

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

Form #2

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WEST VIRGINIA
SECRETARY OF STATE

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: 3

TITLE OF RULE BEING AMENDED: Perpetrator Intervention Programs Licensure

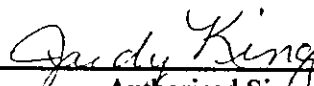
IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

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.



Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

FISCAL NOTE FOR PROPOSED RULES

191CSR3

Rule Title: _____

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

191CSR3

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.

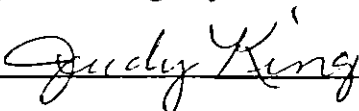
MEMORANDUM

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



BRIEF SUMMARY OF RULE 191CSR3

This rule is being amended to create the Batterer Intervention and Prevention Program and is 3rd in a 5 part series indicating the responsibilities of the Family Protection Services Board. This program was previously called the Perpetrator Intervention Program and was changed in HB2603 in 2013. It includes the following:

§1 - This section establishes scope and authority.

§2 - This section includes current and new definitions. It provides new definitions including Board, Batterer intervention and prevention program, and intimate partner.

§3 - This section includes:

- * the standards for the Licensing of Batterer Intervention and Prevention Programs
- * the requirements for licensure, program oversight, staff qualifications
- * criteria for appropriate participation
- * rules concerning appropriate contact with victims
- * participant records and program plans, confidentiality, interagency cooperation and annual data requirements.

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
191CSR3

FAMILY PROTECTION SERVICES BOARD

SERIES 3
PERPETRATOR BATTERER INTERVENTION AND PREVENTION PROGRAMS
LICENSURE

1 §191-3-1. General.
2

3 1.1. Scope -- This rule establishes general standards and
4 procedures for the licensure of perpetrator batterer intervention
5 and prevention programs as specified in W. Va. Code §§~~48-26-401 (a)~~
6 ~~and 48-26-404~~ §48-26-403 and the Code of State Rules, Title 191-
7 Series 1. The West Virginia Code is available in public libraries
8 and on the Legislature's web page at <http://www.legis.state.wv.us/>.
9

10 1.2. Authority -- W. Va. Code §§~~48-26-401 and 48-26-404~~ §48-
11 26-403.
12

13 1.3. Filing Date --
14

15 1.3. Effective Date --
16

17 §191-3-2. Definitions.
18

19 2.1. "Board" means the Family Protection Services Board.
20

21 ~~2.1.~~ 2.2. "Educator/Facilitator" means an individual who meets
22 the minimum requirements outlined in Section 3.3. of this rule and
23 who directly facilitates regularly scheduled classes for
24 perpetrator batterer of domestic violence.
25

26 ~~2.2.~~ 2.3. "Power and Control" means the primary cause that gives
27 rise to the occurrence of domestic violence and family violence.
28 Factors such as alcohol, poverty, unemployment, stress, and
29 substance abuse are conditions that contribute to the incidents of
30 domestic violence and family violence but are not themselves the
31 cause of domestic and family violence.
32

1 2.4. "Batterer intervention and prevention program",
2 previously referred to as a program of intervention for
3 perpetrators, means a licensed educational program that provides
4 classes to individuals who commit acts of domestic violence or
5 abuse, offering nonviolent strategies and values that promote
6 respect and equality in intimate partner relationships.
7

8 2.5. "Intimate partner" means a current or former spouse, a
9 person with whom one shares a child in common, a person with
10 whom one is cohabiting or has cohabited, or a person with whom
11 one is or has been in a relationship of a romantic or intimate
12 nature.
13

14
15 **§191-3-3. Licensing Standards for Perpetrator Batterer**
16 **Intervention and Prevention Programs.**
17

18 3.1. Perpetrator Batterer intervention and prevention program
19 requirements include the following:
20

21 3.1.a. A perpetrator batterer intervention and prevention
22 program shall have a written statement of purpose specifying
23 program orientation identifying the types of programming and the
24 individuals eligible to receive services. The statement should
25 identify the types of services provided and the individuals to
26 be served. The program shall have written procedures for payment
27 and payment amount. The statement of purpose shall be available
28 to the public on upon request.
29

30 3.1.b. A perpetrator intervention program shall ensure that
31 all purchase of client service agreements are in writing. Those
32 agreements shall contain all terms and conditions required to
33 define the individuals to be served, the services to be
34 provided, the procedures for payment and the payment amount.
35 The program shall have written policies regarding class fees and
36 collection procedures.
37

38 3.1.c. The sponsoring agency of a A perpetrator batterer
39 intervention and prevention program shall provide for
40 appropriate class meeting space maintain copies of all leases
41 into which it has entered. These leases shall state the
42 location of the property involved, the monthly or annual rent,
43 and the ownership of the property, the useable square footage
44 and the term of the lease.
45

1 3.1.d. A perpetrator batterer intervention and prevention
2 program shall have a written description of its referral
3 process, admission policies, exit interview process, and follow-
4 up procedures.

5
6 3.1.e. A perpetrator batterer intervention and prevention
7 program shall employ or contract with staff to cover the
8 following areas: class facilitation; administration and
9 supervision of the program; program direction to provide
10 overall development; coordination of personnel; volunteer
11 activities; case supervision; direct services; record keeping;
12 and community education activities. Volunteers may also be used
13 for class facilitation.

14
15 3.1.f. A perpetrator batterer intervention and prevention
16 program shall make available and display the address and
17 telephone number of the Domestic Violence Services Complaint
18 Toll Free Number at all locations.

19
20 3.2. ~~Board of Directors.~~ Program Oversight.

21
22 3.2.a. A perpetrator batterer intervention and prevention
23 program shall be governed by a board of directors which shall
24 be responsible for and have authority over the policies and
25 activities of the program, and which is broadly representative
26 of the community served.

27
28 3.2.b. Batterer intervention and prevention programs
29 governed by community criminal justice boards shall provide proof
30 of compliance with special conditions and assurances of Division of
31 Justice and Community Services (DJCS) funding sources.

32
33 3.2.c. Non-profit agencies sponsoring batterer intervention
34 and prevention programs shall have: .

- 35 3.2.c.1 articles of incorporation;
36 3.2.c.2 501c(3) Non-profit status;
37 3.2.c.3 a board of directors; and
38 3.2.c.4 written by-laws

39
40
41 ~~3.2.b.~~ 3.2.d. The board of directors shall adopt, and review
42 on a bi-annual basis, written by-laws and policies that define the
43 powers and duties of the governing body, its committees, the
44 executive director(s), and advisory group, where one exists.
45 Copies of the articles of incorporation (if applicable) and the by-

1 laws shall be maintained by the board of directors.

2
3 ~~3.2.c.~~ 3.2.e. The board of directors is responsible for
4 ensuring the program's continual compliance and conformity with
5 terms and conditions of all funding sources.

6
7 ~~3.2.c.1. Provisions of the program's charter;~~

8
9 ~~3.2.c.2. All federal, state and local laws, rules and~~
10 ~~regulations governing the operation of the program; and~~

11
12 ~~3.2.c.3. Terms of all leases, contracts, or other legal~~
13 ~~agreements to which the program is a party.~~

14
15 ~~3.2.d.~~ 3.2.f. The board of directors will require the program
16 director shall designate an individual or individuals to coordinate
17 and manage the affairs of the batterer intervention and prevention
18 program effectively and to submit a written programmatic and
19 financial reports report at each board meeting.

20
21 ~~3.2.d.1 Submit it a written programmatic report for all~~
22 ~~board meetings that outline the services provided and the financial~~
23 ~~transactions occurring since the last meeting. and financial~~
24 ~~report at each board meeting.~~

25
26 3.2.e. Every member of the board of directors shall disclose
27 in writing any financial transactions with the program in which any
28 member of the board or her or his immediate family is involved.
29 ~~The board of directors must approve any contract or transaction of~~
30 ~~disclosure where financial interests of this nature have been made.~~

31
32 ~~3.2.f. The board of directors shall designate an~~
33 ~~individual(s) to act as program director and shall delegate~~
34 ~~necessary authority to such individual(s) manage the affairs of the~~
35 ~~program effectively.~~

36
37 ~~3.2.g.~~ 3.2.f. The board of directors shall meet at a minimum
38 on a quarterly basis and shall keep written minutes of all
39 meetings, including attendance and whether or not a quorum was
40 present.

41
42 ~~3.2.h.~~ 3.2.g. The board of directors shall maintain a current
43 listing of its members, including the name, the position, and the
44 term of membership (if applicable) for each member.

1 ~~3.2.i. The board of directors shall establish internal~~
2 ~~operating procedures, including by laws and meeting dates.~~

3
4 ~~3.2.j.~~ 3.2.h. The board of directors shall ensure that the
5 program is adequately funded and fiscally sound. To this end, the
6 board of directors is responsible for the following:
7

8 ~~3.2.j.1. Assessing the adequacy of operating funds for at~~
9 ~~least six months into the future, i.e., reserves, guarantee of~~
10 ~~loans or other funds and fees, and developing a fund raising~~
11 ~~strategy when necessary;~~

12
13 ~~3.2.j.2.~~ 3.2.h.1. Reviewing and approving the program's
14 annual budget;
15

16 ~~3.2.j.3.~~ 3.2.h.2. Providing for an annual audit of all
17 accounts by an independent certified public accountant who is
18 neither an employee of the program nor a member of the board of
19 directors;
20

21 ~~3.2.j.4.~~ 3.2.h.3. Monitoring disbursement of all funds on
22 a quarterly basis to assure that they are made in accordance with
23 the program's objectives as specified by the board of directors;
24

25 ~~3.2.j.5.~~ 3.2.h.4. Assuring that the program maintains
26 liability insurance and bond for employees, volunteers, and members
27 of the board of directors;
28

29 ~~3.2.j.6. Providing, at its own expense, a financial bond~~
30 ~~for all individuals delegated the authority to sign checks or~~
31 ~~manage funds. The bond shall assure the full operation of the~~
32 ~~perpetrator intervention program for a period of thirty (30) days~~
33 ~~should those individuals misappropriate or mismanage the program's~~
34 ~~funds or assets or engage in any illegal act which results in the~~
35 ~~loss of funds or assets.~~
36

37 ~~3.2.k.~~ 3.2.i. The batterer intervention and prevention
38 program's board of directors shall adopt and monitor implementation
39 of written personnel policies that shall, at a minimum:
40

41 ~~3.2.k.1.~~ 3.2.i.1. Pertain to all paid and volunteer staff;
42

43 ~~3.2.k.2. Include requirements for recruitment efforts,~~
44 ~~equal employment opportunity, selection procedures, orientation,~~

1 ~~on going staff development and training, and termination of~~
2 ~~employment,~~

3
4 ~~3.2.k.3. List, in definitive terms, all benefits that are~~
5 ~~available to staff and volunteers, including specifics of any~~
6 ~~insurance program,~~

7
8 ~~3.2.k.4. Specify eligibility for vacation, personal leave~~
9 ~~and adjusted work week, yearly carry over and accumulation,~~
10 ~~approval procedures, and payment upon termination,~~

11
12 ~~3.2.k.5. 3.2.i.2. Specify actions that will be taken by the~~
13 ~~agency if an employee the batterer intervention and prevention~~
14 ~~program personnel fails to comply with employee, contractor or~~
15 ~~volunteer policies, including written notification of the nature of~~
16 ~~misconduct or poor performance, the discipline being taken, the~~
17 ~~effective date of the discipline, future consequences for~~
18 ~~reoccurrence, and appeal rights. The policy shall allow the~~
19 ~~employee batterer intervention and prevention program personnel the~~
20 ~~opportunity to respond to the charges of misconduct or poor~~
21 ~~performance before a disciplinary decision is made.~~

22
23 ~~3.2.k.6. Specify grievance procedures for the employees,~~
24 ~~including grievable issues, steps of appeal, required time frames~~
25 ~~and who has the authority for resolution,~~

26
27 ~~3.2.k.7. Delineate the lines of authority within the~~
28 ~~agency, and outline the authority of the supervisor(s) regarding~~
29 ~~personnel activities such as promotion, discipline, leave approval,~~
30 ~~performance evaluations, grievances, assignment of work and~~
31 ~~training,~~

32
33 ~~3.2.k.8. 3.2.i.3. Include written job descriptions and~~
34 ~~position qualifications for each position within the batterer~~
35 ~~intervention and prevention program;~~

36
37 ~~3.2.k.9. Require that all staff, including administrative~~
38 ~~and supervisory staff, receive performance evaluations at least on~~
39 ~~an annual basis. The evaluations must be signed by both the~~
40 ~~employee and the supervisor,~~

41
42 ~~3.2.k.10. 3.2.i.4. Set forth, in written form, rules of~~
43 ~~conduct for batterer intervention and prevention program personnel.~~
44 ~~which include such topics as appropriate attire, work hours,~~
45 ~~confidentiality, insubordination, misuse of authority or equipment,~~

1 ~~absences without leave and falsification of records;~~

2
3 ~~3.2.k.11. Require that individuals providing professional~~
4 ~~or therapeutic counseling, and/or professional social work have~~
5 ~~appropriate credentials and are licensed when applicable.~~

6
7 3.3. Staff Qualifications

8
9 3.3.a. ~~Educators/facilitators~~ Facilitators shall have a
10 minimum of 30 hours of training approved by the Board, including,
11 but not be limited to, the following:

12
13 3.3.a.1. The dynamics of domestic violence within the
14 context of power and control;

15
16 3.3.a.2. The effects of domestic violence on victims and
17 their children and the critical nature of victim contacts and
18 safety planning;

19
20 3.3.a.3. The understanding that domestic violence is
21 deeply rooted in historical attitudes toward women and ~~is~~
22 intergenerational other learned oppressive attitudes and
23 behaviors.

24
25 3.3.a.4. ~~Lethality assessment for~~ The risks of homicide,
26 suicide, further domestic violence or other violent aggressive
27 behaviors and the access to or use of weapons.

28
29 3.3.a.5. Information on state and federal laws pertaining
30 to domestic violence, including the policies affecting ~~treatment of~~
31 court-ordered program participants, orders of protection, child
32 abuse, divorce and custody matters;

33
34 3.3.a.6. The role of the facilitator ~~within the group and~~
35 in the context of a coordinated community response to domestic
36 violence;

37
38 3.3.a.7. ~~Teaching non-controlling alternatives to violent~~
39 ~~and controlling behaviors, and understanding and preventing~~
40 collusion. Educating batterers on alternatives to violence and
41 promoting healthy relationships based on equality and respect.

42
43 3.3.a.8. Dynamics involved in interpersonal relationships
44 and knowledge of human behavior and development.
45

1 3.3.a.9. Understanding and preventing collusion.

2
3 3.3.a.10. Group process and facilitation skills
4 training.

5
6
7 3.3.b.—~~Educators/facilitators~~ Facilitators shall have at a
8 minimum a high school diploma or ~~G.E.D~~ high school equivalency
9 diploma.

10
11 3.3.c. ~~Educators/facilitators~~ Facilitators shall receive on
12 an annual basis a minimum of ~~3~~ three (3) hours of continuing
13 education or training approved by the Board. The training shall
14 include, but not be limited to, the following:

15 3.3.c.1. Domestic violence and substance abuse.

16 3.3.c.2. Domestic violence and the law;

17 3.3.c.3. Other issues which pertain to domestic violence.

18 ~~3.3.c.3.~~ 3.3.c.4. Cultural sensitivity;

19 3.3.c.5. Group process and facilitation skills training.

20
21
22 3.4. ~~Staff Evaluation~~ — A perpetrator intervention program's
23 ~~personnel policies shall require all staff, including~~
24 ~~administrative and supervisory staff, to receive performance~~
25 ~~evaluations on an annual basis. The evaluation shall be conducted~~
26 ~~by the program. The evaluation must be discussed with the staff~~
27 ~~person and become a part of the staff person's permanent personnel~~
28 ~~record. Perpetrator intervention program policies shall require~~
29 ~~the staff person to receive a written copy of the evaluation and to~~
30 ~~sign the evaluation to demonstrate agreement or disagreement with~~
31 ~~the results of the evaluation. Policies shall assure that any~~
32 ~~written response from the staff person is included in the permanent~~
33 ~~personnel file. Quality Assurance - Programs shall have a formal~~
34 ~~procedure to evaluate, on an annual basis, all persons providing~~
35 ~~services for the batterer intervention and prevention program.~~

36
37
38 3.5. Intake - Criteria concerning a perpetrator's batterer's
39 appropriateness for the program.

40
41 3.5.a. A perpetrator batterer shall be admitted to a
42 perpetrator batterer intervention and prevention program if ordered

1 by a court or ~~voluntarily enrolled~~ referred by a government agency
2 in to the program, and is assessed by the program to be eligible
3 for participation ~~in the program~~. Each program shall have the
4 discretion to accept self-referrals. An assessment shall be
5 performed to:

6
7 3.5.a.1. Identify individuals who would benefit from
8 concurrent mental health or substance abuse treatment programs.

9
10 3.5.a.2. Screen out those individuals from the program who
11 have substance abuse problems or other impairments which make them
12 unable to participate in the group intervention even with
13 concurrent or preliminary treatment of those problems;

14
15 3.5.a.3. Screen out those individuals from the program who
16 may be dangerous or have severe mental illness and would not
17 benefit from the program.

18
19 3.5.b. Upon admittance to a perpetrator batterer intervention
20 and prevention program, the program educator/facilitator
21 facilitator shall complete a perpetrator batterer intake form. The
22 information shall be collected from the perpetrator batterer and
23 from independent sources that may include: such as, but not limited
24 to, police reports and court records.

25
26 3.5.c. A perpetrator batterer intervention and prevention
27 program shall have a contract outlining the responsibilities of the
28 perpetrator batterer and the educator/facilitator facilitator. The
29 terms of the contract will be agreed to and signed by the
30 perpetrator batterer and the authorized program representative.

31
32 3.5.d. The contract shall require completion of at least 32
33 sessions.

34
35 3.6. Contact with Victims

36
37 3.6.a. Contact with victims shall come from a licensed family
38 protection domestic violence program and all information for
39 contacting the victim shall remain with a licensed family
40 protection domestic violence program, unless expressly provided
41 otherwise by written agreement between the licensed perpetrator
42 batterer intervention and prevention program and the licensed
43 family protection domestic violence program as defined in the
44 memorandum of understanding between the batterer intervention and
45 prevention program and the licensed domestic violence program.

1
2 ~~3.6.b. Educator/Facilitators of a licensed perpetrator~~
3 ~~intervention program will consult with local licensed family~~
4 ~~protection programs to determine the appropriateness and logistics~~
5 ~~of contacting the victim and/or partner of the perpetrator.~~
6 ~~Victims and/or partners will be contacted by either the~~
7 ~~educator/facilitator, a designated perpetrator intervention program~~
8 ~~staff member, or staff from a local licensed family protection~~
9 ~~program. Victims and/or partners should be contacted at a time and~~
10 ~~in a fashion that gives primary emphasis to their safety.~~
11

12 ~~3.6.c.~~ 3.6.b. In the event the contact of the victim and/or
13 partner is done by the perpetrator batterer intervention and
14 prevention program staff personnel; they shall provide written
15 information to the family protection licensed domestic violence
16 program, including the date and contact information.
17

18 ~~3.6.d.~~ 3.6.c. Victim and/or partner contact procedures must
19 may also include informing the perpetrator's batterer's victim
20 and/or partner of class commencement and termination dates, and a
21 duty to warn the victim and/or partner of any imminent danger from
22 the perpetrator batterer. Victims and/or partners ~~will~~ may also
23 receive written materials about the perpetrator's batterer's class,
24 detailing the limitations of the class's effectiveness, the fact
25 that the class is not intended to salvage relationships, and the
26 necessity for victims to maintain a safety plan.
27

28 3.7. ~~Client~~ Participant Records and Service Program Plans

29

30 3.7.a. A perpetrator batterer intervention and prevention
31 program shall maintain a written record for each individual who
32 receives services from the program. The ~~service~~ plan or contract
33 shall be developed by program staff with the active participation
34 of the client participant and must be completed prior to the
35 provision of services.
36

37 3.7.b. Individual client participant records shall include
38 service data from the time of initial contact until the time
39 ~~services are~~ the program is concluded.
40

41 3.7.c. Individual client participant case records maintained
42 by a perpetrator batterer intervention and prevention program shall
43 contain an application form, which includes identifying data,
44 eligibility factors pursuant to section 3.5. of this rule, rights

1 and responsibilities, ~~participant/client~~ participant signature and
2 authorized staff signature.

3
4 3.7.d. A perpetrator batterer intervention and prevention
5 program shall maintain, if possible, a copy of protective orders of
6 protection issued against a perpetrator batterer enrolled in the
7 perpetrator batterer intervention and prevention program.

8
9 3.8. Confidentiality.

10 Every perpetrator batterer intervention and prevention program
11 shall have a written policy regarding disclosure of information to
12 the individual or individuals named in any protective orders of
13 protection which ordered the perpetrator batterer to the program.
14 There shall be a written agreement between the perpetrator batterer
15 and the program providing for disclosure of information to the
16 victim and a waiver of confidentiality. The disclosure agreement
17 shall be signed by the perpetrator batterer.

18
19 3.8.a. Nothing in these rules prohibits a batterer
20 intervention and prevention program from reporting suspected abuse
21 or neglect, as defined by law, when the program is mandated by law
22 to report suspected abuse or neglect. A batterer intervention and
23 prevention program shall not be responsible to maintain
24 confidentiality about the batterer in any proceeding brought under
25 W. Va. Code sections four and five, article six, chapter nine or
26 article six, chapter forty-nine or as mandated by article six-a,
27 chapter forty-nine and article six, chapter nine.

28
29 3.8.b. Batterer intervention and prevention program
30 participants shall authorize the release of information by signing
31 the following releases:

32
33 3.8.b.1. Allowing the provider to inform the victim or alleged
34 victim and the victim's advocates that the batterer is
35 participating in a batterer intervention and prevention program
36 with the provider and to provide information to the victim or
37 alleged victim and her or his advocates, if necessary, for the
38 victim's or alleged victim's safety;

39
40 3.8.b.2. Allowing prior and current service providers to
41 provide information about the batterer to the provider;

42
43 3.8.b.3. Allowing the provider, for good cause, to provide
44 information about the batterer to relevant legal entities,
45 including courts, parole officers, probation officers, child

1 protective services, adult protective services, law enforcement,
2 licensed domestic violence programs, or other referral agencies;
3

4 3.8.b.4. Allowing the provider to report to the court, if the
5 participation was court ordered, and to the victim or alleged
6 victim, if she or he requests and provides a method of
7 notification, and to his or her advocate, any assault, failure to
8 comply with program requirements, failure to attend the program,
9 threat of harm by the batterer, reason for termination and
10 recommendations for changes in the court order; and
11

12 3.8.b.5. Allowing the provider to report to the victim or
13 alleged victim, or his or her advocate, without the participant's
14 authorization, all perceived threats of harm, the participant's
15 failure to attend and reason for termination.
16

17 3.8.b.6. The release of a victim's personally identifying
18 information is subject to the provisions of 42 U.S.C. §
19 13925(b)(2).
20

21 3.9. Reports

22
23 The perpetrator batterer intervention and prevention program
24 shall provide a monthly report to a licensed family protection
25 domestic violence program or programs. This report shall contain
26 the perpetrator's batterer's attendance record, and compliance with
27 program rules, and class completion or termination. If the
28 perpetrator's batterer's participation is court ordered, this
29 report shall also be forwarded to all appropriate supervising
30 entities. the perpetrator's probation officer, parole officer,
31 the courts and/or state and local law enforcement agencies. In the
32 event that a referral is deemed ineligible for the batterer
33 intervention and prevention program, the referral source will be
34 notified in writing of the reason for non-acceptance.
35

36 3.10. Perpetrator Batterer Intervention and Prevention Program 37 Classes. 38

39 3.10.a. A perpetrator batterer intervention and prevention
40 program class shall last for a period of at least thirty-two in-
41 person sessions with each session including at least ninety minutes
42 of instruction time ~~weeks~~ and ~~will~~ shall include, but not be
43 limited to, the following topics:
44

45 3.10.a.1. A model that depicts an overall system of

1 physical, ~~and~~ sexual, and emotional abuse where the perpetrator
2 batterer uses methods and tactics of to maintain power and control
3 over a victim.

4
5 3.10.a.2. The nature and effects of domestic violence;

6
7 3.10.a.3. The work that is necessary to bring about changes
8 in the attitudes and beliefs that promote domestic and family
9 violence.

10
11 3.10.a.4. The necessity for the maintenance of non-abusive
12 behavior which includes learning non-violent conflict resolution,
13 non-aggressive communication, and maintaining positive, healthy
14 partnerships;

15
16 3.10.a.5. The importance of community services which allows
17 ~~perpetrators~~ batterers to give something of themselves back to the
18 community and contribute to changing the climate that condones
19 domestic and family violence;

20
21 3.10.a.6. Information about ~~state and federal law and~~
22 ~~practice regarding domestic violence and~~ legal/social consequences
23 ~~for perpetrators~~ of domestic violence.

24
25 ~~3.10.b. After the completion of a perpetrator intervention~~
26 ~~program, a report shall be made to the referral source to be used~~
27 ~~in determining whether or not to release the perpetrator from the~~
28 ~~intervention class. This process may be repeated as necessary.~~

29
30 ~~3.10.c.~~ 3.10.b. Perpetrator The participant shall pay a fee
31 for the perpetrator batterer intervention and prevention program
32 classes, unless waived by the program. The fee scale shall be
33 determined by the perpetrator batterer intervention and prevention
34 program.

35
36 ~~3.10.d.~~ 3.10.c. Educator/fFacilitators Facilitators of
37 perpetrator batterer intervention and prevention programs shall
38 utilize a group education format with a staff ratio at a minimum of
39 one (1) educator/facilitator facilitator per twelve (12)
40 perpetrators batterers.

41
42 3.11. Interagency Cooperation.

43
44 A perpetrator batterer intervention and prevention program

1 shall initiate a written memorandum of understanding with a
2 licensed ~~family protection~~ domestic violence program ~~on an annual~~
3 ~~basis~~. The memorandum of understanding shall be agreed upon and
4 signed by both parties and a copy shall be sent to the Board. The
5 memorandum of understanding shall include, but not be limited to
6 the following:

7
8 3.11.a. Identification of liaison persons involved in the
9 meeting to develop the memorandum of understanding;

10
11 3.11.b. Description of the formal process for exchanging
12 information between agencies including safeguards for protecting
13 victim safety and methods for victim contact;

14
15 3.11.c. Description of the ~~perpetrator batterer~~ intervention
16 and prevention program's ~~formal~~ process of ~~sending~~ submitting
17 monthly reports to the licensed ~~family protection~~ domestic violence
18 program;

19
20 3.11.d. Description of coordination, if any, of ~~service~~
21 program plans;

22
23 3.11.e. Description of the process and timetables for the
24 annual ~~perpetrator batterer~~ intervention and prevention program
25 evaluation, ~~required under subsection 12 of this rule, to include:~~
26 ~~who will be involved, where will it be held, who will coordinate~~
27 ~~the evaluation, who will write the evaluation report and who will~~
28 ~~sign the evaluation report.;~~

29
30 3.11.f. Procedures for amending and or evaluating the
31 memorandum of understanding annually with procedures for
32 documentation of the date of this review.

33
34 3.12. ~~Perpetrator Batterer's~~ Intervention and Prevention Program
35 Evaluation Annual Data.

36
37 By ~~October 31~~ September 30 of each year, a ~~perpetrator~~
38 batterer intervention and prevention program shall complete and
39 submit data to the Board ~~an annual evaluation, to include but not~~
40 be limited to the following data for the most recent fiscal year:
41 ~~The evaluation data will include but not be limited to the~~
42 ~~following:~~

43
44 3.12.a. Attendance records of ~~perpetrator(s)~~ batterer(s)

