

WEST VIRGINIA  
SECRETARY OF STATE  
KEN HECHLER  
ADMINISTRATIVE LAW DIVISION

Form #7

Do not mark in this box  
Filing Date

Aug 11 10 00 AM '99

OFFICE OF THE WEST VIRGINIA  
SECRETARY OF STATE

Effective Date

NOTICE OF AN EMERGENCY RULE

AGENCY: Family Protection Services Board TITLE NUMBER: 191

CITE AUTHORITY: 48-2C-4, 48-2C-13(b)

EMERGENCY AMENDMENT TO AN EXISTING RULE: YES  NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: \_\_\_\_\_

TITLE OF RULE BEING AMENDED: \_\_\_\_\_

IF NO, SERIES NUMBER OF RULE BEING FILED AS AN EMERGENCY: Series 2

TITLE OF RULE BEING FILED AS AN EMERGENCY: Licensure of Domestic Violence  
and Perpetrator Intervention Programs

THE ABOVE RULE IS BEING FILED AS AN EMERGENCY RULE TO BECOME EFFECTIVE AFTER APPROVAL BY SECRETARY OF STATE OR 42ND DAY AFTER FILING, WHICHEVER OCCURS FIRST.

THE FACTS AND CIRCUMSTANCES CONSTITUTING THE EMERGENCY ARE AS FOLLOWS: This emergency rule will establish standards regarding the minimum level of responsibility, service and accountability required for providers of domestic violence perpetrator intervention programs. Approximately eight perpetrator intervention programs have been established throughout the state that are not licensed and have no uniform standards regarding operation or licensing opportunities. This emergency rule also revises standards regarding the minimum level of responsibility, service and accountability required for domestic violence programs.

Jana Thomas  
Signature

Use additional sheets if necessary

\$12.70

DATE: August 10, 1999

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: Tonia Thomas

EMERGENCY RULE TITLE: Liscensure of Domestic Violence and Perpetrator Intervention Programs

1. Date of Filing August 11, 1999

2. Statutory authority for promulgating emergency rule:

48-2C-4, 48-2C-13(b)

3. Date of filing of proposed legislative rule: August 5, 1999

4. Does the emergency rule adopt new language or does it amend or appeal a current legislative rule?

This emergency rule adopts new language.

5. Has the same or similar emergency rule previously been filed and expired?

No.

6. State, with particularity, those facts and circumstances which make the emergency rule necessary for the immediate preservation of public peace, health, safety or welfare.

Currently, approximately eight perpetrator intervention programs exist in the state.

These programs are not licensed and have no uniform standards regarding operation or licensing opportunities. Without immediate regulation, some of these programs may be jeopardizing the safety of victims by not having confidentiality policies,

appropriate staff training, screening criteria, etc.

This emergency rule will also revise the standards regarding the minimum level of responsibility, service and accountability required for domestic violence programs. There are thirteen licensed domestic violence programs in the state. All of the domestic violence programs provide shelter services to victims and their children.

Standards for service and safety are enclosed in this rule.

7. If the emergency rule was promulgated in order to comply with a time limit established by the Code or federal statute or regulation, cite the Code provision, federal statute or regulation and time limit established therein.

N/A

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8. State, with particularity, those facts and circumstances which make the emergency rule necessary to prevent substantial harm to the public interest.

See number 6.

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QUESTIONNAIRE

(Please include a copy of this form with each filing of your rule: Notice of Public Hearing or Comment Period; Proposed Rule, and if need d, Emergency and Modified Rule.)

DATE: August 10, 1999

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: (Agency Name, Address & Phone No.) Family Protection Services Board

1204 Kanawha Boulevard, East

Charleston, WV 25301

Telephone: (304) 558-8814

LEGISLATIVE RULE TITLE: Licensure of Domestic Violence and

Perpetrator Intervention Programs

1. Authorizing statute(s) citation 48-2C-4, 48-2C-13(b)

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

June 30, 1999

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

Copies of the proposed rule were mailed to all domestic violence programs and perpetrator intervention programs in the state.

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

August 1, 1999 at 5:00



hearing for the taking of evidence and a general description of the issues to be decided.

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b. Date of hearing or comment period:

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c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

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d. Attach findings and determinations and reasons:

Attached 

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**Summary of Legislative Rule Title 191, Series 2  
For Licensure of Domestic Violence and Perpetrator Intervention  
Programs**

This rule will revise standards regarding the minimum level of responsibility, service and accountability required for domestic violence programs and establish standards regarding the minimum level of responsibility, service and accountability required for providers of programs of intervention for perpetrators of domestic or family violence. The rule will also set forth the process for attaining and retaining licensure.

## **Circumstances Which Require This Rule**

As described in §48-2C-13(b) and §48-2C-4 of the West Virginia Code, it is one of the duties of the Family Protection Services Board to develop standards and licensing procedures for domestic violence and perpetrator intervention programs. Currently, there are thirteen licensed domestic violence programs in the state. However, approximately eight perpetrator intervention programs have been established throughout the state that are not licensed and have no uniform standards regarding operation or licensing opportunities.

**APPENDIX B**

**FISCAL NOTE FOR PROPOSED RULES**

Rule Title: Licensure of Domestic Violence And Perpetrator Intervention Programs

Type of Rule: X Legislative      Interpretive      Procedural

Agency Family Protection Services Board

Address 1204 Kanawha Boulevard, East

Charleston, WV 25301

Contact Person: Tonia Thomas, Chair  
(304) 558-8814 ex.216

**1. Effect of Proposed Rule**

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
<u>ESTIMATED TOTAL COST</u>	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
PERSONAL SERVICES					
CURRENT EXPENSE					
REPAIRS & ALTERNATIONS					
EQUIPMENT					
OTHER					

**2. Explanation of above estimates:**

N/A

**3. Objectives of these rules:**

To implement standards and licensure for domestic violence and perpetrator intervention programs.

Rule Title: Licensure of Domestic Violence and Perpetrator Intervention Programs

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.  
N/A

B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of Citizens.  
N/A

C. Economic Impact on Citizens/Public at Large.  
N/A

Date: August 10, 1999

Signature of Agency Head or Authorized Representative

*Dorinda Thomas*

TITLE 191  
LEGISLATIVE RULE  
FAMILY PROTECTION SERVICES BOARD

FILED

Aug 11 10 00 AM '99

SERIES 2  
LICENSURE OF DOMESTIC VIOLENCE AND PERPETRATOR INTERVENTION PROGRAMS

OFFICE OF THE CLERK OF THE WEST VIRGINIA STATE

**§ 191-1-1. General**

1.1. Scope - This rule implements the provisions of West Virginia Code §48-2C-4 relating to the standards and procedures for the licensure of family protection programs.

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

1.3. Filing Date

1.4. Effective Date

**§ 191-1-2. Definitions**

2.1. "Board" means the Family Protection Services Board created pursuant to West Virginia Code §48-2C-3.

2.2. "Secretary" means the Secretary of the Department of Human Services or any successor agency however so named.

2.3. "Department" means the Department of Human Services or any successor agency however so named.

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

2.5. "Shelter" means a facility which was created to provide residential services, on a temporary basis to persons who are victims of domestic violence, abuse or rape as well as the children of such victims.

2.6 "Outreach Program" means a program formally associated with a licensed domestic violence 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.

2.7. "Safety Planning" means a process where by victims of domestic violence are assisted in identifying specific actions that will assist them in maximizing their safety.

2.8. "Advocacy" means assisting victims of domestic 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, court accompaniment, financial, medical, housing, etc.

2.9. "Direct Services" means providing assistance to victims of domestic violence

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

2.11. "Educator/Facilitator" means an individual who meets the minimum requirements outlined in Section 7.2. of these standards and who directly facilitates regularly scheduled classes for perpetrators of domestic violence.

2.12. "Power and Control" as referred to in these standards means the primary cause that gives rise to the occurrence of domestic violence and family violence. Factors such as alcohol, poverty, unemployment, stress, 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.

### **§ 191-1-3. Licensure**

3.1. Standards - The family protection services board shall enforce a system of standards for the annual licensure for all family protection and perpetrator intervention programs in the state.

3.2. Application for Licensure

3.2.a. In order to provide services to victims and/or perpetrators, all family protection programs and perpetrator intervention programs must be licensed by the Family Protection Services Board.

3.2.b. The board will provide a standard application form for licensure to family protection programs and perpetrator intervention programs upon request. An 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 will be evaluated by the board on an annual basis.

3.2.c. 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 such applications in light of the need for services, the viability 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.

3.2.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 30 days to resubmit a revised application.

3.2.e. On an annual basis, the board shall renew the licenses of all family protection programs and perpetrator intervention programs in compliance with sections 4,5,6 and 7 of 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 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 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.

3.2.f. Any organization operating without a license as a family protection program or a perpetrator intervention program shall be notified by the board, by certified letter, of its right to apply for licensure. The board may retain the right to petition the court for an order that would prevent the operation of an organization which refuses to apply for licensure as specified under this rule and article 2-C of chapter 48 of the W. Va. Code.

### 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 will be conducted using the licensing standards found in sections 4,5,6 and

7 of this rule. The evaluation system requires that all family protection programs and perpetrator intervention programs will complete a self-review utilizing the standards compliance checklist on an annual basis in preparation for an on-site review.

3.3.b. The board shall conduct a process annually to assure an on-site review of the established standards found in sections 4, 5, 6 and 7 of this rule. The standards compliance review will be completed utilizing the most current revision of the standards' checklist authorized by the board. The annual review will be scheduled by the board in order to allow for the board to consider the results prior to the expiration of the previous year's license.

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.

#### 3.4. Award of License

3.4.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 set forth in sections 4, 5, 6 or 7 of this rule. Compliance will be evaluated 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.

#### 3.5. Waiver of Licensure.

3.5.a. The board may grant a provisional license or grant a waiver of licensure if the board deems such waiver or provisional license is necessary for the good of victims or perpetrators who will 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.

#### 3.6. Improvement Period.

3.6.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.

### 3.7. Revocation or Suspension of License.

3.7.a. The board may close any family protection program or perpetrator intervention program that violates the standards established by this rule, subject to the requirements in this rule regarding public hearings.

3.7.a.1. In an instance where there is an immediate threat to the health, well-being and safety of shelter residents, or an unplanned closure by the family protection program's or perpetrator intervention program's governing board, etc., the board shall place such residents/participants in other family protection program or perpetrator intervention program, 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.

3.7.a.2. The board shall send written notice of the revocation or suspension to the family protection or perpetrator intervention program's governing board of directors. The notice will 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 the family protection program or perpetrator intervention program violations. The family protection program's or perpetrator intervention program's board of directors will have 30 days to respond to the violations. This response must be in writing. If there is no written response the family protection services board will proceed with the revocations or suspension of the family protection or perpetrator intervention program's license. The board will not provide funds to a family protection program whose license has been revoked or suspended.

3.7.a.3. If the family protection services board is provided with a response to the violations, a public hearing will be held within 60 days in the confines of the municipality or county in which the program is located.

### 3.8. Receivership of Program.

3.8.a. The board may place a family protection program or perpetrator intervention program under receiver ship when the health, well being and safety of its clients are threatened. The board shall oversee the operation of said 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 program 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.

3.8.b. The Board shall provide for and hold a public hearing prior to the closure of a program through the revocation or suspension of the license or placing a program into receivership.

3.8.c. Notice of the hearing shall be given to the Secretary of State in compliance with W.Va. Code §6-9A et seq. Local public notice shall also be given through a local newspaper's legal notice section at least ten days prior to the hearing date. The hearing will be held in accordance with §29A-5-4 et seq.

#### **§ 191-1-4. Licensing Standards for Family Protection Programs**

4.1. Family Protection Programs shall be organized in the following manner:

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

4.1.b. 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.

4.1.c. A family protection program shall report all cases involving child abuse, child sexual abuse, and child abandonment to the local Department of Health and Human Services, Child Protective Unit or to the statewide abuse hotline.

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

4.1.e. Family protection programs shall at a minimum provide the following services, case management, advocacy, information and referral to other community resources. Counseling may be provided within the shelter or arranged with other community agencies.

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

4.1.g. A family protection program shall ensure that all purchase of service agreements are in writing. Those agreements shall contain all terms and

conditions required to define the persons to be served, the services to be provided, the procedures for payment and the payment plan.

4.1.h. A family protection program shall have copies of all leases into which it has entered. These leases shall include 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.

4.1.i. A family protection program shall carry adequate insurance covering fire and liability for persons in its residential facility. In addition, the family protection program shall have insurance which covers liability to third parties or persons in residence arising from the use of any vehicle, whether owned or not owned by the facility, used by any of the facility'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 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 admission until the time the services are terminated. They must also include a record of follow-up services which are provided to shelter residents.

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

4.1.m. A family protection program shall have a written description of its referral process, admission policies, exit interview, and follow-up procedures.

4.1.n. A family protection program must 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.

4.1.o. A family protection program shall make available and/or display the address and telephone number of the family protection services board.

4.2. 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.

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

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

4.2.c. A family protection program's board of directors', staff, members of the immediate family of directors or staff, shall 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.

4.2.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, whether federal, state, local or municipal, governing the operation of the program.

4.2.f. The family protection program's board of directors shall designate a person(s) to act as chief administrative officer(s) of the program and shall delegate authority to such person(s) to enable them to manage the affairs of the program effectively.

4.2.g. The board of directors shall meet at a minimum on a quarterly basis and keep written minutes of all meetings, including committee meetings.

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

4.2.i. The board of directors shall establish internal operating procedures including by-laws, 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.

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 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 mis-appropriate the program's funds or assets or engage in any illegal act which results in the loss of funds or assets.

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 the recruitment efforts, 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, 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 a written copy of rules of conduct such as appropriate attire, work hours, confidentiality, insubordination, misuse of authority or equipment, absences without leave, falsification of records, etc.

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 assure that 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 have a written schedule that assures that the shelter has 24 hour coverage by a by a trained staff person or trained volunteer when a resident is in the facility.

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

4.4.l. 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.

4.5. Service Plans - A family protection program shall develop service plans for each client maintained in each client case record. Service plans shall be completed by qualified staff. The service plan shall include the following:

4.5.a. Presenting problem or needs of the client.

4.5.b. Program and/or client objectives shall be written in operational terms with a reasonable and achievable timetable. They must be very concrete in order to provide a basis for evaluation.

4.5.c. Delivery of service shall be described by specifying the activity involved in the provision of service, e.g., individual counseling and educational groups.

4.5.d. Update of service plan shall be completed in accordance with changes in the client's circumstances. All case activity shall relate directly to the service plan.

4.6. Evaluations - A family protection program shall complete an annual evaluation which will include the following:

4.6.a. Frequency of and reasons for denial of services and/or eviction of residents.

4.6.b. Staff turnover rate.

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

4.6.d. Number of individuals served.

4.6.e. Number and type of services provided.

4.6.f. Method of follow-up,

**§191-1-5 Domestic Violence Shelters**

5.1. In addition to complying with the family protection program standards in section 4 of this rule, domestic violence shelters at a minimum shall comply with the following standards.

5.1.a. A shelter shall post in a conspicuous and accessible place current certificates indicating that the facility meets all state and local fire and health regulations.

5.1.b. A shelter shall have policies against 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 rules.

5.1.c. Shelter staff will support the autonomy and ability of resident adults to make their own decisions as to their future course of action

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

5.1.d.1. Smoke detectors shall be located on each floor. Placement of these detectors must include the sleeping area(s), the kitchen and the furnace areas.

5.1.d.2. Shelters shall have a window or access to a fire escape from the sleeping areas.

5.1.d.3. At least one fire extinguisher shall be located on each floor of the shelter, specifically one located in the kitchen area.

5.1.d.4. Shelters shall have clear exits for escape in case of fire.

5.1.d.5. Shelters shall not use lead paint on the walls, floors, doors, furniture, cabinets, windows, stairs, and porches.

5.1.d.6. Dead bolts used on shelter doors shall not be double-keyed. It must be possible to release dead bolts from the inside without a key to allow for escape in case of fire.

5.1.d.7. Flammable, poisonous and caustic materials located in the shelter shall be stored separately, away from the reach of children.

5.1.d.8. Electrical outlets not in use shall contain childproof covers. Electrical cords and plugs shall be in good condition with no exposed or frayed wiring.

5.1.d.9. A shelter shall provide nutritional and adequate meals, adequate food storage, cooking facilities, refrigeration, utensils, and equipment.

5.1.d.10. A shelter shall have adequate dining areas which are clean and well ventilated.

5.1.d.11. A shelter shall have bathing, lavatory and toilet facilities available on the premises which allow for individual privacy. These facilities must be maintained in good operating condition and must be cleaned on a regular basis.

5.1.d.12. A shelter shall have sleeping beds available for each resident. Cribs or playpens shall be available for infants and toddlers.

5.1.d.13. A shelter shall provide centrally located secure storage with a double locking system for medications belonging to residents.

5.1.d.14. A shelter shall provide residents access to telephone communications.

5.1.d.15. A shelter shall provide that all external entrances or exits, including doors, windows, skylights, cells, etc. are securable.

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

5.1.f. A shelter shall have supplies for personal hygiene available for residents.

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

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

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

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

4.1.k. A shelter shall have a written process for the selection of commercial lodgings used to house victims whenever the residential facility is filled to capacity or is unable to accommodate special needs populations including but not limited to: elderly victims, disabled victims and primary and secondary male victims.

#### **§191-1-6 Outreach Programs**

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

6.1.a. An outreach program shall be formally associated with a licensed domestic violence program. If not started by or legally a part of a licensed domestic violence program then the formal association 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.

6.1.b. An outreach program shall have an established number of office hours for direct services and toll free telephone accessibility.

6.1.c. An outreach program shall have an office in the designated county and provide suitable space and adequate equipment for the provision of direct services to victims of domestic violence and their children.

6.1.d. An outreach program shall maintain individual client records.

6.1.e. Outreach program financial records shall be kept by the licensed family protection program and in compliance with accepted audit standards.

6.1.f. An outreach program shall provide the following services:

6.1.f.1. Provide legal advocacy.

- activities.
- 6.1.f.2. Provide community education and prevention
  - 6.1.f.3. Provide information and referral.
  - 6.1.f.4. Provide for safety planning.
  - 6.1.f.5. Provide crisis counseling.
  - 6.1.f.6. Provide sexual assault services unless already being provided by a local sexual assault program.
  - 6.1.f.7. Protect client confidentiality at all times.

6.1.g. An outreach program shall have community support as demonstrated by one or more of the following: donated goods, donated space, in-kind donations, hard cash, volunteers, etc.

6.1.h. Minimum staff requirements. Outreach staff shall attend a four-week orientation/training program provided by a licensed domestic violence program and attend at least two West Virginia Coalition Against Domestic Violence outreach meeting per year.

### **§191-1-7 Perpetrator Intervention Programs**

7.1. In addition to complying with sections 4.1.g., 4.1.h., 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.

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

#### **7.2. Staff Qualifications**

7.2.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:

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

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

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

7.2.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.

7.2.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;

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

7.2.a.7. Teaching non-controlling alternatives to violent and controlling behaviors, and understanding and preventing collusion.

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

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

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

7.2.b.1. Domestic violence and substance abuse.

7.2.b.2. Domestic violence and the law;

7.2.b.3. Other issues which pertain to domestic violence.

7.2.b.4. Cultural competency;

7.2.b.5. Group process and facilitation skills training.

7.3. 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.

7.4. Intake - Criteria concerning a perpetrator’s appropriateness for the program.

7.4.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:

7.4.a.1. Identify persons who would benefit from concurrent mental health or substance abuse treatment programs.

7.4.a.2. Screen out those persons 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;

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

7.4.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.

7.4.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 person of the perpetrator intervention program.

7.5. Contact with Victims

7.5.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.

7.5.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.

7.5.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 from the local licensed domestic violence program, including the date and contact information.

7.5.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.

## 7.6. Records

7.6.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.

7.6.b. A perpetrator intervention program shall maintain, if possible, a copy of issued protective orders against a perpetrator enrolled in the program.

7.6.c. A perpetrator intervention 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 pursuant to section 7.4., rights and responsibilities, participant/client signature and authorized staff signature.

## 7.7. Confidentiality

7.7.a. Perpetrator intervention programs shall have written policy regarding disclosure of information to the person or persons 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.

## 7.8. Reports

7.8.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.

## 7.9. Perpetrator Intervention Classes

7.9.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:

7.9.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.

7.9.a.2. The nature and effects of domestic violence;

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

7.9.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;

7.9.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;

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

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

7.9.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.

7.9.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.

#### 7.10. Interagency Cooperation.

7.10.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:

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

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

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

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

7.10.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.

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

#### 7.11. Perpetrator Intervention Program Evaluation

7.11.a. By October 31, 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:

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

- 7.11.a.2. General staff effectiveness in relation to stated goals and community needs.
- 7.11.a.3. Number of individuals served.
- 7.11.a.4. Number of perpetrator intervention classes provided.

**§191-1-8. Funding of Family Protection Programs**

8.1. Amount Awarded - The board shall award to licensed family protection 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.

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

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

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

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

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

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

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

8.3.e. An evaluation of the local needs for a family protection program.

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

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

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

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

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

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

8.4.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.e. Require 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. Restrictions - 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.

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

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

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

8.6.e. Proposed goals and objectives.

8.7. 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-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 periodically by the board which takes into account a combination of various factors which may include but not limited to: population, the number of beds, shelter nights, persons served, diversification of funding and operational budgets. The board shall require and review monthly financial reports from each program to assure the proper expenditure of grant funds.

FAMILY SERVICE, INC.  
1109 SIXTH AVENUE  
HUNTINGTON, WV 25701

MEMORANDUM

July 27, 1999

To: Ms. Tonia Thomas  
Criminal Justice Specialist  
Division of Criminal Justice

From: Helen E. Kinney  
Executive Director *Helen Kinney*

Re: Comments on Proposed Rules for Licensure of Domestic Violence  
and Perpetrator Intervention Programs

**SUMMARY:** Over all the rules are equitable, fair, and reasonable. Some of the rules, as we have interpreted the rules, are specific to Domestic Violence Shelters rather than Perpetrator Programs, although these rules are expected to be adhered to by Perpetrator Intervention Programs. Those sections are as follows:

SECTIONS 191-1-4

4.1.e. Perpetrators are in treatment and would not be in a shelter

4.1.l. Should list requirements for type of records required for perpetrator intervention specifically. Admission seems more relevant to a residential placement, etc. Record keeping should definitely be a requirement, but should either be generic or service specific. Ex. All family protection programs are required to maintain records etc. including all follow up contacts, including follow up contacts with shelter residents. ( Does this also mean follow up contact after victim leave the shelter?)

4.1.m May be difficult to develop a service plan with input from a perpetrator who is mandated to receive intervention. Establishment of a contract may be more appropriate or informing perpetrator of the requirements for continuation of attendance in the program.

PROPOSED RULES FAMILY PROTECTION  
PROGRAMS

4.1.o. Direct resident services and community education may not be feasible for a mandated perpetrator program.

4.4. j. Impossible for a perpetrator program

4.5. d. See 4.1.m.

191-6

6.1 - 6.1.h. This section refers specifically to Domestic Violence Victims a perpetrators program would have great difficulty adhering to the majority of these rules;except for 6.1f.7.

191-1-7

7.2. We recognize the need for minimum standards for training as outlined; however, should not some knowledge of human behavior and development, knowledge of the dynamic involved in interpersonal relationships, knowledge or ability to make an assessment, etc. be includes in the minimum standards or is this implied? All of the areas mentioned above are needed to facilitate the group process and to make an assessment or identify needs.

Your taking the time to review our comments and concerns is appreciated and it is hope that some of our suggestions will be considered in order to provide more clarity to those programs that are focused on providing services to the perpetrator of domestic violence.

# Comment Response

## 191-1-4. Licensing Standards for Family Protection Programs

### **Subdivision 4.1.e.**

Comment: Perpetrators are in treatment and would not be in a shelter.

Action: No amendments made in response to this comment.

Reason: Subdivision 4.1.e. does not apply to perpetrator intervention programs.

### **Subdivision 4.1.l.**

Comment: Should list requirements for type of records required for perpetrator intervention specifically. Admission seems more relevant to a residential placement, etc. Record keeping should definitely be a requirement, but should either be generic or service specific.

Action: No amendments made in response to this comment.

Reason: Subdivision 4.1.l. does not apply to perpetrator intervention programs.

### **Subdivision 4.1.m.**

Comment: May be difficult to develop a service plan with input from a perpetrator who is mandated to receive intervention. The establishment of a contract may be more appropriate or if informing perpetrators of the requirements for continuation of attendance in the program.

Action: No amendments made in response to this comment.

Reason: Subdivision 4.1.m. does not apply to perpetrator intervention programs.

### **Subdivision 4.1.o.**

Comment: Direct resident services and community education may not be feasible for a mandated perpetrator program.

Action: No amendments made in response to this comment.

Reason: Subdivision 4.1.o. does not apply to perpetrator intervention programs.

### **Subdivision 4.1.j.**

Comment: Impossible for a perpetrator program.

Action: No amendments made in response to this comment.

Reason: Subdivision 4.1.j. does not apply to perpetrator intervention programs.

### **Subsection 4.5.**

Comment: May be difficult to develop a service plan with input from a perpetrator who is mandated to receive intervention. The establishment of a contract may be more appropriate or if informing perpetrators of the requirements for continuation of attendance in the program.

Action: No amendments made in response to this comment.

Reason: Subsection 4.5. does not apply to perpetrator intervention programs.

#### **191-1-6. Outreach Programs.**

Comment: This section refers specifically to domestic violence victims. A perpetrator program would have great difficulty adhering to the majority of these rules except for 6.1.f.7.

Action: No amendment made in response to this comment.

Reason: Section 6 does not apply to perpetrator intervention programs.

#### **191.1.7. Perpetrator Intervention Programs.**

##### **Subsection 7.2.**

Comment: We recognize the need for minimum standards for training as outlined; however, should not some knowledge of human behavior and development, knowledge of the dynamics involved in interpersonal relationships, knowledge or ability to make an assessment, etc. be included in the minimum standards.

Action: Amended the proposed rule to include knowledge of human behavior and development and knowledge of the dynamic involved in interpersonal relationships to the minimum standards for training.

Reason: Training in these areas will perpetuate the facilitation of perpetrator intervention group sessions.

**Andrew Caldwell, MSW, LICSW, Educator/Facilitator,**  
Men for Non-Violence Intervention Program  
111 Reservation Ave  
Beckley, WV 25801

\*\*\*\*\*

July 8th, 1999

Tonia Thomas  
Division of Criminal Justice Services  
1204 Kanawha Boulevard, East  
Charleston, WV 25301

**RE: Comments on proposed rule for  
Perpetrator Intervention Programs**

Dear Ms. Thomas,

I would propose the following changes to 191-1-7.3 (on page 17, under the heading "Staff Evaluation"):

**Change #1:**

The second sentence of this section reads: "The evaluation shall be conducted by the perpetrator program."

I would like to strike the words 'perpetrator program', and substitute 'Family Protection Program'.

The local women's shelter is in the best position to evaluate whether the perpetrator programs enhance or detract from victim safety. They can better ascertain the degree of collusion within the program. Typical mental health agencies may not understand the dynamics of these groups, as they are not therapy groups. I believe it is imperative for licensed perpetrator programs to be evaluated by the local Family Protection Program, even if the perpetrator program is funded or otherwise supervised by another agency.

**Change #2:**

I propose the addition of the following, after the above mentioned second sentence:

This Evaluation shall also include written feedback from an on-site visit/review of the Board, or its designate. This could be in the form of peer review by another licensed Perpetrator Intervention Program, or from the state level domestic violence advocacy coordinating program.


This addition would mandate an external review by persons knowledgeable of how these groups should be run. Since the perpetrator programs and groups do not follow the standard mental health/medical model, the external review is critically important.

If peer review were not possible, perhaps the WVCADV's Perpetrator Program Coordinator (the Ben Zeeman position) could do the review, assuming this position is filled. If travel around the state for the purposes of reviewing programs was prohibitive, audio or video tapes of the group meeting could be submitted for evaluation.

Both of these changes would not require extra funding nor would they increase the workload of the Board, if it so chose to delegate this evaluation task.

Incidentally, my groups are audio taped on a monthly basis, and reviewed by our local Shelter Director, Donita Herr, or her designate. This seems to work fine and provides invaluable feedback to me as the group leader. Our confidentiality statement upon intake specifically states that this will happen.

Sincerely,



Andrew Caldwell, MSW

cc: Sue Julian  
Beth Morrison

*Tonia - please let me know if there are any public hearings on this. I think I could speak to the Mental Health crowd, as that is what I do 3 days per week*

*Thanks*

*Andrew*

255-1853 (h)  
254-9003 (w)

acaldwell@wvwise.org

# Comment Response

## 191-1-7. Perpetrator Intervention Programs

### **Subsection 7.3.**

Comment 1: The second sentence of this section reads: "The evaluation shall be conducted by the perpetrator program." I would like you to strike the words "perpetrator program" and substitute it with "family protection program."

Action: No amendments made in response to this comment.

Reason: Staff evaluations are internal to each program. Individual programs can solicit input regarding staff evaluations from their local family protection program.

Local family protection programs may participate in the program evaluations of perpetrator intervention programs. This process should be spelled out through the memorandum of understanding.

Comment 2: Include the following sentence: "This evaluation shall also include written feedback from an on-site visit/review of the board, or its designee. This could be in the form of a peer review by another licensed perpetrator intervention program, or from the state level domestic violence advocacy coordinating program."

Action: No amendments made in response to this comment.

Reason: Any external program reviews should be contained in the memorandum of understanding.

It is the role of Family Protection Services Board to monitor and evaluate perpetrator intervention programs. However, at any given time, the Family Protection Services Board may invite the statewide perpetrator intervention coordinator to participate in the process.

# R.D.V.I.C. FAX

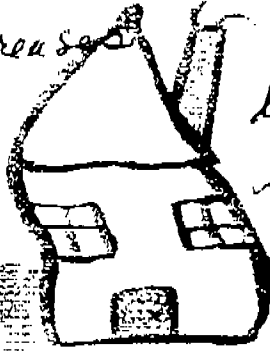
RAPE AND DOMESTIC VIOLENCE INFORMATION CENTER, INC.  
P.O. BOX 4228  
MORGANTOWN, WV 26505

To:	From:	
Tonia Thomas FPSB Chair	Judy King Smith RDVIC	Date: 8-2-99 Number of Pages: 2 Phone: 304-292-5100 Fax: 304-292-0204

Remarks:

Tonia,  
Please excuse the hand-written, last minute input.

My MAJOR concern about licensing requirements is the issue of shelter coverage. On page 5 of the Peer Review report, # 10 must be changed as programs like ours will have to change our entire operation. "In person" could be deleted. Shelters, (in my opinion) have to insist that we are not custodial facilities. If we have regulations that imply we are in a care-taking capacity that increases rather than decreases our liability.



HAPPY IS THE HOUSE THAT  
SHELTERS A FRIEND!!!

Round-the-clock staffing is not necessary or financially feasible but, more importantly, I object based on program philosophy that battered women are capable of caring for themselves. Staff or shelter supervisor, or volunteers can drop in and/or check on women.

by phone — as needed. Please do not allow DHHR to dictate what our policies are to be. We've been functioning all these years. We need to keep flexible — that's how we've survived.

Thanks for all  
your work on these things.

Judy

# Comment Response

## 191-1-4. Licensing Standards for Family Protection Programs

### **Subdivision 4.4.j.**

Comment 1: Delete the words "in person".

Action: Amended the proposed rules to delete the words "in person".

Reason: Shelters are not custodial facilities. Round-the-clock staffing is not necessary or financially feasible.

# Women's Aid In Crisis

Post Office Box 2062  
Elkins, West Virginia 26241

Telephone (304) 636-8433  
Fax (304) 636-5564

July 12, 1999

Tonia Thomas  
1204 Kanawha Blvd, East  
Charleston, WV 25301

RE Licensure of Domestic Violence and Perpetrator Intervention Programs

Dear Tonia:

I am writing to comment on the most recent proposed rule for licensing domestic violence and perpetrator intervention programs as follows:

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

**Comment:** What about BIPPS groups that are not run by a shelter, this wording certainly seems to leave them out of this, or is this to ensure that all BIPPS programs are begun by shelters and not separate entities? If so, then half the BIPPS groups in the state will not be licensed. We certainly work well with our BIPPS, but they are not hired by us and we are not one and the same. WAIC does not accept perpetrators into their program, but we refer out to the Batterer's Program.

3.2 Exceptions To Standards-These standards shall not apply to the following agencies and practitioners which shall not be funded by the board:

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

3.2.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.....2) marriage counselors or family therapists.....3) addiction counselors....., or 4) physicians and other health care practitioners.

**Comment:** Does this mean that a mental health center which starts a BIPPS does not need to be licensed or be in any way connected with a domestic violence program? I've already spoken with an independent mental health agency who runs a BIPPS and they have stated that none of these applies to them. Is this true? What if a counselor, named above, decides to run their own group? Will he simply be an independent agent who does not need to answer to the FPSB in any way? The wording makes it sound as though this is the case as they were not created or organized for the expressed purpose of serving

such domestic violence victims, or does that in itself throw these exceptions out the window for BIPPS, because it says victims and not perpetrators?

7.2.a.8 Educators/facilitators shall have at a minimum a high school diploma or G.E.D.

7.4.a. An assessment shall be performed to:

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

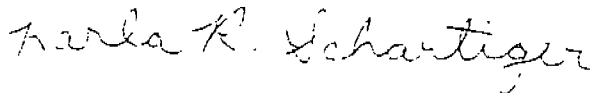
**Comment:** Beings educators/facilitators are not required to have any kind of mental health credentials, how will they perform these screenings? Will there be standardized tools sent to each facilitator to evaluate for this? Or will each BIPPS have to hire out these kinds of evaluations to be done by psychiatrists or psychologists? And if so, then where will the money come from? How can this be accomplished by most of the groups now running? What will be the liability for facilitators if they "miss" screening out someone dangerous or mentally ill and something goes wrong in group, or a batterer kills?

7.5.a Unless approved by a licensed domestic violence program, contact with victims should come from a licensed domestic violence program....

**Comment:** I just think this sounds clearer to say, "Unless otherwise approved..." :)

This is all I can think of for now. Thanks for listening, and please call if you don't understand my questions, as some of these are very important issues to me.

Sincerely;



Karla R, Schartiger  
Direct Services Coordinator

# Comment Response

## 191-1-2. Definitions.

### **Subsection 2.10.**

Comment: What about perpetrator intervention groups that are not run by a shelter, this wording certainly seems to leave them out of this, or is this to ensure that all perpetrator intervention programs are begun by shelters and not separate entities?

Action: Amended the proposed rules to delete the words "domestic violence" and included "perpetrator intervention".

Reason: The wording of "domestic violence" was a typographical error.

## 191-1-3. Licensure

### **Subsection 3.2. Exceptions to the Standards.**

Comment: The wording makes it sound as though no one may start a perpetrator intervention program except for domestic violence programs.

Action: Amended the proposed rules to delete Subsection 3.2. and move it to Section 8.

Reason: Subsection 3.2. (Exceptions to the Standards) deals with program funding criteria. This subsection will be placed in Section 8 (Funding of Family Protection Programs).

## 191-1-7. Perpetrator Intervention Programs

### **Paragraph 7.2.a.8., Subsection 7.4.a., and Paragraph 7.4.a.3.**

Comment: Being that educators/facilitators are not required to have any kind of mental health credentials, how will they perform screenings?

Action: No amendments made in response to this comment.

Reason: Perpetrator intervention program educators/facilitators will use an assessment tool that will not require mental health credentials. Educator/facilitator training will include screening and assessment tools. However, at their own expense, perpetrator intervention programs have the option to contract with mental health agencies to perform screenings.

### **Subsection 7.5.a.**

Comment: It sounds clearer to say, "Unless otherwise approved. . .".

Action: No amendments made in response to this comment.

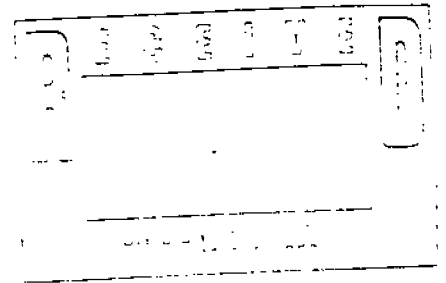
Reason: Although this sentence sounds redundant by including Family Protection Program twice, it clarifies from whom the approval comes from.



**COMMON PURPOSE OF THE PANHANDLE**  
*A United Way Agency of Jefferson, Berkeley and Morgan Counties*

**DOMESTIC VIOLENCE PREVENTION PROJECT**

**P.O. Box 2313  
MARTINSBURG WV 25402  
(304) 262-4424**



West Virginia Secretary of State  
Administrative Law Division  
Attention: Tonia Thomas  
1204 Kanawha Blvd. East  
Charleston, WV 25301

Dear Ms. Thomas:

We are enclosing our comments and suggestions for "Licensure of Domestic Violence and Perpetrator Intervention Programs". We shall be happy to answer any questions you may have, or clarify any particular point. We are an agency that has been doing Perpetrator Intervention Programs in Jefferson and Berkeley Counties for about three years. We have also actively participated in the work of State Coalition Against Domestic Violence in developing standards.

I hope our comments and suggestions will be taken seriously and will prove useful.

Sincerely,

Erdem Ergin  
Secretary/Treasurer of the Board of Directors

# **Comments on Proposed Rule “Domestic Violence Perpetrator Intervention Outreach Standards”**

**Provided by : Common Purpose of the Panhandle  
Domestic Violence Prevention Program  
P.O.Box 2313  
Martinsburg, WV 25402**

**General :** The proposed rules are well thought out and appropriate. Even though the title implies that the standards are only for domestic violence perpetrator programs, more than half of it applies to “Family Protection Programs”. We suggest the title be modified to better reflect the contents of the standards. In addition, several areas and items are ambiguous, inconsistent or not applicable as defined. We shall point these out in the following paragraphs.

## **Specific Comments:**

**Section 2. Definitions-** Needs to include a definition of a “Licensed Domestic Violence Program”(LDVP). This term is used extensively in the standards to indicate (we believe) the combination of “Family Protection Program”(FPP) and “Perpetrator Intervention Program”(PIP).

- 2.10.- We suggest the replacement of “educational Intervention groups” by commonly accepted term of “psycho-educational groups”.
- 2.11.- “Education/Facilitator” should be replaced by “Educator/Facilitator” which is the term used in the rest of the standards.

## **Section 3. Licensure**

- 3.2. - “Exception to Standards-“ Statement : “... which shall not be funded by the Board” implies that those that are not listed in the exceptions will be funded by the Board. This is not the case for PIP, even though it is much needed. Statement should be clarified.
- 3.3.c - This paragraph is very ambiguous. How will the “need for services” or “viability of the applicant” or the “adequacy of funding” will be determined? More specificity is needed.
- 3.7.a - We suggest that the last sentence be modified to read “ a ..?...percent of the attending (or active) Board members must vote in the affirmative in order to re-licence a family protection program.....etc.”.
- 3.8.a.1 - Same comment as 3.7.a applies to the last sentence.
- 3.8.a.2 – We suggest that the last sentence be modified to read “ The Board or any other state agency will not provide funds to .....etc..”
- 3.9.b. - The Board shall provide ...etc. The word Board is missing.

## **Section 4. Licensing Standards for Family Protection Programs**

- 4.1.i. -Sounds redundant to 4.1.g. Two paragraph should be combined.
- 4.4.c. -Second sentence is redundant with the first sentence. Suggest elimination.
- 4.4.e. -We suggest this paragraph be expanded to include volunteer workers.
- 4.4.k.-This paragraph also should include the volunteer positions.

## **Section 5. Domestic Violence Shelters**

- 5.1.d.11. This statement is not a “standard” unless it specifies the ratios; such as “ a shower per ..? .. residents, or toilets, or sinks..
- 5.1.d.12. – Beds should have fire resistant mattresses and have sanitary cleanable or replaceable mattress covers.

## Section 6. Outreach Programs

6.1.h. - This requirement is unclear. Is "four weeks training and orientation" mean 160 hours of class work? If not, what is the required training time. Does on the job training count towards this requirement?

## Section 7. Perpetrator Intervention Programs (PIP)

- ✓ 7.1 - The statement of applicability of Sections 4 and 6 to PIP is incorrect. Many paragraphs in section 4 and 6 apply specifically only to the Family Protection Program and can not be applied to PIP. These inapplicable paragraphs include: 4.1.e, 4.1.j.(needs modification since there is no residential facility for PIP), 4.1.l, 4.1.m, 4.1.o (needs modification), 4.1.p, 4.4.j, 4.5 (a through d), 4.6.a; and none of section 6 is applicable to PIP ( note that section 6.1 states " a Family Protection Program must comply with .....when outreach offices are used to serve victims of domestic violence). We suggest that reference to section 6 be eliminated from this paragraph, and the paragraph specifically lists the applicable paragraphs of Section 4.
- 7.1.a. - This is already covered under paragraph 4.1.f and is redundant.
- 7.3 - This item is covered in paragraphs 4.4.e, f, and i. It is redundant.
- 7.5 - This section is very ambiguous. PIP will be a licensed domestic violence program. Hence references to coordination etc., does not apply. If the intent was to say family protection program (FPP instead of licensed domestic violence program), we have some comments and suggestions:
- Paragraph 7.5 should first state the purpose (or reasons) for any such contacts. For example, checking the victims safety, informing her of the program's content (and limitations), make her aware of other services she may need (such as the Family Protection program), etc.
- 7.5.a.- What is the purpose of getting FPP approval for contact, and what is required for such approval. (note that Duluth Model, developed by an FPP or any state in the union does not require this approval process). If the purpose and criteria is properly defined, then a working procedure can be developed. We are very concerned with the delays in informing the victim in a timely manner because of procedural road blocks. We suggest the following replacement for the paragraph:
- "PIP and FPP working in the same county shall develop a coordination plan to make sure that safety and interests of the victims are not compromised. In case of conflict or unresolved issues, a State Agency such as West Virginia Coalition Against Domestic Violence shall have the authority to act as a mediator."
- 7.5.b. - Not required if the suggested paragraph for 7.5 is used.
- 7.5.c. - Not required if paragraph for 7.5 is used.
- 7.5.d. - Not required if paragraph for 7.5 is used.
- 7.8.a. - Modify this paragraph to read : "PIP must send monthly reports to courts, probation or parole officers for every court ordered or court referred participant of the program. This report shall contain the perpetrator attendance record and compliance with program rules.". It is not clear what FPP would do with such reports. Again a purpose is missing.
- 7.10 This section is redundant to suggested paragraph for 7.5. If required, section 7.5 can be expanded to include some of the contents of 7.10. We suggest eliminating 7.10 and expanding 7.5 to include paragraph 7.10.a.5.
- 7.11. - Suggest it is eliminated. All of these requirements are covered in previous sections (section 4.6) made applicable to PIP in section 7.

# Comment Response

## 191-1-2. Definitions.

### **Subsection 2.10.**

Comment: Replace “educational intervention groups” by commonly accepted term of “psycho-educational groups”.

Action: No amendments made in response to this comment.

Reason: “Educational Intervention Groups” is the commonly accepted term nationwide.

### **Subsection 2.11.**

Comment: “Education/Facilitator” should be replaced by “Educator/Facilitator” which is the term used in the rest of the standards.

Action: Amended the rules to delete “Education/Facilitator” and replace with “Educator/Facilitator”.

Reason: “Educator/Facilitator” is the correct term.

## 191-1-3. Licensure

### **Subsection 3.2. Exceptions to the Standards.**

Comment: The wording makes it sound as though no one may start a perpetrator intervention program except for domestic violence programs.

Action: Amended the proposed rules to delete Subsection 3.2. and move it to Section 8.

Reason: Subsection 3.2. (Exceptions to the Standards) deals with program funding criteria. This subsection will be placed in Section 8 (Funding of Family Protection Programs).

### **Subdivision 3.3c.**

Comment: This paragraph is very ambiguous. How will the “need for services” or “viability of the applicant” or the “adequacy of funding” be determined? More specificity is needed?

Action: No amendments made in response to this comment.

Reason: The need for services, viability of the applicant, and/or adequacy of funding will be described in the application and assessed by the Family Protection Services Board.

### **Subdivision 3.7.a. and Paragraph 3.8.a.1.**

Comment: Modify the last sentence to read “a (certain percent) of the attending (or active) Board members must vote in the affirmative in order to re-license a family protection program, etc.”

Action: No amendments made in response to this comment.

Reason: Per WV Code 48-2C-5, four members of the Board must vote in the affirmative.

**Paragraph 3.8.a.2.**

Comment: Modify the last sentence to read "The Board, or any other state agency will not provide funds to . . . "etc.

Action: No amendments made in response to this comment.

Reason: The Family Protection Services Board does not possess funding authority over other state agencies.

**Subdivision 3.9.b.**

Comment: The word Board is missing.

Action: The word "Board" was inserted.

Reason: Typographical error.

**191-1-4. Licensing Standards for Family Protection Programs**

**Subdivision 4.1.i.**

Comment: Redundant to 4.1.g. Two paragraphs should be combined.

Action: Deleted 4.1.i.

Reason: The subdivisions were redundant.

**Subdivision 4.4.c.**

Comment: The second sentence is redundant with the first sentence. Suggest elimination.

Action: Deleted the second sentence.

Reason: The second sentence was redundant.

**Subdivision 4.4.e. and 4.4.k.**

Comment: These sections should include volunteer positions and workers.

Action: No amendments made in response to this comment.

Reason: Personnel policies apply only to paid staff.

**191-1-5. Domestic Violence Shelters**

**Paragraph 5.1.d.11.**

Comment: This statement is not a standard unless it specifies ratios.

Action: No amendments made in response to this comment.

Reason: The Family Protection Services Board has identified Paragraph 5.1.d.11. as a family protection program standard.

**Paragraph 5.1.d.12.**

Comment: Beds should have fire resistant mattresses and have sanitary cleanable or replaceable mattress covers.

Action: No amendments made in response to this comment.

Reason: All licensed family protection programs comply with state and local fire codes.

## **191-1-6. Outreach Programs**

### **Subdivision 6.1.h.**

Comment: This requirement is unclear. Is "four weeks training and orientation" mean 160 hours of class work? Does on the job training count towards this requirement?

Action: No amendments made in response to this comment.

Reason: On the job training counts towards the requirement.

## **191-1-7. Perpetrator Intervention Programs**

### **Subsection 7.1.**

Comment: The statement of applicability of Sections 4 and 6 to perpetrator intervention programs is incorrect. Many paragraphs in Section 4 and 6 apply specifically only to family protection programs and cannot be applied to perpetrator intervention programs.

Action: All applicable statements regarding perpetrator intervention programs have been listed by subsections, subdivisions and paragraphs instead of overall sections. Applicable statements include: 4.1.g., 4.1.h., 4.1.k., 4.1.l., 4.1.m., 4.1.n., 4.1 p., 4.2., all of 4.4. (except for 4.4.j.) and 4.5.

Reason: Many paragraphs in Section 4 and 6 did not apply to perpetrator intervention programs.

### **Subdivision 7.1.a.**

Comment: This is already covered under paragraph 4.1.f.

Action: No amendments made in response to this comment.

Reason: 4.1.f. does not apply to perpetrator intervention programs.

### **Subsection 7.3.**

Comment: This is covered in 4.4.e., 4.4.f., and 4.4.i. and is redundant.

Action: No amendments made in response to this comment.

Reason: Subsection 7.3. clarifies the staff evaluation process.

### **Subsection 7.5.**

Comment 1: This section is very ambiguous. "Perpetrator intervention programs will be a licensed domestic violence program".

Action: The wording was changed from "perpetrator intervention programs will be a licensed domestic violence program" to perpetrator intervention programs will be a licensed family protection program".

Reason: The correction reflects the way sentence was intended to read.

Comment 2: Subsection 7.5. should state the purpose for contacts.

Action: No amendments made in response to this comment.

Reason: The statement of purpose for making contacts should be outline in the local memorandum of understanding.

**Subdivisions 7.5.a., 7.5.b., 7.5.c., and 7.5.d.**

Comment: We suggest the following replacement for the subdivision: "Perpetrator intervention programs and family protection programs working in the same county shall develop a coordination plan to make sure that safety and interests of the victims are not compromised. In cases of conflict or unresolved issues, a state agency such as West Virginia Coalition Against Domestic Violence shall have the authority to act as a mediator".

Action: No amendments made in response to this comment.

Reason: Coordination plans between perpetrator intervention programs and family protection programs will be outlined in their memorandum of understanding. In the event of conflict or unresolved issues, the Family Protection Services Board should be contacted.

**Subdivision 7.8.a.**

Comment: Modify this paragraph to read: "Perpetrator intervention programs must send monthly reports to courts, probation or parole officers for every court ordered or court referred participant of the programs. This report shall contain the perpetrator attendance record and compliance with program rules". It is not clear what family protection programs would do with such reports.

Action: No amendments made in response to this comment.

Reason: The suggested revision does not alter the content that is already included. The purpose of sending the report to the local family protection program is to apprise the family protection program of perpetrator participation in the program.

**Subsection 7.10.**

Comment: Section 7.5. can be expanded to include some of the contents of 7.10. We suggest eliminating 7.10 and expanding 7.5 to include paragraph 7.10.a.5.

Action: No amendments made in response to this comment.

Reason: Subsection 7.5. refers to contact with victims, while Subsection 7.10. refers to overall interagency operation.

**Subsection 7.11.**

Comment: Eliminate this subsection.

Action: No amendments made in response to this comment.

Reason: Section 4.6. does not apply to perpetrator intervention programs.

## Tonia Thomas

From: sjulian@wwwise.org  
Sent: Monday, August 02, 1999 2:27 PM  
To: tthomas@wvdcjs.org  
Subject: Fwd: FPSB standards and peer review

I have given a hasty review to the standards and am sending the following input that you may consolidate with all other input to show one "united input" when responding to the standards. Actually, they look good and Tonia is to be commended for getting things in better order. The following input pertains to the licensing standards and the "green" peer review sheet.

1. Note on page 7 of the standards that 4.1.g. and 4.1.i. are the same.
2. Item 4.1.j. on the standards is not included on the "green" peer review sheet.—at least I can't find it.
3. I believe it is ok to make available a copy of the FPSB address and phone number. I would not suggest posting the information, but would have it in the residential guidelines given to all residents, or on the confidentiality sheet signed by all residents and non-residents. As long as a process like this is acceptable, i have no problem with it. (This is the new standard—4.1.p.)
4. Standard 4.2.e is not found on the "green sheet" for peer review. It is implied but not specifically asked for. If a goal is to line up the peer review tool with the standards, we might want to add this.
5. Switching to page 3 of the "green sheet", items 20-22: These three items are out of order with the underlying standards. The information on service plans appears in the "next section" of the standards. Also item 21 on the "green sheet" could easily be consolidated with item 16 on the "green sheet".
6. Note that standard 4.5.d. is not included on the peer review standards on the "green sheet".
7. I really would like to see standard 5.1.b. and its peer review measure changed to eliminate the placing of a "notice on all entry doors". Certainly i support the exclusion of weapons, drugs and alcohol from the shelter. However, posting a notice on the door invites recognition of the location of a business, shelter—or some entity other than a home and may help identify the location of the shelter. I would support including these prohibitions in rules given to residents and in posted notices in offices inside the shelter.
8. Standard 5.1.c. is not found on the "green" peer review sheet.
9. The item on the "green peer review sheet" on page 4, number 10. is unclear. This is 4.2.j. of the standards. I can't recommend a change as I am not sure what this statement attempts to address.
10. Standard 5.1.d.13. is not on the "green peer review sheet".
11. Can't help but comment that we have made a BIPP a PIP by titling it a Perpetrator intervention Program.—except in standard 7.11 and then we recall it a Batterer Intervention program. I suppose we should be consistent. I prefer BIPP.
12. Standard 7.4.b indicates the wisdom of securing police reports and court records. I will say that we have tried to get these—and are only successful about 50% of the time.
13. I believe we should make some minor changes in standards 7.5.a, b, &c. I would insist that victim contact be made by the licensed DV program only. BIPP facilitators should not be doing the victim contact. We have talked about this at length and believe safety of the BIPP facilitator is jeopardized if the perpetrator in the program believes the BIPP facilitator is contacting the victim. This is less of a concern if an unknown person, affiliated with the DV program, is doing the contacting. Consultation between the two programs is critical and the DV program should report back to the BIPP if a victim reports non-compliance of the perpetrator. I would suggest looking at the section on 7.5 to separate the two roles of perpetrator work and victim contact—with collaboration between the two persons. I also think separating the two functions helps eliminate any potential conflict of interest.

14. Of interest, we struggle to get the copies of POs called for in standard 7.6.b. Sometimes they are sent to us. Other times, we get a one page sheet saying someone is ordered to participate but there is no other identifying data such as an address or the name of the victim. At least 50% of the time, we get nothing from the courts. This is our problem and we will continue working on it but I hate to see a BIPP penalized for the behavior of the court when the BIPP cannot control the court.

15. In standard 7.8.a., I would add "the court" as a possible reporting agency. We rarely get the name of a probation officer, parole officer, or police involved in a BIPP arrest. We do know the name of the prosecuting attorney when we get court papers.

16. Standard 7.9.a.5 has been improved from the earlier writing that pretty much called for the BIPP to implement community service for a perpetrator, however, the standard still causes me to chuckle. Whomever wrote this one, has not worked with a BIPP. I wish it could be eliminated.

17. Going back to the "green peer review sheet", item 11 on page 5, we have, of course job descriptions and position qualifications in writing, but these are not part of the personnel policies. I assume this is ok. If not we may want to eliminate the language "personnel policies" from this peer review item (and the related standard).

18. I have some concern over the new item on the "green peer review sheet" on page 7 (item 25). There is a related standard. I am not so troubled by written policies for housing male victims or the elderly—but disabled victims worries me. We have had to deny admission to two wheelchair bound victims. Neither could do any of their own care and we were not equipped with the staff needed to care for the victims around the clock. We tried to find alternative placement for these two individuals for several days without luck. Both would have required a live in round the clock care taker. Does this new standard imply that shelters will be responsible for bearing the cost of alternative placement for the disabled? If so, I think we may have a problem here. I could not just put the disabled in a motel alone, like I can a male victim. I would like a little clarity on the intent of this item before we move to quickly with it.

These are the main things I saw. Most are trivial. However, use any or all of the inputs in compiling a WWCADV feedback on the standards. Call if you have questions.

# Comment Response

## Subdivision 4.1.p.

Comment: I believe it is ok to make available a copy of the Family Protection Services Board address and phone number. I would not suggest posting the information, but would have it in the residential guidelines given to all residents, or on the confidentiality sheet signed by all residents and non-residents.

Action: No amendments made in response to this comment.

Reason: Per the Legislative Performance Evaluation Division, the address and telephone number must be posted at each family protection program location.

## Subdivision 5.1.b.

Comment: Revise the standard to exclude the placing of signs stating that "weapons, drugs and alcohol are prohibited on the premises" on all entry doors. Signs such as these could place residents in jeopardy. Postings such as these invite recognition of the location of a business, shelter or some other entity other than a home and may help identify the location of the shelter.

Action: Revised 5.1.b. to state, "shall be placed in a visible location".

Reason: This revision will safeguard shelter anonymity.

## Subdivision 7.11.

Comment: The use of "batterer intervention program" is not consistent with "perpetrator intervention program" which has been used throughout the rules.

Action: Changed "batterer intervention program" to "perpetrator intervention program".

Reason: Perpetrator intervention program is the terminology used in the West Virginia Code.

## Subdivision 7.5.a., 7.5.b., and 7.5.c.

Comment: Victim contact should be made by the licensed family protection program only. Perpetrator intervention program educators/facilitators should not be doing the victim contact.

Action: No amendments made in response to this comment.

Reason: Victim contact will be clarified by the memorandum of understanding between the family protection program and the perpetrator intervention program.

## Subdivision 7.6.b.

Comment: I would hate to see perpetrator intervention programs penalized for the behavior of the court when probation officers, at times, do not forward the proper paperwork as required in this standard.

Action: Delete "if applicable" and insert "if possible".

Reason: This change will not "punish" perpetrator intervention programs for their lack of control over the court.

**Subdivision 7.8.a.**

Comment: Add "the court" as a possible reporting agency.

Action: Included "the court".

Reason: Courts receive information from probation officers, parole officers, and/or law enforcement officers.

**Subdivision 7.9.a.**

Comment: Eliminate this section.

Action: No amendments made in response to this comment.

Reason: Although this section is optimistic, it is one that we nonetheless strive for.