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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

45 CFR Part 1370

RIN 0970-AD45

Further Reducing Bureaucracy and Burden in Part 1370

AGENCY: Office of Family Violence Prevention and Services (OFVPS), Administration for Children and Families (ACF), Department of Health and Human Services (HHS).

ACTION: Notice of proposed rulemaking.

SUMMARY: The Department of Health and Human Services, Administration for Children and Families proposes to further remove and replace the Family Violence Prevention and Services Program regulations to streamline, reduce duplication with statutory language, and establish a regulatory process for de-designating organizations that no longer carry out the functions required of a State Domestic Violence Coalition.

DATES: In order to be considered, written comments on this proposed rule must be received on or before [INSERT DATE 30 DAYS FROM DATE OF PUBLICATION IN THE FEDERAL REGISTER].

ADDRESSES: You may submit written comments, identified by docket number ACF-2026-0793 and/or RIN number 0970-AD45, by one of the following methods:

- *Federal eRulemaking Portal:* Go to *https://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: Deregulation@acf.hhs.gov.* Include the docket number ACF-2026-0793 and/or RIN number 0970-AD45 in the subject line of the message.

Instructions: All submissions received must include the agency name and docket number or RIN number for this rulemaking. The docket on *https://www.regulations.gov* will include a plain language summary of the proposed rule. All comments received are a part

of the public record and will be posted for public viewing on *www.regulations.gov,* without change. Please be advised that the substance of the comments and the identity of individuals or entities submitting the comments will be subject to public disclosure.

FOR FURTHER INFORMATION CONTACT: Adam N. Jones, Deputy Chief of Staff, Immediate Office of the Assistant Secretary, Administration for Children and Families, Department of Health and Human Services, Washington, DC 202-417-0115 or *Deregulation@acf.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Statutory Authority

This notice of proposed rulemaking (NPRM) is being issued under the authority granted to the Secretary of Health and Human Services by the Family Violence Prevention and Services Act (FVPSA) at 42 U.S.C. 10404(a)(4).

II. Background

45 CFR Part 1370, "Family Violence Prevention and Services Programs" is a regulatory scheme established under FVPSA, as amended (42 U.S.C. 10401 *et seq.*), that governs the administration of multiple federal grants implemented for the purposes of increasing public awareness about and preventing family violence, domestic violence, and dating violence; providing immediate shelter and supportive services for victims of family violence, domestic violence, and dating violence and their dependents; providing for technical assistance and training relating to family violence, domestic violence, and dating violence programs; providing for State Domestic Violence Coalitions; providing specialized services for abused parents and their children; and operating a national domestic violence hotline.

The FVPSA regulations were initially published on February 22, 1996 (Family Violence Prevention and Services Programs, 61 FR 6791 (Feb. 22, 1996) (codified at 45 CFR part 1370)). They were amended on November 2, 2016. Family Violence and

Prevention Services Program, 81 FR 76446 (Nov. 2, 2016) (codified at 45 CFR part 1370). The amended regulations reflected FVPSA's most recent reauthorization under the Child Abuse Prevention and Treatment (CAPTA) Reauthorization Act of 2010 (Pub. L. 111-320). *See* 81 FR 76446, 76446. FVPSA has not been amended by Congress since 2010. The FVPSA regulations were last amended in August 2026 to remove duplicative and unnecessary sections. *See* 91 FR 48775.

III. Executive Summary

This NPRM proposes to consolidate and streamline the remaining sections of Part 1370. This proposed consolidation builds upon the prior 2026 rule rescission where ACF removed six sections of Part 1370 that were duplicative of statute or otherwise unnecessary and better suited for grant documents or sub-regulatory guidance. *See* 91 FR 48775. Five sections remained in Part 1370 following the 2026 rescission. The five remaining sections list FVPSA program definitions (45 CFR 1370.2), FVPSA confidentiality requirements (45 CFR 1370.4), program non-discrimination requirements (45 CFR 1370.5), additional requirements for State and Indian Tribal grants (45 CFR 1370.10), and additional requirements for State Domestic Violence Coalitions (45 CFR 1370.20). The remaining sections still include at least some duplicative or unnecessary language, necessitating a more precise approach to remove specific subsections in Part 1370. Due to the complexity associated with removing subsections of the remaining FVPSA regulations, this NPRM proposes to amend Part 1370 in its entirety and reorganize to enhance clarity. This NPRM also proposes to add new language to explain the de-designation process for a State Domestic Violence Coalition in the event that the designated organization fails to meet mandatory requirements or is unable to carry out the functions of a State Domestic Violence Coalition.

Severability

The purpose of this section is to clarify ACF's intent with respect to the severability of the provisions of this NPRM. ACF proposes to amend the FVPSA regulations because we determined that doing so would make the regulations clearer, less burdensome, and more accessible to the public. The provisions of this NPRM, once it becomes final, are intended to be severable, such that, in the event a court were to invalidate any particular provision or deem it to be unenforceable, the remaining provisions would continue to be valid. None of the provisions contained herein are central to an overall intent of the proposed rule, nor are any provisions dependent on the validity of other, separate provisions.

IV. Discussion of Proposed Changes

45 CFR Part 1370 Family Violence Prevention and Services Programs

Subpart A—General Provisions

§ 1370.2 What definitions apply to these programs?

This section lists the definitions that apply to the FVPSA program. This NPRM proposes to remove definitions that are already defined in statute and those that are not used in the proposed new Part. The following terms are proposed to no longer be defined in regulation as they are already defined in statute:

- "Dating violence" (42 U.S.C. 10402(2)),
- "Domestic violence" (42 U.S.C. 10402(3)),
- "Family violence" (42 U.S.C. 10402(4)),
- "Personally identifying information" (42 U.S.C. 10402(7) (citing 34 U.S.C. 12291(a)(25)),
- "Shelter" (42 U.S.C. 10402(9)),
- "State" (42 U.S.C. 10402(10)),
- "State Domestic Violence Coalition" (42 U.S.C. 10402(11)),
- "Supportive services" (42 U.S.C. 10402(12)), and

- "Underserved populations" (42 U.S.C. 10402(14)).

The remaining definitions in § 1370.2, "Primary prevention", "Primary-purpose domestic violence service provider," and "Secondary prevention" are all proposed to be removed as the terms are not used in the proposed Part.

§ 1370.4 What confidentiality requirements apply to these programs?

This section identifies which confidentiality requirements apply under FVPSA. This section is largely, but not entirely, a restatement of 42 U.S.C. 10406(c)(5), which establishes requirements for nondisclosure of private and confidential information. As such, ACF proposes to remove all duplicative subsections from regulation and retain those subsections that establish additional requirements beyond those identified in statute. Retaining only these requirements will ensure that the FVPSA regulations meaningfully supplement the FVPSA statute rather than duplicate its terms.

Subsection 1370.4(a) closely mirrors the statutory language at 42 U.S.C. 10406(c)(5)(A)-(B). This subsection summarizes confidentiality and privacy requirements for victims of family violence, domestic violence, and dating violence and their families and explains prohibition of releasing personally identifying information without informed, written, and reasonably time-limited consent. Section 1370.4(a)(2) diverges slightly from the statutory language by including other Tribal grant programs in the prohibition against revealing personally identifying information as well as other State and Federal grant programs, as the statute includes. This subsection also clarifies that the prohibition extends to Federal, Tribal, or State reporting, evaluation, or data collection requirements, which are not referenced in the corresponding statutory section. ACF maintains that these distinctions are minor enough that § 1370.4(a)(1)-(2) can be removed from regulation without consequence; the statutory prohibition on revealing personally identifying information can be logically read to include reporting evaluation, and data reporting requirements, particularly because the statute later clarifies that non-personally

identifying information *can* be used to comply with Federal, State, or Tribal reporting, evaluation, or data collection requirements. *See* 42 U.S.C. 10406(c)(5)(D)(i). Additionally, because the statute references Tribal reporting, evaluation, or data collection requirements in this later subsection, the statute may also be reasonably read to prohibit revealing personally identifying information for Tribal reporting, evaluation, or data collection requirements even though Tribal grants are not referenced in 42 U.S.C. 10406(c)(5)(B).

While ACF proposes removing most of § 1370.5(a), we propose retaining § 1370.4(a)(3), which prohibits requiring victims of family violence, domestic violence, and dating violence to consent to release of personally identifying information as a condition of eligibility for FVPSA services. This clause is not referenced in statute and represents a requirement unique to regulation. As such, ACF proposes renumbering § 1370.4(a)(3) as § 1370.1(a) and slightly revising the regulatory language to coherently begin the FVPSA regulations.

Much of § 1370.4(b) duplicates 42 U.S.C. 10406(c)(5)(B)(ii) by outlining procedures for obtaining consent to disclose personally identifying information. The subsection varies from statute in two respects. First, it states that a minor or a person with a legally appointed guardian can provide consent for disclosure without the parent or guardian's permission if that minor or person is permitted by law to receive FVPSA-funded services without their parent or guardian's consent. Second, it clarifies that reasonable accommodations must be made for "written" consent requirements when an individual cannot provide consent in writing due to disability or "other functional limitation." ACF recognizes that these distinctions differ from statute, yet FVPSA grant recipients and subrecipients may still allow minors or individuals with guardians who have been permitted by law to receive FVPSA services without parent or guardian consent to also consent to share personally identifying information without parent or

guardian approval, and to the extent that further clarity is requested from the public, that can be accomplished through sub-regulatory guidance. Reasonable accommodations for individuals with disabilities are required to be offered for all federally funded programs under the Rehabilitation Act. *See* 29 U.S.C. 794. Thus, to the extent that it is requested by the public, sub-regulatory guidance can be established to explain how FVPSA grant recipients and sub-recipients can ensure that inability to write does not hinder an individual's ability to provide informed consent to disclosure of personally identifying information. Therefore as § 1370.4(b) does not create the only basis for requesting such an accommodation, ACF proposes removal of this subsection.

The requirements found in §1370.4(c) of the regulation, which requires grantees and subgrantees to make reasonable attempts to provide notice to victims about the release of information, and to take steps necessary to protect the privacy and safety of the persons affected by the release of the information, are found in 42 U.S.C. 10406(c)(5)(C). ACF proposes removing this subsection from regulation because it duplicates statutory requirements.

Section 1370.4(d) of the regulation identifies four scenarios when FVPSA grant recipients and sub-recipients may share victim information. The first three scenarios, listed in § 1370.4(d)(1)-(3), include requirements from statute at 42 U.S.C. 10406(c)(5)(D). ACF proposes removing these subsections because they duplicate statutory language. Section 1370.4(d)(4) identifies when personally identifying information may be shared with health care providers or payers and does not come from statute. We therefore propose retaining this subsection in regulation, renumbered as section 1370.1(b).

Section 1370.4(e) provides that nothing in the regulation prohibits a grantee or subgrantee from reporting abuse or neglect when mandated or expressly permitted to do so by the governing State or Indian Tribe. The content of this subsection duplicates

statutory language from 42 U.S.C. 10406(c)(5)(F). This subsection also clarifies that grant recipients and sub-recipients may report imminent risk of serious bodily injury or death when required by the governing State or Indian Tribe. Removing this section from regulation will not prohibit grant recipients or subrecipients from reporting imminent risk of serious bodily injury or death of the victim or another person. Therefore, this subsection is proposed for removal. ACF welcomes comments on whether agency guidance is needed to ensure that grant recipients and subrecipients understand that FVPSA confidentiality requirements do not prohibit making disclosures to report imminent risk of serious bodily injury or death and will issue relevant guidance if necessary.

Section 1370.4(f) states that nothing in these regulations shall be construed to supersede any provision of law that provides greater protection for victims of family violence, domestic violence, or dating violence. This is a direct restatement of 42 U.S.C. 10406(c)(5)(G). This subsection is therefore duplicative and proposed for removal.

Section 1370.4(g) states that the location of any shelter facility that provides services under FVPSA shall not be made public except with written authorization from the individual(s) responsible for the operation of such shelter. This language restates 42 U.S.C. 10406(c)(5)(H) and is therefore proposed for removal. Section 1370.4(g) also includes paragraphs (1) and (2), which do not restate statutory language. Paragraph (1) details requirements for shelters to develop policies to respond to disruptive or dangerous contact from abusers. ACF proposes retaining § 1370.4(g)(1) in regulation and renumbering as § 1370.1(c). Paragraph (2) states that Tribal governments may determine how best to maintain safety and confidentiality of shelter locations. This paragraph does not create any new requirement and merely reiterates an implicit flexibility unnecessary to include in regulation. For this reason, ACF proposes removal of § 1370.4(g)(2).

§ 1370.5 What additional non-discrimination requirements apply to these programs?

Section 1370.5 details the non-discrimination requirements that apply to these grant programs. The majority of this section is proposed for removal as language ensuring non-discrimination on the program is duplicative of 42 U.S.C. 10406(c)(2). This statutory citation incorporates the protections regarding non-discrimination that have been authorized by Congress to apply to programs and activities receiving Federal Assistance, which are cited to include the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), the Rehabilitation Act of 1973 (29 U.S.C. 794), the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), and the Civil Rights Act of 1974 (42 U.S.C. 2000d et seq.). The provision currently in this section pertaining to requiring victims and their minor children to be sheltered together, unless requested otherwise or unless the factors identified in 45 CFR 1370.5(a)(2) require an exemption to this general rule is proposed to be retained but redesignated as § 1370.1(e). Because 45 CFR 1370.5(a)(2) is proposed for removal and the requirements therein come from the FVPSA statute at 42 U.S.C. 10406(c)(2)(B)(i), we propose replacing the internal reference to § 1370.5(a)(2) with 42 U.S.C. 10406(c)(2)(B)(i).

The proposed removal of this section will not result in the removal of any protections afforded to grantees or the public that is authorized by Congress, but will result in the removal of regulatory language beyond Congressional action. The purpose of regulation is to clarify statutory language, not to act as pseudo legislation. Accordingly, , this rulemaking seeks to right-size the regulatory footprint by realigning regulation with statute which still clearly maintains protections against discrimination on the basis of age, disability, sex, race, color, national origin, or religion.

Subpart B—State and Indian Tribal Grants

§ 1370.10 What additional requirements apply to State and Indian Tribal grants?

This section identifies some of the additional requirements for FVPSA grantees that apply to State and Indian Tribal grantees. The majority of this section is duplicative or substantially similar to statute or is better suited to sub-regulatory guidance, and therefore this section, with the exception of § 1370.10(d), as will be discussed in depth below, is proposed for removal.

Section 1370.10(a) summarizes the purpose of State and Indian Tribal FVPSA grants as articulated in 42 U.S.C. 10406(a) and describes the obligations State and Tribal grant recipients have to engage with State Domestic Violence Coalitions, Tribal Coalitions, and community-based organizations that primarily provide appropriate services to tribal populations. While the regulatory language includes more detail than the statute, the requirements described in § 1370.10(a) generally expand on language in 42 U.S.C. 10407(a)(2)(D)-(E) and (b)(3). The level of detail in the regulation is unnecessary and is better suited for grant documents and sub-regulatory guidance.

Section 1370.10(b) lists the requirements for the submission of a State grant application. Some of the requirements are pulled directly from statute, such as § 1370.10(b)(7) (duplicating language from 42 U.S.C. 10407(a)(2)(H)) and portions of § 1370.10(b)(8) (duplicating language from 42 U.S.C. 10408(b)(2)). Most of this subsection includes detailed instructions for applying for State grants that are better suited for the grant application materials. Including these instructions in regulation is overly prescriptive, so this subsection is proposed for removal.

Section 1370.10(c) discusses procedures and requirements for applications from a Tribe, Tribal organization, or a nonprofit private organization applying for FVPSA funds on behalf of a Tribe. Much like in the subsection above, statutory language provides the framework for what is required in a Tribal application for FVPSA funds. *See* 42 U.S.C. 10409(d) (incorporating requirements for State FVPSA grant applications at 42 U.S.C. 10407(a)). Where § 1370.10(c) diverges from statutory language, such as in §

1370.10(c)(1)-(3) (describing how applicants can demonstrate that the governing body of a Tribe or Tribal organization approves of the application), grant application documents can sufficiently provide necessary clarity for applicants. This subsection is therefore proposed for removal.

Section 1370.10(d) does not include additional requirements, but recommends FVPSA-funded programs to safely screen for and identify victims of human trafficking who are also victims or survivors of domestic or dating violence. This provision is not referenced in statute but represents ACF's continued commitment to prevent and address human trafficking. For this reason, ACF proposes retaining this subsection and renumbering as § 1370.1(d).

Subpart C—State Domestic Violence Coalitions Grants

§ 1370.20 What additional requirements apply to State Domestic Violence Coalitions?

This section identifies some of the additional requirements that apply to State Domestic Violence Coalitions. The majority of this section is duplicative or substantially similar to statutory language and therefore this section, with the exception of components of § 1370.20(e) and (f), as will be discussed in depth below, is proposed for removal.

Section 1370.20(a) discusses the role that State Domestic Violence Coalitions play in serving a Federal commitment to effectively address domestic violence. Section 1370.20(a) serves as a "purpose statement" for the rest of § 1370.20 and is unnecessary to include in regulation. It does not list any programmatic requirements or provide clarification about statutory requirements. Therefore, this subsection is proposed for removal.

Section 1370.20(b) explains the requirements to be eligible for a grant as a State Domestic Violence Coalition. "State Domestic Violence Coalition" is defined in statute at 42 U.S.C. 10402(11), and § 1370.20(b) primarily restates this definition. Section

1370.20(b)(3) lists the only requirement not referenced in statute—that State Domestic Violence Coalitions must be financially sustainable as "independent, autonomous non-profit organizations and must be supported by their membership, including member representatives on the Coalitions' Board of Directors. This requirement can be reasonably implied from the statutory definition at 42 U.S.C. 10402(11) even if it is not explicitly included. Because this subsection is duplicative of statute, ACF proposes it for removal.

Section 1370.20(c) discusses application requirements for State Domestic Violence Coalitions. This subsection is not needed in regulation because it largely duplicates the application requirements found at 42 U.S.C. 10411(c)-(d). While the regulation includes language clarifying the statutory requirements, it does not impose new requirements. Clarifying language explaining statute may appropriately be moved to sub-regulatory guidance or application materials. This subsection is therefore proposed for removal.

Section 1370.20(d) explains requirements and exceptions to limitations on the use of non-FVPSA funds under this section. This subsection closely mirrors 42 U.S.C. 10411(e). Therefore, this subsection is proposed for removal because it is duplicative of statutory language.

Section 1370.20(e) states that when two or more organizations seek designation as the State Domestic Violence Coalition, the designation of each Coalition is within the sole discretion of HHS. Because this language is unique to the FVPSA regulation and includes useful direction in the State Domestic Violence Coalition designation process, ACF proposes retaining this subsection and renumbering it as § 1370.2(a). The second sentence in this subsection reads, "HHS will determine which applicant best fits statutory criteria, with particular attention paid to the applicant's documented history of effective work, support of primary-purpose domestic violence service providers and programs that serve underserved populations, coordination and collaboration with the State government,

and capacity to accomplish the FVPSA-mandated role of a Coalition." ACF proposes removal of this sentence because it closely aligns with statutory language explaining the role of a State Domestic Violence Coalition and is unnecessary.

Section 1370.20(f) explains how HHS designates new Coalitions when previous Coalitions are unable to continue in their roles. This subsection indicates that HHS has sole discretion to designate a new Coalition when a prior Coalition dissolves, merges with another organization, or is newly created. As with § 1370.20(e), ACF proposes retaining the first sentence of this subsection and redesignating it as § 1370.2(b). ACF proposes removing the rest of this subsection from regulation because it largely summarizes requirements for serving as a State Domestic Violence Coalition described in statute at 42 U.S.C. 10402(11) and 10411(c)-(d).

New Regulatory Text in Proposed § 1370.2(c)

The proposed new regulatory text in Section 1370.2(c) discusses the authority for HHS to de-designate a Coalition. While this proposed rule primarily removes duplicative and unnecessary language from the FVPSA regulations, ACF also adds this language to clarify an existing function that has been utilized by the Department, but has not previously been established in regulation. This proposed regulation clarifies HHS's existing authority to oversee, which can include up to de-designating, State Domestic Violence Coalitions when they are considered to be no longer meeting applicable statutory, regulatory, programmatic, fiscal, administrative, or award requirements, or are otherwise no longer able to carry out their required functions. The establishment of this proposed rule provides programs with clarity as to what enforcement mechanisms that HHS can utilize to uphold Federal oversight and includes the process by which a Coalition can take corrective action.

V. Regulatory Process Matters

Paperwork Reduction Act

Under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.,* as amended) (PRA), all Departments are required to submit to the Office of Management and Budget (OMB) for review and approval any reporting or recordkeeping requirements inherent in a proposed or final rule. This NPRM does not contain any information requiring OMB approval under the PRA and, therefore, will not create any new paperwork burdens or modify existing burdens subject to OMB review.

Executive Order 13132

Executive Order 13132 requires federal agencies to consult with State and local government officials if they develop regulatory policies with federalism implications. Federalism is rooted in the belief that issues that are not national in scope or significance are most appropriately addressed by the level of government close to the people. This proposed rule would not have substantial direct impact on the States, on the relationship between the federal government and the States, or on the distribution of power and responsibilities among the various levels of government. This NPRM would not pre-empt State law. The changes proposed in the NPRM are removing duplicative and unnecessary regulations from the Office of Family Violence Prevention and Services regulations. Therefore, in accordance with Section 6 of Executive Order 13132, it is determined that this action does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

Assessment of Federal Regulations and Policies on Families

Assessment of Federal Regulations and Policies on Families Section 654 of the Treasury and General Government Appropriations Act of 1999 (Pub. L. 105-277) requires federal agencies to determine whether a policy or regulation may negatively affect family well-being. If the agency determines a policy or regulation negatively affects family well-being, then the agency must prepare an impact assessment addressing seven criteria specified in the law. HHS has determined it is not necessary to prepare a

family policymaking assessment because the actions proposed in this NPRM will not have any impact on the autonomy or integrity of the family as an institution.

VI. Regulatory Impact Analysis

We have examined the impacts of the proposed rule under Executive Order 12866, Executive Order 13563, Executive Order 14192, the Regulatory Flexibility Act (5 U.S.C. 601-612), and the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4).

Executive Orders 12866 and 13563 direct us to assess all benefits and costs of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 14192 requires that any new incremental costs associated with significant new regulations "shall, to the extent permitted by law, be offset by the elimination of existing costs associated with at least ten prior regulations." The Office of Information and Regulatory Affairs (OIRA) has determined that this proposed rule is a significant action under Executive Order 12866 Section 3(f).

The Regulatory Flexibility Act (RFA) requires agencies to consider the impact of their regulatory proposals on small entities. Because this is simply repealing obsolete and unnecessary language, we certify that the final rule would not have a significant economic impact on a substantial number of small entities.

The Unfunded Mandates Reform Act of 1995 (UMRA) generally requires that each agency conduct a cost-benefit analysis; identify and consider a reasonable number of regulatory alternatives; and select the least costly, most cost effective, or least burdensome alternative that achieves the objectives of the rule before promulgating any proposed or final rule that includes a Federal mandate that may result in expenditures of more than $100 million (adjusted for inflation) in at least one year by State, local, and tribal governments, in the aggregate, or by the private sector. Each agency issuing a rule with relevant effects over that threshold must also seek input from State, local, and tribal

governments. The current threshold after adjustment for inflation is $193 million, using the most current (2025) Implicit Price Deflator for the Gross Domestic Product. This proposed rule would not result in an expenditure in any year that meets or exceeds this amount.

VII. Tribal Consultation Statement

Executive Order 13175, *Consultation and Coordination with Indian Tribal Governments,* requires agencies to consult with Indian Tribes when regulations have "substantial direct effects on one or more Indian tribes, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes." *Consultation and Coordination With Indian Tribal Governments,*65 FR 67249. Similarly, ACF's Tribal Consultation Policy says that consultation is triggered for any legislative proposal, new rule adoption, or other policy change that significantly affects Tribes, meaning there exists a reasonable presumption that it has or many have substantial direct effects on one on more Indian tribes, on the relationship between the Federal Government and Indian Tribes, on the amount or duration of ACF program funding, on the delivery of ACF programs or services to one or more Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

This action does not have tribal implications as specified in Executive Order 13175. Because this rulemaking simply removes duplicative language and unnecessarily prescriptive requirements, it does not impose any new requirements on Tribes. Thus, Executive Order 13175 does not apply to this action. ACF is nevertheless committed to consulting with Indian Tribes and Tribal leadership on this action to the extent practicable and permitted by law.

List of Subjects in 45 CFR Part 1370

Administrative practice and procedure, Child welfare, Domestic violence, Grant programs—Indians, Grant programs—social programs, Public assistance programs, Reporting and recordkeeping requirements, Technical assistance

For the reasons set forth in the preamble, ACF proposes to revise 45 CFR Part 1370 as follows:

PART 1370—FAMILY VIOLENCE PREVENTION AND SERVICES PROGRAM

Sec.
1370.1 Confidentiality and additional requirements.
1370.2 State Domestic Violence Coalition requirements.

Authority: 42 U.S.C. 10401 *et seq*.

§ 1370.1 Confidentiality and additional requirements.

(a) Grantees and subgrantees shall not require an adult, youth, or child victim of family violence, domestic violence, or dating violence to provide a consent to release his or her personally identifying information as a condition of eligibility for the services provided by the grantee or subgrantee.

(b) Grantees and subgrantees may share personally identifying information with a health care provider or payer, but only with the informed, written, reasonably time-limited consent of the person about whom such information is sought.

(c) Shelters which choose to remain confidential pursuant to this rule must develop and maintain systems and protocols to remain secure, which must include policies to respond to disruptive or dangerous contact from abusers.

(d) Given the unique needs of victims of trafficking, FVPSA-funded programs are strongly encouraged to safely screen for and identify victims of human trafficking who are also victims or survivors of domestic violence or dating violence and provide services that support their unique needs.

(e) Victims and their minor children must be sheltered or housed together, unless requested otherwise or unless the factors identified in 42 U.S.C. 10406(c)(2)(B)(i) require an exception to this general rule.

§ 1370.2 State Domestic Violence Coalition requirements.

(a) In cases in which two or more organizations seek designation, the designation of each State's individual Coalition is within the exclusive discretion of HHS.

(b) Regarding FVPSA funding, in cases where a Coalition financially or otherwise dissolves, is newly formed, or merges with another entity, the designation of a new Coalition is within the exclusive discretion of HHS.

(c) The designation of an organization as a State Domestic Violence Coalition is within the discretion of HHS. HHS may de-designate a Coalition, decline to continue a Coalition's designation, impose conditions on continued designation, designate an interim entity, solicit applications from other eligible organizations, or take other designation-related action when HHS determines, based on information available to the Department, that the organization no longer meets applicable statutory, regulatory, programmatic, fiscal, administrative, or award requirements, or is no longer able to carry out the required functions of a State Domestic Violence Coalition.

(1) In making designation-related decisions, HHS may consider any information relevant to the organization's continuing eligibility, capacity, performance, compliance, governance, fiscal management, statewide scope, membership, collaboration with required partners, support from providers, and ability to fulfill the FVPSA-mandated role of a State Domestic Violence Coalition. HHS may also consider whether the organization maintains a primary and unambiguous focus on family violence, domestic violence, and dating violence intervention and prevention, and whether its activities and use of Federal funds are reasonably related to the statutory purposes and required functions of a State Domestic Violence Coalition.

(2) HHS may provide notice and an opportunity to submit information or take corrective action, as appropriate under the circumstances, before making a final designation-related decision. Nothing in this paragraph limits HHS's authority to take immediate or other appropriate action under FVPSA, this part, 2 CFR Part 200, the terms and conditions of a Federal award, or other applicable authority to protect Federal funds, address noncompliance, maintain continuity of coalition functions, or ensure the orderly closeout, transfer, or continuation of Federal funds, records, property, data, responsibilities, and required coalition activities.

Robert F. Kennedy, Jr.,

Secretary,

Department of Health and Human Services

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