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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

TITLE 191
LEGISLATIVE RULE
FAMILY PROTECTION SERVICES BOARD

SERIES 1
OPERATION OF BOARD AND LICENSURE
AND FUNDING OF DOMESTIC VIOLENCE PROGRAMS

§191-1-1. General

1.1. Scope - This legislative rule establishes the operating procedures of the Family Protection Services Board, the standards and procedures for the licensure of domestic violence programs and the procedures to allocate funding for such programs.

1.2. Authority - W. Va. Code §§48-2C-4(d), 48-2C-13.

1.3. Filing Date - June 25, 1997

1.4. Effective Date - July 15, 1997

§191-1-2. Organization and Purposes of the Board

2.1. This rule applies to the operations of the Family Protection Services Board, hereinafter referred to as the board. The board was created by the West Virginia Legislature in 1989 under West Virginia Code §48-2C, known as the Domestic Violence Act of 1989. The board is to be composed of five persons, three of which are appointed by the Governor, with the advice and consent of the Senate. One such member shall be the director of a shelter. One member shall be a member of a major trade association which represents shelters across the state, and the third, a member of the public. The three governor appointees will serve staggered terms of three years. In addition to these members, the Commissioner of the Department of Human Services, or his or her designee, and the

chairperson of the Governor's Committee on Crime, Delinquency and Corrections will serve as voting members of the board.

2.1.a. The terms of the three members appointed by the governor shall be staggered terms of three years. In the case of the initial appointments, the director of the shelter shall serve a one-year term and the representative of the trade association shall serve a two-year term.

2.1.b. In the event that a member of the board shall cease to be qualified for appointment, then such appointment shall terminate.

2.2. The purposes of the Board are to provide ongoing administration and allocation of the West Virginia Family Protection Funds; to establish and enforce a system of standards for the annual licensure of domestic violence shelters and programs; to research and study issues pertinent to programs and shelters for victims of domestic violence and report the results to the Governor and the Legislature.

2.3. The Board will operate according to the following:

2.3.a. The board will meet at least three times each calendar year in the first, second and last quarters. The exact dates, locations and subjects of regular meetings will be established with sufficient lead time for public announcement of meetings. Special and emergency meetings may be called at the discretion of the chair as frequently as necessary to assure the integrity of the board's funding and licensure responsibilities. Emergency meetings may be called at the discretion of the chair when circumstances arise regarding licensure or the funding of a domestic violence shelter or program.

2.3.b. All meetings will be publicly announced in accordance with W. Va. Code §6-9A-3 with notice to the Secretary of State's Office. That notice shall include the time, place and

purpose of the meeting. The board shall, in accordance with state law, hold open meetings except when an executive session is necessary for the discussion of sensitive issues regarding the issuance, denial, suspension or revocation of a license and board personnel. This exception will be effective only with a consensus of the board members present. An open meeting regarding the issuance, denial, suspension or revocation of a license may be held at the request of the agency whose license is in question. If an emergency session is necessary, the board shall file a notice any time prior to the meeting. Such notice shall state the time, place and purpose of the meeting and the facts and circumstances of the emergency.

2.3.c. Meetings may be held with a quorum of three board members present.

2.3.d. Officers will include a chair, a vice-chair, and a secretary/treasurer who will be selected on an annual basis. The selection process will be held during the second quarter meeting. Terms of office will begin on July 1 of each year and will end the following June 30. Selection shall be made by a majority of the constituent membership.

2.3.e. Only the chair or the vice-chair may conduct meetings of the board.

2.3.f. The chair will have the following responsibilities and duties. (1) Call and conduct all meetings; (2) Plan agendas for meetings; (3) Speak as the official voice of the board with media, the W. Va. Legislature, the West Virginia Coalition Against Domestic Violence, the shelters and programs licensed and funded by the board, the Attorney General's Office, the general public, and with all organizations inquiring about licensure and/or funding; and (4) Supervise the duties of the staff of the board.

2.3.g. The vice-chair will assume any or all of the responsibilities and duties of the chair in the chair's absence.

2.3.h. The board will conduct its meetings according to Robert's Rules of Order with a simple majority necessary for decisions. The board shall formally vote and record those results in the official minutes in any incidence when Code calls for a specific number of affirmative votes.

2.3.i. The board shall hire staff to complete the board's work as necessary. Funds will be allocated for this purpose from the five percent (5%) of funds allowed by law for the cost of administering provisions of that article.

2.3.j. Expenses incurred by board members while pursuing the work of the board shall be reimbursed by the funds designated for administrative activities. Board members shall, at all times, comply with the most current State of West Virginia travel regulations. The board shall supply its members and staff with appropriate forms to request reimbursement. The ex-officio members of the board who serve by virtue of their positions shall request reimbursement for expenses through their employing agency.

2.3.k. The board shall advise the commissioner on matters of concern relative to his or her responsibilities under West Virginia Code §48-2C-1 et seq. and the board shall delegate to the commissioner such powers and duties of the board as the board may deem appropriate to delegate, including, but not limited to, the authority to approve, disapprove, revoke or suspend licenses.

§191-1-3. Definitions

3.1. Board designates the Family Protection Services Board created pursuant to West Virginia Code §48-2C-3.

3.2. Commissioner designates the Commissioner of the Department of Human Services or any successor agency however so named.

3.3. Department designates the Department of Human Services or any successor agency however so named.

3.4. Family Protection Program or Program designates a program offered by a locally controlled non-profit organization created primarily for the purpose of providing services to victims of domestic violence or abuse and their children, but does not provide shelter services.

3.5. Shelter or Family Protection Shelter designates a locally controlled, non-profit shelter which was created for the purpose of receiving, on a temporary basis, persons who are victims of domestic violence, abuse or rape as well as the children of such victims.

§191-1-4. Board Reports

4.1. The board shall study issues pertinent to family protection shelters, programs for domestic violence victims, and prepare reports to the governor and the Legislature regarding those issues.

4.2. All shelters and programs receiving funds from the board shall file a report annually by the thirty-first day of each October for the prior fiscal year. The report shall include statistics on the number of persons served, the relationship of the victim to the abuser, services provided to the abuser, the number of referrals made for medical, psychological, financial, educational, vocational, child care or legal services and the results of a independent CPA audit in accordance with OMB Circular A-133, Audits of Institutions of Higher Education and Other Non-Profit Institutions. The confidentiality of all persons served by shelters and programs reporting shall be protected by those shelters and programs reporting.

§191-1-5. Licensure

5.1. The board shall enforce a system of standards for the annual licensure for all shelters and programs in the state. The standards set forth in sections 5.6.a through 5.7.e. of this rule shall apply to any locally controlled non-profit incorporated organization which created a shelter for the purpose of receiving, on a temporary basis, persons who are victims of domestic violence, abuse or rape as well as the children of such victims or to any program offered by a locally controlled non-profit organization which was organized primarily for the purpose of providing services to victims of domestic violence or abuse and their children.

5.2. Exceptions To Standards - These standards shall not apply to;

5.2.a. Agencies which provide counseling, therapy and other social services to victims of domestic violence, but were not created or organized for the expressed purpose of serving such victims.

5.2.b. Agencies which were created or organized for the expressed purpose of providing services to homeless individuals and families.

5.2.c. Local private practitioners who are providing services to victims of domestic violence within the scope of their professional license or by other professions certified as follows:
1) Social Workers certified under the West Virginia Social Work Licensure Law or by the National Academy of Social Workers; 2) marriage counselors or family therapists certified by the American Association for Marriage and Family Therapy; or 3) addiction counselors certified by the West Virginia Association of Alcohol and Drug Abuse Counselors.

5.3. Application for Licensure

5.3.a. The board shall supply a standard application form which shall be completed by any organization meeting the definition in section 6.3.1. of this rule. An organization must complete an application for licensure when it initially requests licensure or when it wishes to reopen after closure. After initial licensure of a shelter or program it will be evaluated as a part of the board's evaluation process on an annual basis.

5.3.b. The board shall provide an application for licensure as a domestic violence shelter or program to any locally controlled non-profit organization which was or is created for the purpose of receiving, on a temporary basis, persons who are victims of domestic violence, abuse or rape as well as the children of such victims or to any program offered by a locally controlled non-profit entity which was organized primarily for the purpose of providing services to victims of domestic violence or abuse and their children.

5.3.c. The board shall receive and consider all applications submitted for the development and licensure of a shelter or program. The board shall consider such applications in light of the need for services, the viability of the applicant to successfully operate a shelter or program, the applicant's ability to obtain adequate funding for the delivery of services, and the applicant's interest and ability to provide quality services.

5.3.d. The board shall renew the licenses of all shelters and programs in compliance with the licensing standards on an annual basis. All licenses will have a term of one year commencing on the first day of July and terminating on the thirtieth day of June on the next year. The board shall grant or deny any license within forty-five (45) days of the receipt of an application. The board shall require all licensed shelters/programs to conspicuously display the license.

5.3.e. The board shall exercise its authority to enforce a system of standards for all shelters and programs in the state as defined above as a Family Protection Shelter or Family Protection Program. Any organization operating without a license as a family protection shelter or program, shall be notified by the board, by certified letter, of its right to apply for licensure. The board shall retain the right to petition the court for an order that would prevent the operation of an organization which refuses to apply for licensure as specified under this rule and article 2-C of chapter 48 of the W. Va. Code.

5.4. Evaluation for Licensure

5.4.a. The board shall evaluate all shelters and programs operating in the state. The evaluation, a part of which will be a peer review by another licensed shelter or program, will ensure the safety, well-being, and health of the clients and staff of all shelters and programs operating in the state. The evaluation system requires that all shelters and programs will complete a self-review utilizing the standards checklist on an annual basis in preparation for an on-site review.

5.4.b. The board shall conduct a process annually to assure an on-site review of the established standards. This standards compliance review will be completed utilizing the most current revision of the standards' checklist authorized by the board. The annual review will be scheduled by the board in order to allow for the board to consider the results prior to the expiration of the previous year's license.

5.4.c. Any areas of non-compliance on the part of the shelter or program being evaluated for licensure shall be reported on the licensing checklist by the reviewer. The board shall review each area of non-compliance and consider the relative risk of the non-compliance to the

health, safety and well-being of individuals being served by the shelter or program and staff employed by the shelter or program.

5.5. Award of License

5.5.a. The board shall award a license annually to any organization which has appropriately applied for a license and been approved by the board as having complied with all established standards as stated in section 5.6. of this rule. Compliance will be evaluated either by the peer review process by board members, by board staff, or a combination of these parties as specified by the board.

5.5.b. Waiver of Licensure. The board may grant a provisional license or grant a waiver of licensure if the board deems such waiver or provisional license is necessary for the good of victims who will be served by the shelter or program in question. All such waivers or provisional licenses shall be reviewed semi-annually.

5.5.c. Revocation or Suspension of License. The board may close any shelter or program which violates the standards established by this rule, subject to the requirements in this rule regarding public hearings. In an instance where there is an immediate threat to the health, well-being and safety of shelter residents, or an unplanned closure by the shelter or program's governing board, etc., the board shall place such residents in other shelters, or some other appropriate safe and secure place. As specified in West Virginia Code §48-2C-5, four members of the board must vote in the affirmative before a license is revoked or suspended. The board shall notify the shelter or program's governing board of a revocation or suspension of a license through a written notice. The notice will be hand-delivered either by a member of the board to the shelter's governing board or it will be mailed by certified mail. This notice shall include the announcement of a public hearing to be held

within the confines of the municipality or county in which the shelter is located. The board will not provide funds to a shelter or program whose license has been revoked or suspended.

5.5.d Improvement Period. The board may also allow a shelter or program a period of improvement after the notice of the board's intent to revoke or suspend the license if the shelter or program expresses a sincere desire to come into compliance with standards and if the board believes re-licensure is a viable option. The board shall provide funds to a shelter or program which is operating under a period of improvement. Four members of the board must vote in the affirmative in order to re-license a shelter or program or to allow for a period of improvement.

5.5.e. Receivership of Shelter or Program. The board may place a shelter or program, which violates the standards established under this rule and which threatens the health, well being and safety of its clients, under receivership. The board may operate said shelter or program to preserve the services for said clients. The board shall have access to and may use all assets of the shelter or program. Notice of the intent of the board to place a shelter or program into receivership shall be made by certified mail or in person by a member of the board to the governing body of the shelter or program. The notice of intent shall contain a notification of a public hearing to be held within the confines of the municipality or county in which the shelter or program is located. Four members of the board must vote in the affirmative before a shelter is closed or placed in receivership.

5.5.f. The board shall provide for and hold a public hearing prior to the closure of a shelter or program through the revocation or suspension of the license or placing a shelter or program into receivership. The hearing shall be held within the confines of the municipality or county in which the shelter or program is located. Notice of the hearing time, date and location shall be provided to the governing body and/or legal counsel of the shelter or program at least thirty (30)

days prior to the hearing date. The hearing shall be conducted by the board chair and she/he shall have full authority to call recesses, to remove persons exhibiting inappropriate behavior from the hearing and to call for an executive session of the board, if necessary. Four members of the board must be present to hear the violations and the shelter's/program's response.

5.5.g. Legal counsel may be retained by both the board and by the aggrieved shelter or program. A court recorder shall be retained to provide the board with a written record of the hearing. The hearing shall be held in a room or facility which can accommodate the general public. Notice of the hearing shall be given to the Secretary of State in compliance with W. Va. Code § -9A. Local public notice shall also be given through a local newspaper's legal notice section at least ten days prior to the hearing date.

5.5.h. The chair shall open the hearing with a listing of the shelter or program's violations and areas of non-compliance with the standards set forth in this rule. The board shall then hear evidence provided by the governing body, or legal counsel, of the shelter or program which addresses each violation and/or area of standard non-compliance. The board chair, legal counsel and or members of the board, shall question the shelter or program in regards to each violation and/or area of non-compliance. The board shall have subpoena power and may request the presence and testimony or deposition of any individual which the board believes may have information relevant to the violations and areas of non-compliance currently alleged. Subpoenaed witnesses may be questioned by the board, the board's legal counsel, a designated member of the shelter or program's governing body and/or the shelter or program's legal counsel.

5.5.i. The board shall render its decision within thirty (30) calendar days of the public hearing. Notice of that decision will be supplied to the shelter or program and/or the shelter

or program's legal counsel in writing delivered in person or by certified mail. If a shelter or program disagrees with the findings of the board, the shelter or program may appeal such ruling to the circuit court of Kanawha County or to the circuit court of the county where the shelter or program is located pursuant to the provisions of West Virginia Code § 29A-5-4.

5.6. Standards

5.6.a. Shelters shall be organized in such a manner as to assure residents basic safety, safety from violence, confidentiality and a healthy environment in which to temporarily live.

5.6.a.1. A shelter shall have a written statement of philosophy which maintains the rights of victims to make their own decisions, to retain the responsibility of their children, and to be free from violent behavior.

5.6.a.2. A shelter shall have, and enforce, a written policy that preserves the individual's right of confidentiality and complies with all federal and state privacy laws.

5.6.a.3. A shelter shall have posted current written evidence in a conspicuous and accessible place that it meets all state and local fire and health regulations.

5.6.a.4. A shelter shall have house rules against the possession and use of weapons, violence and drug or alcohol use within the shelter. A copy of the house rules shall be supplied to and signed by residents to acknowledge agreement to adhere to the rules.

5.6.a.5. A shelter shall report all cases involving child abuse, child sexual abuse, and child abandonment to the local Department of Health and Human Resources, Child Protective Unit or to the statewide abuse hotline.

5.6.a.6. Shelter staff shall have knowledge of the Prevention of Domestic Violence Law, West Virginia Code § 48-2A-1 et seq., and impart that information to those residents to whom it applies.

5.6.a.7. Shelter staff shall help resident adults understand that they are autonomous and will be free to make their own decisions as to their future course of action, and that they will remain responsible for their children while at the shelter. These policies should be included in the house rules.

5.6.a.8. Shelters shall, at a minimum, offer case management, advocacy, information and referral to other community resources and nutritious meals that meet United States Department of Agriculture standards. Counseling may be provided within the shelter or arranged with other community agencies.

5.6.a.9. Individual shelters shall establish policies regarding acceptance into the shelter, length of stay, extended stay, and/or future re-entry based on the capabilities of the shelter and sensitivity to the needs of the resident.

5.6.b. A shelter shall have a governing body (board of directors) which is responsible for and has authority over the policies and activities of the shelter, and which is broadly representative of the community served.

5.6.b.1. The shelter board shall adopt, and review on a bi-annual basis, written by-laws and policies that define the powers and duties of the governing body, its committees, the executive director(s), and advisory group, where one exists. Copies of the articles of incorporation and the by-laws shall be maintained by the shelter board.

5.6.c. A shelter shall have a written statement specifying its purposes, program orientation and describing both short and long term goals. The statement should identify the types of services provided and the persons to be served by the program. The statement of purpose shall be available to the public on request.

5.6.d. The shelter's board of directors shall be responsible for ensuring the shelter's continual compliance and conformity with the terms of all leases, contracts, or other legal agreements to which the shelter is a party.

5.6.d.1. A shelter shall ensure that all purchase of service agreements are in writing. Those agreements shall contain all terms and conditions required to define the persons to be served, the services to be provided, the procedures for payment and the payment plan.

5.6.d.2. A shelter shall have copies of all leases into which the agency has entered. These leases shall include the location of the property involved, the monthly or annual rent, the ownership of the property, the useable square footage and the term of the lease.

5.6.d.3. Board directors, members of the immediate family of directors, staff, and members of the immediate family of staff shall not have financial interest in any property rented by the shelter without a full disclosure of the nature and extent of the financial interest and identifying the party and/or parties having the interest.

5.6.d.4. The shelter's board of directors shall be responsible for ensuring a shelter's continual compliance and conformity with the provisions of the shelter's charter.

5.6.d.5. The shelter's board of directors shall be responsible for ensuring the shelter's compliance with all relevant laws, rules and regulations, whether federal, state, local or municipal, governing the operation of the shelter.

5.6.e.. The shelter's board of directors shall designate a person(s) to act as chief administrative officer(s) of the shelter and shall delegate authority to such person(s) to enable them to manage the affairs of the shelter effectively.

5.6.f. The shelter's board of directors shall ensure that the shelter is adequately funded and fiscally sound. To this end, the board shall be responsible for the following:

5.6.f.1. Assessing the adequacy of sufficient operating funds for at least six months, i.e., reserves, guarantee of loans or other funds and fees, and developing a fund-raising strategy when necessary.

5.6.f.2. The review and approval of the shelter's annual budget.

5.6.f.3. An annual audit of all accounts by an independent certified public accountant not in the employ of the shelter nor a member of the board.

5.6.f.4. Disbursement of all funds shall be made in accordance with the program objectives specified by the board.

5.6.f.5. A shelter shall maintain adequate bonding for staff, volunteers and board members as necessary. All persons delegated the authority to sign checks or manage funds shall be bonded at the agency's expense.

5.6.g. The shelter's board of directors shall develop an affirmative action plan which shall include a statement of compliance with Title VI of the Civil Rights Act and Section 504 of the Rehabilitation Act. The plan must include reference to referrals and services to residents as well as to employees.

5.6.h. The responsibilities of the board of directors shall be clearly defined.

5.6.i. The board of directors shall meet on a regular basis and have written minutes of all meetings, including committee meetings.

5.6.j. The board of directors shall maintain a current listing of its members. The listing shall include the name, the position, the term of membership (if applicable), and the term of office (if applicable).

5.6.k. A shelter shall not permit public funds to be paid or committed to be paid to any corporation, firm, association, or business in which any of the members of the board, the executive personnel, or members of the immediate families of members of the board or executive personnel have any direct or indirect financial interest, or in which any of these persons serve as an officer or employee, unless the services or goods involved are provided at a competitive cost or under terms favorable to the shelter. The shelter shall have a written disclosure of any financial transaction with the shelter in which any member of the board or her or his immediate family is involved.

5.6.l. No employee, or member of the immediate family of an employee, of any public agency which regulates or purchases services from a shelter shall be a member of the board of the shelter.

5.6.m. A shelter shall carry adequate insurance covering fire and liability for persons in residence. In addition, the shelter shall have insurance which covers liability to third parties or persons in residence arising through the use of any vehicle, whether owned or not owned by the facility, used by any of the facility's staff or agents on shelter business.

5.6.n. A shelter shall maintain a written record for each person who receives services from the shelter. The record shall contain an application form, which includes identifying data, eligibility factors, rights and responsibilities, signature, staff signature.

5.6.o. Individual client case records maintained by a shelter shall include administrative, service, and educational data from the time of admission until the time the resident leaves the facility and when follow-up services are delivered for shelter residents and at the point of delivery of services for other individuals.

5.6.p. Individual client case records shall include a service plan which has been developed specifically for the resident. The service plan shall be developed with the active participation of the resident and it must be completed prior to the beginning of the provision of services, except in crisis situations.

5.6.q. A shelter shall have a written description of its referral process, admission policies, exit interview, and follow-up procedures.

5.6.r. A service plan, or treatment plan shall be completed by qualified staff, for each resident and maintained in each resident case record. The service plan shall include the following:

5.6.r.1. Presenting problem or needs of the resident shall be described in either her or his own terms or the diagnostic language of the staff.

5.6.r.2. Shelter and/or resident objectives shall be written in operational terms with a reasonable and achievable timetable. They must be very concrete in order to provide a basis for evaluation.

5.6.r.3. Delivery of service shall be described by specifying the activity involved in the provision of service, e.g., individual counseling.

5.6.r.4. Update of service plan shall be completed in accordance with changes in the resident's circumstances. All case activity shall relate directly to the service plan.

5.6.s. A shelter shall complete an annual evaluation which will include consideration of the following:

5.6.s.1. Frequency of and reasons for denial of services and/or eviction of residents.

5.6.s.2. Staff turnover rate.

5.6.s.3. General staff effectiveness in relation to stated goals and community needs.

5.6.s.4. Unduplicated number of individuals served.

5.6.s.5. Number and type of services provided.

5.6.s.6. Method of follow-up,

5.6.t. A shelter's board of directors shall adopt and implement written personnel policies which insure sufficient and qualified paid and volunteer staff.

5.6.t.1. A shelter's personnel policies shall pertain to all paid staff, volunteers and to all members of the board of directors.

5.6.t.2. A shelter's personnel policies shall include the extent of advertising and recruitment efforts, affirmative action consideration, selection procedures, orientation, on-going staff development and training, and termination of employment.

5.6.t.3. A shelter's personnel policies shall list, in definitive terms, all benefits that are available to staff, volunteers and board of directors members. They shall also specify eligibility for benefits, costs to staff (if any) for benefits, and any continuity after separation.

5.6.t.4. A shelter's personnel policies shall specify eligibility for vacation, personal leave and adjusted work week, including rates of earning, yearly carry-over and accumulation, approval procedures, and payment upon termination.

5.6.t.5. A shelter's employees shall be made aware of the employer's rules of conduct such as appropriate attire, work hours, confidentiality, insubordination, misuse of authority or equipment, absences without leave, falsification of records, etc.

5.6.t.6. A shelter's personnel policies shall include actions that will be taken by the agency if an employee fails to comply with employee guidelines. These policies shall include the following: Written notification of the nature of misconduct or poor performance, the discipline being taken, the effective date of the discipline, future consequences for reoccurrence, and appeal rights. Policies shall also allow for the opportunity to respond to the charges of misconduct or poor performance before a disciplinary decision is made.

5.6.t.7. A shelter's written policies shall include the agency's procedures for employee grievances including grievable issues, steps of appeal, required time frames and who has the authority for resolution.

5.6.t.8. A shelter's personnel policies shall delineate the lines of authority within the agency. They shall also outline the authority of the supervisor(s) regarding personnel activities such as promotion, discipline, leave approval, performance evaluations, grievances, assignment of work and training.

5.6.t.9. A shelter's personnel policies shall assure that all staff, including administrative and supervisory staff, will receive performance evaluations at least on an annual basis. There shall be evidence that evaluations have been discussed with the staff person and that they have become a part of the staff person's permanent personnel record. Shelter policy shall provide that the staff person receives a written copy of the evaluation and signs the evaluation to demonstrate agreement or disagreement with the results of the evaluation. Policies shall assure that any written response from the staff person is included in the permanent personnel file.

5.6.t.10. A shelter shall have a written schedule that assures that the shelter is staffed in person either by a trained staff person or trained volunteer when a resident is in the facility.

5.6.t.11. A shelter's personnel policies shall include job descriptions and position qualifications for each position within the shelter.

5.6.t.12. If a shelter provides professional or therapeutic counseling, and/or professional social work, the personnel policies shall ensure that the individuals providing these services have appropriate credentials and are licensed when applicable.

5.6.t.13 A shelter must address all of the following functions in at least one job description within the agency policies. Administration and supervision of the program; program direction to provide overall development; coordination of personnel and facilities; volunteer activities; case supervision; direct resident services; case management; record keeping; and, community education activities.

5.6.u. A shelter is defined as a place where victims of family violence, their children and dependents can seek temporary and secure refuge twenty-four (24) hours a day, seven (7) days a week, three hundred and sixty-five (365) days a year.

5.6.u.1. A shelter shall meet the applicable federal, state and local fire, health, and safety standards, including, but not limited to:

5.6.u.2. Smoke detectors shall be located on each floor. Placement of these detectors must include the sleeping area(s), the kitchen and the furnace areas.

5.6.u.3. Shelters shall have a window or access to a fire escape from the sleeping areas.

5.6.u.4. At least one fire extinguisher shall be located on each floor of the shelter, specifically one located in the kitchen area.

5.6.u.5. Shelters shall have clear exits for escape in case of fire.

5.6.u.6. Shelters shall not use lead paint on the walls, floors, doors, furniture, cabinets, windows, stairs, and porches.

5.6.u.7. Dead bolts used on shelter doors shall not be double-keyed. It must be possible to release dead bolts from the inside without a key to allow for escape in case of fire.

5.6.u.8. Flammable, poisonous and caustic materials located in the shelter shall be stored separately, away from the reach of children.

5.6.u.9. Electrical outlets not in use shall contain childproof covers. Electrical cords and plugs shall be in good condition with no exposed or frayed wiring.

5.6.v. A shelter shall have arrangements for the provision of nutritional and adequate meals which meet USDA standards, adequate food storage, cooking facilities, refrigeration, utensils, and equipment.

5.6.w. A shelter shall have adequate dining areas which are clean and well ventilated.

5.6.x. A shelter shall have bathing, lavatory and toilet facilities available on the premises which allow for individual privacy. These facilities must be maintained in good operating condition and must be cleaned on a regular basis.

5.6.y. A shelter shall have sleeping beds available for each resident. Cribs or playpens shall be available for infants and toddlers.

5.6.z. A shelter shall provide centrally located secure storage for medications belonging to residents.

5.6.aa. A shelter shall provide residents access to telephone communications.

5.6.ab. A shelter shall provide that all external entrances or exits, including doors, windows, skylights, cells, etc., are securable.

5.6.ac. A shelter shall provide a comfortable environment in which to reside that includes heat, ventilation, and cleanliness. A shelter shall have enough heating equipment to be comfortably warm during the cold months and adequate ventilation during the warm months. Heaters and fireplaces with open flames shall not be used. Doors and windows which are open in warm weather shall have insect screening.

5.6.ad. A shelter shall have supplies for personal hygiene available for residents. This policy must be included in the intake form.

5.6.ae. A shelter shall provide a safe play space for children. Any playground equipment shall be located, installed and maintained in such a manner as to ensure the safety of children.

5.6.af. A shelter shall provide a space which is distinct from the living area to serve as an administrative office and a private counseling office.

5.6.ag. A shelter shall ensure that all structures and grounds of the facility are maintained in good repair and are free from reasonable danger to health and safety.

5.6.ah. A shelter shall provide non-combustible covered containers when garbage and rubbish is stored outside. Garbage shall be removed at least weekly.

5.7. A shelter or program must comply with the following standards when safe homes or commercial lodgings are used to house victims of domestic violence.

5.7.a. A shelter or program shall have a written process for the selection and continued evaluation of safe homes and commercial lodgings used to house victims..

5.7.b. Safe home providers shall have adequate and appropriate training.

5.7.c. Safe home providers shall be provided with a written statement of the rights and responsibilities of the provider and the resident placed in the home.

5.7.d. A safe home and a commercial lodging arrangement shall have sleeping privacy for guests and access to bathing and laundry facilities, food and telephone.

5.7.e. A shelter program shall assure that residents of a safe home system or commercial lodging have equal access to all core services including daily contact by staff or trained volunteers.

§191-1-6. Funding of Family Protection Shelters and Programs

6.1. Amount Awarded - The board shall award to shelters and programs, for each state fiscal year, ninety-five percent (95%) of the total funds collected and paid over during the fiscal year to the special revenue account established pursuant to West Virginia Code § 48-1-24. Any administrative funds not expended the previous year shall be carried over and allocated to shelter and programs the following fiscal year.

6.2. Application for Funds - The board shall accept applications for a grant of funds from any licensed family protection shelter or program. The application shall include, but not be limited to the following.

6.2.a. Evidence that the organization submitting the application is incorporated in West Virginia as a nonprofit corporation.

6.2.b. A list of the incorporators of the corporation and a list of the officers and the board of directors.

6.2.c. The proposed budget of the shelter or program for the following fiscal year.

6.2.d. A summary of the services proposed to be offered in the following fiscal year by the shelter or program.

6.2.e. An evaluation of local needs for a shelter or program.

6.2.f. An estimate of the number of people to be served by the shelter or program during the following fiscal year; and

6.2.g. Any other information the board may feel is necessary.

6.3. Shelter or Program Criterion - In order for a family protection shelter or program to qualify to receive a grant of funds from the board, it must meet the following criteria.

6.3.a. Provide or propose to provide a facility which will serve as a temporary shelter to receive, care and provide services for persons who are victims of domestic violence or abuse and their children.

6.3.b. Be incorporated in the state of West Virginia as a nonprofit corporation.

6.3.c. Have a board of directors which represents a broad spectrum of the community to be served, including at least one person who is or has been a victim of domestic violence or abuse.

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

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

6.4. Shelter or Program Restrictions - The board shall not fund a family protection shelter or program initially if it is shown to discriminate in its services on the basis of race, religion, age, sex, marital status, national origin or ancestry. If such discrimination occurs after initial funding, the shelter or program will not be refunded until the discrimination ceases.

6.4.a. The board shall not refund a family protection shelter or program if its original application projected the provision of residential services and such services were not provided in the first months following the first disbursement of funds by the board. Provided that upon a subsequent showing that the funds were used in the manner proposed in the original application, the

shelter or program is not barred from subsequent funding. A revision of the original application may be filed with the board when the shelter or program starts providing residential services.

6.5. Grant Award Criterion - The board shall make grant awards on the basis of the following criteria. The board must grant or deny an application within forty-five days of the receipt of the application.

6.5.a. Demonstration of local need for proposed services.

6.5.b. Merit of project as proposed.

6.5.c. Demonstration of local control of the shelter or program.

6.5.d. Administrative design and efficiency of the project.

6.6. Distribution of Funds - The board shall deliver funds to shelter or program within forty-five (45) days of the approval of a grant application. Within any fiscal year the board shall distribute fifty percent (50%) of the grant funds in equal portions to all licensed shelters and programs within the forty-five (45) day limit. The board shall also develop a formula for a second distribution of the remaining fifty percent (50%) of the funds it awards. The amount awarded to each shelter or program shall be based on an effort to distribute funds in a fair and equitable manner, by acknowledging the size and associated costs of the shelters and programs, rewarding shelters and programs for active and successful grant writing and fund raising work, and by implementing West Virginia Code § 48-2C-7 and 8. To determine the individual shelter or program award amounts of the second-half of the grant funds, the board shall award funds according to a formula determined periodically by the board which takes into account the current factors involved in funding services to victims of domestic violence. The board shall require and review monthly financial reports from each shelter or program to assure the proper expenditure of grant funds.



STATE OF WEST VIRGINIA
FAMILY PROTECTION SERVICES BOARD

c/o Office of Social Services
State Capitol Complex, Building 6, Room B-850
Charleston, West Virginia 25305
Telephone: (304) 558-7980 FAX: 558-8800

Cecil H. Underwood
Governor

June 25, 1997

Judy Cooper
Director
Administrative Law Division
Office of the Secretary of State
Building 1, Suite 157-K
1900 Kanawha Blvd., East
Charleston, West Virginia 25305-0770

Dear Judy:

Enclosed is the final version of the Legislative Rule for the Family Protection Services Board (Title 191, Series 01). There is also a hard copy of the Rule and a 3½" disk containing a clean Word Perfect version. Additionally the Notice of Final Filing and a "Promulgation History" are included as required.

If you have any questions please feel free to call me. Thank you for your cooperation.

Sincerely,

A handwritten signature in cursive script, appearing to read "K. Diane Crump".

K. Diane Crump
Board Staff

cc: Scott Boileau

West Virginia Family Protection Services Board
Promulgation History of Legislative Rule
Title 191, Series 01
June 1997

- April 1993 Family Protection Services Board development of Legislative Rule
- July 1 - July 30, 1993 First Legislative Rule Public Comment Period
- October 8, 1993 Proposed Rule submitted to Secretary of State and Legislative Rule Making Review Committee
- March 12, 1994 Senate Bill 159 authorizing Title 191, Series 01, passed the Legislature
- April 18, 1994 Final filing of Legislative Rule
- May 1, 1994 Effective Date
- May & June 1996 Rule modified by Family Protection Services Board
- July 9, 1996 Notice of Comment Period filed with Secretary of State
- July 9, 1996 - August 9, 1996 Public Comment Period
- August 30, 1996 Family Protection Services Board modifications made as result of Public Comment Period submitted to Secretary of State and Legislative Rule Making Review Committee
- February 26, 1997 Modifications required by Legislative Rule Making Review Committee made to Rule and re-submitted to Secretary of State and LRMRC
- April 12, 1997 Senate Bill 209 authorizing the Rule was passed by the Legislature
- June 25, 1997 Effective Date of Modified Rule

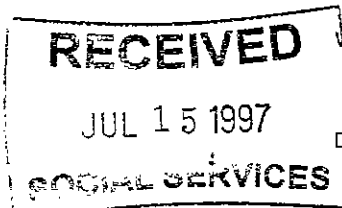
KEN HECHLER
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

JAN CASTO
Deputy Secretary of State

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(Plus all the volunteer help we can get)

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

JUL 23 8 55 AM '97

FILED

TO: K DIANE CRUMP

AGENCY: FAMILY PROTECTION SER BD

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: July 14, 1997

THE ATTACHED RULE FILED BY YOUR AGENCY HAS BEEN ENTERED INTO OUR COMPUTER SYSTEM. PLEASE REVIEW, PROOF AND RETURN IT WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS, PLEASE SIGN THIS MEMO AND RETURN IT TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF THE RULE FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

SERIES: 1 TITLE: 191 FAMILY PROTECTION SER BD

* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: K. Diane Crump

TITLE OF PERSON SIGNING: Board Staff

DATE: 7/21/97

* THE ATTACHED RULE HAS BEEN REVIEWED AND NEEDS CORRECTING. THE CORRECTIONS HAVE BEEN MARKED.

SIGNED: _____

TITLE OF PERSON SIGNING: _____

DATE: _____

NOTE: IF YOU ARE NOT THE PERSON WHO HANDLES THIS RULE, PLEASE FORWARD TO THE CORRECT PERSON.