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Form #6

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE**

AGENCY: Family Protection Services Board TITLE NUMBER: 191

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 5

TITLE OF RULE BEING AMENDED: Perpetrator Intervention Program Licensure for
Correctional Institutions

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) SB199

SECTION §64-5-12, PASSED ON March 14, 2015

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON THE
FOLLOWING DATE: 5/4/15

Judy King
Authorized Signature

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**TITLE 191
LEGISLATIVE RULE
FAMILY PROTECTION SERVICES BOARD**

OFFICE WEST VIRGINIA
SECRETARY OF STATE

**SERIES 5
BATTERER INTERVENTION AND PREVENTION PROGRAMS LICENSURE STANDARDS
FOR CORRECTIONAL INSTITUTIONS**

191- 5-1. General.

1.1. Scope. -- This rule establishes general standards and procedures for the licensure of batterer intervention and prevention programs in correctional institutions as specified in W. Va. Code §48-26-403 and Code of State Rules, Title 191-Series 1. The West Virginia Code is available in public libraries and on the Legislature's web page at <http://www.legis.state.wv.us/>.

1.2. Authority. -- W. Va. Code §48-26-403.

1.3. Filing Date. --

1.4. Effective Date. 4/4/15

§191-5-2. Definitions.

2.1 "Batterer intervention and prevention program (BIPP)" means a licensed educational program that provides classes to individuals who commit acts of domestic violence or abuse, offering nonviolent strategies and values that promote respect and equality in intimate partner relationships.

2.2. "Facilitator" means an individual who meets the minimum requirements outlined in Section 3.3. of this rule and who directly facilitates regularly scheduled batterer intervention and prevention classes for batterers of domestic violence or abuse.

2.3. "Power and Control" means the primary cause that gives rise to the occurrence of domestic violence and family violence. Factors such as alcohol, poverty, unemployment, stress and substance abuse are conditions that contribute to the incidents

of domestic violence and family violence but are not themselves the cause of domestic and family violence.

2.4 "Intimate partner" means a current or former spouse, a person with whom one shares a child in common, a person with whom one is cohabiting or has cohabitated, or a person with whom one is cohabiting or has cohabited, or a person with whom one is or has been in a relationship of a romantic or intimate nature.

§191-5-3. Licensing Standards for Correctional Batterer Intervention and Prevention Programs.

3.1. Correctional batterer intervention and prevention program requirements are:

3.1.a. A correctional batterer intervention and prevention program shall have a written statement of purpose. The statement shall identify the types of services provided and the individuals to be served. The statement of purpose shall be available to the public on request.

3.1.b. A correctional batterer intervention and prevention program shall have a written description of its referral process, admission policies, and exit interview process.

3.2. Implementation of correctional batterer intervention and prevention programs in one or more correctional facilities shall be directed by applicable Division of Corrections policy and/or procedure directives on each of the following issues:

3.2.a. Personnel qualifications and evaluations.

3.2.b. Program implementation.

3.2.c. Quality assurance.

3.2.d. Ethics.

3.2.e. Grievance procedures.

3.2.f. Confidentiality policies, including records management.

3.3. Staff Qualifications.

3.3.a. Facilitators shall have a minimum of thirty hours of training approved by the Family Protection Services Board, including, but not limited to, the following:

3.3.a.1. The dynamics of domestic violence within the context of power and control.

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

3.3.a.3. The understanding that domestic violence is deeply rooted in historical attitudes toward women and other learned oppressive attitudes and behaviors.

3.3.a.4. The risks of homicide, suicide, further domestic violence or other violent aggressive behaviors and the access to or use of weapons.

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

3.3.a.6. The role of the facilitator within the group is to support and be a part of a community response to domestic violence.

3.3.a.7. Educating batterers on alternatives to violence and promoting healthy relationships based on equality and respect.

3.3.a.8. Dynamics involved in interpersonal relationships and knowledge of human behavior and development.

3.3.a.9. Understanding and preventing collusion.

3.3.a.10. Group process and facilitation skills training.

3.3.b. Facilitators shall have at a minimum a high school diploma or high school equivalency diploma.

3.3.c. Facilitators shall receive on an annual basis a minimum of three hours of continuing education or training approved by the Board. The training may include, but not be limited to, the following:

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

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

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

3.3.c.4. Cultural sensitivity.

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

3.4. Criteria concerning a batterer's appropriateness for the program.

3.4.a. A batterer shall be admitted to a correctional batterer intervention and prevention program if ordered by a court or if that person is referred by the institutional case manager or correctional counselor to the program and is assessed by the program to be eligible for participation. An assessment shall be performed to:

3.4.a.1. Identify individuals who have impairments which may need modification to ensure they are able to fully participate in the program.

3.4.a.2. Screen out individuals from the program who may be dangerous or have severe mental illness and would not benefit from the program.

3.4.b. Upon an individual's admittance to a correctional batterer intervention and prevention program, the program facilitator shall complete a batterer intake form. The information for the form shall be collected from the batterer, and police reports, court records, institutional records, or other ~~from~~ independent sources.

3.4.c. A correctional batterer intervention and prevention program shall have a contract outlining the responsibilities of the batterer and the facilitator. The terms of the contract shall be agreed to and signed by the batterer and the authorized program representative.

3.5. Facilitators of licensed correctional batterer intervention and prevention programs shall consult with their immediate supervisor and the facility victim service representative for any issues involving potential victim contact. The Division of Corrections victim service specialist shall be available for overseeing any victim contact where information is requested about an inmate that cannot be disclosed at the facility level.

3.6. Participant Records and Program Plans.

3.6.a. The plan or contract shall be developed by Division of Corrections program staff with the active involvement of the participant and must be completed prior to the provision of the program. A correctional batterer intervention and prevention program shall maintain the service plan or contract and a written record for each individual in the program.

3.6.b. Individual participant records shall include data from the time of initial contact until the time the program is concluded.

3.6.c. Individual participant case records maintained by a correctional batterer intervention and prevention program shall contain a screening form, which includes identifying data, eligibility factors pursuant to section 3.4., rights and responsibilities, and the participant signature and authorized staff signature.

3.6.d. A correctional batterer intervention and prevention program shall maintain, if possible, a copy of orders of protection issued against a batterer enrolled in the batterer intervention and prevention program.

3.7. Confidentiality.

Every correctional batterer intervention and prevention program shall have a written policy regarding disclosure of information. There shall be a written waiver of confidentiality signed by the group participant that:

3.7.a. Allows the provider to inform the victim or alleged victim and the victim's advocates that the batterer is participating in a batterer intervention and prevention program with the provider and to provide information to the victim or alleged victim and her or his advocates, if necessary, for the victim's or alleged victim's safety;

3.7.b. Allows prior and current service providers to provide information about the batterer to the provider;

3.7.c. Allows the provider, for good cause, to provide information about the batterer to relevant legal entities, including courts, parole officers, probation officers, child protective services, adult protective services, law enforcement, licensed domestic violence programs, or other referral agencies;

3.7.d. Allows the provider to report to the court, if the participation was court ordered, and to the victim or alleged victim, if she or he requests and provides a method of notification, and to his or her advocate, any assault, failure to comply with program requirements, failure to attend the program, threat of harm by the batterer, reason for termination and recommendations for changes in the court order; and

3.7.e. Allows the provider to report to the victim or alleged victim, or his or her advocate, without the participant's authorization, all perceived threats of harm, the participant's failure to attend and reason for termination.

3.8. Correctional Batterer Intervention and Prevention Program Classes.

3.8.a. A correctional batterer intervention and prevention program class shall last for a period of at least thirty-two in-person sessions and shall include, but not be limited to, the following topics

3.8.a.1. A model that depicts an overall system of physical, sexual and emotional abuse where the batterer uses methods and tactics of power and control over a victim.

3.8.a.2. The nature and effects of domestic violence.

3.8.a.3. The work that is necessary to bring about changes in the attitudes and beliefs that promote domestic and family violence.

3.8.a.4. The necessity for the maintenance of non-abusive behavior, which includes learning non-violent conflict resolution, non-aggressive communication and maintaining positive, healthy partnerships.

3.8.a.5. The importance of community services which allow batterer to give something of themselves back to the community and contribute to changing the climate that condones domestic and family violence.

3.8.a.6. Information about the legal and social consequences of domestic violence.

3.8.b. Facilitators of batterer intervention and prevention programs shall utilize a group education format with a staff ratio that averages one facilitator per twelve participants.

3.9. Correctional Batterer Intervention and Prevention Program Evaluation.

By September 30 of each year, a correctional batterer intervention and prevention program shall complete and submit to the Family Protection Services Board an annual evaluation for the preceding fiscal year as prescribed by the board. The evaluation shall include but not be limited to the following:

3.9.a. Number of months each batterer intervention and prevention program was in operation;

3.9.b. Number unduplicated enrollments;

3.9.c. Number of batterer intervention and prevention program classes provided;

3.9.d. Number of participants completing a class.

3.9.e. The average number of batterers attending each class; and

3.9.f. Current facilitator contact information.