

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

orm #2

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: Family Protection Services Board TITLE NUMBER: 191

RULE TYPE: Legislative; CITE AUTHORITY § 48-2C-13b

AMENDMENT TO AN EXISTING RULE: YES ___ NO x

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 2

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

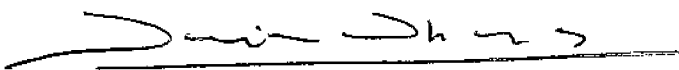
IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON July 31, 1998 AT 5:00 p.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

Attention: Tonia Thomas

1204 Kanawha Boulevard, East

Charleston, WV 25301

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.


Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL.

\$3.20

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

This rule will 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-13b 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 perpetrator intervention programs. In the past year, many domestic violence perpetrator intervention programs have been established throughout the state. Currently, these programs have no uniform standards regarding operation or licensing opportunities.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Licensure of Domestic Violence 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
 Telephone: 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:

No costs are necessary to implement the proposed rule.

3. Objectives of these rules:

To provide licensure to domestic violence perpetrator intervention programs.

Rule Title: Licensure of Domestic Violence 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: - June 30, 1998

Signature of Agency Head or Authorized Representative



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: June 30, 1998

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

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

1204 Kanawha Boulevard, East, Charleston, WV 25301

Telephone: 558-8814, Extension 216

LEGISLATIVE RULE TITLE: Licensure of Domestic Violence Perpetrator Intervention Programs

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

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:
June 30, 1998

b. What other notice, including advertising, did you give of the hearing?
Memo to interested parties.

c. Date of Public Hearing(s) or Public Comment Period ended:
July 31, 1998 at 5:00 p.m.

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)

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

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

TITLE 191
LEGISLATIVE RULE
FAMILY PROTECTION SERVICES BOARD

FILED

JUN 30 11 08 AM '98

SERIES 2
LICENSURE OF DOMESTIC VIOLENCE PERPETRATOR INTERVENTION
PROGRAMS

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

1. General.

1.1. Scope. – This rule implements the provisions of West Virginia Code §§ 48-2C-13b and 13c relating to the licensure of programs of intervention for perpetrators of domestic or family violence.

1.2. Authority. – W.Va. Code § 48-2C-13b

1.3. Filing Date. –

1.4. Effective Date. –

1.5. Purpose. – This rule is set forth to 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 and to set forth the process for attaining and retaining licensure.

2. Definitions.

For the purposes of this rule, the same definition and use of terms contained in West Virginia Code § 48-2A-1 *et seq.* Apply herein unless a different meaning is clearly required by the context. Additionally, the following definitions apply to this rule:

2.1. Perpetrator intervention groups shall herein be referred to as “perpetrator classes”, and the facilitators of those groups as “educator/facilitators”.

3. Standards for Operation of Programs of Intervention for Perpetrators of Domestic or Family Violence.

3.1 Licensing Standards for Perpetrator Intervention Programs: The term program is used to describe the overall agency providing services to perpetrators of domestic or family violence.

3.1.a. A 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.

3.1.b. Professional Staff Qualifications.

3.1.b.1. Educator/facilitators shall have a minimum of 24 hours of training from the West Virginia Coalition Against Domestic Violence. After the initial 20 hour training, educator/facilitators shall receive at a minimum 4 hours of trainings offered by the West Virginia Coalition Against Domestic Violence each year.

3.1.b.2. Educator/facilitators shall have a minimum a high school diploma or G.E.D.

3.2. Professional Staff Evaluation. – A program’s personnel policies shall assure that all staff, including administrative and supervisory staff, will receive performance evaluations at least on an annual basis. This evaluation shall be conducted by the perpetrator program in consultation with a local licensed domestic violence program. There shall be evidence that evaluations have been discussed with the staff person and that they have become a part of the staff person’s permanent personnel record. Program policy 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.

3.3. Intake –

3.3.a. Criteria concerning a perpetrator’s appropriateness for the program – A perpetrator shall be admitted to a perpetrator program if he/she is court-ordered to the program or voluntarily enrolled in the program.

3.3.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.

3.3.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 the educator/facilitator.

3.3.d. Upon admittance to a perpetrator intervention program, the educator/facilitate shall complete a victim contact form. The contact form shall include at a minimum: name of the perpetrator’s victim, telephone number of victim, history of physical violence or other abuse and the local domestic violence shelter’s safety plan for the victim (if available).

3.3.d.1. 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.

3.3.d.2. 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.

3.3.d.3. 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 by 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.

3.4. Records. –

3.4.a. Perpetrator intervention shall have a written policy regarding disclosure of information to the person or persons named in a protective order which ordered the perpetrator to the program. There shall be a written agreement providing for disclosure of information and a waiver of confidentiality. The disclosure agreement shall be signed by the perpetrator.

3.4.b. A 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, staff signature.

3.4.c. Individual client case records maintained by a program shall include administrative, service, and educational data from the time of enrollment until the time services are terminated.

3.4.d. A program shall maintain, if applicable, a copy of issued protective orders against a perpetrator enrolled in the program.

3.5. Reports. – The perpetrator intervention program shall provide a monthly report to the local licensed domestic violence program. This report shall contain the perpetrator intake form, perpetrator attendance record, and perpetrator compliance with program rules. If applicable, this report shall also be forwarded to the perpetrator's probation officer, parole officer, and/or state and local law enforcement agencies.

3.6. Curriculum. –

3.6.a. A perpetrator intervention class shall last for a period of at least twenty-four weeks days. After the completion of a perpetrator intervention class, a recommendation shall be made to the referent source as to whether or not to release the perpetrator from the intervention program. Disclosure will be made to the victim of the perpetrator at the time of the recommendation. This process may be repeated as necessary.

3.6.b. 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 program.

3.6.c. Educator/facilitators of perpetrator intervention programs shall utilize a group education/counseling format with a staff ratio of one educator/facilitator per 12 perpetrators. Educator/facilitators shall utilize the following education techniques:

3.6.d. Programs shall emphasize the need for perpetrators to be accountable for the abusive actions, confrontation as an essential education tool, and the use of models based upon the power and control wheel.

3.7. Interagency Cooperation. – A perpetrator intervention program shall execute a written memorandum of understanding with a local licensed domestic violence program. The memorandum of understanding shall be agreed upon and signed by both parties.

3.9. Program Evaluation and Assessment. – A program shall complete an annual evaluation which will include consideration of the following:

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

3.9. b. Staff turnover rate.

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

3.9.d. Number of individuals served.

3.9.e. Number of classes provided.

4. Licensure.

4.1. Application. –

4.1.a. The board shall supply a standard application form which shall be completed by any organization meeting the definition in section 3.1 of this rule. An organization must complete an application for licensure when it initially requests licensure or when it wishes to reopen after closure. After initial licensure of a program it will be evaluated as a part of the board's evaluation process on an annual basis.

4.1.b. The board shall receive and consider all applications submitted for the development and licensure of a program. The board shall consider such application 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.

4.1.c. The board shall renew the licenses of all program in compliance with the licensing standards on an annual basis. Renewal application forms for licensure shall be distributed by the Board to licensed perpetrator intervention programs in a timely manner no later than the first day of March preceding the beginning of the new fiscal year. Programs shall submit renewal applications to the Board no later than the fifteenth day of April. 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 days of the receipt of an application. The board shall require all licensed programs to conspicuously display the license.

4.1.d. The board shall exercise its authority to enforce a system of standards for all programs in the state as defined in section 3 of this rule. Any organization operating without a license as a program, shall be notified by the board, by certified letter, of its right to apply for licensure.

4.2. Evaluation for Licensure –

4.2.a. The board shall evaluate all licensed perpetrator intervention programs in the state. The evaluation will include a peer review by another licensed perpetrator intervention program and will use the licensing standards found in section 3 of this rule. The evaluation system requires that all program will complete a self-review utilizing the standard compliance checklist on an annual basis in preparation for an on-site review.

4.2.b. The board shall implement a process annually to assure an on-site review of the established standards found in section 3. This standards compliance review will be completed utilizing the current revision of the standards' checklist authorized by the board. The annual peer 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.

4.2.c. Any areas of non-compliance on the part of the program being evaluated for licensure shall be reported on the licensing checklist by the peer reviewer. The board shall review each area of non-compliance and consider the relative risk to the safety of victims of domestic violence.

4.3. Award of License

4.3.a. The board shall award a license annually to any organization which has appropriately applied for a license and been approved by the board as having complied with all established standards as stated in section 3 of this rule. Compliance will be evaluated by use of the standards by peer reviewers, by board members, board staff or a combination of these parties as specified by the board

4.3.b. Waiver of Licensure. 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 domestic violence victims in the community. All such waivers or provisional licenses shall be reviewed semi-annually.

4.4.c. Revocation or Suspension of License. The board may close any program which violates the standards established by this rule, subject to the requirements in this rule regarding public hearings. As specified in West Virginia Code § 48 - 2C - 5, four members of the board must vote in the affirmative before a license is revoked or suspended. The board shall notify the program of a revocation or suspension of a license through a written notice. The notice will be hand-delivered either by a member of the board to the program or it will be mailed by certified mail. This notice shall include the announcement of a public hearing to be held within the confines of the municipality or county in which the program is located.

4.4.d. Improvement Period. The board may also allow a program a period of improvement after the notice of the of the board's intent to revoke or suspend the license if the program expresses a sincere desire to come into compliance with standards and if the board finds re-licensure is a viable options. Four members of the board must vote in the affirmative in order to re-license a program or to allow for a period of improvement.