



The Violence Against Women Act of 2005

Last year, Congress reauthorized the Violence Against Women Act (VAWA) of 2005 to continue successful and lifesaving programs, while also taking the next steps to end sexual and domestic violence. The President signed VAWA 2005 into law on January 5, 2006.

Through this reauthorization of VAWA, the federal government bolsters the remarkable gains that have been made to end domestic violence, dating violence, sexual assault, and stalking. VAWA 2005 brings together existing resources to create new collaborations that effectively deliver services to victims of domestic and sexual violence, continuing the progress that was begun with VAWA 1994 and 2000. This summary of the legislation, organized by bill title and issue area, illustrates how VAWA 2005 will strive to break the cycle of violence and empower victims of domestic and sexual assault. For more comprehensive information, please contact the resources listed on the final page of this document.

Universal Definitions and Grant Conditions

VAWA 2005 streamlines the legislation by creating a set of universal definitions and grant conditions that apply to existing and new grant programs; it also updates and consolidates definitions for relevant parts of the federal criminal code:

- All four crimes—domestic violence, dating violence, sexual assault, and stalking—are now referenced in each grant program, and language clarifies that services are available to both male and female adult and youth victims.
- Language is consistent so that “tribe” or “tribal” and “territory” and “territorial” are included wherever “state” appears.
- A new provision ensures that no matching funds will be required as a condition of receiving funds for Tribes, Territories, Victim Service Providers, or “any entity that the Attorney General or Secretary of HHS determines has adequately demonstrated financial need”.
- In addition, all entities receiving grant funds, including states receiving STOP (Services, Training, Officers, Prosecutors) funding, are now required to provide confidentiality and privacy protections to ensure the safety of adult, youth and child victims and their families.

TITLE I: Enhancing Judicial and Law Enforcement Tools to Combat Violence Against Women

VAWA 2005 reauthorizes key programs that are the backbone of the coordinated community response.

- **STOP (Services, Training, Officers, Prosecutors) Grants** are reauthorized with the basic formula allocation unchanged.
 - New purpose areas are added to support Jessica Gonzales Victim Assistants, who serve to better enforce protective orders, and Crystal Judson Brame Advocates, who work to ensure a more consistent response to domestic violence in law enforcement agencies
 - Furthermore, a 10% set-aside supports culturally specific community-based organizations, and new provisions direct states to better reach underserved populations.
 - Other changes include: (1) ensuring that victims are not forced to seek insurance reimbursement for forensic medical exams; (2) giving states three years to comply with a prohibition on victim polygraph testing; (3) requiring that states notify their courts about federal firearms prohibitions affecting both respondents in protection orders and defendants in criminal cases.

- **Grants to Encourage Arrest and Enforce Protection Orders** are reauthorized with purpose area enhancements to: (1) change the focus from “mandatory arrest” to “pro-arrest”; (2) encourage training and protocols to avoid dual arrest; (3) add new sexual assault focused provisions; (4) permit use of funds to support Family Justice Centers and local protection order registries.
- **The Legal Assistance for Victims Program** is reauthorized to support legal services for protection orders and related family, criminal, immigration, administrative agency, and housing matters. Furthermore, a new provision requires that all legal service organizations that receive funding from the Legal Services Corporation (LSC) can provide legal services to victims of domestic violence, sexual assault, and trafficking regardless of victim’s immigration status.
- **Court Training and Improvements** is a new program to educate court personnel and create national and tribal education curricula for state and tribal judiciaries.
- **Full Faith and Credit** provisions are improved to ensure that custody, visitation, and support provisions in protection orders are enforceable across state lines and that courts cannot publish information about survivors on the internet.
- **Privacy Protections for Victims**, a new program, is authorized to prohibit grantees from disclosing victim information. Also, it provides specialized funding to develop best practices and provide technical assistance.

VAWA 2005 makes important revisions to federal stalking laws and increases federal attention to stalking. Changes include:

- Reauthorizing the stalker database to improve data entry concerning stalking and domestic violence crimes at the local, state, and national levels;
- Cyberstalking prevention provisions expand the definition of telecommunications devices to include any software that uses the Internet or Internet-based technologies, allowing prosecutors a stronger tool in charging stalkers in the courtroom; and
- Amendments to the federal stalking law increase the penalty of stalking and expand the accountable harm to include substantial emotional harm to the victim.

TITLE II: Improving Services for Victims of Domestic Violence, Dating Violence, Sexual Assault, and Stalking

As VAWA programs reach more victims of domestic and sexual violence, the demand for services has steadily risen. VAWA 2005 expands programs and services to meet victims’ needs, with a special emphasis on better serving victims of sexual assault.

- **The Rural Domestic Violence and Child Abuse Enforcement Assistance Program** is reauthorized to support and expand education, training, and services in rural areas. This reauthorized grant program creates additional victim services, directs a minimum of 25% of the funds to services for sexual assault victims, child sexual assault and stalking, and expands the definition of “rural” to include rural communities within more populated “non-rural” states.
- **Training and Services to End Violence Against Women in Later Life** is reauthorized to address programs of violence against women of ages 50 and older.
- **Training and Services to End Violence Against Women with Disabilities** is reauthorized with changes that will enable victim service organizations to collaborate with organizations serving individuals with disabilities in order to better serve victims with disabilities.

Sexual Assault Services Program

The Sexual Assault Services Program (SASP) was authorized to provide assistance to victims of sexual violence. Specifically, SASP provides the first ever dedicated federal funding stream to rape crisis centers, tribes, and state, territorial and tribal sexual assault coalitions. In addition, SASP will make funds available to culturally-specific organizations that can provide services for victims within their community.

SASP authorizes the Attorney General to award grants that can be used for:

- General intervention and advocacy (including accompaniment) through medical, criminal justice and social support systems and related assistance;
- Training and technical assistance relating to sexual assault for various organizations, including government, law enforcement, courts, nonprofit organizations, faith-based organizations and professionals working in legal services, social services and healthcare; and
- Intervention and related assistance for culturally-specific organizations to address sexual violence.

TITLE III: Services, Protection, and Justice for Young Victims of Violence

Sexual and dating violence occur among youth at rates disproportionate to the rest of the nation's population. Teens and young women, aged 16 to 24, experience the highest rate of intimate partner violence, almost three times the average for women as a whole.¹ Additionally, the age at which a female is at greatest risk for rape or sexual assault is 14.² In another study, one quarter of teen girls who have been in a romantic relationship admitted that they had been pressured to perform oral sex or engage in intercourse when they did not want to.³ VAWA 2005 created new programs and reauthorized existing programs to directly address violence experienced by children and youth:

- **Services to Advocate and Respond to Youth (STARY)**, a newly authorized program, will support direct services to teen victims of domestic and sexual violence, including counseling and advocacy for youth as well as mental health services and legal advocacy efforts.
- **The Access to Justice for Youth Program**, also newly authorized, will support collaborations between courts, victim services providers, youth organizations, law enforcement, and other youth violence prevention programs to develop a community protocol for addressing violence committed by and against teens. This includes education and training efforts of a wide range of agencies that interact with youth victims, and support for juvenile court programs and innovations.
- **Training and Collaboration on the Intersection Between Domestic Violence and Child Maltreatment** grants will enable the development of collaborative responses, services and cross training between courts, victim service providers and child welfare agencies, to address situations in which both domestic violence and child maltreatment occur.
- **The Supporting Teens through Education and Protection Program** will assist middle and high schools that work in collaboration with domestic violence and sexual assault service providers to provide training and education in schools and support the development and implementation of policies to foster appropriate, safe responses to affected students and hold any perpetrators accountable for their actions.

¹ Department of Justice, Bureau of Justice Statistics, "Intimate Partner Violence and Age of Victim, 1993-1999." NCJ 187635: October 2001, 3.

² Snyder, H.N. (2000). *Sexual assault of young children as reported to law enforcement*. U.S. Department of Justice, Bureau of Justice Statistics (NCJ 182990). Washington, D.C.: U.S. Government Printing Office.

³ Liz Claiborne Inc. Omnibuzz Topline Findings: Teen Relationship Abuse Research. February 2005.

- **Rape Prevention and Education** is reauthorized to continue sexual assault prevention education in communities.
- **Grants to Combat Violent Crimes on Campus** is reauthorized to provide funding to institutions of higher education to train campus personnel to allow increased apprehension and adjudication of persons who commit these crimes, and also to develop and implement campus policies for prevention. There is an increased emphasis on strengthening victim services on campus.
- **The Safe Havens for Children Program**, which protects children and their family members from the trauma of witnessing domestic violence, sexual assault, or experiencing abduction, injury or death during parent and child visitation exchanges.

TITLE IV: Strengthening America’s Families by Preventing Violence

In addition to continuing existing programs targeting the criminal justice system and direct services for victims of domestic and sexual violence, VAWA 2005 included a number of new programs specifically focused on preventing violence. Policymakers and advocates alike have come to recognize that children are often not only the victims of these crimes, but may also be witnesses, and that both experiences can have devastating consequences.

VAWA 2005 places new emphasis on prevention:

- **Grants to Assist Children and Youth Exposed to Violence** will provide services for children and youth to reduce the risk of future victimization and to assist child and youth-serving organizations in safely identifying children in violent homes and linking them and their families with appropriate assistance;
- **The Grants to Fund Development of Curricula and Pilot Programs for Home Visitation Projects** aim to train home visitation programs, which work with pregnant women and new parents in their homes, to properly recognize and address domestic and sexual violence and link women and children experiencing violence with community resources that can help them be safe;
- **Grants to Engage Men and Youth in Preventing Domestic Violence, Dating Violence, Sexual Assault, and Stalking** will fund programs that help young people develop mutually respectful and nonviolent relationships, and to engage men as allies and role models for younger men through public education and community-based programs;
- Also authorized is a request for the Centers for Disease Control Prevention to study the best practices for reducing and preventing violence against women and children, and to evaluate the effectiveness of interventions.
- In addition, funds are authorized to launch a **Public Awareness Campaign** to increase public awareness of the impacts of domestic violence against pregnant women.

TITLE V: Strengthening the Healthcare System’s Response to Domestic Violence, Dating Violence, Sexual Assault, and Stalking

Because almost all women see a health care provider at least once a year, the health care system is uniquely positioned to proactively reach out to women who are or have been victims of domestic or sexual violence. Health care providers, if trained and educated, can be the first-responders to a woman experiencing violence and can help her find safety long before she might turn to a shelter or call the police. In addition, domestic and sexual violence are known to create long-lasting health care problems that often go unaddressed because of a failure of the health care system to address the root causes of the problem – violence.

VAWA 2005 created three new programs that target the health care system for training, collaboration, and research:

- **The Training and Education of Health Professionals in Domestic and Sexual Violence Program** was created to prepare medical and other health professional students to properly identify, treat, and refer victims of domestic and sexual violence. Funds may also be used to address child and elder abuse as part of a comprehensive program.
- **The Interdisciplinary Training and Education on Domestic Violence and Other Types of Violence and Abuse Program** provides grants to state and local teams to promote collaboration between health care providers, public health programs and domestic and sexual violence advocates for the purpose of improving health care services for victims of domestic violence, dating violence, sexual assault and stalking.
- Finally, VAWA 2005 authorizes **Research on Effective Interventions in the Healthcare Setting** to investigate the most successful methods to prevent and address domestic and sexual violence, as well as the health repercussions of lifetime exposure to violence.

TITLE VI: Housing Opportunities and Safety for Battered Women and Children

The link between homelessness and domestic violence is undeniable. Ninety-two percent of homeless women have experienced severe physical or sexual abuse at some point in their lives, and 63% have been victims of intimate partner violence as adults.⁴ Advocates and survivors consistently report that victims of domestic and sexual violence experience major barriers in obtaining and maintaining housing independent from their abusers. Unfortunately, victims of domestic violence often return to their abusers because they cannot find long-term housing.⁵ VAWA 2005 addresses the housing needs of victims and improves their safety in shelter by bringing desperately needed resources, collaborations, and protections to help end homelessness and domestic and sexual violence.

New or reauthorized grant programs include the following:

- **Collaborative Grants to Increase the Long-Term Stability of Victims** will help victims attain long-term housing and enable communities to work together in creating housing solutions.
- **Grants to Combat Violence Against Women in Public and Assisted Housing** will assist public housing agencies and other assisted housing providers to meet the needs of victims, train their staff to respond to violence, build partnerships with victim service providers, and improve their properties.
- **Transitional Housing Assistance Grants for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking** are reauthorized in VAWA 2005, and provide direct assistance, services, and interim housing to bridge the gap between emergency shelter and permanent housing.

VAWA 2005 also makes policy changes to HUD housing programs. VAWA 2005 amends:

- **The 5-year planning process and the annual plan reporting requirement** that Public Housing Authorities engage in to include a requirement that they must describe any goals, objectives, policies, or programs in place to serve the needs of victims.

⁴ Browne, A. & Bassuk, S., "Intimate Violence in the Lives of Homeless and Poor Housed Women: Prevalence and Patterns in an Ethnically Diverse Sample," *American Journal of Orthopsychiatry*, 67(2) 261-278, April 1997; Browne, A., "Responding to the Needs of Low Income and Homeless Women Who are Survivors of Family Violence," *Journal of American Medical Association*, 53(2), 57-64. Spring 1998.

⁵ Correia, A., *Housing and Battered Women: A case study of domestic violence programs in Iowa*. Harrisburg, PA: National Resource Center on Domestic Violence. March, 1999.

- **The housing strategies planning process**, commonly known as the consolidated or “con” plan, which all communities must engage in to receive HUD funding, to require a description of the housing needs of victims of domestic violence, dating violence, sexual assault, and stalking, and how those needs will be met.
- **The Homeless Management Information Systems (HMIS) statute in the McKinney-Vento Homelessness Assistance Act** to prohibit any victim service provider from entering personally identifying information about any victim into an HMIS database.
- **The low-income housing assistance voucher program (Section 8) and the public housing program** to ensure that victims of domestic violence, dating violence, and stalking have access to the criminal justice system without jeopardizing their housing and are not discriminated against because of their status as victims. The amendments state that an individual’s status as a victim of domestic violence, dating violence, or stalking is not an appropriate basis for denial of tenancy or of program assistance by a PHA or landlord. They also state that incidents of abuse shall not be good cause for terminating a lease held by the victim, and that the abuser’s criminal activity directly related to abuse shall not be grounds for eviction or termination. The amendments give landlords and PHAs the ability to bifurcate a lease to maintain the victim’s tenancy while evicting the perpetrator.

TITLE VII: Providing Economic Security for Victims of Violence

Many victims of domestic and sexual violence report that they lose their jobs or are forced to quit in the aftermath of abuse or violence.⁶ Lost productivity due to domestic and sexual violence is a significant cost to our society, and job loss puts many victims at risk of returning to a batterer. VAWA 2005 created the **National Resource Center on Workplace Responses to Assist Victims of Domestic and Sexual Violence** to provide information and assistance to businesses that are developing and implementing policies, guidelines, and plans to make their workplaces safer and more productive while supporting victims.

TITLE VIII: Protection of Battered and Trafficked Immigrants

VAWA 2005 eliminates some of the major obstacles immigrant victims of domestic violence, sexual assault, child abuse, and trafficking face in achieving safety and legal immigration status.

- Building on provisions included in VAWA 1994 and 2000, this reauthorization implements the original intent by stopping the deportation of immigrant victims of domestic violence, sexual assault, or trafficking.
- VAWA 2005 also extends immigration relief to a larger group of family violence victims, including victims of elder abuse and adolescent children of immigrant victims of domestic abuse and child abuse.
- Furthermore, the reauthorization protects the safety of immigrant victims of domestic abuse, stalking, sexual assault, and trafficking by strengthening confidentiality enforcement and protecting the personal information of victims.
- VAWA 2005 also provides more economic security for victims through increased access to legal assistance and employment authorization.
- Finally, VAWA 2005 makes improvements in processing VAWA cases and technical amendments and creates regulations for international marriage brokers to prevent trafficking.

⁶ S. Rep. No. 138, 103rd Cong., 2d Sess. 54, n. 69 citing E. Ellis, B. Atkeson and K. Calhoun, *An Assessment of the Long Term Reaction to Rape*, 50 J. Abnormal Psychology No. 3, 264 (1981).

TITLE IX: Safety for Indian Women

The U.S. Department of Justice estimates that 1 of 3 Native women will be raped; that 6 of 10 will be physically assaulted; and that Native women are stalked at a rate at least twice that of any other population.⁷ Recognizing the exceptional need of Indian women, VAWA 2005 contains provisions to better address violence against Indian women on tribal lands.

- It increases the capacity of Indian tribes to exercise their sovereign authority to respond to crimes against Indian women.
- It authorizes a baseline study on rates of violence against Native Women, the National Institutes of Justice as well as a study (to be conducted by the Center for Disease Control and Prevention) on the costs of injury to Native women due to violence.
- In addition, it creates a national tribal sex offender registry and a tribal protection order registry to enhance the ability of tribal governments to deal with violence against Indian women on tribal lands.
- VAWA 2005 establishes a new Tribal Deputy Director at the Office on Violence Against Women, responsible for intergovernmental coordination and implementation of tribal policies and programs.
- It authorizes a single grant program for Indian tribes, created by combining set-asides from other VAWA programs, to allow tribes flexibility to determine appropriate governmental responses.
- VAWA 2005 also contains provisions requiring that the Departments of Justice and Health and Human Services consult with the Tribes on the administration of VAWA programs for the Tribes.

Communities of Color

VAWA 2005 has made a ground-breaking shift to service provision by broadening core services and expanding who is eligible to provide victim services. Too often, underserved communities, particularly Communities of Color, have not received an equitable share of the services funded or monies provided by VAWA grants. In VAWA 2005, Congress included language referencing culturally-specific communities to address the needs of Communities of Color.

- VAWA 2005 includes new language in the STOP grants program to ensure that states are focusing on the needs of underserved populations and creates a set-aside to fund culturally-specific community-based organizations.
- **Grants to Enhance Culturally and Linguistically Specific Services for Victims of Domestic Violence, Dating Violence, Sexual Assault and Stalking** is a newly authorized program to provide resources for organizations in Communities of Color to address violence against women.
- **Grants for Outreach to Underserved Populations** provides funding to groups from underserved, Tribal, or immigrant communities for public awareness and education campaigns focused on their own communities.
- Finally, a set-aside in the Sexual Assault Services Program (SASP) supports culturally-specific organizations addressing sexual assault.

⁷ Patricia Tjaden & Nancy Thoennes, U.S. Department of Justice, "Full Report on the Prevalence, Incidence, and Consequences of Violence Against Women," 22(2000).

CONTACT INFORMATION

For more information or questions about the legislation, please contact the following individuals, organized by sections of the legislation or topic.

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