

**WEST VIRGINIA
SECRETARY OF STATE
JOE MANCHIN, III
ADMINISTRATIVE LAW DIVISION**

Form #3

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STATE OF WEST VIRGINIA
OFFICE OF THE SECRETARY OF STATE
ADMINISTRATIVE LAW DIVISION

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE
AND
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

AGENCY: Family Protection Services Board TITLE NUMBER: 191

CITE AUTHORITY: 48-26-401

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 1

TITLE OF RULE BEING AMENDED: Operation of Family Protection
Services Board

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE FOR THEIR REVIEW.

Trudy Lawenson

Authorized Signature

SCANNED

\$9.00

QUESTIONNAIRE

(Please include a copy of this form with each filing of your rule.)

DATE: July 25, 2002

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: (Agency Name, Address & Phone No.) Family Protection Services Board
1204 Kanawha Boulevard, East Charleston, WV 25301

LEGISLATIVE RULE TITLE: 304-727-1906 (contact: Beth Morrison)

Operation of the Family Protection Services Board

1. Authorizing statute(s) citation 48-26-401

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:

June 21, 2002

b. What other notice, including advertising, did you give of the hearing?

Sent mailings to licensed programs and Family Court Judges.

c. Date of Public Hearing(s) or Public Comment Period ends:

July 22, 2002

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.

**Brief Summary of Proposed Revisions to
Legislative Rule Title 191, Series 1
Operation of the Family Protection Services Board**

The proposed revisions to this rule will add uniformity of Board procedures that overlap with Title 191, Series 2 "Domestic Violence Program Licensure," Series 3 "Perpetrator Intervention Program Licensure," and Series 4 "Monitored Visitation and Exchange Center Certification."

Statement of Circumstances Which Require the Rule

§48-26-401 of the West Virginia Code establishes the Family Protection Services Board and the duties of the Board. This rule addresses the operating procedures of the Board.

□
APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Operation of the Family Protection Services Board

Type of Rule: Legislative Interpretive Procedural

Agency: Family Protection Services Board

Address: 1209 Kanawha Boulevard, East
Charleston, WV 25301

Contact Person: Beth Morrison
304-727-1906

1. Effect of Proposed rule:

| | ANNUAL | | FISCAL YEAR | | |
|-----------------------|----------|----------|-------------|------|------------|
| | INCREASE | DECREASE | CURRENT | NEXT | THEREAFTER |
| ESTIMATED TOTAL COST | 0 | 0 | 0 | 0 | 0 |
| PERSONAL SERVICES | | | | | |
| CURRENT EXPENSE | | | | | |
| REPAIRS & ALTERATIONS | | | | | |
| EQUIPMENT | | | | | |
| OTHER | | | | | |

2. Explanation of Above Estimates:

No costs necessary to implement this rule.

3. Objectives of These Rules:

To revise operating procedures of the Family Protection Services Board.

Rule Title: Operation of The Family Protection Services Board

4. Explanation of Overall Economic Impact of Proposed Rule:

A. Economic Impact on State Government:

N/A

B. Economic Impact on Political Subdivisions; Specific Industries; Specific Groups of Citizens:

N/A

C. Economic Impact on Citizens/Public at Large.

N/A

Date: June 21, 2002

Signature of Agency Head or Authorized Representative:

Trudy Laursen

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

**SERIES 1
OPERATION OF THE FAMILY PROTECTION SERVICES BOARD**

§191-1-1. General

1.1. Scope - This rule establishes the operating procedures of the Family Protection Services Board.

1.2. Authority - W. Va. Code ~~§48-2C-4(d)~~, 48-26-401(4), 48-2C-13 48-26-404, 48-26-1003(a).

1.3. Filing Date

1.4. Effective Date

§191-1-2. Purposes of the Board

2.1. 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 programs and perpetrator intervention programs; to establish and enforce a system of standards for the annual certification monitored visitation and exchange centers; to research and study issues pertinent to programs for victims of domestic violence and report the results to the Governor and the Legislature.

2.2 The Board will operate according to the following:

2.2.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 program.

2.2.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.

2.2.c. Meetings may be held with a quorum of three Board members present.

2.2.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.

2.2.e. Only the chair or the vice-chair may conduct meetings of the Board.

2.2.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 programs licensed and funded by the Board, the Attorney General's Office, the general public, and with all organizations inquiring about licensure and funding; and (4) supervise the duties of the staff of the Board.

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

2.2.h. The Board shall hire or contract 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 ~~§ 48-2C-4(i)~~ 48-26-401(12).

2.2.i. 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 or appointing committee.

2.2.j. The Board shall advise the Secretary of the Department of Human Services on matters of concern relative to his or her responsibilities under West Virginia Code ~~§48-2C-1~~ 48-26-101 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" means the Family Protection Services Board created pursuant to West Virginia Code §48-2C-3 ~~48-26-301~~.

3.2. "Secretary" means the secretary of the department of health and human resources.

3.3. "Department" means the department of health and human resources. ~~or any successor agency however so named.~~

3.4. "Family Protection Program" means a licensed domestic or family violence program offered by a locally controlled non-profit organization created primarily for the purpose of providing services, including residential shelters, to victims of domestic violence or abuse and their children.

3.5. "Shelter" means a locally controlled non-profit organization ~~facility that was created primarily for the purpose of receiving, to provide residential services,~~ on a temporary basis. ~~to persons~~ individuals who are victims of domestic violence, abuse or rape ~~as well as the children of such victims and their children~~ and for providing ~~comprehensive services to such persons~~ these individuals.

3.6. "Perpetrator Intervention Program" means a licensed perpetrator intervention ~~domestic violence~~ program that accepts perpetrators of domestic violence or family violence into educational intervention groups.

3.7. "Custodial parent" means a biological parent, adoptive parent, legal guardian, state agency and its representative(s) who is the temporary or permanent legal custodian of a child.

3.8. "Custodial responsibility" refers to physical custodianship and supervision of a child. It may include residential or overnight responsibility.

3.9. "Monitored exchange" means the supervision of movement of a child from the custodial to the noncustodial parent at the start of the visit and back to the custodial parent at the end of the visit. This type of monitored contact is for those cases in which contact causes conflict between the adults but the contact between the parent and child could be expected to proceed without incident.

3.10. "Monitored parenting" means the contact between a non-custodial parent and one or more children in the presence of a third person responsible for observing and ensuring the safety of those involved.

3.11. "Noncustodial parent" means a biological parent or other adult authorized by a court to have monitored or supervised contact with a child

3.12. “Participant” means the custodial parent, the noncustodial parent, or the child receiving monitored parenting visits or exchange.

3.13. “Supervised visitation” means the provision of therapeutic evaluation and/or intervention to help improve the parent-child interactions. Supervised visitation may only be provided by order of a court and only by trained certified or licensed mental health professionals or social workers.

§191-1-4. Board Reports

4.1. The Board shall study issues pertinent to family protection programs for domestic violence victims and prepare an annual report to the governor and the Legislature within the first 20 days of the Legislative session regarding those issues.

§ 191-1-5. Licensure ~~Information and Provisions~~ Process

All family protection programs and perpetrator intervention programs and shelters shall be licensed by the Board in order to provide services to victims and/or perpetrators. The Board shall enforce a system of standards and a process for the annual licensure for all family protection and perpetrator intervention programs and shelters in the state.

~~5.1 — Standards - The Board shall enforce a system of standards and a process for the annual licensure for all family protection and perpetrator intervention programs and shelters in the state.~~

~~5.1. — Standards — The family protection services Board shall enforce a system of standards for the annual licensure for all family protection programs and perpetrator intervention programs in the state.~~

5.1. License Application for Licensure

~~5.2.a. All family protection programs and perpetrator intervention programs must be licensed by the Family Protection Services Board in order to provide services to victims and/or perpetrators.~~

5.2.b. 1.a. The Board ~~will~~ shall provide a standard license application form for licensure to family protection programs and perpetrator intervention programs and shelters upon request. An organization ~~must~~ shall complete an license application for licensure when it initially requests licensure or when it wishes to reopen after closure. After initial licensure, family protection programs and perpetrator intervention programs and shelters will shall be regularly evaluated by the Board. ~~on an annual basis.~~

5.2.e.1.b. The Board shall ~~receive and~~ consider all applications submitted for the development and licensure of a family protection program and/or a perpetrator intervention program. ~~The Board shall consider all such applications~~ in light of the need for services, the viability of the applicant to successfully operate a family protection program or a perpetrator intervention program, the applicant's ability to obtain adequate funding for the delivery of services, capacity of the program to comply with the standards, and the applicant's interest and ability to provide quality services.

5.2.d.1.c. If the Board finds that an application contains deficiencies, the application and a list of deficiencies will be returned to the applicant and the applicant will have thirty (30) days to resubmit a revised application.

5.2.e. 1.d. ~~The Board shall renew, on an annual basis, the Board shall renew~~ the licenses of all family protection programs and perpetrator intervention programs and shelters that are in compliance with the licensing standards pursuant to Title 191, Series 2, and Sections 4,5,6 and 7. this rule. Forms for license renewal shall be distributed by the Board to licensed family protection programs and perpetrator intervention programs in a timely manner no later than the first fifteenth day of March each year. ~~Family protection programs and perpetrator intervention programs shall submit renewal applications to the Board no later than the fifteenth day of April each year. 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 application within forty five (45) days of the receipt of an application. The Board shall require all licensed family protection programs and perpetrator intervention programs to conspicuously display the license.~~

5.2.f. 1.e. The Board shall, by certified letter, notify any organization operating without a license as a family protection program or a perpetrator intervention program or a shelter shall be notified by the Board, by certified letter, of its right to apply for licensure. The Board shall petition the circuit court for an order preventing the operation of an organization which refuses to obtain a license as required under this rule and West Virginia Code §48-2C-1 26-101 et seq.

5.2.a. Award Issuance of A License

5.2.a. The Board shall issue a license to any organization which has applied for a license and been approved by the Board as having complied with all established standards as set forth in this rule. Compliance with the standards shall be evaluated by peer reviewers, by Board members, by Board staff, or a combination of these parties as determined by the Board.

5.2.b. All licenses shall be valid for one (1) 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 license within forty-five (45) days of receiving the license application. The Board shall require every licensed family protection and perpetrator intervention program and shelter to conspicuously display the license.

5.4. ~~3.~~ Evaluation for Licensure

5.4. ~~3.a.~~ The Board shall annually evaluate all licensed family protection programs and perpetrator intervention programs operating in the state. The evaluation ~~and peer review will~~ shall be conducted using the licensing standards found in Title 191, Series 2, and Sections 4, 5, and 6 and 7. ~~The evaluation system requires that all family protection programs and perpetrator intervention programs complete a self-review utilizing the standards compliance checklist on an annual basis in preparation for the on-site review.~~

5.4. ~~3.b.~~ All licensed programs will be reviewed on-site a minimum of once every two years. The Board shall annually assure an on-site review of the established standards in Title 191, Series Sections 4, 5, 6, and 7. found in this rule for at least one-half of all licensed programs. Review of the remaining programs shall be determined by the Board. The standards compliance review will be completed utilizing the most current revision of the standards' checklist authorized by the Board. The annual peer review will be scheduled in a timely manner by the Board in order to allow the Board to consider the results prior to the expiration of the previous year's license.

5.4. ~~3.c.~~ ~~The peer reviewer shall report~~ Any areas of non-compliance shall be reported on the licensing checklist by the reviewer on the licensing checklist. The Board shall review each area of non-compliance and consider the relative risk it poses to the health, safety and well-being of individuals being served by the family protection program or perpetrator intervention program and staff employed by the program.

5.3.d. The Board may survey contact the program's partner agencies to determine program effectiveness in relationship to community needs.

5.5. — Award of License

5.5.a. ~~The Board shall award a license annually to any organization which has applied for a license and been approved by the Board as having complied with all established standards as stated in Title 191, Series 2, Sections 4, 5, 6 and 7 this rule. Compliance with the standards will be evaluated either by use of the standards by peer reviewers, by Board members, by Board staff, or a combination of these parties as determined by the Board.~~

5.6. — Waiver of Licensure

5.6.a. ~~The Board may grant a provisional license or grant a waiver of licensure if the Board deems a waiver or provisional license is necessary for the good of victims or perpetrators who will be served by the family protection program or perpetrator intervention program in question. All such waivers or provisional licenses shall be reviewed semi-annually.~~

5.7. 4. Improvement Period, Issuance of a Provisional License.

~~5.7.a.— The Board may also allow a family protection program or a perpetrator intervention program a period of improvement after the notice of the Board's intent to revoke or suspend the license. Within ten days of receiving notice, the family protection program or perpetrator intervention program must submit a written plan of action that will bring the family protection program or perpetrator intervention program into compliance with the standards within 30 days. The Board shall provide funds to a family protection 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 family protection program or a perpetrator intervention program to allow for a period of improvement.~~

Upon a finding by the Board that a family protection program or a perpetrator intervention program is not in compliance with this rule, the Board shall give the family protection program or the perpetrator intervention program written notice that shall include but not be limited to the following:

~~5.7.a.1.4.a.~~ A statement of program deficiencies.

~~5.7.a.2.4.b.~~ A requirement for a program to submit a plan of correction regarding the deficiencies.

~~5.7.a.3.4.c.~~ A timeline for the Board's review of the plan of correction.

~~5.7.a.4.d.~~ Modification of the plan A requirement that the plan be modified and resubmitted to the Board within twenty (20) days to the Board should the original plan not address the identified deficiencies.

~~5.7.a.5.4.e.~~ A requirement that compliance occur within a time period set by the Board.

5.4.e. Verification of the issuance of a provisional license until compliance is achieved or until the Board takes action deemed necessary for the safety of the clients.

5.8. 5. Revocation or Suspension of A License.

~~5.8.a.— The Board may shall close any licensed family protection or perpetrator intervention program that which violates the standards licensing requirements established in Title 191, Series 2, Sections 4,5,6 and 7, subject to the requirements in this rule regarding public hearings. Four members of the Board must vote in the affirmative before a license is revoked or suspended.~~

5.8.a.1.5.a. Four members of the Board must vote in the affirmative before a license is revoked or suspended.

5.5.b. ~~Where~~ When there is an immediate threat to the health, well-being and safety of shelter residents, or an unplanned closure by the family protection or perpetrator intervention program's or shelter's governing Board of directors, the ~~family protection services Board~~ shall place the residents and/or participants in other family protection programs or perpetrator intervention programs, - or shelters, or some other appropriate safe and secure place. ~~Four members of the Board must vote in the affirmative before a license is revoked or suspended.~~

5.8.a.2.5.c. The Board shall send written notice of the license revocation or suspension by certified mail to the president of the family protection or perpetrator intervention program's or shelter's governing Board of directors. ~~The notice will be mailed by certified mail to the program's president of the governing Board of directors.~~ The notice shall include a statement of the program's or shelter's alleged violations of this rule. The family protection or perpetrator intervention program's Board of directors will have ~~30~~ fifteen (15) days to respond to the violations. This response ~~must~~ shall be in writing. If there is no written response, the ~~family protection services Board~~ will proceed with the revocation or suspension of the family protection or perpetrator intervention program's or shelter's license. The Board will not provide funds to a family protection ~~or perpetrator intervention program or shelter~~ whose license has been revoked or suspended.

~~5.8.a.3.5.d.~~ If the ~~family protection services Board~~ is provided with a response to the violations, a public hearing will be held within 60 days in ~~the confines of the municipality or county~~ in which the program is located.

5.8.b. 5.6. Receivership of Program.

The Board may place a family protection ~~program~~ or perpetrator intervention program under receivership when the health, well being and/or safety of its clients are threatened. The Board shall oversee the operation of ~~said the~~ program to preserve the services for clients. The Board shall have access to and may use all assets of the program. ~~Notice of the Board's intent to place a family protection or perpetrator intervention program into receivership shall be made by certified mail or in person by a member of the Board to the governing body of a family protection program or perpetrator intervention program.~~ After placing a family protection or perpetrator intervention program into receivership and prior to the closing of a program, the Board shall send written notice of the intent to place a family protection program into receivership by certified mail to the president of the family protection or perpetrator intervention program's or shelter's governing board of directors. ~~body.~~

5.8.e. 5.6.a. The Board shall provide for and hold a public hearing in the municipality or county in which the program is located prior to the closure of a program by ~~through the~~ revocation or suspension of the license or placing a program into receivership.

~~5.8.d.~~ 5.6.b. The Board shall provide the governing body board of directors and/or legal counsel of the program notice of hearing time, date and location at least thirty (30) ten (10) days prior to the hearing date. Notice of the hearing shall be given to the Secretary of State The Board shall provide notice of the hearing to the Secretary of State in compliance with West Virginia Code §6-9A et seq. Local public notice shall also be given The Board shall provide notice of the hearing through a local newspaper's legal notice section at least ten (10) days prior to the hearing date. The hearing will be held in accordance with West Virginia Code §29A-5 et seq.

5.6.c. The Board chair shall conduct the hearing and she/he shall have full authority to call recesses, to remove individuals exhibiting inappropriate behavior from the hearing, and to call for an executive session of the Board if necessary. Four (4) members must be present to hear the violations and the program's response.

§ 191-1-6. Certification.

6.1. The Board shall oversee a process for the certification of all monitored parenting and exchange programs in the state. The purpose of certification is to assure the safety and welfare of the children, adults and program staff during monitored contact. Once safety is assured, the welfare of the child(ren) is the paramount consideration at all stages. While these rules apply only to monitored parenting and exchange programs, nothing in these rules shall preclude a monitored parenting and exchange program from offering both monitored parenting and exchange services and supervised visitation services.

6.2. Application for Certification

6.2.a. All monitored parenting and exchange programs that represent themselves as certified for monitored contact are required to be certified by the Board.

6.2.b. The Board shall provide a standard application form for certification of monitored parenting and exchange programs upon request. An organization shall complete an application for certification when it initially requests certification or when it wishes to reopen after closure. After initial certification, monitored parenting and exchange programs will be evaluated by the Board on an annual basis.

6.2.c. The Board shall receive and consider all applications submitted for the development and certification of a monitored parenting and exchange program in light of the need for services, the ability of the applicant to successfully operate a 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.

6.2.d. If the Board finds that an application contains deficiencies, the application and a list of deficiencies will be returned to the applicant, and the applicant will have thirty (30)

days to resubmit a revised application.

6.2.e. The Board shall, on an annual basis, renew the certification of all monitored parenting and exchange programs that are in compliance with this rule. The Board shall distribute forms for certification renewal to certified monitored parenting and exchange programs in a timely manner no later than the fifteenth day of March each year. All certifications will be valid for one (1) 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 certification application within forty-five (45) days of receiving the application. The Board shall require all certified monitored parenting and exchange programs to conspicuously display the certification.

6.2.f. The Board shall notify, by certified letter, any organization operating a program without certification as a monitored parenting and exchange program of its right to apply for certification.

6.3. Evaluation for Certification

6.3.a. The Board shall annually evaluate all certified monitored parenting and exchange programs operating in the state. The evaluation shall be conducted using the certification standards found in Section 4 of this rule.

6.3.b. The Board shall review each area of non-compliance and consider the relative risk it poses to the health, safety and well-being of individuals being served by the monitored parenting and exchange program and of staff employed by that program.

6.3.c. The Board shall determine whether trained staff from a certified monitored parenting and exchange program, a member of the Board, or staff of the Board shall conduct the evaluation.

6.4. Award of Certification.

The Board shall award certification annually to any organization which has applied for certification and been approved by the Board as having complied with all established standards set forth in this rule. Compliance with the standards will be evaluated by peer reviewers, by Board members, by Board staff, or a combination of these parties as determined by the Board.

6.5. Provisional Certification.

6.5.a. The Board may grant provisional certification if the Board deems such provisional certification is necessary for the good of participants who will be served by the monitored parenting and exchange program in question. All provisional certifications shall be reviewed semi-annually.

6.5.b. Upon a finding by the Board that a monitored parenting and exchange

program is not in compliance with Series 4 of this rule, the Board shall give the program written notice that shall include, but not be limited to, the following:

6.5.b.1. Program deficiencies.

6.5.b.2. A requirement to submit a plan of correction regarding the deficiencies.

6.5.b.3. The timeline when the Board will review the plan of correction.

6.5.b.4. A requirement that compliance occur within a time period set by the Board.

6.5.b.5. Verification of the issuance of provisional certification until compliance is achieved or until the Board takes action deemed necessary for the safety of participants.

6.6. Revocation or Suspension of Certification.

6.6.a. The Board may revoke or suspend certification of any monitored parenting and exchange program that violates the provisions of this rule, subject to the requirements in this rule regarding public hearings. Four (4) members of the Board shall vote in the affirmative before certification is revoked or suspended.

6.6.a.1. The Board shall send written notice of the revocation or suspension by certified mail to the to the president of the monitored parenting and exchange program's board of directors. The notice shall state the monitored parenting and exchange program violations of this rule.

6.6.a.2. The Board shall permit the program's board of directors fifteen (15) days from date of receipt of the notice to respond in writing to the alleged violations. If there is no written response, the Board will proceed with the revocation or suspension of the monitored parenting and exchange program's certification.

6.6.a.3. If the Board is provided with a response to the violations, a public hearing will be held in the municipality or county in which the program is located within thirty (30) days of receipt of the response.

6.6.b. The Board shall provide for and hold a public hearing in the municipality or county in which the program is located prior to the closure of a program through the revocation or suspension of the certification.

6.6.b.1. The Board shall provide notice of hearing time, date and location to the board of directors or legal counsel of the program at least ten (10) days prior to the hearing date. The Board shall provide notice of the hearing to the Secretary of State in compliance with West Virginia Code §6-9A et seq. Local public notice shall also be given through a local newspaper's legal notice section at least ten (10) days prior to the hearing date.

6.6.b.2. The hearing shall be conducted by the Board chair and he or she 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 (4) members shall be present to hear the violations and the program's response.

§ 191-1-6.7. Funding of Family Protection Programs

6.7.1. Amount Awarded - The Board shall award to 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~~ by the Legislature. Any administrative funds not expended the previous year shall be carried over and allocated to programs the following fiscal year.

6.7.2. Application for Funds - The Board shall accept applications for grant funds from any licensed family protection program. The application shall include, but not be limited to the following:

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

6.7.2.b. A list of the incorporators of the corporation and a list of the officers and the Board of directors.

6.7.2.c. The proposed budget of the family protection program for the following fiscal year.

6.7.2.d. A summary of the services proposed to be offered in the following fiscal year by the family protection program.

6.7.2.e. An evaluation of the local need for a family protection program.

6.7.2.f. An estimate of the number of people to be served by the family protection program during the following fiscal year; and

6.7.2.g. Any other information the Board may feel is necessary.

6.7.3. Criteria - In order for a family protection program to qualify to receive grant funds from the Board, it must meet the following criteria:

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

6.7.3.b. 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.

6.7.3.c. 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.

6.7.3.d. Require persons employed by or volunteering services to the program to maintain the confidentiality of any information, which may identify individuals served by it.

6.7.3.e. 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.

6.7.4. Restrictions.

6.7.4.a. The Board shall not fund a family protection program 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 program will not be refunded until the discrimination ceases.

6.7.4.b. The Board shall not refund a family protection if services were not provided in the first two months following the initial 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 program is not barred from subsequent funding. A revision of the original application may be filed with the Board when the program starts providing services.

6.7.5. 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.

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

6.7.5.b. Proposed goals and objectives.

6.7.5.c. Demonstration of local control of the program.

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

67.5.e. Merit of the project as proposed to include at minimum: adequate funding to support the program, geographic area(s) to be served, record of effective services and coordination with other programs.

6.7.6. Distribution of Funds - The Board shall deliver funds to each family protection 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 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. Distribution of the second half of the funds shall occur by the fifteenth day of January of each fiscal year. The amount awarded to each family protection 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 family protection programs, rewarding 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 program award amounts of the second-half of the grant funds, the Board shall award funds according to a formula determined by the Board which may include but not limited to: populations, the number of shelter beds, shelter nights, persons served, diversification of funding and operational budgets. The Board shall identify and provide funding formula factors to family protection programs on or before January 15 each year. The Board shall require and review monthly financial reports from each program to assure the proper expenditure of grant funds.

67.7. Funding shall not apply to the following agencies and practitioners which shall not be funded by the Board:

67.7.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 domestic violence victims.

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

67.7.c. Local private practitioners who are providing services to victims of domestic violence within the scope of their professional license or by other professions including but not limited to: 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 of Marriage and Family Therapy; 3) addiction counselors certified by the West Virginia Association of Alcohol and Drug Abuse Counselors, or 4) physicians and other health care practitioners.

**FAMILY COURT JUDGE
FIRST FAMILY COURT CIRCUIT**

JOYCE DUMBAUGH CHERNENKO

Family Court Judge

JOYCE E. COEN

Case Coordinator

MARGARET OMREGCIK

Secretary - Clerk



Ohio - Brooke & Hancock Counties

Courthouse Annex, Second Floor

51 Sixteenth Street

Wheeling, WV 26003

Telephone: (304) 238-1051

Case Coordinator (304) 238-1149

Fax: (304) 238-1000

July 10, 2002

Trudy Laurenson, Chair
Family Protection Services Board
1002 Sandhill Drive
Saint Albans, WV 25177

RE: Monitored Visitation Centers

Dear Ms. Laurenson:

I have reviewed the proposed Rules which you provided with your June 26, 2002 Memorandum. Although I have not reviewed West Virginia Code §48-26-10, I would ask that consideration be given to removing the words "visitation" and "custody" as it appears in all locations in the Rules.

The Legislature has been very careful, in its changes to the allocation of custodial responsibility in Chapter 48, to remove any reference to the words "visitation" and "custody". During my work with legislators, I found that they desired to remove the stigma that parents felt of "visiting" with their children. Moreover, the word "custody" had a certain meaning to parents which was negative to the individual who did not receive "custody".

Therefore, I would recommend that the reference to the program contained in the proposed Rules be described as a "Monitored Parenting and Exchange Program". Under those circumstances where the individual is not a "parent" then the term "monitored contact" may be used.

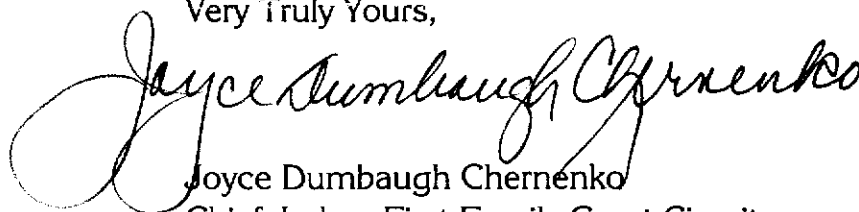
For example, under Section 191-4-2. Definitions, under 2.2 I would describe the "custodial parent" as a biological parent, adoptive parent, legal guardian, state agency and its representatives who are the temporary or permanent legal custodian of the

child.

As an additional example, in Section 191-4-2. Definitions, 2.4 I would describe a "monitored exchange" as means of supervision of movement of a child from the custodial to the non-custodial parent at the start of the "parenting opportunity" and back to the custodial parent after the end of the "parenting opportunity"

If you have any questions regarding my comments concerning the proposed Rules, please do not hesitate to contact me at the above address.

Very Truly Yours,

A handwritten signature in black ink, reading "Joyce Dumbaugh Chernenko". The signature is written in a cursive style with large, flowing loops.

Joyce Dumbaugh Chernenko
Chief Judge, First Family Court Circuit
State of West Virginia

JDC/mmo



STATE OF WEST VIRGINIA
FAMILY PROTECTION SERVICES BOARD
BOB WISE, GOVERNOR

July 25 2002

The Honorable Joyce Dumbaugh Chernenko
Family Court Judge, First Family Court Circuit
Courthouse Annex, Second Floor
51 Sixteenth Street
Wheeling, WV 26003

Dear Judge Chernenko:

Thank you very much for taking time to review and comment on the proposed changes to the Family Protection Services Board rules. After checking with the Administrative Law division of the Secretary of State, we have determined that your suggestion for modifying the term "visitation" to "parenting" is not beyond the scope of our authority. The Board, as well as several providers of the service, agree that the term "Monitored Parenting and Exchange Program" conveys a more inclusive and welcoming meaning for families. In addition, where possible, the term "visit" was changed to "parenting visit."

Again, thank you very much for your time and interest. If you have additional comments or questions about the rule, or the work of the Family Protection Services Board, please feel free to contact me at 645-6334, or our staff person, Beth Morrison, at 727-1906.

Sincerely,

A handwritten signature in cursive script that reads "Trudy Laurenson".

Trudy Laurenson, Chair

Cc: FPSB members



R.E.A.C.H.H.

176 Pleasant Street
Hinton, WV 25951
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**Family Resource
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Executive Coordinator
Peggy Rossi, MSW

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Trudy Laurenson, Chair
Family Protection Services Board
c/o 1002 Sandhill Drive
Saint Albans, WV 25177

July 18, 2002

Dear Trudy,

I appreciate the opportunity to review the proposed rules and have a number of comments.

The first few are minor corrections:

On P. 2 section 2.5 of "Licensure of Domestic Violence (DV)and Perpetrator Intervention(PI) Programs", I believe Department of Health and Human Resources should be capitalized, and preceded by WV, and at the bottom of the page, section 2.11 the " is missing in front of "Shelter". On p. 2 section 3.1 of the section on "Monitored Visitation and Exchange Programs", it appears that some words are omitted after "rules apply only to,"

Next, a point of clarification: in the section on "Monitored Visitation and Exchange Programs", is there an established curriculum or manual for the required 30 hours of required training described on p, 7?

The following comments are more substantial in nature, and reflect my general, long standing concern with the manner in which funding and services are allocated by the Board, state-wide. Much of the language I am questioning is not new to the current revisions.

In the first section, "Operation of the Board", I take p.3 section 3.4, (and other sections throughout the Rules) to mean that a "Family Protection Program" has to include a shelter. This is reinforced on p. 13 section 6.7.3.d., and p. 26 section 7.3.a. in the section on "Licensure of DV and PI Programs": "Provide or propose to provide a facility which will serve as a temporary shelter"

In the second section "licensure of DV and PI Programs", on p. 2 section 2.7, the definition of "Family Protection Program" includes no reference to shelters. However, on p. 9 section 4.1.j. under "Family Protection Program Requirements" mandates "follow-up procedures for residential clients", and section 4.1.k mentions direct resident services"; p. 27 section 7.4.b. states "the Board shall not refund a ...program if its original application projected the provision of residential services and such services were not provided in the first three months following disbursement of funds"; and section 7.6 states that the funding formula "may include...number of beds, shelter nights...."

In regards to new language, section 2.8 on the same page changes "Outreach Program" to "Outreach Service". I take issue with this change because I think it only reinforces the position of outreach programs as existing at the "will and pleasure" of their parent shelters. In my opinion, this does NOT serve the cause of providing equitable access to services for all victims of DV. I see this language as being further disempowering to outreach programs, and thereby contrary to the Coalition's core principle of empowerment. Why are Monitored Visitation and Perpetrator Intervention services referred to as "programs" while outreach programs are demoted to the category of "services"?


I gather that p. 18 "Licensing Standards for Domestic Violence Outreach Services" again precludes the licensing of non-shelter based programs in "outreach" counties.

It is my belief that the current mechanisms for distribution of funds for DV programs are highly inequitable. I am most familiar with the WRC catchment area where, at the present time, Fayette County (pop. approx. 48,000) has only one DV advocate, with no other backup or support staff, while Raleigh County (pop. approx 77,000) has 20+ staff including counselors, child advocates and etc. The shelter-based funding formula of the FPSB only serves to reinforce these inequities. Having just experienced a situation where the WRC cut me out of their budget completely, (they had been paying me 10 hours+ per week since our Conrad Hilton funding was terminated some 10 years ago,) without so much as informing me, I do not think that outreach counties can necessarily count on shelters to look out for the best interest of their programs. It is my belief that it is in the best interests of victims of DV state-wide that funding be distributed more equitably between ALL counties, and that "outreach" counties have a guaranteed base of funding and a level of staffing that more equitably reflects the service needs of the victims in these counties. A logical first step in accomplishing this would be to restore the "outreach program" language in these Rules, and eliminate the requirement that funded programs provide shelter services. It has been widely acknowledged that, with advances in the area of DV law, the need for shelter services has declined in recent years, adding further justification for a change in these Rules. The title "Family Protection Services Board" reflects acknowledgment of the need for protection for all family members, including children. A number of DV programs (in both shelter and outreach counties) are broadening their scope of services to include child advocacy functions. I believe it would behoove the Board to better support these efforts by allowing for the licensing of non-shelter programs.

With the current state-wide crisis in social services and Medicaid funding, rural counties run the risk of being further under-served, in the areas of both DV advocacy and social and mental health services overall. The FPSB is in a position to counter this tide by opening the door for non-shelter counties to qualify for base funding from which to expand their service and base of support. As the Executive Coordinator of an outreach program that has successfully secured diverse funding to provide a comprehensive array of services to victims of family violence and abuse in an under-served county, I am convinced that it would be in the best interests of the DV network, and particularly of the families it serves, if the Board and Coalition made a commitment to strengthening their efforts to support and empower outreach programs. This can be done by seeking to help to provide both the funding and technical assistance (including grant writing training and support, etc), to bolster outreach programs state-wide and to move away from a shelter-based funding formula and the resulting inequitable distribution of resources and services.

Thank you for the opportunity to comment.

Sincerely,


Peggy Rossi, MSW
Executive Coordinator



STATE OF WEST VIRGINIA
FAMILY PROTECTION SERVICES BOARD
BOB WISE, GOVERNOR

July 25 2002

Peggy Rossi, Executive Coordinator
R.E.A.C.H.H.
176 Pleasant Street
Hinton, WV 25951

Dear Ms. Rossi:

Thank you very much for taking time to review and comment on the proposed changes to the Family Protection Services Board rules. In response to your comments:

1. Staff revised your noted typographical errors;
2. There is not, at this time, an established curriculum for the required 30 hours of training for staff of the monitored visitation centers;
3. The Board did not elect to make substantive changes in the funding section of the rule this year. You raise a valid point about equitable distribution of advocacy resources across the state, and I'm sure many program directors would agree that it is a great challenge to staff their rural counties adequately. The Board will take your comments under advisement and convene a broader group during the coming year to discuss distribution of resources.

Again, thank you very much for your time and interest.

Sincerely,

A handwritten signature in cursive script that reads "Trudy Laurenson".

Trudy Laurenson, Chair

Cc: FPSB members

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

**SERIES 1
OPERATION OF THE FAMILY PROTECTION SERVICES BOARD**

General Comments

| Comment | Suggestion |
|--|--|
| There are times when entity reference to "board" or "Board" is unclear. | That throughout the four-part series, references to the Family Protection Services Board be "Board"; while references to community-based boards of directors be "governing body." |
| Each of the Series (1,2, 3,and 4) contain exact numbered references that address different issues. The numbering process could easily present problems for people who are referencing a specific Series but may be understood by other people to reference a different Series. For example: a. 2.1 in Series 1 addresses the purposes of the Board b. 2.1 in Series 2 addresses the definition of advocacy c. 2.1 in Series 3 addresses the definition of the Board d. 2.1 in Series 4 addresses the definition of the Board | That the Series number preface each of the numbered sections as a means of avoiding confusion about which Series is being referenced. For example: a. 1.2.1 addresses the purpose of the Board b. 2.2.1 addresses the definition of advocacy c. 3.2.1 addresses the definition of Board d. 4.2.1 addresses the definition of Board <u>and</u> there is no confusion about what Series the person is referencing. Series 1 = Operation of FPSB Series 2 = Family Protection Programs Licensure Series 3 = PIP Licensure Series 4 = Visitation Centers Certification |
| Confusion can be created by having the same rule included in the different series and with different numbered references. For example: The same definition of "Board" has four different references: 191-1.3.1 191-2.2.2 191-3.2.1 191-4.2.1 | Contact someone like Rita Pauley who has expertise in this area and may have suggestions (may also affirm the numbering process as it is!) |
| What is the guideline for including some but not all definitions in Series 1 Section 1.3 - Definitions? | Include all definitions found in the four-part series in the definitions section of Series 1. |

Series Specific Comments

Series 1 - Operation of FPSB

191.1.1 - Add "*The West Virginia Code is available at . . .*"

191.2.1 - Add "a system of standards for the annual certification of monitored visitation . . ."

2DE

191.3 – Definitions not referenced in this section but found in other sections of the four part series:

- educator/facilitator
- power/control
- advocacy
- crisis counseling
- direct services
- outreach services
- safety planning

✓ 191.1.3.5 – The definition of “shelter” here differs from the definition of “shelter” found in series 2 (191.2.11). Choose one definition.

✓ 191.1.4 – Add “an annual report *to the governor*”

191.1.5.1.a – Language differs from that found in 191.2.3.1.a

191.5.1.b – Alter sentence to read “The Board shall *use the following criteria when considering* applications submitted for license:” Delete “all” and “in light of”

191.5.1.d – Undelete “*perpetrator intervention programs*” or change same reference in

✓ 191.3.3.1.d

191.1.5.1.e – Change language to read “the operation of an organization *that has not obtained a license . . .*” It doesn’t matter whether a program agrees or refuses to obtain a license; what matters is whether or not they actually have one. No?

✓ 191.1.5.4.3.a – Add “The Board shall annually evaluate all *licensed* family protection . . .” Undelete “The evaluation *will be*”

✓ 191.5.3.b – Add “All *licensed* programs”; add “assure onsite review *of the established*”

✓ 191.1.5.d – Change language to read “The Board may *contact* the program’s partner agencies to *assess* program effectiveness”

✓ 191.1.5.4.d – Delete “twenty (20) days ~~to the Board~~ should”

✓ 191.1.5.5 – Add “The Board shall close any *licensed* family protection “

191.1.5.b – Add “or shelter’s governing *body* ; delete ~~Board of directors~~”; the family protection program’s ~~Board of directors governing body~~;

✓ 191.1.5.5.d – Delete “the ~~family protection services Board~~”

✓ 191.1.5.6 – Undelete “*perpetrator intervention program*” since this section applies to BIPPs – cross reference 191.3.3.6

✓ 191.1.5.6.a – This section is not clear to me. Maybe something like “*After placing a family protection program into receivership and prior to the closure of a family protection program the Board shall provide for and hold a public hearing in the municipality or county in which the family protection program is located. . .*”; Add shelter’s governing *body*; delete ~~board of directors~~.

191.5.6.b - Add “counsel of the *family protection or perpetrator intervention* program.” Cross reference 191.3.6.b

✓ 191.1.6.1 - Change language “the welfare of the children, adults, and program staff during ~~supervised~~ *monitored* contact.” (to keep distinctions clear?); add “While these rules apply only to *monitored visitation and exchange centers* nothing in these rules”

- take out of BIPPs rule

- ✓ 191.6.2.a – This is unclear to me. Does the Board not have discretion to certify a program? Perhaps stated differently might make this rule clearer? “All monitored visitation and exchange programs that represent themselves as certified for monitored contact *are required to obtain certification by the Board.*”
- ✓ 191.6.5.a – Note: This deleted section is not deleted in 191.4.3; also if deletion holds then the numbering for the section that follows should be 191.6.5.a and not 191.6.5.b
- ✓ 191.6.6.b.2 – Numbering is off. It says 3.6.b.2
- ✓ 191.6.7.1 – Is this the correct code cite? I don’t have my reference book with me.
- ✓ 191.6.7.3 – Perhaps it would be helpful to add as the number one criteria – *Be licensed by the Board.* If so this will change the numbering of sections that immediately follows.
- ✓ 191.6.7.3.b Change Board to *board.*
- ✓ 191.6.7.4.a – Add *sexual orientation.*
- ✓ 191.6.7.4.a Add “a family protection *program* if services”
- ✓ 191.6.7.5 – Add “deny an application *for funding* within forty-five days”
- ✓ 191.6.7.6 – Is this the correct code cite? I don’t have my reference book with me. Also is *monthly financial reporting* new? Do programs already do this? If so who reviews the reports?
- ✓ 191.6.7.7.c – Use small letters for *social workers* to be consistent with marriage counselors or family therapists

48-26-601

- ✓ Series 2 – Family Protection Domestic Violence Programs Licensure (To be consistent with the content of the rule)
- ✓ 191.2.2.2 - Delete “for the licensure of family protection and *perpetrator intervention* programs “
- ✓ 191.2.2.3 – Delete and insert “employed by a family *violence* protection program”
- ✓ 191.2.2.5 – For consistency, capitalize Department of Health and Human Resources and add “or any successor agency however so named.” (*Cross reference 191.1.3.3 or delete the phrase in this section*)
- ✓ 191.2.2.7 – Delete “or *Program* means” – rule is specific about referring to a family protection program and not to a “program” in general
- ✓ 191.2.2.10 – Capitalize Secretary of the Department of Health and Human Resources (consistency – cross reference 191.1.3.1)
- ✓ 191.2.2.11 – This definition differs from that found in 191.1.3.5. Choose one.
- ✓ 191.2.3 - Delete “*and perpetrator intervention* programs” – Because there are separate rules for the perpetrator programs I am suggesting that reference to perpetrator programs be omitted from this series on family protection programs.
- ✓ 191.2.3.1 – Delete “*and perpetrator intervention* programs” and NOTE: Language in this provision differs form language in 191.1.5.1.a
- ✓ 191.2.3.1.b - Insert “The Board shall *use the following criteria when considering receive and consider* all applications submitted for licensure: Also – add “operate a *family protection* program” and “the delivery of services, *capacity of the family protection program to comply with standards,* and” (cross reference language with 191.1.5.1.b)
- ✓ 191.2.3.1.d – Delete “*and perpetrator intervention programs* in a timely manner”
- ✓ 191.2.3.1.e – Delete and insert: “an *organization which refuses to obtain that has not obtained* a license”
- ✓ 191.2.3.2.b – Delete “*and perpetrator intervention* program and shelter”
- ✓ 191.2.3.3.b - Add “one half of all licensed *family protection* programs”

| | |
|---|---|
| ✓ | 191.2.3.3.c – Delete “ <u>and perpetrator intervention program and staff</u> ” |
| ✓ | 191.2.3.5.b – Add or shelter’s governing <i>body board of directors</i> ; and programs governing <i>body board of directors</i> shall have fifteen”; and restore language “suspension of the <i>family protection program</i> ’s” |
| ✓ | 191.2.3.5.d – Add “in which the <i>family protection program</i> is located” |
| | 191.2.3.6 Delete “governing <i>board of directors</i> and insert <i>body</i> ” in the last sentence. |
| ✓ | 191.2.3.6.a – Not clear. Same suggestion as in 191.1.5.6.a Maybe something like “ <i>After placing a family protection program into receivership and prior to the closure of a family protection program the Board shall provide for and hold a public hearing in the municipality or county in which the family protection program is located.</i> ” |
| ✓ | 191.2.3.6.b – Add “legal counsel of the <i>family protection program</i> ” |
| ✓ | 191.2.4.1.b – Add “family protection program” |
| ✓ | 191.2.4.1.f.1 through 191.2.4.1.f.4 – Capitalize first letter of each phrase |
| ✓ | 191.2.4.2.c.1 through 191.2.4.2.c.3 – Capitalize first letter of each phrase |
| ✓ | 191.2.4.2.e – Add any member of the board of directors” |
| ✓ | 191.2.4.2.j & 4.2.j.2 & 4.2.j.7 & 4.2.j.8 – Add “family protection program” |
| ✓ | 191.2.5.10 – Revise to read “victims who are elderly, have disabilities, <i>or are adult or adolescent males</i> ” |
| ✓ | 191.2.6.6.a through 191.2.6.6.g – capitalize first word of each phrase. |
| ✓ | 191.2.6.8 – regarding “outreach meetings per year” – This may be changing now that the Certification of Advocacy Process is operational. ju |
| | 191.2.7.3 – Add a new point – “ <i>Be licensed by the Family Protection Services Board.</i> ” |
| | 191.2.8.7.4 – Add “ <i>sexual orientation</i> ” |
| | 191.2.8.7.5 – Add “an application <i>for funding</i> within forty five days” |

Series 3 – Perpetrator Intervention Programs

| | |
|---|--|
| ✓ | 191.3.1.1 – Add “for the licensure <i>of perpetrator</i> ” |
| ✓ | 191.3.2 Definitions – Check this entire section against the language used in definitions contained in Series 1 – Operation of the FPSB. Some of the wording in the definitions are different and other definitions are omitted in series 1. |
| ✓ | 191.3.2.3 – Reference to Section 7.2 is wrong – there is no Section 7. I think it should be 4.3 |
| | 191.3.3 – Delete “The Board shall enforce a system of standards” |
| | 191.3.1.a - An organization shall will) For consistency 191.1.5.1.a |
| | 191.3.1.b – “The Board shall <i>use the following criteria when considering all</i> applications” |
| | 191.3.1.d – Use same language as 191.1.5.1.d by adding “ <i>Forms for licensure ...</i> ” |
| ✓ | 191.3.3.2.b – Delete “require every <i>licensed family protection and</i> perpetrator “ |
| ✓ | 191.3.3.3.a – Add “all <i>licensed</i> perpetrator” |
| ✓ | 191.3.3.3.b – Add “all <i>licensed perpetrator intervention programs</i> ” |
| ✓ | 191.3.3.5 – Add “The Board shall close any <i>licensed perpetrator</i> ” |
| ✓ | 191.3.3.5.c – Delete and add “the president of the <i>family protection or</i> perpetrator intervention program’s <i>or shelter’s</i> governing <i>body board of directors</i> . (In both places in this section.) |
| ✓ | 191.3.6.a – Not clear - <i>After placing a perpetrator intervention program into receivership and prior to the closure of a perpetrator intervention program the Board shall provide for and hold a public hearing in the municipality or county in which the perpetrator intervention program is located.</i> |

| | |
|---|---|
| ✓ | 191.3.3.6.b – Add “legal counsel of the <i>perpetrator intervention</i> program” |
| ✓ | 191.3.4.2.c.1 through 191.3.4.2.c.3 – Capitalize the first word of each phrase. |
| | 191.3.4.6.a – Change “licensed <i>domestic violence family protection</i> program” |
| ✓ | 191.3.4.6.b – Add “Educator/facilitators of <i>licensed perpetrator intervention programs</i> will consult with licensed <i>domestic violence family protection</i> programs (Cchange dv to fp in other sentence in this section.) |
| ✓ | 191.3.4.6.c – “In the event that the contact of the victim and/or partner is done by the perpetrator intervention program staff, they shall provide written information to the licensed <i>perpetrator intervention family protection</i> program, including date and contact information.” |
| | 191.3.4.7.a & 4.7.c & 4.7.c & 4.7.d & 4.8 & 4.9 – Add “ <i>perpetrator intervention</i> program” |
| | 191.3.4.9 – Change “licensed <i>domestic violence family protection</i> program” |
| ✓ | 191.3.4.10.b – Change “perpetrator intervention <i>class</i> program” (in both places – I assume this refers to release after the entire program is completed and not just one class?) |
| ✓ | 191.3.4.11 – Change <i>domestic violence</i> to “ <i>family protection</i> program” |
| ✓ | 191.3.4.11.c – “sending of monthly reports to the licensed <i>family protection perpetrator intervention</i> program” |

| | |
|---|---|
| | <i>Series 4 – Monitored Visitation and Exchange Program Certification</i> |
| ✓ | 191.4.1.1 – Add “ <i>The West Virginia Code is available ...</i> ” |
| ✓ | 191.4.3.1 - Change language “the welfare of the children, adults, and program staff during <i>supervised monitored</i> contact.” (to keep distinctions clear?); add “While these rules apply only to <i>monitored visitation and exchange centers</i> nothing in these rules” |
| ✓ | 191.4.3.2.a - Change language: “that represent themselves as certified for monitored contact <i>shall be are required to be</i> certified by the Board.: The original language makes it seem as if the Board has no discretion in granting certification; all a program has to do is represent itself as being certified and then it shall be certified by the Board. |
| | 191.4.3.5 and 3.5.a are deleted in 191.1.6 – Choose one way or the other. |
| | 191.4.3.5.b.1 through 3.5.b.5 – Due to number change these sections really are 191.4.3.5.a.1 through 3.5.a.5 |
| | 191.4.2.a through 191.4.2.k – capitalize first letter of each phrase |
| ✓ | 191.4.3 – “shall <i>establish and/or report to a board of directors</i> be governed by and report to a <i>board of directors</i> ” |
| ✓ | 191.4.5.d – “Statistics shall <i>be gathered and reported in a manner that will</i> not compromise client confidentiality.” |
| ✓ | 191.4.4.5.e.3.a through 191.4.4.5.e.3.e – Capitalize first letter of each phrase |
| ✓ | 191.4.4.6.a and 4.6.b - Capitalize first letter of each phrase |
| ✓ | 191.4.4.7.b.6 – Family violence, including <i>parental abuse, and child abuse and neglect</i> |
| ✓ | 191.4.4.7.b.7 – Capitalize first letter of phrase |



STATE OF WEST VIRGINIA
FAMILY PROTECTION SERVICES BOARD
BOB WISE, GOVERNOR

July 25 2002

Ms. Sue Julian
WVCADV
Elk Office Center
4710 Chimney Drive
Charleston, WV 25302

Dear Sue:

Thank you very much for your thorough review of and comments on the proposed changes to the Family Protection Services Board rules. In response to your suggestions:

1. The typos and various language inconsistencies across the Series have been addressed;
2. References to local program boards is now "board of directors" throughout;
3. The rules could not be renumbered to include Series number;
4. The Administrative Law division of the Secretary of State advised that definitions be limited to those relevant to the Series;
5. Clarifications were made regarding the role of the FPSB in certifying monitored visitation and exchange programs;
6. The reference to monthly financial reporting to the FPSB was removed;
7. Outreach advocate training requirements were updated to be consistent with current training requirements for Certified Domestic Violence Advocates;
8. Sexual orientation was added to the list of discrimination prohibitions; and
9. "Class" was changed to "program" in the Perpetrator Intervention Program Series to clarify when the program reports to the referring agency.

Again, thank you very much for your time and interest. If you have additional comments or questions about the rule, or the work of the Family Protection Services Board, please feel free to contact me at 645-6334, or our staff person, Beth Morrison, at 727-1906.

Sincerely,

A handwritten signature in cursive script that reads "Trudy Laurenson".

Trudy Laurenson, Chair

Cc: FPSB members

Amendments made to proposed rule as result of public comments.

Series 1: Operation of the Family Protection Services Board

Changes included agency-approved clean up language to fix typos, make the rule more clear (e.g., sentence inserted in 191.5.6.a. to clarify that a public hearing would be scheduled after placing a licensed program into receivership but before the closure of the program), and to make it consistent with language in the other Series under this title (e.g., making sure definitions are consistent across Series, changing “domestic violence program” to “family protection program”).