

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

Form #4

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

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 The Family Protection Services Board

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE PROPOSED LEGISLATIVE RULES, FOLLOWING REVIEW BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE, IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.



Authorized Signature

TITLE 191
LEGISLATIVE RULE
FAMILY PROTECTION SERVICES BOARD

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SERIES 1
OPERATION OF THE FAMILY PROTECTION SERVICES BOARD

WEST VIRGINIA
SECRETARY OF STATE

§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 parenting 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(1)~~ 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-4~~ 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 – For purposes of these rules, the following definitions shall apply:

3.1. “Board” means the Family Protection Services Board created pursuant to West Virginia Code ~~§48-2C-3~~ 48-26-301.

3.2. “Custodial parent” means a biological parent, adoptive parent, legal guardian, state agency and its representatives who has temporary or permanent legal custody of a child.

3.3. “Custodial responsibility” refers to physical custodianship and supervision of a child. It may include residential or overnight responsibility.

3.4. “Department” means the Department of Health and Human Resources or any successor agency however so named.

3.5. “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 and outreach services, to victims of domestic violence or abuse and their children.

3.6. “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.

3.7. “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.

3.8. “Noncustodial parent” means a biological parent or other adult authorized by a court to have supervised contact with a child

3.9. “Outreach Program Service” means a program service formally associated with a licensed family protection program and established for the purposes of providing direct services, community education and prevention activities, information, referral, safety planning and crisis counseling to victims of domestic violence.

3.10. “Participant” means the custodial parent, the noncustodial parent, or the child receiving monitored contact.

3.11. “Perpetrator Intervention Program” means a licensed perpetrator intervention domestic violence program that accepts perpetrators of domestic violence or family violence into educational intervention groups.

3.12 "Secretary" means the Secretary of the Department of Health and Human Resources.

3.13 "Shelter" means a locally controlled non-profit organization created primarily for the purpose of receiving, on a temporary basis, individuals who are victims of domestic violence, abuse or rape ~~as well as the~~ and their children of such victims and for providing ~~comprehensive~~ services to ~~such~~ these individuals as specified in Series 2 of the Board's rules.

3.14 "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 the governor and the Legislature within the first 20 days of the Legislative session regarding those issues.

§ 191-1-5. Licensure ~~Process~~ of Family Protection Programs, Perpetrator Intervention Programs, and Shelters

All family protection, programs and perpetrator intervention programs and shelters shall must 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 any organization that wishes to establish a family protection programs and/or perpetrator intervention programs and/or shelters upon request. ~~An~~ The organization must complete an 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 evaluated by the Board, on an annual basis, and an on-site review will be conducted every two years.

~~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 ability of the applicant to successfully operate a family protection, ~~program or a~~ perpetrator intervention program, or a shelter, the applicant's ability to obtain adequate funding for the delivery of services, the capacity of the program to comply with the Board's 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 and with Series 2 or 3 of the Board's rules. Forms for license renewal shall be distributed by the Board to licensed family protection, ~~programs and~~ perpetrator intervention programs, and shelters 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 any 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 set

forth in this rule and in Series 2 or 3 of the Board's rules. Compliance with the standards shall be evaluated by peer reviewers, by Board members, by Board staff, or by any a combination thereof 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 of the next year. The Board shall grant or deny license within forty-five (45) days of receiving the license application. Every licensed family protection, perpetrator intervention program and shelter shall conspicuously display the license.

5.4. 3. Evaluation for Licensure

5.4. 3.a. The Board shall annually evaluate all family protection, ~~programs~~ and perpetrator intervention programs, and shelters operating in the state and will review all programs and shelters on-site a minimum of once every two years. The evaluation ~~and peer review~~ will be conducted using the licensing standards found in ~~Title 191, Series 2 and 3 of the Board's rules, 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. The Board shall annually assure an on-site review 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~~ current 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 person(s) authorized by the Board to conduct the review, 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 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.~~

5.4 Waiver of Licensure. The Board may ~~grant a provisional license or~~ grant a waiver of licensure if the Board ~~deems a waiver or provisional license is~~ finds it necessary for the good of victims or perpetrators who ~~will~~ would be served by the family protection, ~~program or~~ perpetrator intervention program or shelter in question. The Board shall review all such waivers or provisional licenses shall be reviewed semi-annually.

5.7. 5. 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.~~

5.7.a The Board may grant provisional licensure if the Board finds it necessary for the good of participants who will be served by the family protection, perpetrator intervention program, or shelter in question. All provisional certifications shall be reviewed semi-annually.

5.7.b. Upon a finding by the Board that a family protection, ~~program or a~~ perpetrator intervention program, or shelter is not in compliance with this rule, the Board may issue a provisional license and shall give the family protection program or the perpetrator intervention program written notice of deficiency that shall include, but not be limited to, the following:

5.7.a.1.5.b.1. A statement of program deficiencies.

5.7.a.2. 5.b.2. A requirement for a program to submit a plan of correction regarding the deficiencies.

5.7.a.3.5.b.3. A timeline for the Board's review of the plan of correction.

5.7.a.5.b.4. 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.b.5. A requirement that compliance occur within a time period set by the Board.

5.5.b.6. 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. 6. Revocation or Suspension of A License.

5.8.a.—The Board may suspend or revoke a license and, in connection therewith close any family protection, or perpetrator intervention program or shelter that which violates the standards licensing requirements established under Series 2 and 3 of the Board's rules —Sections 4.5, 6 and 7, subject to the requirements in this rule regarding public hearings under subdivision d of this subsection. Four members of the Board must vote in the affirmative before a license is revoked or suspended.

5.8.a.1.6.a. Four members of the Board must vote in the affirmative before a license is may be revoked or suspended.

5.6.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 perpetrator intervention program's or shelter's governing Bboard 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.2.6.c. The Board shall send written notice of the license revocation or suspension by certified mail to the president of the family protection, perpetrator intervention program's or shelter's governing Bboard 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 or shelter's Bboard of directors will have 30 fifteen (15) days to respond to the violations allegations. 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, perpetrator intervention program or shelter whose license has been revoked or suspended.

5.8.a.3.6.d. If the family protection services Board is provided with a response to the violations, a public hearing will be held within 60 thirty (30) days in the confines of the municipality or county in which the program is located.

5.8.b. 5.7. Receivership of Program.

The Board may place a family protection, program perpetrator intervention program or shelter 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. to place a family protection program or perpetrator intervention program.~~ After placing a family protection, perpetrator intervention program or shelter 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, perpetrator intervention-program's or shelter's board of directors.

~~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, subject to the requirements of section 5.6.d of this rule.

~~5.8.d.~~ 5.6.b. The Board shall provide the governing body and/or legal counsel of the program or shelter 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 also 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 s/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, in accordance with the provisions of W.Va. Code 6-9A-1 et seq. Four (4) members must be present to hear the violations and the program's response.

§ 191-1-6. Certification of Monitored Parenting and Exchange Programs.

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 supervised contact. Once safety is assured, the welfare of the child(ren) is the paramount consideration at all stages. Nothing in these rules shall preclude a monitored parenting and exchange program from offering both monitored parenting and exchange services and supervised services.

6.2. Application for Certification

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

6.2.b. The Board will provide a standard application form for certification of monitored parenting and exchange programs upon request. An organization shall complete an application 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 consider all applications submitted for 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 and with Series 4 of the Board's rules. The Board shall distribute forms for certification renewal to certified monitored parenting and exchange programs 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 of the next year. The Board shall grant or deny any certification application within forty-five (45) days of receiving the application. Every certified monitored parenting and exchange programs shall 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 Series 4 of the Board's 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 and in Series 4 of the Board's rules. Compliance with the standards will be evaluated by peer reviewers, by Board members, by Board staff, or any combination thereof as determined by the Board.

6.5 Waiver of Licensure. The Board may grant a waiver of certification if the Board finds it necessary for the good of participants who would be served by the monitored parenting and exchange program in question. The Board shall review all such waivers semi-annually.

6.6. Provisional Certification.

6.6.a The Board may grant provisional certification if the Board finds it 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.

6.6.b. Upon a finding by the Board that a monitored parenting and exchange program is not in compliance with Series 4 of the Board's rules, the Board may issue a provisional certification and shall give the program written notice of deficiency that shall include, but not be limited to, the following:

6.5.b.1. A statement of program deficiencies.

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

6.5.b.3. A timeline for the Board's review of 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 or Series 4 of the Board's rules, subject to paragraph 3 of this subdivision regarding public hearings. Four (4) members of the Board must vote in the affirmative before certification may be revoked or suspended.

6.6.a.1. The Board shall send written notice of the revocation or suspension by certified mail to the president of the monitored parenting and exchange program's governing board of directors. The notice shall contain a statement of the alleged violations of the Board's rules.

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 governing body 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. The Board shall also give local public notice by advertisement in a local newspaper's legal notice section at least ten (10) days prior to the hearing date.

3.6.b.2. The hearing shall be conducted by the Board chair, and s/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. 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.~~

~~6.7.5.d. — Administrative design and efficiency of the project.~~

~~6.7.5.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.~~