

TITLE 89: SOCIAL SERVICES
CHAPTER IX: ATTORNEY GENERAL
PART 1100 PROGRAMMATIC AND FISCAL REQUIREMENTS FOR ADMINISTERING FUNDS UNDER THE
VIOLENT CRIME VICTIMS ASSISTANCE ACT

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AUTHORITY: Implementing and authorized by the Violent Crime Victims Assistance Act [725 ILCS 240].

SUBPART A: GENERAL ADMINISTRATIVE PROVISIONS

Section 1100.10 Administration of the Grant Program of the Violent Crime Victims Assistance Act

The Attorney General is charged with administering the disbursement of monies from the Violent Crime Victims Assistance Act fund, including the selection of qualified applicants to receive funding for the establishment and operation of Victim and Witness Assistance Centers.

Section 1100.15 Definitions

As used in this Part, unless the context otherwise requires, the term:

- **"Administrator"** means the Illinois Attorney General.
- **"Advocacy"** means supporting and promoting the interest of another person and providing education, information and referrals.
- **"Authorized official"** means the person to whom the agency has granted the legal authority to submit grant proposals and enter into grant agreements, such as the Chief Executive Officer, the Chief Financial Officer, the State's Attorney or the Executive Director.
- **"Child" or "minor"** means any person under 18 years of age.
- **"Children's Advocacy Center"** means a center established pursuant to and in compliance with the Children's Advocacy Center Act.
- **"Counseling"** means the provision of advice, guidance or instruction on the part of a knowledgeable person with the goal of meeting the specific needs of victims of violent crimes.
- **"Court advocacy"** means accompaniment of the victim to criminal or civil court proceedings or administrative proceedings.
- **"Domestic violence"** means abuse as defined in Section 103 of the Illinois Domestic Violence Act of 1986.
- **"Family" or "family member"** means a spouse, former spouse, parent, child, sibling or stepparent.
- **"Forensic interview"** means a fact-finding interview of a child performed by someone who is specially trained in techniques for interviewing children who may be victims of sexual or physical abuse.
- **"Non-offending"** means a family member or significant other of a victim who is not alleged to have committed the violent crime against the victim.
- **"Grantee" or "grant recipient"** means an agency that has been awarded a grant.
- **"Legal advocacy"** means advocacy related to criminal, civil or administrative remedies for victims.

- **"Medical advocacy"** means advocacy related to issues arising in a health care setting.
- **"Referral"** means the process by which a person is directed to an agency, program or resource for further service, information or assistance.
- **"Senior"** means any person 60 years of age or older.
- **"Sexual assault"** means non-consensual sexual conduct or non-consensual sexual penetration as those terms are defined in Section 103 of the Civil No Contact Order Act.
- **"Sibling"** means a brother, sister, half-brother, half-sister, stepbrother or stepsister of the victim.
- **"Significant other"** means any person who the victim perceives to be close to the victim and who has been affected by the violent crime.
- **"Social service advocacy"** means advocacy related to securing services provided by local, state and federal agencies and programs.
- **"Therapy"** means intensive, professional treatment by a licensed psychiatrist, licensed clinical psychologist, licensed clinical social worker, or licensed clinical professional counselor.
- **"Victim"** means: any person who has suffered direct physical, emotional or psychological harm as a result of the commission or attempted commission of a violent crime; a family member of any person killed as a result of a crime of violence; or a child against whom a violent crime has been perpetrated.
- **"Victim and witness assistance center" or "victim and witness assistance program" or "center" or "program"** means an agency that provides one or more of the services set forth in Section 8 of the Violent Crime Victims Assistance Act to victims of violent crime and promotes one or more of the goals set forth in Section 2 of the Violent Crime Victims Assistance Act.
- **"Violent crime"** means: a crime of violence as defined in Section 2 of the Crime Victims Compensation Act; a violent crime as defined in Section 3 of the Rights of Crime Victims and Witnesses Act; domestic violence; sexual assault; and neglect or abuse as defined in Section 2-3 of the Juvenile Court Act of 1987.
- **"Violent Crime Victims Assistance Act fund" or "fund"** means the fund created by Section 10 of the Violent Crime Victims Assistance Act.
- **"Witness"** means any person who personally observed the commission of a violent crime or who will be called to testify at a criminal court proceeding about a violent crime.

Section 1100.17 Statutes Referenced

The following State and federal laws are referenced in this Part:

- a) Illinois Statutes
 - 1) Abused and Neglected Child Reporting Act [325 ILCS 5];
 - 2) Elder Abuse and Neglect Act [320 ILCS 20];
 - 3) Charitable Trust Act [760 ILCS 55];
 - 4) Children's Advocacy Center Act [55 ILCS 80];
 - 5) Civil No Contact Order Act [740 ILCS 103];
 - 6) Crime Victims Compensation Act [740 ILCS 45];
 - 7) Elder Abuse and Neglect Act [320 ILCS 20];
 - 8) Illinois Domestic Violence Act of 1986 [750 ILCS 60];
 - 9) Illinois Grant Funds Recovery Act [30 ILCS 705];
 - 10) Juvenile Court Act of 1987 [705 ILCS 405];
 - 11) Rights of Crime Victims and Witnesses Act [730 ILCS 120];
 - 12) Solicitation for Charity Act [225 ILCS 460];
 - 13) Violent Crime Victims Assistance Act [725 ILCS 240].

- b) Federal Statutes

Internal Revenue Code (26 USC 1 et seq.).

Section 1100.20 Eligible Agencies

The following types of agencies may apply for funding under the Violent Crime Victims Assistance Act.

- a) An agency of the United States, the State of Illinois, or a unit of local government that provides, operates or coordinates victim and witness assistance programs.
- b) A private non-profit agency that provides, operates or coordinates a victim and witness assistance program, 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 and the Solicitation for Charity Act or is exempt from these Acts.

Section 1100.30 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 in their constitution or bylaws, or publish those rules as agency policy.

- b) Rules governing conflicts of interest shall prohibit staff members of the Administrator's Crime Victim Services Division and management of the Administrator above the Division Chief level from serving on boards of agencies that apply for or receive funding.

Section 1100.40 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 February preceding the fiscal year for which funding is requested, submit a properly completed grant application form provided by the Administrator. The application shall include at a minimum:

- a) The information required under the Illinois Grant Funds Recovery Act [30 ILCS 705];
- b) The agency's Illinois Charitable Trust registration number;
- c) A description of the applicant and the services it provides;
- d) A description of existing needs of the community to be served in relation to crime victims and witnesses;
- e) A proposal describing the services to be provided with grant funding;
- f) A request for a specific dollar amount, along with a detailed budget showing income and expenses on the forms prescribed by the Administrator;
- g) A description of all funding sources, including in-kind contributions, and the amount provided by sources in the prior fiscal year;

h) A signed certification, with respect to each of the following items, that 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; and

9) A fee schedule with details of charges for specific services (copy to be attached to the application);

i) A copy of the current job description for the positions for which funding is requested;

- j) A copy of the most recent fiscal audit and management letter, as required by Section 1100.220;

- k) Three distinctly-worded letters of support specific to the program for which funding is requested stating the interaction with program and dated no more than six months before the date of the application; and

- l) 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.

Section 1100.50 Funding Priorities

- a) The Administrator shall consider the following factors in determining whether and how much to fund a given applicant:
 - 1) The extent to which a program implements the recommended services set forth in Sections 1100.100, 1100.110, 1100.120, 1100.122, 1100.124 and/or 1100.130;

 - 2) The extent to which the applicant's stated goals are consistent with the delivery of services enumerated in Section 8 of the Violent Crime Victims Assistance Act;

 - 3) The commitment and ability to provide the services for which funding is sought. Evidence of commitment and ability includes: programmatic expertise (i.e., qualifications, training, including in-service training for staff and volunteers, and experience of agency staff), level of resources available to the program and past grant compliance;

 - 4) The number of people served, types of services provided and needs of the community as described in the grant application;

 - 5) Evidence of community support exhibited by the grant application;

- 6) The organizational structure of the agency;
 - 7) The extent to which the applicant proposes to maximize the use of volunteers and student interns;
 - 8) The applicant's history of compliance with reporting, accounting and other requirements pertaining to grants awarded under this Part or under any other governmental program.
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- b) The Administrator shall compare and contrast the applicants' proposed programs to determine which applicants in a given geographic area are best able to maximize the number of victims and witnesses served and the types of services available to victims and witnesses.
 - c) The Administrator shall select applicants so as to maximize the number of victims and witnesses served and the types of services available to victims and witnesses statewide, as well as to provide opportunities for specialized services and training.
 - d) Grants will be made for a term of one year corresponding to the State's fiscal year, unless the Administrator determines that a shorter term is appropriate.

Section 1100.60 Agency-Community Relations

- a) Applicants are encouraged to develop community support and active involvement in the planning, development, operation and/or funding of victim and witness services.
- b) Applicants should engage in ongoing efforts toward publicizing their programs, functions, and locations (except when the nature of the services requires that the location not be publicized), to all segments of the community.

- c) Applicants are encouraged to use volunteers and student interns.

- d) Support of victim and witness services in the form of local revenue, voluntary cash contributions, or "in-kind" contributions indicates local support.

- e) Applicants are encouraged to be members of multidisciplinary organizations or coalitions.

- f) Applicants should have networking agreements with other agencies in the community.

- g) Agencies may contact the Office of the Attorney General, Violent Crimes Victims Assistance Program for technical assistance in relation to developing, maintaining or expanding a planned, organized and coordinated network for the delivery of victim and witness services.

Section 1100.70 General Programming and Staffing Requirements

- a) Program Requirements
 - 1) A program shall deliver services to violent crime victims and witnesses within a defined geographic area. Any limitations on the population served will be determined by the geographic boundaries, existing services and location of the program. (For example, a program may serve a single county or multiple counties.)

 - 2) All programs shall provide services to victims and witnesses of crime consistent with the criteria set forth in Section 8 of the Violent Crime Victims Assistance Act.

 - 3) All programs must provide, to all victims and witnesses to be served, information regarding the following:

- A) Any available financial assistance, including but not limited to the right to restitution in a criminal case and the funds available under the Crime Victims Compensation Act [740 ILCS 45].
- B) Their rights under Article I, Section 8.1 of the Illinois Constitution and under the Rights of Crime Victims and Witnesses Act [725 ILCS 120] and how to assert those rights.
- C) The availability of the Illinois Automated Victim Notification System, or any other available notification systems, to obtain information regarding offender custody and case status.
- 4) Grantees shall not charge victims or witnesses for the services funded by the Violent Crimes Victim Assistance fund.
- 5) Grantees 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)(5), the term "client rights" shall in all cases include, but not be limited to, the right to confidentiality and the right of personal privacy.
- 6) Grantees shall not deny services to clients on the basis of race, color, religion, sex, sexual orientation, national origin, ancestry, citizenship status, marital status, unfavorable military discharge, military status, or physical, mental or perceived handicap.
- 7) 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.
- 8) Grantees shall comply with the mandatory reporting requirements of the Abused and Neglected Child Reporting Act [325 ILCS 5] and the Elder Abuse and Neglect Act [320 ILCS 20].
- 9) A private non-profit agency seeking funding under the Violent Crime Victims Assistance Act shall provide for administration and management of its program by an executive appointed by its Board of Directors.

b) Staffing Requirements

- 1) A program shall use paid staff for administrative functions, fiscal management, therapy, counseling and training.

- 2) Grantees shall not discriminate in the hiring or promotion of staff based on race, color, national religion, sex, sexual orientation, national origin, ancestry, citizenship status, age, marital status, unfavorable military discharge, military status, or physical, mental or perceived handicap.

- 3) Personnel policies shall be set forth in writing and demonstrate compliance with equal employment and drug free workplace requirements.

- 4) A program should use volunteers and student interns in every aspect of service delivery possible, provided that they are supervised by a staff member with experience in the type of service the volunteer or student intern is providing and receive ongoing training.

- 5) Training procedures for volunteers and student interns shall be set forth in writing.

- 6) Grantees shall maintain time and attendance records for positions funded by the Grant Agreement on a form prescribed or approved by the Administrator. The records shall reflect the dates and hours the services specified in the Grant Agreement are provided and must be signed by funded staff and a supervisor.

- 7) The Administrator may require staff funded by the grant to apply for and, if accepted, attend one crime victim services training during the grant period. Crime victim services training includes, but is not limited to, the Illinois Victim Assistance Academy, the Advanced Illinois Victim Assistance Academy, and trainings approved by state-wide coalitions or organizations that provide services to crime victims.

c) Technical Assistance

Agencies may contact the Office of the Attorney General, Violent Crimes Victims Assistance Program for technical assistance in relation to developing, maintaining or expanding services to victims and witnesses.

SUBPART B: SPECIFIC PROGRAMS FOR VICTIM POPULATIONS

Section 1100.100 Victim/Witness Programs

a) Target Populations

Programs shall aid violent crime victims and witnesses in their contacts with the criminal justice system and with problems resulting from their victimization.

b) Mandatory Services for all Victim/Witness Programs

In addition to providing the services set forth in Section 1100.70(a)(3), programs intending to apply for funding to serve all types of violent crime victims and witnesses must:

- 1) Provide information to victims and witnesses periodically throughout the case investigation, arrest, charging procedures and court process.
- 2) Provide supportive listening and advocacy to victims and witnesses in all cases upon request of the victim or witness.
- 3) Coordinate its services with other community resources in order to promote the effectiveness of assistance to crime victims.

c) Additional Mandatory Services for Programs in Prosecution Offices

Programs in prosecution offices, in addition to the mandatory services set forth in subsection (b), must:

- 1) Provide for notification of victims and witnesses in advance of court dates to minimize inconvenience and unnecessary court appearances whenever possible. A program should utilize an on-call system for victims and witnesses.
 - 2) Establish procedures to aid violent crime victims in the prompt return of their property.
 - 3) Provide information to a crime victim to assist in preparing a victim impact statement as provided in Section 6 of the Rights of Crime Victims and Witnesses Act.
 - 4) Provide employer and school intervention services relating to loss of time from work or school due to court appearances or victim recovery.
- d) Recommended Services

The following list is intended to serve as recommendations for the development of a comprehensive victim and witness program. Not all programs will be able to provide all of the listed services, and some programs may be able to provide services in addition to those listed. For a victim and witness program to comprehensively address the needs of crime victims and witnesses, however, these service elements should be provided in addition to the required services:

- 1) Staff to respond to crime scenes and provide intervention and support for victims and witnesses.
- 2) Bilingual services; interpretive services for those who have a speech, sight or hearing disability; and promotion of culturally competent responses to victims and witnesses.
- 3) Special efforts to reduce the burdens that prevent victims and witnesses from participating in the criminal justice system. Appropriate services may include, but need not be limited to, transportation, language interpretation, secure waiting areas, child care, lodging arrangements for out-of-town witnesses and parking.
- 4) Training to individuals who have direct contact with a victim in order to increase their sensitivity and effectiveness in relation to the consequences of victimization and the problems of victim recovery.

- 5) Public education to increase public awareness of the problems of crime victims in order to improve the relationship between victims and the criminal justice system.

Section 1100.110 Sexual Assault Programs

- a) Target Population

Programs shall provide direct services to persons victimized by sexual assault, their family members and significant others, and witnesses.

- b) Mandatory Services

In addition to providing the services listed in Section 1100.70(a)(3), programs intending to apply for funding to serve victims of sexual assault must:

- 1) Make available a 24-hour crisis intervention hotline to victims to provide information, referral, crisis intervention and support. Direct response is preferred but not required.
- 2) Provide supportive listening and advocacy at both a personal and system level to assist in the proper care and treatment of victims of sexual assault, affected family members and significant others during medical, police or criminal justice proceedings.
- 3) Provide 24-hour medical advocacy.
- 4) Provide individual counseling for victims, affected family members and significant others as appropriate. Any professional providing counseling should have specialized training in the dynamics and treatment of sexual assault and sexual abuse.

5) Provide referrals to appropriate resources within the community to meet the specific needs of the victim, affected family members and significant others.

6) Provide follow-up services, upon request, to the victim, affected family members and significant others.

c) Recommended Services

The following list is intended to serve as recommendations for the development of a comprehensive sexual assault program. Not all programs will be able to provide all of the listed services, and some programs may be able to provide services in addition to those listed. For a sexual assault program to comprehensively address the needs of victims of sexual assault, their family members and significant others, and witnesses, these service elements should be provided in addition to the required services.

1) Therapy for child and adult victims, which should be provided by licensed professionals who have received specialized training in the dynamics and treatment of sexual assault and sexual abuse.

2) Group counseling and support sessions on both formal and informal levels. Counseling should be accessible to both recently and previously traumatized victims, affected family members and significant others.

3) In-service training programs for professionals, staff, volunteers and student interns who may be working with, or who may come in contact with, victims of sexual assault, affected family members or significant others.

4) Provision of educational materials to the general public regarding the personal and societal consequences of sexual assault and abuse, prevention and protective techniques, and program services available for victims, affected family members and significant others.

5) Assistance to victims in obtaining necessary transportation to secure services and assistance.

6) Direct and indirect provision of clothing or emergency funds to sexual assault victims to meet immediate needs.

7) Employer and school intervention services relating to loss of time from work or school due to victim recovery.

8) Bilingual services; interpretive services for those who have a speech, sight or hearing disability; and promotion of culturally competent responses to victims and witnesses.

Section 1100.120 Domestic Violence Programs

a) Target Population

Programs shall provide direct service to victims of domestic violence, their non-offending family members, and witnesses.

b) Mandatory Services

In addition to providing the services in Section 1100.70(a)(3), programs intending to apply for funding to serve victims of domestic violence, their non-offending family members and witnesses must:

1) Make available a 24-hour crisis intervention hotline to victims to provide information, referral, crisis intervention and support. Direct response is preferred but not required.

2) Provide counseling to victims, family members and witnesses. Any professional providing counseling should have specialized training in the dynamics of domestic violence.

3) Provide supporting listening and advocacy at both a personal and system level to facilitate access to, and proper treatment by, other agencies and systems affecting victims of domestic violence, such as law enforcement, the medical community, social services, the courts and governmental agencies.

4) Provide safe shelter whenever it is feasible to do so.

5) Provide referrals to the appropriate sources within the community to meet the specific needs of the victim. When possible, programs should provide assistance in the areas of education and job training for victims.

6) Provide group counseling and support sessions on both a formal and an informal level in order to provide an opportunity for victims and their families to share experiences and knowledge as they deal with their situations.

7) Provide follow-up services to victims and non-offending family members in a manner appropriate to their needs and life situations.

c) Recommended Services

The following list is intended to serve as recommendations for the development of a comprehensive domestic violence program. Not all programs will be able to provide all of the listed services, and some may be able to provide services in addition to those listed. For a domestic violence program to comprehensively address the needs of victims of domestic violence, their non-offending family members and witnesses, these service elements should be provided in addition to the required services.

1) Assistance to victims in obtaining transportation necessary to secure services and assistance.

2) Ongoing efforts to inform both victims and the public about the causes and consequences of domestic violence.

3) Address the trauma experienced by children who live or have lived in a violent domestic environment. Qualified professionals should be utilized whether through the agency itself or by referral.

4) Direct and indirect assistance to victims who are unable to escape a violent environment due to immediate lack of funds or short-term material needs.

- 5) Training to others who may come into contact with domestic violence victims and their families.

- 6) Employer and school intervention services relating to loss of time from work or school due to victim recovery.

- 7) Bilingual services; interpretive services for those who have a speech, sight or hearing disability; and promotion of culturally competent responses to victims and witnesses.

Section 1100.122 Child Sexual Assault/Child Abuse Programs

a) Target Population

Programs shall provide direct services to child victims of sexual assault and abuse, as well as to non-offending parents and minor siblings.

b) Accreditation

A Children's Advocacy Center program should be accredited by or actively engaged in the accreditation process of the National Children's Alliance, 1516 C Street, NE, Washington, D.C. 20002.

c) Mandatory Services

In addition to providing the services in Section 1100.70(a)(3), programs intending to apply for funding to serve child sexual abuse/assault victims and their non-offending parents and minor siblings must:

- 1) Provide crisis phone counseling for victims and for non-offending parents and siblings of victims.

- 2) Ensure that forensic interviews are conducted in a neutral, fact-finding manner representing a multidisciplinary approach to avoid duplicative interviews.

3) On behalf of victims and non-offending parents and minor siblings, advocate with law enforcement, medical providers, the judiciary, educational institutions, Department of Children and Family Services, Department of Healthcare and Family Services, and other government agencies and social service systems.

4) Provide information and referral services for victims and non-offending parents and minor siblings to appropriate resources within the community to meet their specific needs.

5) Network with other community agencies and participate in coalitions and community groups providing related services to children in order to promote the development of a more effective comprehensive response to the needs of victims and their families.

d) Recommended Services

The following list is intended to serve as recommendations for the development of a comprehensive child sexual assault/abuse program. Not all programs will be able to provide all of the listed services, and some programs may be able to provide services in addition to those listed. For a child sexual assault/sexual abuse program to comprehensively address the needs of child victims and their non-offending parents and minor siblings, these service elements should be provided in addition to the required services.

1) Individual counseling for victims in a safe, child appropriate setting.

2) Individual, in-office counseling for non-offending parents and foster/custodial parents in order to ensure the most comprehensive services for the child.

3) Joint counseling for non-offending parents and children when indicated.

4) Group counseling, when appropriate, for both children and non-offending parents.

5) Public education by making available to the general public information on the victimization of children and the effects of violence on their lives, as well as program services.

6) Professional training on treatment and clinical interventions for community service agencies, hospitals, mental health centers and other social service providers in order to increase their sensitivity and their effectiveness in relation to the consequences of child victimization and recovery.

7) Employer and school intervention services relating to loss of time from work or school due to victim recovery.

8) Bilingual services; interpretive services for those who have a speech, sight or hearing disability; and promotion of culturally competent responses to child victims and non-offending parents.

e) Personnel

All staff should participate in a structured training program that addresses the issues of child sexual assault/child abuse. Direct service staff dealing with children shall have, at minimum, an M.A. in social work, counseling or a related field.

Section 1100.124 Senior Victim Programs

a) Target Population

Programs or agencies shall provide services to seniors who are victims of violent crime.

b) Mandatory Services

In addition to providing the services in Section 1100.70(a)(3), programs intending to apply for funding to serve senior victims of crime must:

- 1) Provide individual assessments to evaluate victim needs and work with the victim to develop a care plan to address those needs.

- 2) Provide crisis intervention services appropriate to the victim's needs and abilities.

- 3) Provide information on the criminal justice system, as well as assistance with pursuing legal options.

- 4) Provide supportive listening to victims and non-offending family members.

- 5) Educate victims about community services that are available for seniors.

- 6) Participate in multi-disciplinary teams and other community groups and organizations dealing with senior issues.

- 7) Provide social service, medical and legal advocacy when requested.

c) Recommended Services

The following list is intended to serve as recommendations for the development of a comprehensive senior victims program. Not all programs will be able to provide all of the listed services, and some programs may be able to provide services in addition to those listed. For a senior victims program to comprehensively address the needs of senior victims, these service elements should be provided in addition to the required services:

- 1) Assistance in obtaining suitable transportation to necessary services and resources.

- 2) In-service training programs for professionals, staff, volunteers and student interns who may work with or come in contact with senior victims in order to sensitize them to the specific needs and problems faced by seniors.

- 3) Assistance in meeting immediate material or safety needs of victims.

 - 4) Public education to the senior population of the community by disseminating information on crime prevention, safety issues and victimization.

 - 5) Employer and school intervention services relating to loss of time from work or school due to victim recovery.

 - 6) Bilingual services; interpretive services for those who have a speech, sight or hearing disability; and promotion of culturally competent responses to victims and witnesses.
- d) Personnel

Direct services should be provided by trained staff, with qualifications being set appropriate to the services provided.

Section 1100.130 Programming for Other Victim Populations

Agencies may apply for funding for programs serving other victim populations. Program descriptions for other categories of victim populations, such as families of homicide victims, disabled victims and drunk driving victims are not detailed in this Part. Specific programs tailored to meet these needs will be evaluated on an individual basis using Section 1100.50. The Administrator will give such applicants equal consideration in the selection of agencies to be funded.

Section 1100.140 Special Project Funding

- a) Special Projects

Any public or private non-profit agency that provides or coordinates services to victims and witnesses of crime may apply for special project funding under this Section, either separately or in addition to funding for programs described in this Part.

1) Such projects must serve to implement an eligible service as defined in Section 8 of the Violent Crime Victims Assistance Act. For example, the translation of educational materials from English to another language may qualify as a special project insofar as it furthers the goal of providing public education on crime and crime victims.

2) Special projects should be designed to last for a specific period of time.

3) Projects eligible for funding should have a specific goal. When this goal is accomplished, the special project is completed. A special project may not be an ongoing service. An example of a special project would be the translation of written materials for distribution to a target population.

b) Target Populations

1) Agencies or programs that provide services to violent crime victims or witnesses, including but not limited to the target populations described in this Part, may apply for special project funding provided that the proposed projects meet the eligibility criteria set forth in this Section.

2) The population to be served must be defined both in terms of the type of victim and/or witness to be served and the victim issue to be addressed. It is recommended that a needs assessment summary accompany such proposals.

3) Agencies or programs requesting funds for training must detail the target population, the victim/witness population to be addressed, materials to be produced or utilized, proposed agendas, and anticipated time frames.

(Source: Amended at 22 Ill. Reg. 17438, effective September 28, 1998)

SUBPART C: FISCAL AND MONITORING REQUIREMENTS

Section 1100.200 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 at least retained until the issues are resolved.

Section 1100.210 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;

 - 2) Contractual services;

 - 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) 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 Illinois Attorney General's Office.
- 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 expenses 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 expenses of fund-raising activities;
 - 6) Entertainment and meal expenses;

- 7) Donations of cash or in-kind services to charities, other organizations and individuals;
- 8) The repayment of any of the principal amount of, and the payment of interest on, any loan;
- 9) Lease-purchase agreements for items of equipment;
- 10) The cost of office space or other buildings;
- 11) The cost of developing supply inventories;
- 12) Any expense incurred by a Grantee for the sale of goods or services;
- 13) Reimbursement of expenses that have been funded by a grant from another funding source;
- 14) Contributions to a contingency reserve or any similar provision for unforeseen events.

Section 1100.218 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 1100.210(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 1100.220 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 and Management Letter

1) Private not-for-profit agencies must submit a copy of their most recently completed audit and management letter with the grant application.

2) Governmental entities must have on site a copy of their most recently completed audit for review by the Administrator during site visits.

3) Agencies with a total budget of under \$300,000, or who have been in operation less than a year at the time of filing a grant application, may request an exemption to the audit requirement, but must submit a financial statement detailing revenue sources and expenses.

Section 1100.230 Grant Agreement

a) The Grant Agreement serves as the formal statement of mutual expectations between the Administrator and the Grantee, and shall be drafted by the Administrator. 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. The authorized official of the Grantee must sign the Grant Agreement.

b) The Grant Agreement shall contain the certification and information required by the Illinois Grant Funds Recovery Act [30 ILCS 705].

c) The term of the agreement shall be July 1 to June 30, unless a different term is specified in the Grant Agreement and unless sooner terminated as provided in Section 1100.250. Payments under the Grant Agreement will be made quarterly.

d) Those sections of the Grantee's proposal that the Administrator has accepted shall be incorporated into the Grant Agreement.

e) 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 written consent for the change, modification, revision, alteration, amendment, deletion or extension from the Administrator in the form of a Supplemental Agreement.

1) When the Grantee has, in good faith, attempted to comply with the 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 in 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 grant award and services to victims and witnesses, and the grant funds expenditure is allowable under Section 1100.210(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 can not be expended in accordance with the Grant Agreement 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 submit information relating to the reallocation on a form prescribed by the Administrator.

- 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 on a form prescribed by the Administrator.

- 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 on a form prescribed by the Administrator.

- D) The Administrator will 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 of its decision within 30 days after receipt of a request.

Section 1110.240 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 Grant 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. Payments are subject to the continued availability of appropriated funds.

- b) A payment shall 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;
- 3) The Grantee has failed to obtain approval for modification of services or for reallocation of funds;
- 4) The Grantee becomes non-compliant with the Charitable Trust Act or the Solicitation for Charity Act; or
- 5) The Grantee has failed to timely submit lapsed funds from a prior grant.

Section 1110.250 Termination of Grant Agreement

- a) The Administrator may terminate the Grant Agreement for good cause, which includes, but is not limited to:
 - 1) Failure to timely submit reports to the Administrator, as required by Section 1100.270;
 - 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 or record-keeping requirements;
 - 5) Non-compliance with the Charitable Trust Act or the Solicitation for Charity Act;
 - 6) Use of funding for staff that does not meet the qualifications for the funded positions; and

7) Misappropriation of grant funds.

b) The Administrator will send written notification of the termination of a Grant Agreement to the Grantee 30 days prior to the termination 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 the invocation of the provisions of the Illinois Grant Funds Recovery Act.

d) The Grantee may terminate the Grant Agreement by providing written notice to the Administrator. The Grantee will comply with the procedures prescribed for repayment of funds set forth in the Illinois Grant Funds Recovery Act.

Section 1100.260 Lapsed Funds

a) Grant funds not expended or legally obligated by the end of the Grant Agreement are considered lapsed and must be returned within 45 days following the end of the Grant Agreement, as required by the Grant Funds Recovery Act.

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 lapsed funds and notify the Grantee in writing if there is a dispute within 40 days after the end of the grant period.

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 1100.270 Quarterly and Staff Reporting Forms

a) A Grantee shall submit to the Administrator financial and activity reports every three months, covering 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, requested revisions and adjustments.

2) The activity report form shall detail clients served, services provided and revisions, if any, of timetables 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. The method of delivery shall be specified by the Administrator.

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. The notice must be on a form prescribed by the Administrator and 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 1100.280 On-Site Visits and Inspection of Records and Policies

- 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, time and attendance records of funded staff, 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 Section 1100.70.

- d) In making case records available, the Grantee shall insure the confidentiality of each client pursuant to the Grantee's confidentiality standards.

SUBPART D: SPECIAL PROJECT FUNDING

Section 1100.300 Special Projects

The Administrator may award funds for special projects.

- a) Special projects must serve to implement an eligible service as defined in Section 8 of the Violent Crime Victims Assistance Act. Examples are the translation of educational materials from English to another language and regional or local training.

- b) A special project shall not be an ongoing service.

c) A special project shall be of a specific duration and have a specific goal. When this goal is accomplished, the special project is completed.

Section 1100.310 Eligible Agencies

Any eligible agency, as defined in Section 1100.20, may apply for special project funding under this Section, either separately or in addition to funding for programs described in Subparts A and B.

Section 1100.320 Special Project Grant Application Requirements

a) Applicants must submit a grant application for a special project on a form prepared by the Administrator.

b) The special project grant application form shall include the following information:

1) The information required under the Illinois Grant Funds Recovery Act;

2) Details of the target population;

3) Descriptions of the services to be provided;

4) Descriptions of the materials to be produced or utilized;

5) Goals;

- 6) Proposed agendas;
 - 7) Anticipated time frames;
 - 8) Income documentation as required by Section 1100.200(a);
 - 9) The agency's Charitable Trust number, or a statement that the agency is exempt;
 - 10) If a not-for-profit agency, a copy of its most recent financial audit and management letter as required by Section 1100.220; and
 - 11) The signature of the authorized official of the agency.
- c) The Administrator will verify an applicant's Charitable Trust number or exempt status.

Section 1100.330 Funding Priorities

The Administrator shall consider the following factors in determining which applicants shall receive funding:

- a) Stated goals of applicants as contained in the grant application;
- b) Commitment and ability to provide the services described;
- c) Number of persons to be served;

- d) Demonstrated need for the project;

- e) The extent to which the project serves victims and witnesses directly.

Section 1100.340 Grant Agreements

- a) The Grant Agreement serves as the formal statement of mutual expectations between the Administrator and the Grantee and shall be drafted by the Administrator. The authorized official of the Grantee must sign the Grant Agreement.

- b) The Grant Agreement shall contain the certification and information required by the Illinois Grant Funds Recovery Act.

- c) The term of the agreement shall be specified, but will not span fiscal years.

- d) Payment terms will be specified. Grant Agreements and payments are subject to the continued availability of appropriated funds.

- e) Grant funds not expended or legally obligated by the end of the Grant Agreement are considered lapsed and must be returned within 45 days following the end of the Grant Agreement, as required by the Illinois Grant Funds Recovery Act. If the Grantee fails to timely return the lapsed funds, the Administrator shall institute proceedings to recover the funds in accordance with the Illinois Grant Funds Recovery Act.

Section 1100.350 Fiscal and Monitoring

The fiscal and monitoring provisions set forth in Subpart C apply to grants for special projects, unless otherwise provided in the Grant Agreement.