

**TITLE 89: SOCIAL SERVICES**  
**CHAPTER IX: ATTORNEY GENERAL**  
**PART 1110 DOMESTIC VIOLENCE GRANTS**

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AUTHORITY: Authorized by and implementing Section 6z-72 of the State Finance Act [30 ILCS 105/6z-72].

SOURCE: Adopted at 33 Ill. Reg. 7838, effective May 26, 2009; amended at 36 Ill. Reg. 14733, effective September 20, 2012.

**SUBPART A: GENERAL ADMINISTRATIVE PROVISIONS**

**Section 1110.10 Administration of the Domestic Violence Fund**

The Illinois Attorney General is charged with administering the disbursement of monies from the Domestic Violence Fund, including the selection of qualified applicants to receive funding to provide free domestic violence legal advocacy, legal assistance, or legal services to victims who have been subjected to domestic violence by a spouse or former spouse.

(Source: Amended at 36 Ill. Reg. 14733, effective September 20, 2012)

**Section 1110.15 Definitions of Terms**

As used in this Part, the term:

"Administrator" means the Illinois Attorney General.

"Domestic violence" means abuse as defined in Section 103 of the Illinois Domestic Violence Act of 1986 [750 ILCS 60].

"Domestic violence program" means any unit of local government, organization or association whose major purpose is to provide one or more of the following: information, crisis intervention, emergency shelter, referral, counseling, advocacy or emotional support to victims of domestic violence.

"Former spouse" means a person who was formerly married or formerly a party to a civil union.

"Grantee" or "grant recipient" means an agency that has been awarded a grant.

"Legal advocacy" and "legal assistance" refer to services provided by victim advocates who have undergone a minimum of 40 hours of training in domestic violence, advocacy, crisis intervention and related areas and who provide services through a domestic violence program.

"Legal services" refers to services, consultation or representation provided by an attorney licensed in Illinois or by legal support staff working under the supervision of a licensed attorney.

"Spouse" means a person who is married or is a party to a civil union.

"Victim" means a person subjected to domestic violence by a spouse or former spouse.

(Source: Added at 36 Ill. Reg. 14733, effective September 20, 2012)

### **Section 1110.20 Eligible Agencies**

The following types of agencies may apply for funding from the Domestic Violence Fund:

- a) An agency of the United States, the State of Illinois, or a unit of local government that provides legal advocacy, legal assistance, or legal services to victims of domestic violence.
- b) A private, nonprofit entity that provides legal advocacy, legal assistance, or legal services to victims of domestic violence, if it:
  - 1) has a tax exempt ruling from the Internal Revenue Service under section 501(c)(3) of the Internal Revenue Code (26 USC 501(c)(3)); and
  - 2) is compliant with the Charitable Trust Act [760 ILCS 55] and the Solicitations for Charity Act [225 ILCS 460] or is exempt from these Acts.

(Source: Amended at 36 Ill. Reg. 14733, effective September 20, 2012)

### **Section 1110.30 Conflict of Interest**

- a) Applicants for grants under this Part shall have rules to govern themselves when conflict of interest situations arise and shall incorporate those rules into their constitution or bylaws, or publish the rules as agency policy.
- b) Rules governing conflict of interest shall prohibit staff members of the Administrator's Crime Victim Service Division and management of the Administrator above the Division Chief level from serving on boards of agencies that apply for or receive funding.

#### **Section 1110.40 Grant Application Requirements**

In order to be considered for an award of grant funds under this Part, applicants must, on or before the first Friday of March preceding the fiscal year for which funding is required, submit the following information on, or, when indicated, attached to, a properly completed grant application form provided by the Administrator:

- a) Identification of the applicant, including:
  - 1) Organization name and type, Federal Employer Identification Number, complete address, telephone number, and e-mail address;
  - 2) The agency's Illinois Charitable Trust registration number or a statement that the agency is exempt;
  - 3) The name and telephone number of the agency's chief executive officer or executive director;
  - 4) The name, telephone number and e-mail address of the agency's contact person for purposes of the grant.
- b) A description of the applicant and the services it provides, including:
  - 1) A summary of the history and purpose of the applicant and the specific program for which funding is sought;
  - 2) A detailed description of the services program for which funding is sought;
  - 3) The number of clients served by applicant in the previous year;
  - 4) Applicant's past experience in providing legal advocacy, legal assistance, or legal services to victims of domestic violence;
  - 5) Applicant's current capacity to serve victims of domestic violence.
- c) A description of existing needs of the community to be served in relation to legal advocacy, legal assistance, or legal services for victims of domestic violence, including descriptions of:
  - 1) Community support for and involvement with the applicant;
  - 2) Memberships in multidisciplinary organizations or coalitions;

- 3) Agencies with which applicant has networking agreements.
- d) A proposal describing the legal advocacy, legal assistance, and legal services to be provided with grant funding. The proposal must include:
  - 1) Identification of the types of civil proceedings for which services will be provided;
  - 2) A description of direct services to be provided and of any programmatic service limitations or restrictions;
  - 3) A description of the client population to be served;
  - 4) A description of the geographic area to be served, including counties and legislative districts;
  - 5) A statement of goals, objectives, and activities of the program for which funding is sought;
  - 6) A description of any memoranda of intent in place for proposed networks of working relationships, including target dates for implementation.
- e) A request for a specific dollar amount, along with a detailed budget showing income and expenses, on the forms prescribed by the Administrator, which will include the following elements:
  - 1) A budget summary detailing expenses for personnel, operations (contractual services, supplies, printing, other), travel, trainings attended, trainings hosted, and any other expenses for which funding has been provided or is sought in the current fiscal year and the fiscal year for which funding is requested;
  - 2) Itemized budgets for personnel, operations, and travel and training expenses to be funded by the grant, with a narrative description of each budget item requested;
  - 3) A statement of income for the program to be funded by the grant that includes income received in the applicant's current fiscal year and anticipated to be received in the fiscal year for which funding is requested, in the following categories:
    - A) State or federal government;
    - B) Township or county government;
    - C) Administrator;
    - D) Private foundations and corporate contributions;
    - E) Local support;
    - F) Other contributions;
    - G) Fundraisers;

H) United Way;

I) Revenue sharing.

f) A signed certification that, with respect to each of the following items, the applicant has either put in place and is implementing written policies or that the requirement does not apply:

1) A reasonable accommodation policy for persons with disabilities;

2) Drug free workplace policies as required by law;

3) Non-discrimination;

4) Client intake;

5) Client rights;

6) Volunteer training;

7) Personnel policies and procedures;

8) Conflict of interest rules;

9) Fee schedule with details of charges for specific services, other than those funded by the grant (copy to be attached to the application).

g) A description of staffing, including the total number of applicant staff members, the numbers of full- and part-time employees, the number of program staff and:

1) Identification of all full- or part-time compensated program staff by name and title, designating those for whom funding is requested;

2) A copy of the current job description for the positions listed;

3) A description of the training provided to staff for whom funding is requested;

4) A listing of at least one goal for each funded staff person for the next year.

h) A description of the applicant's use of volunteers, including the numbers of full- and part-time volunteers, the job functions they perform in the operation of the program for which funding is sought, and the training provided to those who work directly with clients.

i) A copy of the most recent fiscal audit required by Section 1110.130 or a statement that the most recent audit has been filed with the Attorney General as part of another grant application identified in the statement.

- j) At least one letter of support from a local domestic violence services agency dated no more than six months before the date of the application.
- k) A list of the members of the applicant's governing board.
- l) A certification that applicant will keep proper, complete, and accurate accounting records of all grant funds, as required by Section 11 of the Grant Funds Recovery Act [30 ILCS 705/11].
- m) A certification, signed by the authorized official of the agency, that the statements in the application are true and correct and submitted in proper format.

(Source: Amended at 36 Ill. Reg. 14733, effective September 20, 2012)

#### **Section 1110.45 First Year Application Deadline**

For grants awarded for Fiscal Year 2010, grant applications will be due no later than June 12, 2009. This Section is automatically repealed on December 31, 2009.

#### **Section 1110.50 Funding Priorities**

- a) The Administrator shall consider the following factors in determining whether and how much to fund a given applicant:
  - 1) The stated goals of the applicant, as contained in the grant application;
  - 2) The applicant's commitment and ability to provide the services sought to be funded. Evidence of commitment and ability includes: legal expertise (i.e., experience of agency staff in providing legal services relating to domestic violence), level of resources available to the agency, and past services provided;
  - 3) The number of victims of domestic violence served;
  - 4) The extent to which the grant would expand the provision of services described in Section 1110.60;
  - 5) The extent to which the grant would serve the needs of the community by bringing services to un- or under-served areas or populations;
  - 6) Evidence of support by local domestic violence services agencies;
  - 7) The extent to which different areas of the State are served; and
  - 8) Applicant's history of compliance with reporting, accounting and other requirements pertaining to grants awarded under this Part or under any other government program.
- b) Grants will be made for a term of one year corresponding to the State's fiscal year. The number of applicants selected for funding will depend upon the amount of appropriated funds available in the Domestic Violence Fund for that year. Rather than award small amounts to all eligible applicants, the

Administrator shall make a limited number of awards of sufficient size that the funding will make a substantial impact in the areas to be served.

(Source: Amended at 36 Ill. Reg. 14733, effective September 20, 2012)

#### **Section 1110.60 General Programming and Staffing Requirements**

- a) Requirements for provision of services by grantees.
  - 1) The services provided by virtue of a grant awarded under this Part shall be provided to victims of domestic violence without charge.
  - 2) The services provided shall be legal advocacy, legal assistance, or legal services relating to one or more of the following proceedings:
    - A) Order of protection proceedings;
    - B) Dissolution of marriage or civil union proceedings;
    - C) Declaration of invalidity of marriage or civil union proceedings;
    - D) Legal separation proceedings;
    - E) Child custody proceedings;
    - F) Visitation proceedings; and
    - G) Proceedings for civil remedies for domestic violence, including, but not limited to:
      - i) Remedies under the Safe Homes Act [765 ILCS 750];
      - ii) Remedies under the Gender Violence Act [740 ILCS 82];
      - iii) Child support enforcement remedies;
      - iv) Remedies under any federal law for violence against women; and
      - v) Remedies under the Victims of Trafficking and Violence Protection Act of 2000 (22 USC 7101).
  - 3) Grant recipients must have in place written policies and procedures pertaining to client rights, including the release of information about a client. For purposes of this subsection (a)(3), the term "client rights" shall in all cases include, but not be limited to, the right to confidentiality and the right of personal privacy.
  - 4) Grant recipients shall not deny services to clients on the basis of race, color, religion, sex, sexual orientation, national origin, ancestry, citizenship status, age, marital status, unfavorable military discharge, military status, or physical, mental, or perceived handicap.

5) Client intake policies and procedures shall be set forth in writing and be available for review by the Administrator to verify that the agency's services are being provided to the population described in the grant application.

6) Grant recipients shall comply with the mandatory reporting requirements of the Abused and Neglected Child Reporting Act [325 ILCS 5].

b) Personnel Requirements

1) Grant recipients shall not discriminate in the hiring or promotion of staff based on race, color, religion, sex, sexual orientation, national origin, ancestry, citizenship status, age, order of protection status, marital status, unfavorable military discharge, military status, or physical, mental, or perceived disability.

2) Personnel policies shall be set forth in writing and be available for review by the Administrator upon request. Those policies shall demonstrate compliance with equal employment opportunity and drug free workplace requirements.

(Source: Amended at 36 Ill. Reg. 14733, effective September 20, 2012)

## **SUBPART B: FISCAL AND MONITORING REQUIREMENTS**

### **Section 1110.100 Accounting Requirements**

a) All accounting entries of a Grantee must be supported by appropriate source documents, recorded in books of original entry, and posted to a general ledger on a monthly basis.

b) Expenses paid with grant funds are to be identified to specific services funded by the grant. All other expenses not funded by the Administrator may be booked in total.

c) Each Grantee shall maintain all fiscal records for five years after the end of each budget period. In instances involving unresolved issues arising from an audit, pending litigation or unresolved tax issues, records related to the unresolved issues must be retained at least until the issues are resolved.

### **Section 1110.110 Allowable and Non-allowable Expenses**

The Administrator provides funds for services offered by public and non-profit agencies as specified in this Section, but will not be the sole funding source for any Grantee. The Administrator will only provide funds to programs for the purpose of funding certain items of expense as set forth in this Section.

a) The following expenditures are the only allowable expenses for which grant funds may be used:

1) Salaries and fringe benefits for Grantee employees who are attorneys licensed to practice law in Illinois, as well as for advocates and paralegals;

2) Contractual services from attorneys licensed to practice law in Illinois, advocates and paralegals;



- 3) Equipment that is rented or leased for program use;
  - 4) General office expenses;
  - 5) Travel expenses and transportation costs for staff and clients;
  - 6) Court fees, evidence-related costs, and research and documentation costs;
  - 7) Printed or promotional materials used for informational purposes or to publicize the program. All printed materials paid for, in whole or part, with funds provided pursuant to the Grant Agreement shall include a statement that they were printed with support from the Illinois Attorney General's Office and that the views and statements expressed in those materials do not necessarily reflect the views and opinions of the Attorney General of the State of Illinois.
- b) In particular, the following expenditures are among those for which grant funds may not be used, notwithstanding the potential applicability of subsection (a):
- 1) The expense of researching issues and programs and collecting statistics;
  - 2) Compensation to an agency board member other than payment of fair value for services rendered to the agency in a capacity other than board member;
  - 3) Individual or agency association dues or costs of attending professional meetings;
  - 4) The use, or reimbursement for use, of agency- or privately-owned automotive equipment by staff for personal business or non-work-related transportation;
  - 5) The expense of fund-raising activities;
  - 6) Donations of cash or in-kind services to charities, other organizations and individuals;
  - 7) The repayment of any of the principal amount of, and the payment of interest on, any loan;
  - 8) Lease-purchase agreements for items of equipment;
  - 9) The cost of office space or other buildings;
  - 10) The cost of developing supply inventories;
  - 11) Any expense incurred by a Grantee for the sale of goods or services;
  - 12) Reimbursement of expenses that have been funded by a grant from another funding source;
  - 13) Contributions to a contingency reserve or any similar provision for unforeseen events.

**Section 1110.120 Interest**

- a) Interest income earned from award funds shall be used for expenses that further the provision of direct services to clients, consistent with the provision of service stated in the Grant Agreement. These expenses shall not exceed \$500 in any fiscal year. Interest income earned in excess of \$500 shall be returned to the Administrator with the next quarterly report.
- b) Interest income earned from award funds and expenses paid from that interest income shall be reported on quarterly reports as separate items from other expenses against the grant award.
- c) In addition to the allowable expenses listed in Section 1110.110(a), interest income may be used to pay interest expenses on borrowed funds used to purchase land, buildings, and/or equipment that are required to provide direct services to clients, or are related to client services. The items purchased must actually be in use.

### **Section 1110.130 Audits**

- a) Each Grantee agency shall have an annual audit of its financial statements performed at the close of its fiscal year by an independent certified public accountant licensed by the State of Illinois. The report shall contain the basic financial statements presenting the financial position of the agency, the results of its operations, and changes in fund balances. The report shall also contain the auditor's opinion regarding the financial statements taken as a whole, or an assertion to the effect that an opinion cannot be expressed. If the auditor expresses a qualified opinion, a disclaimer of opinion, or an adverse opinion, the reason must be stated.
- b) Audit Report
  - 1) Private not-for-profit agencies must submit a copy of their most recently completed audit.
  - 2) Governmental entities must have on site a copy of their most recently completed audit for review by the Administrator during site visits.

### **Section 1110.140 Grant Agreement**

- a) The Grant Agreement serves as the formal statement of mutual expectations between the Administrator and the Grantee. The Grant Agreement is a combination service plan and budget. It identifies what services will be provided or procured, to what target population, and within what geographical area.
- b) The term of the agreement shall be July 1 to June 30 unless a different term is specified in the Grant Agreement, unless sooner terminated as provided in Section 1110.160. Payments under the Grant Agreement will be made quarterly. Grant Agreements and payments are subject to the continued availability of appropriated funds.
- c) Those sections of the Grantee's proposal describing services to be provided (as required by Section 1110.40(d)) that the Administrator has accepted shall be incorporated into the Grant Agreement.
- d) Modification of Program

The Grantee shall not change, modify, revise, alter, amend, or delete any part of the services it has agreed to provide in the Grant Agreement without first obtaining the written consent of the Administrator in the form of a Supplemental Agreement.

1) When the Grantee has in good faith attempted to comply with the service provisions of the Grant Agreement, but for unforeseen circumstances was not able to comply with the Grant Agreement, the Administrator will consider a Supplemental Agreement.

2) Procedures for a Supplemental Agreement

A) The Grantee shall submit to the Administrator the following:

i) A written explanation of the circumstances, detailing the good faith attempts to comply with the service provisions of the Grant Agreement;

ii) A proposed solution; and

iii) A request for a Supplemental Agreement.

B) The Administrator will grant the request if the request is consistent with the original intent of the agency's application and services to victims and witnesses and the expense is allowable under Section 1110.110(a).

C) The Administrator will prepare a Supplemental Agreement to be signed by both parties if:

i) The Administrator approves the Grantee's request and proposed solution;

ii) The Administrator proposes its own solution that is acceptable to the Grantee; or

iii) The parties agree on a solution.

D) The Administrator will notify the Grantee in writing of the denial of a request for modification of the program.

e) Modification of Budget

1) The Grantee has the responsibility to identify instances when funds cannot be expended in accordance with the Grant Agreement Project Budget and to seek reallocation of those funds prior to the expiration of the Grant Agreement.

2) The Grantee must utilize one of the following options in order to reallocate funds.

A) The Grantee may reallocate amounts less than \$1,000 of the grant funds to existing line items in the approved budget in the Grant Agreement. The Grantee must note the reallocation in the reporting forms.

B) If the Grantee wishes to reallocate amounts less than \$1,000 of the grant funds to an expense that creates a new line item in the approved budget, the Grantee must submit to the Administrator a written request and explanation for reallocation.

C) If the Grantee wishes to reallocate amounts of \$1,000 or more of grant funds, the Grantee must submit to the Administrator a written request and explanation for the reallocation.

D) The Administrator shall grant a reallocation of funds when it determines that funds will be used for allowable expenses consistent with the funded services.

E) The Administrator shall inform the Grantee within 30 days after receipt of a request, if the request is not approved.

#### **Section 1110.150 Payment**

a) The Administrator shall complete the processing for payment of 25 percent of the grant award within 45 days after the beginning of the grant term or the execution of the agreement, whichever is later. The remaining balance of the award shall be processed in three equal installments within 30 days after the end of each of the first three quarters.

b) A payment may be delayed if:

1) The Grantee has not complied with reporting requirements;

2) The Administrator is investigating possible misstatements in the Grantee's reports or application;  
or

3) The Grantee has failed to obtain approval for modification of services.

#### **Section 1110.160 Termination of Grant Agreement**

a) The Administrator may terminate the Grant Agreement for the following reasons:

1) Failure to timely submit reports to the Administrator, as required by Section 1110.170;

2) Failure to provide the services specified in the Grant Agreement;

3) Material misrepresentations or misstatements in a grant application or required reports;

4) Failure to comply with accounting requirements; and

5) Misappropriation of grant funds.

b) The Administrator will send written notification of the cancellation of a Grant Agreement to the Grantee 30 days prior to the cancellation date. The notice shall detail the reasons for termination and the procedure for the repayment of unexpended funds or monies due the Administrator.

c) Failure to comply with the procedures prescribed for repayment of funds due to cancellation of the Grant Agreement will result in invocation of the provisions of the Illinois Grant Funds Recovery Act [30 ILCS 705].

#### **Section 1110.170 Lapsed Funds**

a) Grant funds not expended or legally obligated by the end of the Grant Agreement are considered lapsed.

b) The Grantee shall identify the amount of lapsed funds in the final report submitted to the Administrator.

c) The Administrator shall verify the amount of the lapsed funds and notify the Grantee in writing of the amount of lapsed funds and the date by which the lapsed funds must be returned, which shall be within 45 days following the end of the Grant Agreement, as required by the Grant Funds Recovery Act [30 ILCS 705].

d) If the Grantee fails to timely return the lapsed funds, the Administrator shall institute proceedings to recover the funds in accordance with the Grant Funds Recovery Act.

#### **Section 1110.180 Quarterly and Staff Reporting**

a) A Grantee shall submit to the Administrator financial and activity reports every three months, for the previous three-month period, on forms provided by the Administrator.

1) The financial report form shall provide a detailed statement of costs and expenditures, fiscal summary, names of funded staff persons, and requested revisions, reallocations and adjustments.

2) The activity report form shall detail clients served, services provided, and revisions, if any, of time-tables and activities to reflect the current program status and future activity.

3) All reporting forms must be received by the Administrator no later than 15 days following the end of the reporting period.

4) The Administrator may grant extensions of up to 2 weeks for good cause (e.g., inability to complete report due to unavailability of responsible staff as a result of illness or personal or business emergency or due to calamity, natural disaster or weather event). The Administrator will provide written confirmation of any extension. The written confirmation shall be attached to the reporting forms when submitted.

#### **b) Funded Staff Reporting**

1) A Grantee shall submit to the Administrator the resume of any funded staff no later than October 15 of the funded year.

2) If, for any reason, a Grantee finds it necessary or desirable to substitute, add, or subtract personnel to perform its services under the Grant Agreement, the Grantee shall submit a written notice to Administrator within 10 days after the change in personnel. The notice must include the name of any

substituted or additional personnel, together with the person's resume and the reason for the change. Any substitutions or additional personnel must meet the qualifications of the written job description on file with the current application.

**Section 1110.190 On-site Visits and Inspection of Records**

- a) The Administrator may conduct random or for-cause on-site visits of a Grantee's program.
- b) The Grantee shall make available, and the Administrator may inspect, all financial records, audits, client contact records, and case records in connection with funded programs.
- c) The Grantee shall make available, and the Administrator may inspect, policies and procedures specified in 89 Ill. Adm. Code 1110.40.
- d) In making case records available, the Grantee shall insure the confidentiality of each client pursuant to the Grantee's confidentiality standards.