

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #3

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FILED

JUN 3 11 15 AM '98

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE
AND
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

AGENCY: Family Protection Services Board TITLE NUMBER: 191

CITE AUTHORITY: S48-2C-13b

AMENDMENT TO AN EXISTING RULE: YES ___ NO x

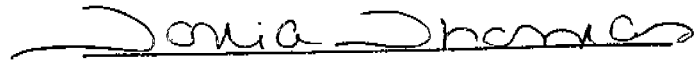
IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

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

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE FOR THEIR REVIEW.


Authorized Signature

\$7.60

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

August 3, 1998

- 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: 558-8814, Ex. 216

Fax: 558-0391

- 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:

June 30, 1998 through July 31, 1998

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

August 3, 1998

d. Attach findings and determinations and reasons:

Attached

**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: Licensing Standards for Perpetrator Intervention Programs

Type of Rule: Legislative Interpretive Procedural

Agency Family Protection Services Board

Address Contact Person: Tonia Thomas

1204 Kanawha Boulevard, East

Charleston, WV 25301

Telephone: 558-8814, ex. 216

Fax: 558-0391

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:

Fiscal note not required.

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: August 3, 1998

Signature of Agency Head or Authorized Representative



FILED

TITLE 191
LEGISLATIVE RULE
FAMILY PROTECTION SERVICES BOARD

JUN 3 11 15 AM '98

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

SERIES 2
LICENSURE OF DOMESTIC VIOLENCE PERPETRATOR INTERVENTION
PROGRAMS

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 40 hours of training. Training shall require prior approval from the Family Protection Services Board. After the initial 40 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, deemed appropriate for the program, and/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 and the educator/facilitator.

3.3.d. Upon admittance to a perpetrator intervention program, the educator/facilitator shall make no contact with the victim. Contact with victims should

come from the local licensed domestic violence program and all information for contacting the victim remain with a local licensed domestic violence program.

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 thirty-two weeks. 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 local licensed domestic violence program 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 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. Interagency cooperation is only needed if the program is not operated by the local licensed domestic violence program.

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 programs 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 of 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 a review by a local licensed domestic violence program. This review will use the licensing standards found in section 3 of this rule. The evaluation system requires that all programs will complete a self-review utilizing the standards 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 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 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 the 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 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 option. 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.

Comment Response

Section 3.1.b. Professional Staff Qualifications.

Comment 1: Increase the hours of training from 24 hours to 40 hours.

Action: Amended the proposed rule to reflect 40 hours of training.

Reason: Since domestic violence perpetrator intervention programs are relatively new to our state, it is imperative that staff/facilitators receive extensive training.

Comment 2: Training should be approved by the West Virginia Coalition Against Domestic Violence instead of "from" the West Virginia Coalition Against Domestic Violence.

Action: Amended the proposed rule to reflect that training shall be approved by the Family Protection Services Board.

Reason: Since the Family Protection Services Board has been charged with the licensing of perpetrator intervention programs, it should be the duty of the Board's and not the West Virginia Coalition Against Domestic Violence to approve all staff training.

Comment 3: Increase the level of education by requiring staff/facilitators to hold a degree in counseling, social work, psychology, or a related field.

Action: No amendments made in response to this comment.

Reason: Domestic violence perpetrator intervention programs are not counseling groups, but education groups. The above listed degrees are not necessary for these education groups.

Section 3.3.a. Intake.

Comment 1: Include the words "deemed appropriate" for the perpetrator program.

Action: Amended the proposed rule to include the words "deemed appropriate" for the perpetrator program.

Reason: The inclusion of these words will give domestic violence perpetrator intervention programs some discretion dealing with admittance.

Section 3.3.d. Intake.

Comment 1: Contact with victims should come from the local licensed domestic violence program and all information for contacting the victim remain with a local licensed domestic violence program.

Action: Amended the proposed rule to include the above comment.

Reason: Victim's safety could be jeopardized.

Section 3.6.a. Curriculum.

Comment 1: Increase the perpetrator intervention from a 24 week class to a 32 week class.

Action: Amended the proposed rule to reflect a 32 week class.

Reason: It has been suggested that the longer a domestic violence perpetrator class conducted, the higher the success rate.

Section 3.6.c. Curriculum.

Comment 1: Change the words "education/counseling groups" to education groups.

Action: Amended the proposed rule to include "education groups" instead of "education/counseling groups."

Reason: Domestic violence perpetrator intervention programs are not counseling groups; these groups are education groups.

Section 3.7. Interagency Cooperation.

Comment 1: Include that the interagency cooperation is only needed if the program is not operated by the local licensed domestic violence program.

Action: Amended the proposed rule to include this statement.

Reason: Some domestic violence perpetrator intervention programs are operated by licensed domestic violence programs, therefore an interagency cooperation agreement is not necessary.

Section 4.2. Evaluation for Licensure.

Comment 1: The evaluation should include a review by another licensed perpetrator intervention program in consultation with the local, licensed domestic violence program.

Action: Amended the proposed rule to include the above comment.

Reason: When making licensing decisions based upon annual reviews, the Family Protection Services Board would benefit from the input a licensed domestic violence program regarding domestic violence perpetrator intervention programs

Comment 2: Replace the words “peer review” with “review”.

Action: Amended the proposed rule to delete “peer review” and include “review”.

Response: This change is in response to Comment 1 as seen above.

Entire Proposed Rule

Comment 1: (Per DHHR fax) Correct typos.

Action: Amended the proposed rule to correct the typos.

To: Tonia Thomas
From: WVCADV Central Service Office
Re: BIPPs Rules and Regulations

July 13, 1998

Following the Coalition's recent Board of Directors meeting, the Central Services Office submits the following points on behalf of the Board, as comments to the proposed Rules and Regulations for Batterer's Intervention/Prevention Programs.

Section 3.1.b: WVCADV recommends **40 hours** of mandated training, **approved** by the Coalition (instead of "from" the Coalition).

Section 3.3.a WVCADV recommends the addition of the following: if he's referred and "**deemed appropriate**" for the perpetrator program, WVCADV supports the right of BIPPs programs not to accept a participant (e.g. if he abuses alcohol, drugs, or is more appropriate for another kind of group).

3.3.d: WVCADV recommends that all contact with the victim come from the local licensed domestic violence program, and all information for contacting the victim remain with that program. If the BIPPs teacher feels the need to give the victim information, they can contact the local licensed domestic violence program who will contact the victim.

3.6.a: WVCADV recommends a **32 week**, not a 24 week class for minimum mandated intervention. We also have objections to the part of this section that deals with victim contact (see above item).

3.6.c: WVCADV recommends BIPPs groups be referred to as **education groups**, not education/counseling groups.

3.7: WVCADV notes that some batterer's classes will operate out of a domestic violence program. Wording of this section may need to be changed to include this.

4.2: WVCADV recommends the review be from another batterer's intervention program and also from a **local, licensed domestic violence program**. For this reason, WVCADV recommends changing the wording from "peer review" to "annual review." The same applies to all sections of 4.2 and also section 4.3a - change "peer review" to "annual review."

Thank you for all your efforts with these Rules and Regulations. Please don't hesitate to call if you have any questions about the Board's recommendations.

To: Tonia T-558-0391



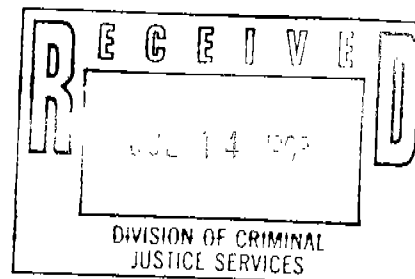
Clay — (304) 587-7243
Madison — (304) 369-4189

Resolve Family Abuse Program

1114 Quarrier Street
Charleston, WV 25301
(304) 340-3550

July 13, 1998

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



Dear Tonia:

The following are input on the proposed rule-Domestic Violence Perpetrator Intervention Standards. The input represents the thinking of the entire staff of our agency. The standards were reviewed in a staff meeting.

Item 3.1.b.1. We support raising the standards for training to 40 hours. Instead of saying the training is **from the WVCADV** we suggest that the standard read --"40 hours of training **approved** by the WVCADV." This would allow for training by other groups with expertise in the subject while retaining necessary control, via approval, from the coalition.

Item 3.3 a. We suggest adding a phrase to this standard that would help assure appropriateness of the perpetrator for group treatment. The addition would read as follows----"----enrolled in the program and meets screening criteria for alcohol and drug abuse, and mental competence."

Item 3.3.d. This is a troublesome item. No person/agency running a perpetrator's program needs contact with the victim to the extent designated in this standard, for safety reasons. We suggest rewording this item to read, ---"Upon admittance to a perpetrator intervention program, the educator/facilitator will refer the victim to the licensed domestic violence program in the service area for follow through work."

Item 3.6.a We suggest that this standard be changed to show the length of the program to be 32 weeks. We further suggest that the



standard not contain any references to making recommendations to the referent source or the victim. It would be acceptable to indicate that the referent source would be told of the perpetrator's attendance. Recommending release from the program could render a program liable---if the perpetrator behavior has not really changed.

Item 3.6.c. We recommend that this standard read---

" Educator/facilitators of perpetrator intervention programs shall utilize a group education format."


We recommend eliminating the word counseling as this implies a supportive process for a treatable problem and the thrust should be on a process that results in a resocialization process. In addition, experts in the field note that there should be no limits on the number of attendees per group, especially in a class/education format.

Item 3.7. This is good, but it should clarify that the interagency cooperation is only needed if the program is not operated by the local licensed domestic violence program.

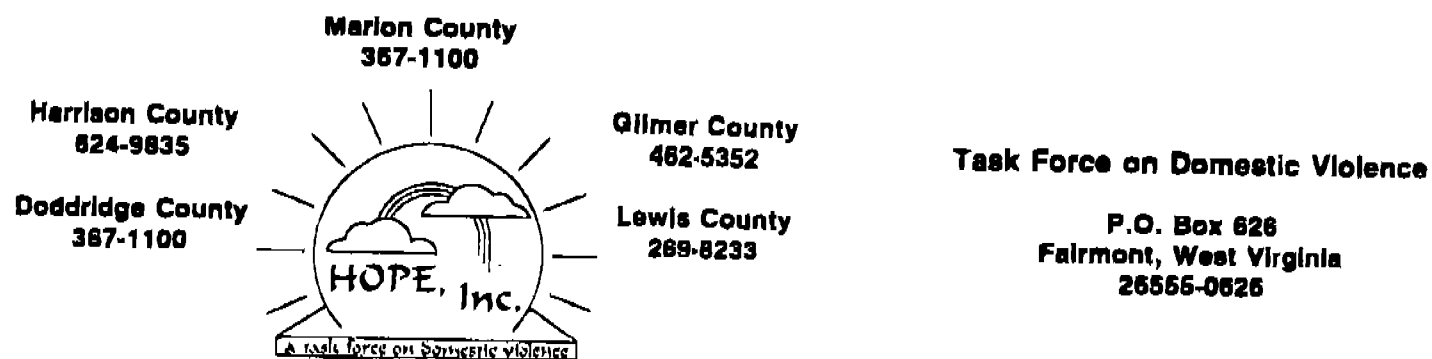
Item 4.2.a. The evaluation should include a review by another licensed perpetrator program in consultation with the local licensed domestic violence program. With this suggestion in mind, it is recommended that the term peer review be replaced by the word review in this item as well as items 4.2.b, 4.2.c., and 4.3.a.

Please note that the standards are moving us in the correct direction. It is merely the hope of our staff that the input we have provided will strengthen an already good start to evolving and needed standards for batterer's intervention programs. As a member of the WVCADV Board of Directors, I should point out that the Board recently reviewed these standards as well as a set previously sent to you from the coalition office in May. There is a lot of good information in the set of standards sent to you in May, and you should receive input relative to these from the WVCADV Board of Directors soon. Certainly I support the input you will receive in the name of the Board of Directors. The data submitted in this memo, however, is from the staff at RFAP. I believe it compliments input you will receive from the Board.

Sincerely,



Mary Jo Butler, Director



Brenda A. Garlow
Hope, Inc.
P.O. Box 626
Fairmont, WV 26555-0626

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

July 29, 1998

Dear Ms. Thomas:

I am writing in response to the proposed Legislative Rule for the Family Protection Services Board concerning licensure of Domestic Violence Perpetrator Intervention Programs. Overall I am in agreement with the standards set forth, but I do have some concerns with section 3.1.b., Professional Staff Qualifications, and with section 3.1.b.2. I would like to see more than 24 hours of training required for facilitators and feel that facilitators should be required to hold a degree in Counseling, Social Work, Psychology, or a related field (not merely a high school diploma). Coming from a Master's program in Psychology, I do not feel that this type of intervention program should be facilitated by anyone who has not received training in the dynamics of group work. If you have any questions or would like to contact me, feel free to do so at (304) 367-1101.

Sincerely,

Brenda A. Garlow, MA, TLSW
Case Management Specialist



F A C S I M I L E

To: Tonia Thomas
Of: Criminal Justice

Fax: 8-0391
Phone: 8-8814

Pages: 6 including cover

Subject: Comments on Legislative Rules - Perpetrator Intervention Programs

Date: July 31, 1998

My comments are attached. Call me if you have questions or cannot read my scribbles. Please remember to send me a copy of page 3. Thanks.



From the desk of...

ANN M. BURDS, ASSISTANT TO THE COMMISSIONER
BUREAU FOR CHILDREN AND FAMILIES
CAPITOL COMPLEX, BUILDING 6, ROOM B617
TELEPHONE: (304) 558-2932 FAX: (304) 558-4194

TITLE 191
LEGISLATIVE RULE
FAMILY PROTECTION SERVICES BOARD

SERIES 2
LICENSURE OF DOMESTIC VIOLENCE PERPETRATOR INTERVENTION
PROGRAMS

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.

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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/facilitator 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).

2 — Page 3 missing

3.6. Curriculum. –

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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 (*Duluth Model*)

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.

Who receives the evaluation?

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 programs 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 of 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 programs will complete a self-review utilizing the standards 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 option. 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.

Telephone Comments

July 31, 1998 - Received a comment from Sandy Janes (Mt. Olive Correctional Facility). Ms. Janes commented on the education level of perpetrator intervention educators/facilitators. Ms. Janes felt that educators/facilitator should obtain more education than a high school diploma or GED.