the Legal Assistance for Victims Program (LAV), OVW routinely provides training and technical assistance to grantees on custody issues.
- In Federal Fiscal Year 2008, we will begin developing a curriculum on custody and visitation for Safe Havens: Supervised Visitation and Exchange Program grantees.

In all of these areas OVW would like to focus more attention. We would also like to develop training materials and resources for Guardians Ad Litem and custody evaluators. We feel that it is important to provide tools to custody evaluators to help them develop proper assessments when domestic violence is present and develop exceptions in those cases. Through the LAV Program, we are also looking at ways we can increase representation for victims during divorce and custody hearings and ensure that the attorneys have the proper training and resources to adequately defend allegations of parental alienation.

(18) The Violence Against Women Act of 2005 contained a new federal mandate prohibiting State courts from publishing court records, including protection orders, on the Internet that would publicly disclose the names or locations of victims of domestic violence, dating violence, and stalking. Yet, courts have increasingly been posting protection order information on the Internet. Not only is this action contrary to the law, it is placing victims at risk of retaliative violence from their abusive partners. What will your Office do to reverse this unfortunate and dangerous trend among State courts?

RESPONSE: OVW has only a limited ability to influence whether State courts post protection order information on the Internet. Although 18 U.S.C. § 2265(d)(3) provides that States shall not make available publicly on the Internet certain protection order information, the statute does not authorize OVW to take any action against a State whose courts disregard this prohibition. The

Internet publication prohibition in section 2265(d)(3) stands in marked contrast to the STOP Formula Grant Program certifications. OVW is situated very differently with regard to those STOP certifications that apply to courts, such as the prohibition on charging filing fees to victims and the new judicial notification certification. In the case of those certifications, the threat of losing formula grant funding encourages State courts to revise their policies and practices; however, in the case of the Internet prohibition, OVW has no comparable leverage over State courts. OVW can affect State court practices through training and technical assistance. For example, OVW has funded the National Judicial Institute on Domestic Violence to train state court judges and judicial officers to respond to violence against women. I plan to ensure that training for the judiciary and court personnel, including training regarding best practices for victim safety, continues to be a priority for OVW.

(19) In late 2004, the Department of Justice issued the first-ever National Protocol for Sexual Assault Medical Forensic Examinations. This document provides meaningful help to improve the treatment and services offered to sexual assault victims by our nation's hospitals and clinics. However, news reports indicated that all information related to the birth control method called emergency contraception was removed from the final publication. As director of OVW, are you willing to work with the experts to update the existing National Protocol for Sexual Assault Medical Forensic Examinations to include information about emergency contraception?

RESPONSE: Yes; the National Protocol for Sexual Assault Medical Forensic Examinations (Adult/adolescent) is currently outdated and needs to be revised to reflect VAWA 2005 changes.

(20) What efforts, if any, is your Office taking to consult and collaborate with the U.S. Department of Homeland Security regarding the issuance of regulations regarding gender-based asylum claims for women and girls seeking refugee from horrific persecutions such as "honor" killings, female genital mutilation or domestic violence?

RESPONSE: These regulations will be issued jointly by the Department of Justice and the Department of Homeland Security (DHS), with DHS taking the lead policy role in developing the asylum regulations. Since I am new to the Department, I have been advised that OVW was involved in drafting the original regulation and we stand ready to work with all of our partners as the regulation process moves forward.