

Chairperson Landwehr and Members of the House Committee on Health and Human Services,

The Kansas Coalition Against Sexual and Domestic Violence (KCSDV) is a statewide non-profit organization whose membership includes 25 sexual and domestic violence programs serving victims across Kansas. KCSDV provides information, training, and analysis on issues impacting victims of domestic and sexual violence, their families, and their communities. KCSDV member programs are committed to providing quality services to all victims of sexual assault and domestic violence, empowering victims to live independently without the ongoing fear of violence, and to help victims secure resources necessary for a safe and healthy future.

KCSDV has serious concerns about the potential impact of the inclusion of domestic violence centers and rape crisis centers (DV/SA agencies) in SB 180 and would like to outline some information for you to consider.

KCSDV and all 25 member programs receive federal grant funding, either directly or through pass-through funding, to provide services to victims of domestic violence and sexual assault in Kansas. This funding is critical for programs to remain open and operational. The Department of Justice (DOJ) alone provided just over \$14 million in subawards to Kansas DV/SA agencies.

By accepting the federal funding, Kansas DV/SA programs enter into a contract with the funders to comply with specific conditions outlined for each grant, including specific non-discrimination provisions referencing gender and gender identity.

For example, the Violence Against Women Act (VAWA) of 1994 is a major source of funding for KCSDV and member programs. The VAWA Reauthorization Act of 2013, which was reauthorized again in 2022, included non-discrimination provisions that state “no person in the United States shall, on the basis of actual or perceived race, color, religion, national origin, sex, gender identity, [...] sexual orientation, or disability, be excluded from participation in, be denied the benefits of, or subjected to discrimination under any program or activity funded in whole or in part with funds made available under” VAWA or any other grants administered by the Office on Violence Against Women.

VAWA includes provisions regarding sex-specific programming. Guidance documents from the DOJ regarding implementation of sex-specific programming specifically state that the program should assign a **beneficiary (survivors who receive services) to the group or service which corresponds to the gender with which the beneficiary identifies**. VAWA uses the definition of “gender identity” from the federal Matthew Shepard-James Byrd Jr. Hate Crime Prevention Act, which means “actual or perceived gender-related characteristics” and is an individual’s internal view of their gender, which might be different from an individual’s assigned sex at birth. Additionally, the federal guiding documents state that a funding recipient, like KCSDV and

member programs, may not ask questions about a beneficiary's anatomy or medical history or make burdensome demands for identity documents to determine a person's gender or gender identity. KCSDV is concerned that SB 180 may put domestic violence shelter programs and rape crisis centers in a position where they risk violating federal law and/or the requirements to receive the critical federal funding.

VAWA is just one federal act to consider. Provisions related to gender identity and requirements related to sex-segregated or sex-specific programming are also included in the federal Family Violence Prevention and Services Act (FVPSA). Additionally, the federal Victims of Crime Act (VOCA) includes non-discrimination provisions on the ground of sex, which the DOJ has concluded encompasses discrimination based on gender identity. Together, VAWA, FVPSA, and VOCA grants provide the majority of funding for KCSDV programs.

KCSDV opposes SB 180. KCSDV and member programs should be considered subject matter experts on the topic of creating safety, not only for girls and women in Kansas, but for all people who experience domestic and sexual violence. When surveyed, our member programs reported that they were not consulted about this bill. The specific inclusion of domestic violence centers and rape crisis centers in the bill provides at best uncertainty regarding compliance with federal requirements, and at worst creates direct conflict with what is required of our programs and jeopardizes our ability to operate.

KCSDV respectfully requests the Committee consider the potential catastrophic impact on programs that provide life-saving services to victims of domestic violence and sexual assault. Additionally, KCSDV member programs ask that you be informed that research shows that trans folks are disproportionately impacted by sexual and domestic violence. Our agencies work tirelessly to lower the barriers to accessing our services for those who are victimized. We ask the Committee to consider the potential that SB 180, if passed, could create the circumstance where a victim, who believes our agencies are not allowed to recognize them as their true and whole self, will not feel safe seeking services.

Thank you,

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