

**WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION**

Form #2

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FILED

2014 JUN 27 P 2:12

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: Family Protection Services Board TITLE NUMBER: 191

RULE TYPE: Legislative CITE AUTHORITY: WV Code 48-26-403

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 2

TITLE OF RULE BEING AMENDED: Family Protection Programs, Outreach Services and Shelter

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON July 28, 2014 AT noon ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

Judy King
P.O.Box 4228
Morgantown, WV 26504

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.

Judy King
Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

FISCAL NOTE FOR PROPOSED RULES

Rule Title: 191CSR2

Type of Rule: Legislative Interpretive Procedural

Agency: Family Protection Services Board

Address: Family Protection Services Board
c/o Division of Justice and Community Services
1204 Kanawha Blvd. East
Charleston, WV 25301

Phone Number: 304 292-5100 (Judy King) Email: rdvic99@earthlink.net

Fiscal Note Summary

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

This measure will not effect the costs and revenues of state government. As stated, this rule is supported by special revenue accounts. The Domestic Violence Legal Services Fund and the Family Protection Fund provide support for this program.

Fiscal Note Detail

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of Breakdown by fiscal year, including long-range effect.

FISCAL YEAR			
Effect of Proposal	Current Increase/Decrease (use "-")	Next Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0.00	0.00	0.00
Personal Services	0.00	0.00	0.00
Current Expenses	0.00	0.00	0.00
Repairs & Alterations	0.00	0.00	0.00
Assets	0.00	0.00	0.00
Other			
2. Estimated Total Revenues	0.00	0.00	0.00

191CSR2

Rule Title: _____

Rule Title: _____

3. Explanation of above estimates (including long-range effect):

Please include any increase or decrease in fees in your estimated total revenues.

This rule will have no effect on the general revenue budget. It is paid for out of special revenue accounts. There is no increase or decrease in fees.

MEMORANDUM

Please identify any areas of vagueness, technical defects, reasons the proposed rule would not have a fiscal impact, and/or any special issues not captured elsewhere on this form.

This rule is supported by existing fees and will not necessitate increasing the fees. The Board is asking for the amount available for their work to be increased from 5% to 15% of their special revenue account. There are no plans to increase funding at this time but since the board's work is increasing each year with additional programs applying for licensure, there is the potential for a need for additional staff during the effectiveness of this rule. This requires some flexibility.

Date: 6/26/14

Signature of Agency Head or Authorized Representative

Judy King

BRIEF SUMMARY OF RULE 191CSR2

This rule is amending an existing rule that covers Domestic Violence Programs and includes the following:

§1 - This section covers scope and authority.

§2 - This section includes definitions and adds for clarification a number of new definitions.

§3 - This section provides licensing standards for Domestic Violence Programs and the role of the Board of Directors.

§4 - This section covers additional licensing standards for domestic violence shelters.

§5 - This section establishes additional licensing standards for domestic violence outreach programs.

§6 - This section briefly discusses entities that are not eligible for funding. Funding details have been moved to 191CSR1.

STATEMENT OF CIRCUMSTANCES THAT REQUIRED THE PROPOSED RULE

This rule has not been updated since 2003. In 2013, the WV Legislature passed HB2603 which updated the responsibilities of the Family Protection Services Board and all licensing programs for which the Board is responsible. Thus all of the associated rules are being amended to comply with the new code.

TITLE 191
LEGISLATIVE RULE
FAMILY PROTECTION SERVICES BOARD

SERIES 2
~~FAMILY PROTECTION DOMESTIC VIOLENCE PROGRAMS, OUTREACH SERVICES
AND SHELTER LICENSURE~~

1 §191-2-1. General.
2

3 1.1. Scope -- This rule establishes general standards and
4 procedures for the licensure of ~~family protection domestic violence~~
5 programs as specified in W. Va. Code §48-26-401 and the Code of
6 State Rules, Title 191, Series 1. The West Virginia Code is
7 available in public libraries and on the Legislature's web page at
8 <http://www.legis.state.wv.us/>.

9
10 1.2. Authority -- W. Va. Code ~~§§48-26-401(4) and 48-26-402.~~
11 §48-26-403.
12

13 1.3. Filing Date --
14

15 1.4. Effective Date --
16

17 §191-2-2. Definitions
18

19 For purposes of these rules, the following definitions shall
20 apply:
21

22 2.1. "Advocacy" means assisting victims and survivors of domestic
23 and family violence, dating violence, sexual assault, stalking or
24 human trafficking, and their children, in obtaining support and
25 assistance in securing rights, remedies, and services, from
26 criminal justice and other public agencies. by directly providing
27 for, or referring to, public and private agencies to provide for,
28 safety planning; shelter; housing; legal services; outreach;
29 counseling; case management; information and referral; training;
30 employment; child care; health care; transportation; financial
31 literacy education; financial planning and related economic
32 empowerment services; parenting and other educational services; and
33 other supportive services. ~~These services include but are not~~
34 ~~limited to: filing temporary restraining orders, providing court~~
35 ~~accompaniment, assisting with financial, medical, and housing~~
36 ~~needs.~~

1
2 2.2 Board" means the Family Protection Services Board created
3 pursuant to Chapter 53 of the Acts of the Legislature of 1989 and
4 subsequently recodified in §48-26-204.
5

6 ~~2.2.~~ 2.3. "Certified Domestic Violence Advocate" means an
7 advocate employed by a licensed ~~family protection~~ domestic violence
8 program who has been approved by the Board of Directors of West
9 Virginia Coalition Against Domestic Violence as meeting the
10 eligibility standards outlined in the Coalition's Domestic Violence
11 Advocate Certification Project.
12

13 2.4. "Closure" means the temporary or permanent prohibition of
14 specified services and the corresponding suspension of licensure of
15 a program or program component that violates the standards
16 established by the board or that threatens the health, well being
17 or safety of its program participants or staff.
18

19 ~~2.3.~~ 2.5. "Crisis Counseling Intervention" means supportive
20 intervention services provided by licensed ~~family protection~~
21 domestic violence programs and shelters. The services include but
22 are not limited to assisting victims of domestic and family
23 violence, dating violence, sexual assault, stalking or human
24 trafficking, and their children, in identifying and assessing their
25 situation and accessing resources for resolution.
26

27 2.6. "Department" means the Department of Health and Human
28 Resources.
29

30 ~~2.4.~~ 2.7. "Direct Services" means acts of assistance provided
31 directly to victims including, but not limited to, emergency
32 shelter, crisis counseling intervention, and safety planning;
33 shelter; housing; legal services; outreach; counseling; case
34 management; information and referral; training; employment; child
35 care; health care; transportation; financial literacy education;
36 financial planning and related economic empowerment services;
37 parenting and other educational services; and other support
38 services.
39

40 2.8. "Domestic violence program" means a licensed program of a
41 locally controlled nonprofit organization, established primarily
42 for the purpose of providing advocacy services, comprising both a
43 shelter component and an outreach component, to victims of domestic
44 violence, dating violence, sexual assault, stalking or human
45 trafficking, and their children: Provided, That the board may

1 temporarily or permanently close either the shelter component or
2 the outreach component of a domestic violence program.

3
4 2.9. "Family Protection Fund" means the special revenue account
5 established by Chapter 74 of the Acts of the Legislature of 1981,
6 held by the department, for the purpose of collecting marriage
7 license fees pursuant to section ten, article one, chapter
8 fifty-nine of this code, divorce surcharge fees pursuant to section
9 twenty-eight-a, article one, chapter fifty-nine of this code, fees
10 for failure to present a premarital education course completion
11 certificate pursuant to section ten, article one, chapter
12 fifty-nine of this code and any other funding source, including any
13 source created in another section of this code, and distributed to
14 licensed domestic violence programs, in accordance with the formula
15 designated by the board.

16
17 2.10. "Outreach" means a licensed domestic violence program's
18 community-based activities that increase awareness and availability
19 of services, in every county within the program's regional service
20 area, to victims and survivors of domestic violence, dating
21 violence, sexual assault, stalking or human trafficking, and their
22 children.

23
24 2.5.2.11. "Safety Planning" means a process where victims of
25 domestic and family violence, dating violence, sexual assault,
26 stalking or human trafficking, and their children, are assisted in
27 identifying specific actions that help them maximize their safety.

28
29 2.12. "Shelter" means residential services offered by a licensed
30 domestic violence program on a temporary basis, to persons who are
31 victims of domestic violence, dating violence, sexual assault,
32 stalking or human trafficking, and their children.

33
34
35 **§191-2-3. Licensing Standards for Family Protection Domestic**
36 **Violence Programs.**

37
38 3.1. Family protection Domestic violence program requirements:

39
40 3.1.a. A family protection domestic violence program shall
41 have a mission statement that, among other things, acknowledges the
42 existence of the program for the purpose of providing advocacy
43 services, comprising both a shelter component and an outreach
44 component, to victims of domestic violence, dating violence, sexual
45 assault, stalking or human trafficking, and their children.

1 ~~specifying its purposes and program orientation. The statement~~
2 ~~shall identify the types of services provided and the individuals~~
3 ~~to be served by the program. The mission statement shall be~~
4 ~~available to the public on request.~~
5

6 3.1.b. A ~~family protection~~ domestic violence program shall
7 have and enforce a written policy stating that victims have the
8 right to make their own decisions, to retain the responsibility of
9 their children, and to be free from violent behavior.

10
11 3.1.c. A ~~family protection~~ domestic violence program shall
12 have and enforce a written policy that preserves the individual's
13 right of confidentiality and complies with all federal and state
14 privacy laws. The written policy shall also include the following:
15

16 3.1.c.1. No licensed domestic violence program pursuant to
17 this rule may disclose, reveal or release or be compelled to
18 disclose, reveal or release, any written records or personal or
19 personally identifying information about a program participant
20 created or maintained in providing services, regardless of whether
21 the information has been encoded, encrypted, hashed, or otherwise
22 protected, except:
23

24 3.1.c.1.a. Upon written consent, or upon oral consent in
25 emergency situations defined by legislative rule, of the person
26 seeking or who has sought services from the program;
27

28 3.1.c.1.b. In any proceeding brought under sections four and
29 five, article six, chapter nine of this code or article six,
30 chapter forty-nine of this code;
31

32 3.1.c.1.c. As mandated by article six-a, chapter forty-nine
33 and article six, chapter nine of this code;
34

35 3.1.c.1.d. Pursuant to an order of any court based upon a
36 finding that said information is sufficiently relevant to a
37 proceeding before the court to outweigh the importance of
38 maintaining the confidentiality established by this section;
39

40 3.1.c.1.e. To protect against a clear and substantial danger
41 of imminent injury by a person receiving services to himself or
42 herself or another;
43

44 3.1.c.2. In addition to the provisions set forth in this
45 section, the release of a victim's personally identifying

1 information is subject to the provisions of 42 U.S.C. §
 2 13925(b)(2).

3
 4 3.1.c.3. No consent or authorization for the transmission or
 5 disclosure of confidential information is effective unless it is
 6 signed by the program participant whose information is being
 7 disclosed. Every person signing an authorization shall be given a
 8 copy.

9
 10 3.1.c.4. A victim of domestic violence, dating violence,
 11 sexual assault, or stalking shall not be required to provide
 12 consent to release his or her personally identifying information as
 13 a condition of eligibility for the services, nor may any
 14 personally-identifying information be shared in order to comply
 15 with federal or state reporting, evaluation, or data collection
 16 requirements: Provided, That nothing in this section prohibits a
 17 program from reporting suspected abuse or neglect, as defined by
 18 law, when the program is mandated by law to report suspected abuse
 19 or neglect.

20
 21 3.1.d. A family protection domestic violence program
 22 shall have and enforce a written policy that requires that all
 23 cases involving of suspected child abuse, child sexual abuse, and
 24 child abandonment be reported according to the requirement of W.Va.
 25 Code §49-6a-2 to the local Department of Health and Human Services,
 26 Child Protective Services Unit or to the statewide abuse hotline.

27
 28 3.1.e. A domestic violence program shall have and enforce
 29 a written policy that requires reporting of suspected abuse and
 30 neglect of an incapacitated adult or facility resident to adult
 31 protective services according to requirement of W. Va. Code §9-6-
 32 11.

33
 34 ~~3.1.e. 3.1.f. Family protection Domestic violence~~ program
 35 staff shall demonstrate knowledge of the ~~Prevention of Domestic~~
 36 ~~Violence Law Act~~, W. Va. Code §§48-26-101 et seq., and provide that
 37 information to those individuals to whom it applies.

38
 39 ~~3.1.f. 3.1.g.~~ 3.1.g. A family protection domestic violence
 40 program shall, at a minimum, provide the following services:

41
 42 ~~3.1.f.1.~~ 3.1.g.1. Case management;

43
 44 ~~3.1.f.2.~~ 3.1.g.2. Advocacy;

1 ~~3.1.f.3.~~ 3.1.g.3. ~~Information and referral to~~
2 ~~other community resources~~ Crisis Intervention;

3
4 ~~3.1.f.4.~~ 3.1.g.4. Information and referral to other
5 community resources; and

6
7 3.1.g.5. Counseling, which may be provided within the
8 program or arranged with other community agencies. ;

9
10 3.1.g.6. 24-Hour Hotline Services;

11 3.1.g.7. Safety Planning;

12 3.1.g.8. Temporary Emergency Shelter;

13
14 3.1.g.9. Community Education, Awareness and Prevention
15 activities; and

16 3.1.g.10. Sexual assault services unless already being
17 provided by a local sexual assault program.

18
19 ~~3.1.g.~~ 3.1.h. A family protection domestic violence program
20 shall ensure that all purchase of client service agreements are in
21 writing. Those agreements shall contain all terms and conditions
22 required to define the individuals to be served, the services to be
23 provided, the procedures for payment and the payment amount.

24
25 ~~3.1.h.~~ 3.1.i. A family protection domestic violence program
26 shall maintain appropriate outreach space. ~~copies of all leases~~
27 ~~into which it has entered. These leases shall state the location~~
28 ~~of the property involved, the monthly or annual rent, and the~~
29 ~~ownership of the property, the useable square footage and the term~~
30 ~~of the lease.~~

31
32 ~~3.1.i.~~ 3.1.j. A family protection domestic violence
33 program shall carry fire and liability insurance covering any
34 individuals in its residential facility. In addition, the family
35 protection program shall have insurance which covers liability to
36 third parties or individuals in residence arising from the use of
37 any vehicle, whether owned or not owned by the facility, used by
38 any of the program's staff or agents on program business.

39
40 ~~3.1.j.~~ 3.1.k. A family protection domestic violence
41 program shall have a written description policy of its referral
42 process, admission policies, exit interview process, and follow-up
43 procedures for residential clients.

1
2 ~~3.1.k.~~ 3.1.l. A ~~family protection domestic violence~~
3 program shall employ staff ~~or utilize volunteers~~ to cover the
4 following areas: administration and supervision of the program;
5 program direction to provide overall development; coordination of
6 personnel and facilities; coordination of volunteer activities;
7 case supervision; direct resident services; case management; record
8 keeping; and community education activities. Prior to accepting a
9 person as an employee or volunteer in the domestic violence
10 program, the program shall conduct a background /criminal records
11 check.

12
13 ~~3.1.l.~~ 3.1.m. A ~~family protection domestic violence~~
14 program shall make available and display the ~~address~~ and telephone
15 number of the Domestic Violence Services Complaint Toll Free Number
16 at all locations.

17
18 3.1.n. Domestic Violence programs that own or lease
19 buildings shall be in compliance with the American with
20 Disabilities Act or make arrangements to accommodate individuals
21 with special needs.

22
23 3.2. Board of Directors.

24
25 3.2.a. A ~~family protection domestic violence~~ program
26 shall be governed by a board of directors which shall be
27 responsible for and have authority over the policies and
28 activities of the program, and which is broadly representative of
29 the community served.

30
31 3.2.b. The board of directors shall adopt, ~~and review~~
32 ~~on a bi-annual basis,~~ written by-laws and policies that define
33 the powers and duties of the governing body, its committees, the
34 executive director(s), and advisory group, where one exists.
35 Copies of the articles of incorporation and the by-laws shall be
36 maintained by the board of directors.

37
38 3.2.c. The board of directors shall be responsible for
39 ensuring the program's continual compliance and conformity with
40 terms and conditions of all funding sources.

41
42 ~~3.2.c.1. Provisions of the program's charter,~~

43 ~~3.2.c.2. All federal, state and local laws, rules~~
44 ~~and regulations governing the operation of the program, and~~

45
46 ~~3.2.c.3. Terms of all leases, contracts, or other~~

1 ~~legal agreements to which the program is a party.~~

2
3 3.2.d. The board of directors will require the program
4 director to submit a written programmatic and financial report at
5 each board meeting.

6
7 3.2.e. Every member of the board of directors shall
8 disclose in writing any financial transactions with the program
9 involving the member or her or his immediate family. The board of
10 directors must approve any contract or transaction of disclosure
11 where financial interests of this nature have been made.

12
13 3.2.f. The board of directors shall designate an
14 individual(s) to act as program director and shall delegate the
15 necessary authority to such person(s) to manage the affairs of
16 the program effectively.

17
18 3.2.g. The board of directors shall meet at a minimum
19 on a quarterly basis and shall keep written minutes of all
20 meetings, including attendance and whether or not a quorum was
21 present.

22
23 3.2.h. The board of directors shall maintain a current
24 listing of its members, including the name, the position, and the
25 term of membership (if applicable) for each member.

26
27 ~~3.2.i. The board of directors shall establish internal~~
28 ~~operating procedures, including by laws and meeting dates.~~

29
30 ~~3.2.j.~~ 3.2.i. The board of directors shall ensure that
31 the ~~family protection~~ domestic violence program is adequately
32 funded and fiscally sound. To this end, the board of directors
33 shall be responsible for the following:

34
35 ~~3.2.j.1.~~ 3.2.i.1. Assessing the adequacy of
36 operating funds for at least six months into the future, i.e.,
37 reserves, guarantee of loans or other funds and fees, and
38 developing a fund-raising strategy when necessary;

39
40 ~~3.2.j.2.~~ 3.2.i.2. Reviewing and approving the
41 program's annual budget;

42
43 ~~3.2.j.3.~~ 3.2.i.3. Providing for an annual audit of
44 all accounts by an independent certified public accountant who is
45 neither an employee of the program nor a member of the board of
46 directors;

1 ~~3.2.j.4.~~ 3.2.i.4. Monitoring disbursement of all
2 funds on at least a quarterly basis to assure that they are made
3 in accordance with the program's objectives as specified by the
4 board of directors;

5
6 ~~3.2.j.5.~~ 3.2.i.5. Assuring that a program maintains
7 liability insurance ~~and bond coverage for staff,~~ volunteers, and
8 members of the board of directors;

9
10 ~~3.2.j.6.~~ ~~Providing, at its own expense, a financial~~
11 ~~bond for all individuals delegated the authority to sign checks~~
12 ~~or manage funds. The bond shall assure the full operation of the~~
13 ~~program for a period of thirty (30) days should those individuals~~
14 ~~misappropriate or mismanage the program's funds or assets or~~
15 ~~engage in any illegal act which results in the loss of funds or~~
16 ~~assets.~~

17
18 ~~3.2.j.7.~~ 3.2.i.6. Assuring that the program
19 requests and receives funding from public and multiple private
20 sources, ~~and that private funding constitutes a substantial~~
21 ~~portion of the budget.~~

22
23 ~~3.2.j.8.~~ 3.2.i.7. Assuring community support for
24 the program, as demonstrated by material contributions and other
25 donations.

26
27 ~~3.2.k.~~ 3.2.j. A family protection domestic violence
28 program's board of directors shall adopt ~~and monitor~~
29 ~~implementation of~~ written personnel policies that shall, ~~at a~~
30 ~~minimum:~~

31
32 ~~3.2.k.1.~~ 3.2.j.1. Pertain to all paid or volunteer
33 staff;

34
35 ~~3.2.k.2.~~ ~~Include requirements for recruitment~~
36 ~~efforts, equal employment opportunity, selection procedures,~~
37 ~~orientation, on-going staff development and training, and~~
38 ~~termination of employment;~~

39
40 ~~3.2.k.3.~~ ~~List, in definitive terms, all benefits~~
41 ~~that are available to staff and volunteers, including specifics~~
42 ~~of any insurance program;~~

43
44 ~~3.2.k.4.~~ ~~Specify eligibility for vacation, personal~~
45 ~~leave and adjusted work week, yearly carry-over and accumulation,~~
46 ~~approval procedures, and payment upon termination.~~

1
2 ~~3.2.k.5. 3.2.j.2.~~ Specify actions that will be
3 taken by the agency if an employee personnel fails to comply with
4 employee, contractor, or volunteer policies. ~~, including written~~
5 ~~notification of the nature of misconduct or poor performance, the~~
6 ~~discipline being taken, the effective date of the discipline,~~
7 ~~future consequences for reoccurrence, and appeal rights.~~ The
8 policy shall allow the employee the opportunity to respond to the
9 charges of misconduct or poor performance before a disciplinary
10 decision is made;

11
12 ~~3.2.k.6.~~ ~~Specify grievance procedures for the~~
13 ~~employees, including grievable issues, steps of appeal, required~~
14 ~~time frames and who has the authority for resolution;~~

15
16 ~~3.2.k.7.~~ ~~Delineate the lines of authority within~~
17 ~~the agency, and outline the authority of the supervisor(s)~~
18 ~~regarding personnel, activities such as promotion, discipline,~~
19 ~~leave approval, performance evaluations, grievances, assignment~~
20 ~~of work and training;~~

21
22 ~~3.2.k.8.~~ ~~3.2.j.3.~~ Include job descriptions and
23 position qualifications for each position within the program;

24
25 ~~3.2.k.9.~~ ~~Require that all staff, including~~
26 ~~administrative and supervisory staff, receive performance~~
27 ~~evaluations at least on an annual basis. The evaluations must be~~
28 ~~signed by both employee and supervisor;~~

29
30 ~~3.2.k.10.~~ ~~3.2.j.4.~~ Set forth, in written form, rules
31 of conduct for personnel which include such topics as appropriate
32 attire, work hours, confidentiality, insubordination, misuse of
33 authority or equipment, absences without leave and falsification
34 of records ;

35
36 ~~3.2.k.11.~~ ~~3.2.j.5.~~ Require that individuals providing
37 professional or therapeutic counseling, and/or professional
38 social work have appropriate credentials and are licensed when
39 applicable; and

40
41 ~~3.2.k.12.~~ ~~3.2.j.6.~~ Assure that at least one-third of
42 its direct service providers are certified by the West Virginia
43 Coalition Against Domestic Violence as Domestic Violence
44 Advocates.

45
46 3.2.j.7. Provide new staff with

1 orientation/training.

2
3 ~~3.2.j.8. Assure that all direct service staff attend~~
4 ~~at least two West Virginia Coalition Against Domestic Violence~~
5 ~~domestic violence advocate certification trainings per year~~
6 ~~approved by the West Virginia Coalition Against Domestic~~
7 ~~Violence.~~

8
9 ~~3.3. Client Records and Service Plans~~ A domestic violence
10 program shall maintain demographic and service records of
11 individuals served.

12
13 ~~3.3.a. A family protection program shall maintain a~~
14 ~~written record for each individual who receives services from the~~
15 ~~program.~~

16
17 ~~3.3.b. Individual client records shall include service~~
18 ~~data from the time of initial contact until the time services are~~
19 ~~concluded.~~

20
21 ~~3.3.c. Individual client records shall include a service~~
22 ~~plan or contract which has been developed specifically for the~~
23 ~~client. The service plan or contract shall be developed by program~~
24 ~~staff with the active participation of the client and must be~~
25 ~~completed prior to the beginning of the provision of services,~~
26 ~~except in crisis situations.~~

27
28 ~~3.3.d. Individual client records shall include a record~~
29 ~~of follow-up services, when permission to provide such services is~~
30 ~~granted in writing by the client.~~

31
32 ~~3.3.e. For clients of residential services:~~

33
34 ~~3.3.e.1. The individual client record shall contain an~~
35 ~~application form, which includes identifying data, eligibility~~
36 ~~factors, rights and responsibilities, a service plan, signature of~~
37 ~~individual receiving residential services, and staff signature;~~

38
39 ~~3.3.e.2. The service plan or contract shall include~~
40 ~~the presenting problem(s) or need(s) of the client, goals to be~~
41 ~~achieved, and services to be accessed/provided to address the~~
42 ~~presenting problem(s). Each plan shall be specific to the~~
43 ~~needs/goals of each client, and shall reflect steps relevant to~~
44 ~~safely leaving, safely staying and/or safely living on one's own.~~

1 ~~3.3.f. For clients of nonresidential services, case~~
2 ~~notes shall be used to describe delivery of service and~~
3 ~~justification of services received.~~

4
5 ~~3.4.e. The number and type of services provided.~~

6
7 ~~3.4.f. An assessment of stability and quality of~~
8 ~~staff, as indicated by the staff turnover rate, the number of~~
9 ~~Certified Domestic Violence Advocates, and the proportion of~~
10 ~~Certified Domestic Violence Advocates to non-certified advocates.~~

11
12 ~~3.4.g. A staff development plan and budget, and~~
13 ~~evidence of implementation of the plan.~~

14
15 **§191-2-4. Additional Licensing Standards for Domestic**
16 **Violence Shelters.**

17
18 In addition to complying with the ~~family protection~~
19 domestic violence program standards in Section 3 of this rule,
20 domestic violence shelters, ~~at a minimum,~~ shall comply with the
21 following standards.

22
23 4.1. A shelter shall have written policies that prohibit
24 the possession and use of weapons, except in the case of law
25 enforcement officers who are on the premises acting in their
26 official capacity, violence and drug or alcohol use within the
27 shelter. A copy of the policies shall be supplied to and signed
28 by residents to acknowledge agreement to adhere to the policies.

29
30 ~~4.2. Shelter staff shall support the autonomy and~~
31 ~~ability of resident adults to make their own decisions as to~~
32 ~~their future course of action;~~

33
34 ~~4.3.~~ 4.2. A shelter shall meet the applicable federal,
35 state and local fire, health, and safety standards, including,
36 but not limited to:

37
38 ~~4.3.a.~~ 4.2.a. Smoke detectors on each floor, including
39 in the sleeping area(s), the kitchen and the furnace areas;

40
41 ~~4.3.b.~~ 4.2.b. A window or access to a fire escape
42 from the sleeping areas;

43
44 ~~4.3.c.~~ 4.2.c. At least one (1) fire extinguisher on
45 each floor of the shelter and one located in the kitchen area;

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1 ~~4.3.d.~~ 4.2.d. Clear exits for escape in case of fire;

2
3 ~~4.3.e.~~ 4.2.e. No lead paint ~~on the walls, floors,~~
4 doors, furniture, cabinets, windows, stairs, or porches.

5
6 ~~4.3.f.~~ 4.2.f. Dead bolts used on shelter doors which
7 are not double-keyed; it must be possible to release dead bolts
8 from the inside without a key to allow for escape in case of
9 fire.

10
11 ~~4.3.g.~~ 4.2.g. Separate storage, out of the reach of
12 children, of flammable, poisonous and caustic materials located
13 in the shelter.

14
15 ~~4.3.h.~~ 4.2.h. Childproof covers in electrical outlets
16 not in use.

17
18 ~~4.3.i.~~ 4.2.i. Nutritional ~~and adequate~~ meals, ~~adequate~~
19 food storage, cooking facilities, refrigeration, utensils, and
20 equipment.

21
22 ~~4.3.j.~~ 4.2.j. ~~Adequate~~ Dining areas which are clean and
23 well ventilated.

24
25 ~~4.3.k.~~ 4.2.k. Bathing, lavatory and toilet facilities
26 available on the premises which allow for individual privacy.
27 These facilities must be maintained in good operating condition
28 and must be cleaned on a regular basis.

29
30 ~~4.3.l.~~ 4.2.l. Sleeping beds available for each
31 resident. Cribs or playpens shall be available for infants and
32 toddlers.

33
34 ~~4.3.m.~~ 4.2.m. Centrally located secure storage with a
35 double locking system for medications belonging to residents.

36
37 ~~4.3.n.~~ 4.2.n. Resident access to telephones.

38
39 ~~4.3.o.~~ 4.2.o. Securable external entrances or exits,
40 including doors, windows, and skylights.

41
42 ~~4.4.~~ 4.3. A shelter shall post in a conspicuous and
43 accessible place current certificates indicating the current
44 compliance with and that the facility meets all state and local
45 fire and health requirements.

1 ~~4.5.~~ 4.4. A shelter shall provide a clean and comfortable
2 environment for residents. A shelter shall ~~have enough heating~~
3 ~~equipment to be~~ provide sufficiently sufficient warm warmth
4 during the cold months and ~~adequate~~-ventilation during the warm
5 months. Heaters and fireplaces with open flames shall not be
6 used. Doors and windows which are open in warm weather shall
7 have insect screening in good repair, with safety latches.

8
9 ~~4.6.~~ 4.5. A shelter shall have supplies for personal
10 hygiene available for residents.

11
12 ~~4.7.~~ 4.6. A shelter shall provide a safe play space for
13 children. Any playground equipment shall be located, installed
14 and maintained in a safe manner.

15
16 ~~4.8.~~ 4.7. A shelter shall provide a space that is
17 distinct from the living area to serve as an administrative
18 office and a private counseling office.

19
20 ~~4.9.~~ 4.8. A shelter shall ensure that all structures and
21 grounds of the facility are maintained in good repair and are
22 reasonably free from foreseeable danger to health and safety.

23
24 ~~4.10.~~ 4.9. A shelter shall provide non-combustible
25 covered containers when garbage and rubbish is stored outside.
26 Garbage shall be removed at least weekly.

27
28 ~~4.11.~~ 4.10. A shelter shall have a written ~~process-policy~~
29 for obtaining alternative lodging to house victims of domestic
30 violence and their children when the residential facility is
31 filled to capacity or is unable to accommodate special needs
32 populations, ~~including, but not limited to, victims who are:~~
33 ~~elderly, have disabilities, or who are adult and adolescent~~
34 ~~males.~~

35
36 ~~4.12.~~4.11. A shelter shall ~~assure~~ be staffed 24-hours
37 coverage per day by a trained staff person-or trained volunteer
38 when a resident is in the-facility. ____

39
40
41 **§191-2-5. Licensing Standards for Family Protection**
42 **Domestic Violence Outreach Services.**

43
44 A family protection domestic violence program must comply
45 with the following standards ~~when for~~ outreach offices ~~are used~~
46 ~~to serve victims of domestic violence.~~

1
2 ~~5.1. Outreach services shall be formally associated with~~
3 ~~a licensed family protection program. If not started by or~~
4 ~~legally a part of a licensed family protection program, a formal~~
5 ~~association with such a program shall be written in a memorandum~~
6 ~~of understanding. The memorandum of understanding shall include,~~
7 ~~but not be limited to, the following components: decision making,~~
8 ~~finances/contracts, services to be provided, lines of~~
9 ~~accountability, and personnel.~~

10
11 ~~5.2.~~ 5.1. Outreach services shall be available during
12 established office hours, and accessible at other times by a
13 toll-free telephone number.

14
15 ~~5.3.~~ 5.2. Outreach services shall be provided in an
16 ~~office~~ a location in the county designated by the licensed family
17 protection domestic violence program that has suitable space and
18 ~~adequate~~ equipment for the provision of direct services to
19 victims of domestic and family violence, dating violence, sexual
20 assault, stalking or human trafficking, and their children.

21
22 ~~5.4.~~ 5.3. Outreach services shall ~~be documented in~~
23 individual client records maintain demographic and service
24 records of individuals served.

25
26 ~~5.5.~~ 5.4. Outreach services' financial records shall be
27 kept by the licensed family protection domestic violence program
28 and in compliance with accepted audit standards.

29
30 ~~5.6.~~ 5.5. Outreach services shall include, but not be
31 limited to:

32
33 ~~5.6.a.~~ 5.5.a. Legal advocacy Advocacy;

34
35 ~~5.6.b.~~ 5.5.b. Community education, awareness and
36 prevention activities;

37
38 ~~5.6.c.~~ 5.5.c. Information and referral to other
39 community resources;

40
41 ~~5.6.d.~~ 5.5.d. Safety planning;

42
43 ~~5.6.e.~~ 5.5,e. Crisis ~~counseling~~ intervention.

44
45 ~~5.6.f.~~ 5.5.f. Sexual assault services unless already
46 being provided by a local sexual assault program; and

1
2 ~~5.6.g. Client confidentiality at all times.~~

3
4 5.5.g. Counseling, which may be provided within the
5 program or arranged with other community agencies;

6
7 5.5.h. 24-hour hotline services;

8
9 5.5.i. Case management;

10
11
12 ~~5.7.~~ 5.6. Outreach services shall be supported by the
13 community, as demonstrated by one or more of the following:
14 donated goods; donated space; in-kind donations; cash;
15 volunteers; etc.

16
17 ~~5.8. Minimum staff requirements. Outreach staff shall~~
18 ~~attend a four week orientation/training program provided by a~~
19 ~~licensed family protection program and attend at least two West~~
20 ~~Virginia Coalition Against Domestic Violence advocate~~
21 ~~certification trainings per year.~~

22
23 ~~5.9.~~ 5.7. In cases where the licensed family protection
24 domestic violence program contracts with another organization to
25 provide outreach services, that organization shall maintain its
26 own financial records and comply with all preceding standards
27 except those contained in subsection 4 of this section.

28
29 **§191-2-6. Funding of Family Protection Domestic Violence**
30 **Programs and Shelters**

31
32 ~~6.1. Amount Awarded — The Board shall award to~~
33 ~~licensed family protection domestic violence programs, and/or~~
34 ~~shelters, for each state fiscal year, ninety five percent (95%)~~
35 ~~of the total funds collected and paid over during the fiscal year~~
36 ~~to the special revenue account established pursuant to W. Va.~~
37 ~~Code §48-2-604. Any administrative funds not expended the~~
38 ~~previous year shall be carried over and allocated to programs the~~
39 ~~following fiscal year. Annually licensed domestic violence~~
40 ~~programs will submit an application for funding to DHHR using the~~
41 ~~most recent application form.~~

42
43 ~~6.2. Application for Funds — The Board shall accept~~
44 ~~applications for a grant of funds from any licensed family~~
45 ~~protection program. The application shall include, but not be~~
46 ~~limited to the following:~~

1 ~~6.2.a. A copy of the Articles of Incorporation~~
2 ~~Certificate and a copy of the 501(c)(3) Internal Revenue Service~~
3 ~~Determination Letter.~~

4
5 ~~6.2.b. A list of the incorporators of the corporation~~
6 ~~and a list of the officers and the board of directors.~~

7
8 ~~6.2.c. The proposed budget of the family protection~~
9 ~~domestic violence program for the following fiscal year.~~

10
11 ~~6.2.d. A summary of the services proposed to be~~
12 ~~offered in the following fiscal year by the family protection~~
13 ~~program.~~

14
15 ~~6.2.e. An evaluation of the local need for a family~~
16 ~~protection program.~~

17
18 ~~6.2.f. An estimate of the number of people to be~~
19 ~~served by the family protection program during the following~~
20 ~~fiscal year.~~

21
22 ~~6.2.g. Any other information the Board may feel is~~
23 ~~necessary.~~

24
25 ~~6.3. Criteria - In order for a family protection program~~
26 ~~to qualify to receive grant funds from the Board, it must meet~~
27 ~~the following criteria:~~

28
29 ~~6.3.a. Provide or propose to provide a facility which~~
30 ~~will serve as a temporary shelter to receive, care and provide~~
31 ~~services for individuals who are victims of domestic violence or~~
32 ~~abuse and their children.~~

33
34 ~~6.3.b. Be incorporated in the state of West Virginia~~
35 ~~as a nonprofit corporation.~~

36
37 ~~6.3.c. Have a board of directors, which represents a~~
38 ~~broad spectrum of the community to be served, including at least~~
39 ~~one individual who is or has been a victim of domestic violence~~
40 ~~or abuse.~~

41
42 ~~6.3.d. Receive at least fifty-five (55) percent of its~~
43 ~~funds from sources other than funds distributed under this rule.~~
44 ~~These sources may be public or private and may include~~
45 ~~contributions of goods or services.~~

46

1 ~~6.3.e. Require persons employed by or volunteering~~
2 ~~services to the program to maintain the confidentiality of any~~
3 ~~information which may identify individuals served by it.~~
4

5 ~~6.4. Restrictions~~
6

7 ~~6.4.a. The shall not fund a family protection program~~
8 ~~initially if it is shown to discriminate in its services on the~~
9 ~~basis of race, religion, age, sex, marital status, national~~
10 ~~origin or ancestry. If such discrimination occurs after initial~~
11 ~~funding, the program will not be refunded until the~~
12 ~~discrimination ceases.~~
13

14 ~~6.4.b. The Board shall not refund a family protection~~
15 ~~program if its original application projected the provision of~~
16 ~~residential services and such services were not provided in the~~
17 ~~first three months following the initial disbursement of funds by~~
18 ~~the Board. Provided that upon a subsequent showing that the~~
19 ~~funds were used in the manner proposed in the original~~
20 ~~application, the program is not barred from subsequent funding.~~
21 ~~A revision of the original application may be filed with the~~
22 ~~Board when the program starts providing residential services.~~
23

24 ~~6.5. Grant Award Criterion~~ ~~The Board shall make~~
25 ~~grant awards on the basis of the following criteria. The Board~~
26 ~~must grant or deny an application within forty five days of the~~
27 ~~receipt of the application.~~
28

29 ~~6.5.a. Demonstration of need for proposed services.~~
30

31 ~~6.5.b. Merit of project as proposed to include at~~
32 ~~minimum: adequate funding to support the program, geographic~~
33 ~~area(s) to be served, record of effective services and~~
34 ~~coordination with other programs.~~
35

36 ~~6.5.c. Demonstration of local control of the program.~~
37

38 ~~6.5.d. Administrative design and efficiency of the~~
39 ~~project.~~
40

41 ~~6.5.e. Proposed goals and objectives.~~
42

43 ~~6.6. Distribution of Funds~~ ~~The Board shall deliver~~
44 ~~funds to each family protection program within forty five (45)~~
45 ~~days of the approval of a grant application. Within any fiscal~~
46 ~~year the Board shall distribute fifty percent (50%) of the grant~~

1 funds in equal portions to all licensed family protection
2 programs within the forty five (45) day limit. The Board shall
3 also develop a formula for a second distribution of the remaining
4 fifty percent (50%) of the funds it awards. Distribution of the
5 second half of the funds shall occur by the fifteenth day of
6 January of each fiscal year. The amount awarded to each family
7 protection program shall be based on an effort to distribute
8 funds in a fair and equitable manner, by acknowledging the size
9 and associated costs of the programs, rewarding programs for
10 active and successful grant writing and fund raising work, and by
11 implementing W. Va. Code §§48-2C-6 and 8. To determine the
12 individual program award amounts of the second half of the grant
13 funds, the Board shall award funds according to a formula
14 determined by the Board which may include but not limited to:
15 population, the number of beds, shelter nights, individuals
16 served, diversification of funding and operational budgets. The
17 Board shall identify and provide funding formula factors to
18 family protection programs on or before January 15 each year.
19 The Board shall require and review monthly financial reports from
20 each program to assure the proper expenditure of grant funds.
21

22 ~~6.7.~~ 6.2. The following agencies and practitioners shall
23 not be funded by the Family Protection Fund Board:
24

25 ~~6.7.a.~~ 6.2.a. Agencies which provide counseling,
26 therapy and other social services to victims of domestic and
27 family violence, dating violence, sexual assault, stalking or
28 human trafficking, and their children, but were not created or
29 organized for the expressed purpose of serving such domestic
30 violence, dating violence, sexual assault, stalking or human
31 trafficking victims.
32

33 ~~6.7.b.~~ 6.2.b. Agencies which were created or organized
34 for the expressed purpose of providing services to homeless
35 individuals and families.
36

37 ~~6.7.c.~~ 6.2.c. ~~Local private~~ Private practitioners who
38 are providing services to victims of domestic and family
39 violence, dating violence, sexual assault, stalking or human
40 trafficking and their children, within the scope of their
41 professional license or by other professions including but not
42 limited to: 1) Social Workers certified under the West Virginia
43 Social Work Licensure Law or by the National Association of
44 Social Workers; 2) marriage counselors or family therapists
45 certified by the American Association for Marriage and Family
46 Therapy; or 3) addiction counselors certified by the West

1 ~~Virginia Association of Alcohol and Drug Abuse Counselors, or 4)~~
2 ~~physicians and other health care practitioners.~~
3