

**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(4)

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 2

TITLE OF RULE BEING AMENDED: Licensure of Domestic Violence and Perpetrator
Intervention Programs

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

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

Form #3

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**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(4)

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 2

TITLE OF RULE BEING AMENDED: Licensure of Domestic Violence adn Perpetrator
Intervention Programs

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.

Judy Larrenson
Authorized Signature

FILED

TITLE 191
LEGISLATIVE RULE
FAMILY PROTECTION SERVICES BOARD

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

SERIES 2
LICENSURE OF DOMESTIC FAMILY VIOLENCE AND PERPETRATOR INTERVENTION- PROTECTION PROGRAM, OUTREACH SERVICE AND SHELTER LICENSURE

§ 191-2-1. General

1.1. Scope - This rule establishes general standards and procedures for the licensure of family protection programs and perpetrator intervention programs as specified in ~~implements the provisions of West Virginia Code § 48-2C-4 §48-26-401. relating to the standards and procedures for the licensure.~~ The West Virginia Code is available in public libraries and on the Legislature's web page at <http://www.legis.state.wv.us/>.

1.2. Authority – West Virginia Code ~~§48-2C-4(d) and §48-2C-13(e)~~ §48-26-401(4) and §48-26-402.

1.3. Filing Date –

1.4. Effective Date –

§ 191-2-2. Definitions – For purposes of these rules, the following definitions shall apply:

2.1. “Advocacy” means assisting victims of domestic and family violence in obtaining support and assistance in securing rights, remedies, and services from criminal justice and other public agencies. These services include but are not limited to: filing temporary restraining orders, providing court accompaniment, assisting with financial, medical, and housing needs, etc.

~~2.2 “Board” means the Family Protection Services Board created pursuant to under West Virginia Code §48-2C-3 §48-26-301.~~

2.2 “Certified Domestic Violence Advocate” means an advocate employed by a licensed family violence protection program who has been approved by the Board of Directors West Virginia Coalition Against Domestic Violence as meeting the eligibility standards outlined in the Coalition Domestic Violence Advocate Certification Project.

2.3. “Crisis Counseling” means supportive intervention services provided by licensed family protection programs and ~~family protection~~ shelters. The services include but are not limited to assisting victims of domestic violence in identifying and assessing their situation and

accessing resources for resolution.

~~2.4. "Department" means the Department of Health and Human Resources, or any successor agency however so named.~~

2.4. "Direct Services" means working acts of assistance provided directly with to victims ~~in areas such as~~ including, but not limited to, emergency shelter, crisis counseling, and safety planning, ~~etc.~~

~~2.6. "Educator/Facilitator" means an individual who meets the minimum requirements outlined in Section 6.2. of this rule and who directly facilitates regularly scheduled classes for perpetrators of domestic violence.~~

2.5. "Family Protection Program" or "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 or family violence or abuse and their children.

2.6. "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.

~~2.10. "Perpetrator Intervention Program" means any licensed perpetrator intervention program that accepts perpetrators of domestic violence or family violence into education intervention groups.~~

~~2.11. "Power and Control" as referred to in this Rule means the primary cause that gives rise to the occurrence of domestic violence and family violence. Factors such as alcohol, poverty, unemployment, stress, and substance abuse, etc. are conditions that contribute to the incidents of domestic violence and family violence but that are not in and of themselves the cause of domestic violence and family violence.~~

2.10. "Safety Planning" means a process where by victims of domestic violence are assisted in identifying specific actions that ~~shall assist~~ help them ~~in maximizing~~ maximize their safety.

~~2.13.10. "Secretary" means the Secretary of the Department of Health and Human Resources.~~

2.11. "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 Section 3.

§ 191-2-3. 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.~~

~~3.1—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.~~

~~3.2 1. License Application for Licensure~~

~~3.2.a.—All family protection programs and perpetrator intervention programs shall be licensed by the Family Protection Services Board in order to provide services to victims and/or perpetrators.~~

~~3.2 1.a The Board shall provide a standard license application form for licensure to family protection programs and perpetrator intervention programs and shelters upon request. An organization 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 shall be regularly evaluated by the Board, on an annual basis.~~

~~3.2 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 applications in light of the need for services, the viability of the applicant to successfully operate a family protection 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.~~

~~3.2 1.c. If the Board finds that an application contains deficiencies, the application and a list of deficiencies shall be returned to the applicant and the applicant shall have thirty (30) days to resubmit a revised application.~~

~~3.2.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 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.~~

~~3.2.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.~~

~~3.2 — Award Issuance of A License~~

~~3.2.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.~~

~~3.2.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.~~

~~3.3. — Evaluation for Licensure~~

~~3.3.a. The Board shall annually evaluate all family protection programs and perpetrator intervention programs operating in the state. The evaluation and a peer review shall be conducted using the licensing standards found in Sections 4, 5, and 6, and 6 of this rule. The evaluation system requires that all family protection programs and perpetrator intervention programs shall complete a self review utilizing the standards compliance checklist on an annual basis in preparation for an on-site review.~~

~~3.3.b. All 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 found in this rule for at least one-half of all licensed family protection programs. Review of other remaining programs shall be determined by the Board. The standards compliance review shall be completed utilizing the most current revision of the standards checklist authorized by the Board. The annual review shall be scheduled in a timely manner by the Board in order to allow for the Board to consider the results prior to the expiration of the previous year's license.~~

~~3.3.c. Any areas of non-compliance shall be reported on the licensing checklist by the reviewer. 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 the perpetrator intervention program and staff employed by that program.~~

~~3.3.d. The Board may survey the program's partner agencies to determine~~

program effectiveness in relationship to community needs.

~~3.4. — Award Issuance of A License~~

~~3.4.a. — The Board shall award issue 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 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.~~

~~3.5. — Waiver of A Licensure License.~~

~~3.5.a. — The Board shall grant a provisional license or grant a waiver of licensure if the board deems such waiver or provisional license is necessary for the good of victims or perpetrators who shall be served by the family protection program or the perpetrator intervention program in question. All such waivers or provisional licenses shall be reviewed semi-annually.~~

~~3.4. — Issuance of a Provisional License.~~

~~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:~~

~~3.4.a. — A statement of program deficiencies;~~

~~3.4.b. — A requirement for a program to submit a plan of correction regarding the deficiencies.~~

~~3.4.c. — The A timeline when the for the Board's will review of the plan of correction;~~

~~3.4.d. — Modification of the plan within 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;~~

~~3.4.e. — A requirement that compliance occur within a time period set by the Board;~~

~~3.4.f. — Verification of the issuance of a provisional license until compliance is achieved or until the Board takes action deemed necessary for the safety of clients.~~

~~3.5 — Revocation or Suspension of A License.~~

~~The Board shall close any family protection program or perpetrator intervention program that violates the standards established by under this rule, subject to the requirements in this rule regarding public hearings. Four members of the Board shall vote in the affirmative before a license is revoked or suspended.~~

~~3.5.a. Four (4) members of the Board shall vote in the affirmative before a license is revoked or suspended. Where~~

~~3.5.b. When there is an immediate threat to the health, well being and safety of shelter residents, or an unplanned closure by the family protection program's or perpetrator intervention program's or shelter's governing board of directors, the Board shall place such residents/participants in other family protection or perpetrator intervention program or shelter, or some other appropriate safe and secure place.~~

~~3.5.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 shall be mailed by certified mail to the family protection or perpetrator intervention program's president of the governing board of directors. The notice shall include a statement of the family protection program or perpetrator intervention program or shelter alleged violations of the rule. The family protection program's or perpetrator intervention program's board of directors shall have thirty (30) fifteen (15) days to respond to the violations. This response shall be in writing. If there is no written response, the Board shall proceed with the revocations or suspension of the family protection or perpetrator intervention program's or shelter's license. The Board shall not provide funds to a family protection or program or shelter whose license has been revoked or suspended.~~

~~3.5.d. If the Board is provided with a response to the violations, a public hearing shall be held within sixty (60) thirty (30) days in the municipality or county in which the family protection program is located.~~

~~3.6. — 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. to place a family protection program or perpetrator intervention program. After placing a family protection program into receivership and prior to closure of a family protection 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.~~

~~3.6.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.~~

~~3.6.b. The Board shall provide the governing body board of directors and/or legal counsel of the family protection 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.~~

~~3.6.d. 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.~~

§ 191-2-3. Licensing Standards for Family Protection Programs

4.1. Family protection program requirements

3.1.a. A family protection program shall have a mission statement specifying its purposes and program orientation, ~~and describing both short and long term goals.~~ The statement ~~should~~ shall identify the types of services provided and the individuals to be served by the program. The mission statement shall be available to the public on request.

3.1.b. A family protection program shall have a written statement of philosophy ~~which policy stating that victims have the right to maintains the rights of victims to make their own decisions, to retain the responsibility for~~ of their children, and to be free from violent behavior.

3.1.c. A family protection program shall have and enforce a written policy that preserves the individual's right of confidentiality and complies with all federal and state privacy laws.

3.1.d. A family protection program shall require that report all cases involving child abuse, child sexual abuse, and child abandonment to be reported to the local Department of Health and Human Services-Child Protective Services Unit or to the statewide abuse hotline.

3.1.e. Family protection program staff shall ~~have~~ demonstrate knowledge of the Prevention of Domestic Violence Law, West Virginia Code ~~§ 48-2A-1~~ §48-26-101 et seq., and provide that information to those individuals ~~residents~~ to whom it applies.

3.1.f. A family protection programs shall, at a minimum, provide the following services:

3.1.f.1. Case management;

3.1.f.2. Advocacy;

3.1.f.3. Information and referral to other community resources; and

3.1.f.4 Counseling, which may be provided within the program shelter or arranged with other community agencies.

3.1.g. A family protection program shall ensure that all purchase of client service agreements and other purchase of service agreements that exceed one-thousand dollars (\$1000.00) annually are in writing. Those agreements shall contain all terms and conditions required to define the individuals to be served, the services to be provided, the procedures for payment and the payment amount plan.

3.1.h. A family protection program shall maintain copies of all leases into which it has entered. These leases shall ~~include~~ state the location of the property involved, the monthly or annual rent, and the ownership of the property, the useable square footage and the term of the lease.

3.1.i. A family protection program shall carry adequate fire and liability insurance covering ~~fire and liability for any~~ individuals in its residential facility. In addition, the family protection program shall have insurance which covers liability to third parties or individuals in residence arising from the use of any vehicle, whether owned or not owned by the facility, used by any of the ~~facility's~~ program's staff or agents on program business.

~~4.1.j. A family protection program shall maintain a written record for each person who receives services from the program. The record shall contain an application form, which includes identifying data, eligibility factors, rights and responsibilities, signature of person receiving residential services, and staff signature~~

~~4.1.k. Individual client case records maintained by a family protection program shall include administrative, service, and educational data from the time of initial contact admission until the time the services are concluded terminated. They must also include a record of follow-up services provided to each client.~~

~~4.1.l. Individual client case records shall include a service plan or contract which~~

~~has been developed specifically for the client. The service plan or contract shall be developed with the active participation of the client and must be completed prior to the beginning of the provision of services, except in crisis situations~~

3.1.j. A family protection program shall have a written description of its referral process, admission policies, exit interview process, and follow-up procedures for residential clients.

3.1.k. A family protection program ~~must~~ shall employ staff or utilize volunteers to cover the following areas: administration and supervision of the program; program direction to provide overall development; coordination of personnel and facilities; volunteer activities; case supervision; direct resident services; case management; record keeping; and community education activities.

3.1.l. A family protection program shall make available and/or display the address and telephone number of the ~~Family Protection Services Board~~ Domestic Violence Services Complaint Toll Free Number at all locations.

3.2. Board of Directors. ~~A family protection program shall have board of directors which is responsible for and has authority over the policies and activities of the program, and which is broadly representative of the community served.~~

3.2.a A family protection program shall ~~have~~ be governed by a board of directors which is shall be responsible for and ~~has~~ have authority over the policies and activities of the program, and which is broadly representative of the community served.

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

3.2.c. The board of directors shall be responsible for ensuring the program's continual compliance and conformity with:

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

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

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

3.2.d. The board of directors will require the program director to submit a written programmatic and financial report at each board meeting.

~~3.2.e. The family protection program~~ Every member of the board of directors governing body shall have a written disclosure in writing of any financial transactions with the program involving which any the member of the board or directors or her or his immediate family. is involved. A family protection program's board of directors', staff, members of the immediate family of directors or staff, may not have a financial interest in any property rented by the program without a full disclosure of the nature and extent of the financial interest and identifying the party and/or parties having the interest. The board of directors must approve any contract or transaction of disclosure where financial interests of this nature has have been made.

~~3.2.d. The family protection program's board of directors shall be responsible for ensuring a program's continual compliance and conformity with the provisions of the program's charter.~~

~~4.2.e. The family protection program's board of directors shall be responsible for ensuring the program's compliance with all federal, state, local laws, rules and regulations governing the operation of the program~~

~~3.2.f The family protection program's board of directors shall designate an individual(s) to act as chief administrative officer~~ program director and shall delegate necessary authority to such individual(s) to enable them to manage the affairs of the program effectively.

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

~~3.2.h. The board of directors shall maintain a current listing of its members, including The listing shall include the name, the position, and the term of membership (if applicable); and the term of office (if applicable). for each member.~~

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

~~4.2.j. The board of directors shall select an executive committee to provide leadership for the activities of the board.~~

~~4.2.k. The family protection program shall have a written disclosure of any financial transactions with the program in which any member of the board or her or his immediate family is involved.~~

3.2.j. The board of directors shall ensure that the family protection program is

adequately funded and fiscally sound. To this end, the board of directors shall be responsible for the following:

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

3.2.j.2 Reviewing and approving the program's annual budget;

3.2.j.3. Providing for an annual audit of all accounts by an independent certified public accountant who is neither an employee of the program nor a member of the board of directors;

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

3.2.j.5. Assuring that a program maintains adequate liability insurance and bond for volunteers and members of the board of directors;

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

3.2.j.6. Assuring that the program requests and receives funding from public and multiple private sources, and that private funding constitutes a substantial portion of the budget.

3.2.j.8. Assuring community support for the program, as demonstrated by material contributions and other donations.

~~4.3. **Family Protection Program Funds** The family protection program's board of directors shall ensure that the program is adequately funded and fiscally sound. To this end, the board shall be responsible for the following:~~

~~4.3.a. Assessing the adequacy of operating funds for at least six months, i.e., reserves, guarantee of loans or other funds and fees, and developing a fund-raising strategy when necessary;~~

~~4.3.b. Reviewing and approving the program's annual budget.~~

~~4.3.c. Providing for an annual audit of all accounts by an independent certified public accountant that is not an employ of the family protection program nor a member of the board.~~

~~4.3.d. Monitoring on a quarterly basis to assure that disbursement of all funds are made in accordance with the family protection program's objectives as specified by the board.~~

~~4.3.e. Assuring that a family protection program maintains adequate liability insurance and bond for volunteers and board members as necessary.~~

~~4.3.f. Each family protection program, at its own expense, shall provide a financial bond for all persons delegated the authority to sign checks or manage funds. The bond shall assure the full operation of a family protection program for a period of thirty days should those persons misappropriate the program's funds or assets or engage in any illegal act which results in the loss of funds or assets.~~

~~4.3.g. A family protection program shall demonstrate a diversity of public and private funding. The program shall also demonstrate community support through material contributions and other donations.~~

3.2.k. A family protection program's board of directors shall adopt and monitor implementation of written personnel policies that shall, at a minimum:

3.2.k.1. Pertain to all paid staff;

3.2.k.2. Include requirements for recruitment efforts, equal employment opportunity affirmative action consideration, selection procedures, orientation, on-going staff development and training, and termination of employment;

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

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

3.2.k.5. Specify actions that will be taken by the agency if an employee fails to comply with employee policies, including written notification of the nature of misconduct or poor performance, the discipline being taken, the effective date of the discipline, future consequences for reoccurrence, and appeal rights. The policy shall allow the employee the opportunity to respond to the charges of misconduct or poor performance before a disciplinary decision is made;

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

3.2.k.6. Delineate the lines of authority within the agency, and outline the authority of the supervisor(s) regarding personnel activities such as promotion, discipline, leave approval, performance evaluations, grievances, assignment of work and training;

3.2.k.8. Include job descriptions and position qualifications for each position within the program;

3.2.k.9. Require that all staff, including administrative and supervisory staff, receive performance evaluations at least on an annual basis. The evaluations must be signed by both employee and supervisor;

3.2.k.10. Set forth, in written form, rules of conduct which include such topics as appropriate attire, work hours, confidentiality, insubordination, misuse of authority or equipment, absences without leave and falsification of records;

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

3.2.k.12. Assure that at least one-third of its direct service providers are certified by the West Virginia Coalition Against Domestic Violence as Domestic Violence Advocates.

~~4.4. **Personnel Policies**—A family protection program's board of directors shall adopt and monitor implementation of written personnel policies. Personnel policies shall at minimum include the following:~~

~~4.4.a. A family protection program's personnel policies shall pertain to all paid staff.~~

~~4.4.b. A family protection program's personnel policies shall include requirements for recruitment efforts, equal employment opportunity affirmative action consideration, selection procedures, orientation, on going staff development and training, and termination of employment.~~

~~4.4.c. A family protection program's personnel policies shall list, in definitive terms, all benefits that are available to staff and volunteers, and board of directors. Specifics of any insurance program will be set forth in an insurance policy handbook.~~

~~4.4.d. A family protection program's personnel policies shall specify eligibility for vacation, personal leave and adjusted work week, yearly carry over and accumulation, approval procedures, and payment upon termination.~~

~~4.4.e. A family protection program's employees shall be given written copy of rules of conduct which includes such topics as appropriate attire, work hours, confidentiality, insubordination, misuse of authority or equipment, absences without leave and falsification of records.~~

~~4.4.f. A family protection program's personnel policies shall include actions that will be taken by the agency if an employee fails to comply with employee policies. These policies shall include the following: written notification of the nature of misconduct or poor performance, the discipline being taken, the effective date of the discipline, future consequences for reoccurrence, and appeal rights. Policies shall also allow for the opportunity to respond to the charges of misconduct or poor performance before a disciplinary decision is made.~~

~~4.4.g. A family protection program's personnel policies shall develop grievance procedures for the executive director and employee grievances including grievable issues, steps of appeal, required time frames and who has the authority for resolution.~~

~~4.4.h. A family protection program's personnel policies shall delineate the lines of authority within the agency. They shall also outline the authority of the supervisor(s) regarding personnel activities such as promotion, discipline, leave approval, performance evaluations, grievances, assignment of work and training.~~

~~4.4.i. A family protection program's personnel policies shall require all staff, including administrative and supervisory staff, will receive performance evaluations at least on an annual basis. The evaluations must be signed by both employee and supervisor.~~

~~4.4.j. A family protection program's personnel policies shall include job descriptions and position qualifications for each position within the program.~~

~~4.4.k. If a family protection program provides professional or therapeutic counseling, and/or professional social work, the personnel policies shall require that the individuals providing these services have appropriate credentials and are licensed when applicable.~~

~~4.4.l. A family protection program shall assure that at least one third of its direct service providers are certified by the West Virginia Coalition Against Domestic Violence as Domestic Violence Advocates.~~

3.3. Client Records and Service Plans

3.3.a. A family protection program shall maintain a written record for each individual who receives services from the program.

3.3.b. Individual client records shall include service data from the time of initial contact until the time services are concluded.

3.3.c. Individual client records shall include a service plan or contract which has been developed specifically for the client. The service plan or contract shall be developed by program staff with the active participation of the client and must be completed prior to the beginning of the provision of services, except in crisis situations

3.3.d. Individual client records shall include a record of follow-up services, when permission to provide such services is granted in writing by the client.

3.3.e For clients of residential services:

3.3.e.1.the individual client record shall contain an application form, which includes identifying data, eligibility factors, rights and responsibilities, a service plan, signature of individual receiving residential services, and staff signature;

3.3.e.2.the service plan or contract shall include the presenting problem(s) or need(s) of the client, goals to be achieved, and services to be accessed/provided to address the presenting problem(s). Each plan shall be specific to the needs/goals of each client, and shall reflect steps relevant to safely leaving, safely staying and/or safely living on one's own.

~~4.5.e. Service plans shall be completed by program staff.~~

4.53.f. For clients of nonresidential services, case notes shall be used to describe delivery of service and justification of services received.

4.64. Family Protection Program Evaluations.

A family protection program shall complete an annual evaluation that will include the following:

~~4.4.b. Staff turnover rate.~~

~~4.4.c. General staff effectiveness in relation to stated goals and community needs.~~

~~4.4.d. Number of individuals served.~~

~~4.4.e. Number and type of services provided.~~

~~4.6.f. Method of follow up.~~

3.4.a. An annual plan, approved by the board of directors, that includes program goals and measurable objectives and a budget for the operating expenses that includes public and private revenues.

3.4.b. An annual report approved by the board of directors that includes an audited financial statement and an accounting of the program's progress toward the goals in the

annual operating plan.

3.4.c. A report of the frequency of and reasons for denial of services and/or eviction of residents.

3.4.d. The number of individuals served.

3.4.e. The number and type of services provided.

3.4.f. An assessment of stability and quality of staff, as indicated by the staff turnover rate, the number of Certified Domestic Violence Advocates, and the proportion of Certified Domestic Violence Advocates to non-certified advocates.

3.4.g. A staff development plan and budget, and evidence of implementation of the plan.

~~4.8.d. Feedback offered by clients about the program's services.~~

§191-2-4 Additional Licensing Standards for Domestic Violence Shelters

In addition to complying with the family protection program standards in Section 3 of this rule, domestic violence shelters, at a minimum, shall comply with the following standards.

4.1. A shelter shall have written policies ~~against that prohibit~~ the possession and use of weapons, except in the case of law enforcement officers who are on the premises acting in their official capacity, violence and drug or alcohol use within the shelter. ~~A notice shall be placed in a visible location stating that weapons are prohibited on the premises.~~ A copy of the policies shall be supplied to and signed by residents to acknowledge agreement to adhere to the policies.

4.2. Shelter staff ~~will~~ shall support the autonomy and ability of resident adults to make their own decisions as to their future course of action;

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

4.3.a. Smoke detectors ~~shall be located~~ on each floor, ~~Placement of these detectors must include~~ including in the sleeping area(s), the kitchen and the furnace areas;

4.3.b. ~~Shelters shall have a~~ A window or access to a fire escape from the sleeping areas;

4.3.c. At least one (1) fire extinguisher ~~shall be located~~ on each floor of the shelter and one located in the kitchen area;

4.3.d. ~~Shelters shall have~~ Clear exits for escape in case of fire;

4.3.e. ~~Shelters shall not use~~ No lead paint on the walls, floors, doors, furniture, cabinets, windows, stairs, or porches.

4.3.f. Dead bolts used on shelter doors ~~shall~~ which not be double-keyed; it must be possible to release dead bolts from the inside without a key to allow for escape in case of fire.

4.3.g. Separate storage, out of the reach of children, of flammable, poisonous and caustic materials located in the shelter. ~~shall be stored separately, out of the reach of children.~~

4.3.h. Childproof covers in electrical outlets not in use. ~~shall contain childproof covers. Electrical cords and plugs shall be in good condition with no exposed or frayed wiring.~~

4.3.i. ~~A shelter shall provide~~ Nutritional and adequate meals, adequate food storage, cooking facilities, refrigeration, utensils, and equipment.

4.3.j. ~~A shelter shall have~~ Adequate dining areas which are clean and well ventilated.

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

4.3.l. ~~A shelter shall have~~ Sleeping beds available for each resident. Cribs or playpens shall be available for infants and toddlers.

4.3.m. ~~A shelter shall provide~~ Centrally located secure storage with a double locking system for medications belonging to residents.

4.3.n. ~~A shelter shall provide~~ Resident access to telephones.

4.3.o. ~~A shelter shall provide that~~ Securable All external entrances or exits, including doors, windows, and skylights, etc. are securable.

4.4. A shelter shall post in a conspicuous and accessible place current certificates indicating the current compliance with that the facility meets all state and local fire and health requirements.

4.5. A shelter shall provide a clean and comfortable environment for residents. A shelter shall have enough heating equipment to be sufficiently warm during the cold months and adequate ventilation during the warm months. Heaters and fireplaces with open flames shall not be used. Doors and windows which are open in warm weather shall have insect screening in good repair.

4.6. A shelter shall have supplies for personal hygiene available for residents.

4.6. A shelter shall provide a safe play space for children. Any playground equipment shall be located, installed and maintained in a safe manner

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

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

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

4.11. A shelter shall have a written process for obtaining alternative lodgings ~~the selection of commercial lodgings used~~ to house victims of domestic violence and their children whenever the residential facility is filled to capacity or is unable to accommodate special needs populations, including, but not limited to, victims who: are elderly victims, disabled victims have disabilities, and primary and secondary male victims or who are adult males and adolescent males.

4.12. A ~~family protection program's personnel policies~~ shelter shall ~~require written schedule that~~ assures ~~that the shelter has~~ 24 hour coverage by a trained staff person or trained volunteer when a resident is in the facility.

§191-2-5 Licensing Standards for Domestic Violence Family Protection Outreach Programs Services.

A family protection program must comply with the following standards when outreach offices are used to serve victims of domestic violence.

5.1. ~~An Outreach program services~~ shall be formally associated with a licensed ~~domestic violence family protection~~ program. If not started by or legally a part of a licensed ~~domestic violence family protection~~ program, ~~then the a~~ formal association with such a program shall be written in a memorandum of understanding. The memorandum of understanding shall include but not be limited to the following components: decision making; finances/contracts;

services to be provided; lines of accountability; and personnel.

5.2. ~~An Outreach program services shall have an~~ be available during established number of office hours, and accessible at other times by ~~for direct services and a toll-free telephone accessibility number.~~

5.3. ~~An Outreach program services shall have~~ be provided in an office in the designated county designated by the licensed family protection program and provide that has suitable space and adequate equipment for the provision of direct services to victims of domestic violence and their children.

5.4. ~~An Outreach program services shall maintain~~ be documented in individual client records.

5.5. Outreach ~~program services'~~ financial records shall be kept by the licensed family protection program and in compliance with accepted audit standards.

5.6. ~~An Outreach program services shall provide the following services include, but not be limited to:~~

5.6.a. ~~Provide~~ Legal advocacy;

5.6.b. ~~Provide~~ Community education and prevention activities;

5.6.c. ~~Provide~~ Information and referral;

5.6.d. ~~Provide for~~ Safety planning;

5.6.e. ~~Provide~~ Crisis counseling.

5.6.f. ~~Provide~~ Sexual assault services unless already being provided by a local sexual assault program.

5.6.g. ~~Protect~~ Client confidentiality at all times.

5.6. ~~An Outreach program services shall have community support be supported by the community,~~ as demonstrated by one or more of the following: donated goods; donated space; in-kind donations; cash; volunteers; etc.

5.8. Minimum staff development requirements. Outreach staff shall attend a four-week orientation/training program provided by a licensed ~~domestic violence family protection program~~ and attend at least two West Virginia Coalition Against Domestic Violence ~~outreach meetings~~ advocate certification trainings per year.

5.9. Contracted outreach programs will In cases where the licensed family protection program contracts with another organization to provide outreach services, that organization shall maintain its own financial records and comply with all preceding standards except those contained in subsection 5 of this section.

§191-2-6 — Licensing Standards for Perpetrator Intervention Programs

~~6.1. In addition to complying with Sections 4.1.g., 4.1.h., 4.1.j., 4.1.k., 4.1.l., 4.1.m., 4.1.n., 4.1.p., 4.2., 4.4. (excluding 4.4.j.) and 4.5. of the family protection program standards, perpetrator intervention programs shall at a minimum comply with the following standards.~~

~~6.1.a. A perpetrator intervention program shall have a written statement of purpose specifying program orientation and describing both short and long term goals. The statement should identify the types of services provided and the individuals to be served. The statement of purpose shall be available to the public on request.~~

~~6.2. Staff Qualifications~~

~~6.2.a. Educators/facilitators shall have a minimum of 40 hours of training approved by the Family Protection Services Board. The 40 hours of training shall include, but not be limited to the following:~~

~~6.2.a.1. The dynamics of domestic violence within the context of power and control;~~

~~6.2.a.2. The effects of domestic violence on victims and their children and the critical nature of victim contacts and safety planning;~~

~~6.2.a.3. The understanding that domestic violence is deeply rooted in historical attitudes toward women and is intergenerational;~~

~~6.2.a.4. Lethality assessment for risks of homicide, suicide, further domestic violence, or other violent aggressive behaviors, and the access to or use of weapons.~~

~~6.2.a.5. Information on state and federal laws pertaining to domestic violence, including the policies affecting treatment of court ordered program participants, child abuse, divorce and custody matters;~~

~~6.2.a.6. The role of the facilitator within the group and in the context of a coordinated community response to domestic violence;~~

~~6.2.a.6. Teaching non-controlling alternatives to violent and controlling behaviors, and~~

~~understanding and preventing collusion.~~

~~6.2.a.8. Dynamics involved in interpersonal relationships and knowledge of human behavior and development.~~

~~6.2.a.9. Educators/facilitators shall have at a minimum a high school diploma or G.E.D.~~

~~6.2.b. Educators/facilitators shall receive on an annual basis a minimum of 4 hours of continuing education or training approved by the Family Protection Services Board. The training shall include but not be limited to the following:~~

~~6.2.b.1. Domestic violence and substance abuse.~~

~~6.2.b.2. Domestic violence and the law;~~

~~6.2.b.3. Other issues which pertain to domestic violence.~~

~~6.2.b.4. Cultural competency;~~

~~6.2.b.5. Group process and facilitation skills training.~~

~~6.3. Staff Evaluation—A perpetrator intervention program's personnel policies shall require that all staff, including administrative and supervisory staff, will receive performance evaluations on an annual basis. The evaluation shall be conducted by the perpetrator program. The evaluations must be discussed with the staff person and become a part of the staff person's permanent personnel record. Perpetrator intervention program policies shall provide that the staff person receives a written copy of the evaluation and signs the evaluation to demonstrate agreement or disagreement with the results of the evaluation. Policies shall assure that any written response from the staff person is included in the permanent personnel file.~~

~~6.4. Intake—Criteria concerning a perpetrator's appropriateness for the program.~~

~~6.4.a. A perpetrator shall be admitted to a perpetrator intervention program if court ordered to the program, voluntarily enrolled in the program and/or is assessed by the program to be eligible for participation in perpetrator intervention programs. An assessment shall be performed to:~~

~~6.4.a.1. Identify individuals who would benefit from concurrent mental health or substance abuse treatment programs.~~

~~6.4.a.2. Screen out those individuals from the perpetrators intervention program who have substance abuse problems or other impairments which make them unable to participate in the group intervention even with concurrent or preliminary treatment of those problems;~~

~~6.4.a.3. Screen out those individuals from the perpetrators intervention program who may be dangerous or have severe mental illness and would not benefit from the program.~~

~~6.4.b. Upon admittance to a perpetrator intervention program, the program educator/facilitator shall complete a perpetrator intake form. The information shall be collected from the perpetrator and independent sources such as, but not limited to, police reports and court records.~~

~~6.4.c. A perpetrator intervention program shall have a contract outlining the responsibilities of the perpetrator and the educator/facilitator in the program. The terms of the contract will be agreed to and signed by the perpetrator and the authorized individual of the perpetrator intervention program.~~

~~6.5. Contact with Victims~~

~~6.5.a. Unless approved by a licensed family protection program, contact with victims should come from a licensed domestic violence program and all information for contacting the victim remain with a licensed domestic violence program.~~

~~6.5.b. Educator/facilitators will consult with local licensed domestic violence programs to determine the appropriateness and logistics of contacting the victim and/or partner of the perpetrator. Victims and/or partners will be contacted by either the educator/facilitator, a designated staff member of the perpetrator intervention program, or staff from a local licensed domestic violence program. Victims and/or partners should be contacted at a time and a fashion that gives primary emphasis to their safety.~~

~~6.5.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 family protection program, including the date and contact information.~~

~~6.5.d. Victim and/or partner contact will also include informing the perpetrator's victim and/or partner of class commencement and termination dates, as well as a duty to warn the victim and/or partner of any imminent danger from the perpetrator. Victims and/or partners will also receive written materials about the perpetrator's class, detailing the limitations of the class's effectiveness, the fact that the class is not intended to salvage relationships, and the necessity for victims to maintain a safety plan.~~

~~6.6. Records~~

~~6.6.a. Individual client case records maintained by a perpetrator intervention program shall include at a minimum, administrative, service, and educational data from the time of enrollment until the time services are terminated.~~

~~6.6.b. A perpetrator intervention program shall maintain, if possible, a copy of protective orders~~

~~issued against a perpetrator enrolled in the program.~~

~~6.6.c. A perpetrator intervention program shall maintain a written record for each individual who receives services from the program. The record shall contain an application form, which includes identifying data, eligibility factors pursuant to section 6.4., rights and responsibilities, participant/client signature and authorized staff signature.~~

~~6.6. Confidentiality~~

~~6.6.a. Perpetrator intervention programs shall have written policy regarding disclosure of information to the individual or individuals named in the protective order which ordered the perpetrator to the program. There shall be a written agreement providing for disclosure of information to the victim and a waiver of confidentiality. The disclosure agreement shall be signed by the perpetrator.~~

~~6.8. Reports~~

~~6.8.a. The perpetrator intervention program shall provide a monthly report to a licensed domestic violence program. This report shall contain the perpetrator attendance record and perpetrator compliance with program rules. If the participant is court ordered, this report shall also be forwarded to the perpetrator's probation officer, parole officer, the courts and/or state and local law enforcement agencies.~~

~~6.9. Perpetrator Intervention Classes~~

~~6.9.a. A perpetrator intervention class shall last for a period of at least thirty-two weeks and will include but not be limited to the following topics:~~

~~6.9.a.1. A model that depicts an overall system of physical and sexual abuse where the perpetrator uses methods and tactics of power and control over a victim.~~

~~6.9.a.2. The nature and effects of domestic violence;~~

~~6.9.a.3. The work that is necessary to bring about changes in the attitudes and beliefs that promote domestic and family violence.~~

~~6.9.a.4. The necessity for the maintenance of non-abusive behavior which includes learning non-violent conflict resolution, non-aggressive communication, and maintaining positive, healthy partnerships;~~

~~6.9.a.5. The importance of community services which allows perpetrators to give something of themselves back to the community and contribute to changing the climate that condones domestic and family violence;~~

~~6.9.a.6. Information about state and federal law and practice regarding domestic violence and legal/social consequences for perpetrators of domestic violence.~~

~~6.9.b. After the completion of a perpetrator intervention class, a report shall be made to the referral source to be used in determining whether or not to release the perpetrator from the intervention class. This process may be repeated as necessary.~~

~~6.9.c. Perpetrators shall pay a fee for the perpetrator intervention classes. Provisions shall be made for those who are indigent. The fee scale shall be determined by the perpetrator intervention program.~~

~~6.9.d. Educator/facilitators of perpetrator intervention programs shall utilize a group education format with a staff ratio at a minimum of one educator/facilitator per 12 perpetrators.~~

~~6.10. Interagency Cooperation.~~

~~6.10.a. A perpetrator intervention program shall initiate a written memorandum of understanding with a licensed domestic violence program on an annual basis. The memorandum of understanding shall be agreed upon and signed by both parties and a copy shall be sent to the Family Protection Services Board. The memorandum of understanding shall include but not be limited to the following:~~

~~6.10.a.1. Identification of liaison persons involved in the meeting to develop the memorandum of understanding;~~

~~6.10.a.2. Description of the formal process of exchanging information between agencies including safeguards for protecting victim safety;~~

~~6.10.a.3. Description of the formal process of perpetrator intervention program's sending of monthly reports to the licensed domestic program;~~

~~6.10.a.4. Description of coordination, if any, of service plans;~~

~~6.10.a.5. Description of the process and timetables for annual perpetrator intervention program evaluation to include: who will be involved, where will it be held, who will coordinate the evaluation, who will write the evaluation report and who will sign the evaluation report.~~

~~6.10.a.6. Procedures for amending or evaluating the memorandum of understanding.~~

~~6.11. Perpetrator Intervention Program Evaluation~~

~~6.11.a. By October 31 of each year, a perpetrator intervention program shall complete and submit~~

~~to the Board an annual evaluation. The evaluation will include but not be limited to the following:~~

~~6.11.a.1. Frequency of and reasons for low attendance of perpetrator(s).~~

~~6.11.a.2. General staff effectiveness in relation to stated goals and community needs.~~

~~6.11.a.3. Number of individuals served.~~

~~6.11.a.4. Number of perpetrator intervention classes provided.~~

~~7.12. Funding of Perpetrator Intervention Programs~~

~~6.12.a. Perpetrators may pay a fee for the perpetrator intervention classes. Provisions may be made for those who are indigent. The fee scale shall be determined by the perpetrator intervention program.~~

§191-2-8 6 Funding of Family Protection Programs and Shelters

~~8.6.1. Amount Awarded - The Board shall award to licensed family protection programs, and/or shelters, 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.~~

~~8.8.2. Funding shall not apply to the following agencies and practitioners which shall not be funded by the Board:~~

~~8.8.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.~~

~~8.8.2.b. Agencies which were created or organized for the expressed purpose of providing services to homeless individuals and families.~~

~~8.8.2.c. Local private practitioners who are providing services to victims of domestic violence within the scope of their professional license or by other professions 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 for Marriage and Family Therapy; or 3) addiction~~

~~counselors certified by the West Virginia Association of Alcohol and Drug Abuse Counselors, or
4) physicians and other health care practitioners.~~

~~8.3.6.2.~~ Application for Funds - The Board shall accept applications for a grant of funds from any licensed family protection program. The application shall include, but not be limited to the following.

~~8.3.6.2.a.~~ A copy of the Articles of Incorporation Certificate and a copy of the 501(c)(3) Internal Revenue Service Determination Letter.

~~8.3.6.2.b.~~ A list of the incorporators of the corporation and a list of the officers and the board of directors.

~~8.3.6.2.c.~~ The proposed budget of the family protection program for the following fiscal year.

~~8.3.6.2.d.~~ A summary of the services proposed to be offered in the following fiscal year by the family protection program.

~~8.3.6.2.e.~~ An evaluation of the local need for a family protection program.

~~8.3.6.2.f.~~ An estimate of the number of people to be served by the family protection program during the following fiscal year.

~~8.3.6.2.g.~~ Any other information the Board may feel is necessary.

~~8.4.6.3.~~ Criteria - In order for a family protection program to qualify to receive grant funds from the Board, it must meet the following criteria:

~~8.4.6.3.a.~~ Provide or propose to provide a facility which will serve as a temporary shelter to receive, care and provide services for individuals who are victims of domestic violence or abuse and their children.

~~8.4.6.3.b.~~ Be incorporated in the state of West Virginia as a nonprofit corporation.

~~8.4.6.3.c.~~ Have a board of directors, which represents a broad spectrum of the community to be served, including at least one individual who is or has been a victim of domestic violence or abuse.

~~8.4.6.3.d.~~ Receive at least fifty-five (55) percent of its funds from sources other than funds distributed under this rule. These sources may be public or private and may include contributions of goods or services.

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

8.5.6.4. Restrictions

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

8.6.4.a.b. The Board shall not refund a family protection program if its original application projected the provision of residential services and such services were not provided in the first three 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 residential services.

8.6. 6.5. Grant Award Criterion - The Board shall make grant awards on the basis of the following criteria. The Board must grant or deny an application within forty-five days of the receipt of the application.

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

8.6.6.5.b. Merit of 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.

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

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

8.6.6.5.e. Proposed goals and objectives.

8.6.6. 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 family protection 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 programs, rewarding programs for active and successful grant writing and fund raising work, and by implementing West Virginia Code §48-2C-6 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: population, the number of beds, shelter nights, individuals 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.

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

8.6.7.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.

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

8.6.7.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 for Marriage and Family Therapy; or 3) addiction counselors certified by the West Virginia Association of Alcohol and Drug Abuse Counselors, or 4) physicians and other health care practitioners.