

**WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION**

Form #4 ■

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OFFICE OF THE SECRETARY OF STATE
WEST VIRGINIA

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Family Protection Services Board TITLE NUMBER: 191

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

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 PROPOSED: Series 2

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

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

Sonia Shankar
Authorized Signature

\$8.00



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 needed, Emergency and Modified Rule.)

DATE: December 22, 1999

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

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

1204 Kanawha Boulevard, East

(304) 558-8814, ex.216

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 pm

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

Attached _____ No comments received _____

- e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact)

August 5, 1999

- f. Name, title, address and **phone/fax/e-mail numbers** of agency person(s) to receive all *written correspondence* regarding this rule: (Please type)

Tonia Thomas, Chair

1204 Kanawha Boulevard, East

Charleston, WV 25301

Telephone: (304) 558-8814 ex.216

Fax: (304) 558-0391

E-mail: tthomas@wvdcjs.org

- g. **IF DIFFERENT FROM ITEM 'F'**, please give Name, title, address and phone number(s) of agency person(s) who wrote and/or has responsibility for the contents of this rule: (Please type)

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

- a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

b. Date of hearing or comment period:

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

d. Attach findings and determinations and reasons:

Attached

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.

**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.

□
APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: 191 Licensure of Domestic Violence and Perpetrator Intervention Programs

Type of Rule: 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
ESTIMATED TOTAL COST	0	0	0	0	0
PERSONAL SERVICES					
CURRENT EXPENSE					
REPAIRS & ALTERATIONS					
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: 191 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: December 22, 1999

Signature of Agency Head or Authorized Representative:

Jovita Thomas

TITLE 191
LEGISLATIVE RULE
FAMILY PROTECTION SERVICES BOARD

SERIES 2
LICENSURE OF DOMESTIC VIOLENCE AND PERPETRATOR INTERVENTION
PROGRAMS

§ 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 and perpetrator intervention programs.

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

2.2. ~~“Secretary” means the Secretary of the Department of Human Services or any successor agency however so named.~~ “Board” means the Family Protection Services Board created pursuant to West Virginia Code §48-2C-3.

2.3. ~~“Department” means the Department of Human Services or any successor agency however so named.~~ “Crisis Counseling” means supportive intervention services provided by licensed family protection programs and family protection shelters. The services include but are not limited to assisting victims of domestic violence in identifying and assessing their situation and accessing resources for resolution.

2.4. ~~“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.~~
“Department” means the department of health and human resources or any successor agency however so named.

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.~~ “Direct Services” means working directly with victims in areas such as emergency shelter, crisis counseling, safety planning, etc.

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.~~ “Educator/Facilitator” means an individual who meets the minimum requirements outlined in Section 7.2. of this Rule and who directly facilitates regularly scheduled classes for perpetrators 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.~~ “Family Protection Program” means a licensed domestic or family violence program offered by a locally controlled non-profit organization created primarily for the purpose of providing services to victims of domestic or family violence or abuse and their children.

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

2.9. ~~“Direct Services” means providing assistance to victims of domestic violence.~~ “Perpetrator Intervention Program” means a licensed perpetrator intervention program that accepts perpetrators of domestic violence or family violence into education intervention groups.

2.10. ~~“Perpetrator Intervention Program” means a licensed perpetrator intervention program that accepts perpetrators of domestic violence or family violence into educational intervention groups.~~ “Power and Control” as referred to in these standards this Rule means the primary cause that gives rise to the occurrence of domestic violence and family violence. Factors such as alcohol, poverty, unemployment, stress, and substance abuse, etc. are conditions that contribute to the

incidents of domestic violence and family violence but that are not in and of themselves the cause of domestic violence and family violence.

2.11. ~~“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.~~ “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.

2.12. ~~“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.~~ “Secretary” means the secretary of the department of health and human resources.

2.13. “Shelter” means a locally controlled non-profit organization created primarily for the purpose of receiving, on a temporary basis, person who are victims of domestic violence, abuse or rape as well as the children of such victims and for providing comprehensive services to such persons.

§ 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~~ in order to provide services to victims and/or perpetrators.

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 all 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 that are 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 application within forty-five (45) days of the receipt of an application. The Board shall require all licensed family protection programs and perpetrator intervention programs to conspicuously display the license.

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 circuit court for an order preventing that would prevent the operation of an organization which refuses to apply for obtain a license as specified required under this rule and ~~article 2-C of chapter 48 of the West Virginia Code §48-2C-1 et seq.~~

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 - 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 in a timely manner by

the Board in order to allow for the Board to consider the results prior to the expiration of the previous year's license.

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

3.4. 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 with the standards 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.~~ Provisional License.

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

3.6.a.1. Program deficiencies.

3.6.a.2. A requirement for a program to submit a plan of correction regarding the deficiencies.

3.6.a.3. The timeline when the Board will review the plan of correction.

3.6.a.4. Modification of the plan within 20 days to the Board should the original plan not address the identified deficiencies.

3.6.a.5. Requirement that compliance occur within a time period set by the Board.

3.6.a.6. Verification of the issuance of a provisional license until compliance is achieved or until the Board takes action deemed necessary for the safety of clients.

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

3.7.a.1. ~~In an instance~~ Four members of the Board must vote in the affirmative before a license is revoked or suspended. 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 West Virginia Code §6-9A et seq. Local public notice shall also be given through a local newspaper's legal notice section at least ten days prior to the hearing date. The hearing will be held in accordance with West Virginia Code §29A-5 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 maintain 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~~ each client.

4.1.l. Individual client case records shall include a service plan or contract which has been developed specifically for the client. The service plan or contract shall be developed with the active participation of the client and 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 process, 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 may not have a financial interest in any property rented by the program without a full disclosure of the nature and extent of the financial interest and identifying the party and/or parties having the interest. The board of directors must approve any contract or transaction of disclosure where financial interests of this nature has been made.

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 and meeting dates.

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

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

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

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

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

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

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

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

4.3.f. Each family protection program, at its own expense, shall provide a financial bond for all persons delegated the authority to sign checks or manage funds. The bond shall assure the full operation of a family protection program for a period of thirty days should those persons 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 which includes such topics as appropriate attire, work hours, confidentiality, insubordination, misuse of authority or equipment, absences without leave and 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~~ require all staff, including administrative and supervisory staff, will receive performance evaluations at least on an annual basis. The evaluations must be signed by both employee and supervisor.

4.4.j. A family protection program's personnel policies shall have a require 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 to be 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 requirements.

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 policies.

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 and 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~~ or 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~~ out of 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 telephones. ~~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 clean and comfortable environment ~~in which for residents. to reside that includes heat, ventilation, and cleanliness.~~ A shelter shall have enough heating equipment to be ~~comfortably~~ sufficiently warm during the cold months and adequate ventilation during the warm months. Heaters and fireplaces with open flames shall not be used. Doors and windows which are open in warm weather shall have insect screening in good repair.

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 safe 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 reasonably free from ~~reasonable~~ foreseeable 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.

5.1.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.
- 6.1.f.2. Provide community education and prevention activities.
- 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.j., 4.1.k., 4.1.l., 4.1.m., 4.1.n., 4.1 p., 4.2., 4.4. (excluding 4.4.j.) and 4.5. of the family protection program standards, perpetrator intervention programs shall at a minimum comply with the following standards.

7.1.a. A perpetrator intervention program shall have a written statement of purpose 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 continuing 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~~ to the family protection 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 issued 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 promote 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 referral source to be used in determining whether or not to release the perpetrator from the intervention class. This process may be repeated as necessary.

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 of each year, a perpetrator intervention program shall complete and submit to the Board an annual evaluation. The evaluation will include but not be limited to the following:

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.

7.12. Funding of Perpetrator Intervention Programs

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

§191-1-8. 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 identify and provide funding formula factors to family protection programs on or before January 15 each year. The Board shall require and review monthly financial reports from each program to assure the proper expenditure of grant funds.