

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

Form #3

Do Not Mark In This Box

RECEIVED
02 JUL 26 AM 9:05
OFFICE OF THE 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: 48-26-10

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: 4

TITLE OF RULE BEING PROPOSED: Monitored Parenting and
Exchange Program Certification.

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.

Trudy Laurenson
Authorized Signature

SCANNED

QUESTIONNAIRE

(Please include a copy of this form with each filing of your rule.)

DATE: July 25, 2002

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

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

1204 Kanawha Boulevard, East Charleston, WV 25301

LEGISLATIVE RULE TITLE: 304-727-1906 (contact: Beth Morrison)

Monitored Parenting and Exchange Program Certification

1. Authorizing statute(s) citation 48-26-10

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

June 21, 2002

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

Sent mailings to licensed programs and Family Court Judges.

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

July 22, 2002

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

**Brief Summary of Proposed
Legislative Rule Title 191, Series 4
Monitored ~~Visitation~~ and Exchange Program Certification
*Parenting***

The rule will bring the Family Protection Services Board into compliance with changes in the State Code, which require the Board to develop and implement certification procedures and standards for monitored visitation and exchange programs.

Statement of Circumstances Which Require the Rule

§48-26-10 of the West Virginia Code requires the Family Protection Services Board to develop and implement procedures and standards for certification of monitored visitation and exchange programs/centers. This rule addresses the procedures of the Board and licensing standards for the programs.

■
APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Monitored Parenting and Exchange Program Certification

Type of Rule: Legislative Interpretive Procedural

Agency: Family Protection Services Board

Address: 1209 Kanawha Blvd, East
Charleston, WV 25301

Contact: Beth Morrison
304-727-1906

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:

No cost necessary to implement this rule.

3. Objectives of These Rules:

To establish procedures and standards to certify monitored visitation and exchange programs.

Rule Title: Monitored Parenting and Exchange Program
Certification

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 21, 2002

Signature of Agency Head or Authorized Representative:

Judy Laursen

**TITLE 191
LEGISLATIVE RULE
FAMILY PROTECTION SERVICES BOARD**

**SERIES 4
MONITORED PARENTING AND EXCHANGE PROGRAM CERTIFICATION**

§ 191-4-1. General

1.1. Scope - This rule implements the provisions of W.Va. Code §48-26-10, relating to the standards and procedures for the certification of monitored parenting and exchange programs. The West Virginia Code is available in public libraries and on the Legislatures' web page at <http://www.legis.state.wv.us/>.

1.2. Authority – W.Va. Code §48-26-1003.

1.3. Filing Date –

1.4. Effective Date –

§ 191-4-2. Definitions

2.1. “Board” means the Family Protection Services Board created pursuant to W.Va. Code §48-26-301.

2.2. “Custodial parent” means a biological parent, adoptive parent, legal guardian, state agency and its representatives who has temporary or permanent legal custody of a child.

2.3. “Custodial responsibility” refers to physical custodianship and supervision of a child. It may include residential or overnight responsibility.

2.4. “Monitored exchange” means the supervision of movement of a child from the custodial to the noncustodial parent at the start of the visit and back to the custodial parent at the end of the visit. This type of monitored contact is for those cases in which contact causes conflict between the adults but the contact between the parent and child could be expected to proceed without incident.

2.5. “Monitored parenting ” means the contact between a non-custodial parent and one or more children in the presence of a third person responsible for observing and ensuring the safety of those involved.

2.6. “Noncustodial parent” means a biological parent or other adult authorized by a court to have supervised contact with a child.

2.7. “Participant” means the custodial parent, the noncustodial parent, or the child receiving monitored parenting visits or exchange.

2.8. "Supervised visitation" means the provision of therapeutic evaluation and/or intervention to help improve the parent-child interactions. Supervised visitation may only be provided by order of a court and only by trained certified or licensed mental health professionals or social workers.

§ 191-4-3. Certification Procedures.

3.1. The Board shall oversee a process for the certification of all monitored parenting and exchange programs in the state. The purpose of certification is to assure the safety and welfare of the children, adults and program staff during monitored contact. Once safety is assured, the welfare of the child(ren) is the paramount consideration at all stages. While these rules apply only to monitored parenting and exchange programs, nothing in these rules shall preclude a monitored parenting and exchange program from offering both monitored parenting and exchange services and supervised visitation services.

3.2. Application for Certification

3.2.a. All monitored parenting and exchange programs that represent themselves as certified for monitored contact are required to be certified by the Board.

3.2.b. The Board shall provide a standard application form for certification of monitored parenting and exchange programs upon request. An organization shall complete an application for certification when it initially requests certification or when it wishes to reopen after closure. After initial certification, monitored parenting and exchange 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 certification of a monitored parenting and exchange program in light of the need for services, the ability 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 thirty (30) days to resubmit a revised application.

3.2.e. The Board shall, on an annual basis, renew the certification of all monitored parenting and exchange programs that are in compliance with this rule. The Board shall distribute forms for certification renewal to certified monitored parenting and exchange programs in a timely manner no later than the fifteenth day of March each year. All certifications will be valid for one (1) year commencing on the first day of July and terminating on the thirtieth day of June on the next year. The Board shall grant or deny any certification application within forty-five (45) days of receiving the application. The Board shall require all certified monitored parenting and exchange programs to conspicuously display the certification.

3.2.f. The Board shall notify, by certified letter, any organization operating a program without certification as a monitored parenting and exchange program of its right to apply for certification.

3.3. Evaluation for Certification

3.3.a. The Board shall annually evaluate all certified monitored parenting and exchange programs operating in the state. The evaluation shall be conducted using the certification standards found in Section 4 of this rule.

3.3.b. 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 monitored parenting and exchange program and of staff employed by that program.

3.3.c. The Board shall determine whether trained staff from a certified monitored parenting and exchange program, a member of the Board, or staff of the Board shall conduct the evaluation.

3.4. Award of Certification.

The Board shall award certification annually to any organization which has applied for certification and been approved by the Board as having complied with all established standards set forth in this rule. Compliance with the standards will be evaluated by peer reviewers, by Board members, by Board staff, or a combination of these parties as determined by the Board.

3.5. Provisional Certification.

3.5.a. The Board may grant provisional certification if the Board deems such provisional certification is necessary for the good of participants who will be served by the monitored parenting and exchange program in question. All provisional certifications shall be reviewed semi-annually.

3.5.b. Upon a finding by the Board that a monitored parenting and exchange program is not in compliance with Series 4 of this rule, the Board shall give the program written notice that shall include, but not be limited to, the following:

- 3.5.b.1. Program deficiencies.
- 3.5.b.2. A requirement to submit a plan of correction regarding the deficiencies.
- 3.5.b.3. The timeline when the Board will review the plan of correction.
- 3.5.b.4. A requirement that compliance occur within a time period set by the Board.

3.5.b.5. Verification of the issuance of provisional certification until compliance is achieved or until the Board takes action deemed necessary for the safety of participants.

3.6. Revocation or Suspension of Certification.

3.6.a. The Board may revoke or suspend certification of any monitored parenting and exchange program that violates the provisions of this rule, subject to the requirements in this rule regarding public hearings. Four (4) members of the Board shall vote in the affirmative before certification is revoked or suspended.

3.6.a.1. The Board shall send written notice of the revocation or suspension by certified mail to the to the president of the monitored parenting and exchange program's board of directors. The notice shall state the monitored parenting and exchange program violations of this rule.

3.6.a.2. The Board shall permit the program's board of directors fifteen (15) days from date of receipt of the notice to respond in writing to the alleged violations. If there is no written response, the Board will proceed with the revocation or suspension of the monitored parenting and exchange program's certification.

3.6.a.3. If the Board is provided with a response to the violations, a public hearing will be held in the municipality or county in which the program is located within thirty (30) days of receipt of the response.

3.6.b. The Board shall provide for and hold a public hearing in the municipality or county in which the program is located prior to the closure of a program through the revocation or suspension of the certification.

3.6.b.1. The Board shall provide notice of hearing time, date and location to the board of directors or legal counsel of the program at least ten (10) days prior to the hearing date. The Board shall provide notice of the hearing to the Secretary of State in compliance with West Virginia Code §6-9A et seq. Local public notice shall also be given through a local newspaper's legal notice section at least ten (10) days prior to the hearing date.

3.6.b.2. The hearing shall be conducted by the Board chair and he or she shall have full authority to call recesses, to remove persons exhibiting inappropriate behavior from the hearing, and to call for an executive session of the Board if necessary. Four (4) members shall be present to hear the violations and the program's response.

§ 191-1-4. Certification Standards for monitored parenting and exchange programs

4.1. A monitored parenting and exchange program may be provided by a free-standing organization, or by a sub-division or program of a larger organization. When monitored parenting and exchange services are provided by an agency whose primary mission is not monitored

parenting and/or exchange, the agency shall be responsible for ensuring that staff or persons providing monitored parenting and exchange are trained and qualified according to Section 4.6 of these rules and shall encourage the provision of services in conformity with all sections of these rules. Monitored parenting and exchange programs shall avoid dual roles, such as providing parenting /exchange services and mediating custody disputes or providing divorce counseling.

4.2. A monitored parenting and exchange program shall establish written policies and procedures in place identifying the types of services provided and the persons to be served by the program. The policies and procedures shall include:

- 4.2.a. Services provided;
- 4.2.b. Confidentiality and release of information;
- 4.2.c. Participant acceptance and termination criteria;
- 4.2.d. Responsibilities of the participants;
- 4.2.e. Information to be gathered during the intake assessments;
- 4.2.f. Protocols for accepting and responding to concerns and complaints;
- 4.2.g. Documentation and record-keeping;
- 4.2.h. Reporting of criminal behavior and suspected abuse or neglect;
- 4.2.i. Hours of operation;
- 4.2.j. Fees;
- 4.2.k. Safety and security measures;
- 4.2.l. Program staff and volunteers.

4.3. A monitored parenting and exchange program shall establish and/or report to a board of directors.

4.4. A monitored parenting and exchange program shall provide general and liability insurance for staff and participants utilizing the program.

4.5. A monitored parenting and exchange program shall maintain the following records:

4.5.a. A written personnel record for each employee or volunteer that includes documents obtained or created by the program pertaining to the employee or volunteer.

4.5.b. Appropriate and accurate financial records. The records shall follow generally accepted accounting principles. Accounting and auditing procedures shall comply with the guidelines of the funding source(s).

4.5.c. An evaluation plan to determine the effectiveness of the program or service activities. Evaluation shall include participant input.

4.5.d. Statistics for evaluation and monitoring. Statistics shall be gathered in a manner that will not compromise client confidentiality.

4.5.e. A monitored parenting and exchange program shall maintain participant files according to the following:

4.5.e.1. There will be a file for each participant which includes all intake information, written and signed releases of information and other agreements, and a record of each contact. Files are to be kept inaccessible to participants.

4.5.e.2. Files shall include results of in-person intake interviews with each participant, including the children, conducted prior to the first visit

4.5.e.3. Files shall be updated after each parenting visitation or exchange, and shall include:

4.5.e.3.a. Identifying client information;

4.5.e.3.b. Monitor name;

4.5.e.3.c. Date, time and duration of contact;

4.5.e.3.d. Who attended;

4.5.e.3.e. Account of critical incidents (violations of program guidelines);

4.5.e.3.f. Interventions made during the contact for the safety and well-being of participants, including early termination of the parenting visit with the reason for the intervention.

4.5.f. Files shall include the reason for termination of service, if applicable.

4.6 A monitored parenting and exchange program shall assure that the facility:

4.6.a. Meets all local health and safety ordinances.

4.6.b. Complies with Americans with Disabilities Act (ADA) requirements

4.7. A monitored parenting and exchange program shall assure the staff quality by the following:

4.7.a. A monitored parenting and exchange program shall have written job descriptions and successful background/criminal record checks for staff and volunteers.

4.7.b. Monitored parenting and exchange program staff who supervise parenting visits and exchanges shall have a minimum of thirty (30) hours of training that includes the following topics.

- 4.7.b.1. Confidentiality
- 4.7.b.2. Recording observations
- 4.7.b.3. General security issues and procedures
- 4.7.b.4. Legal context, court procedures
- 4.7.b.5. Cultural sensitivity
- 4.7.b.6. Family violence, including spousal abuse and child abuse and neglect;
- 4.7.b.7. Substance abuse detection and education;
- 4.7.b.8. Dynamics of separation and divorce;
- 4.7.b.9. Sexual assault.

4.7.c. Volunteers shall have a minimum of eight (8) hours of training that includes the following topics.

- 4.7.c.1. Confidentiality
- 4.7.c.2. Recording observations
- 4.7.c.3. General security issues and procedures
- 4.7.c.4. Legal context, court procedures
- 4.7.c.5. Cultural sensitivity
- 4.7.c.6. Family violence, including spousal abuse and child abuse and neglect;
- 4.7.c.7. Substance abuse detection and education;

4.7.c.8. Dynamics of separation and divorce;

4.7.c.9. Sexual assault.

4.7.d. Monitored parenting and exchange program staff shall complete training in first aid, CPR and/or emergency response methods.

4.7.e. Monitored parenting and exchange program staff who monitor parenting visits and exchanges shall complete a minimum of ten (10) hours annually in continuing education or in-service training relevant to the exchange and parenting services being provided.

4.7.f. Monitored parenting and exchange program volunteers shall complete a minimum of five (5) hours annually in continuing education or in-service training relevant to the exchange and parenting/visitation services being provided.

4.9. A monitored parenting and exchange program shall have a written security policy that includes, but is not limited to:

4.9.a. Evacuation procedures in case of fire or other emergency;

4.9.b. Handling of critical incidents such as violent, dangerous or inappropriate behavior by an adult or child;

4.9.c. Handling of medical emergencies;

4.9.d. Procedures for arrival and departure of participants so that contact between them does not occur without the explicit agreement of the parties and the monitored parenting and exchange program;

4.10. A monitored parenting and exchange program shall have a written policy about referrals, including, but not limited to:

4.10.a. Information to be obtained from the referring agency;

4.10.b. Criteria for accepting and refusing referrals;

4.10.c. Procedure for responding to referring agencies;

4.10.d. Procedure for referring participants to other services/agencies.

4.11. A monitored parenting and exchange program shall have a written confidentiality policy that preserves the participants' rights of confidentiality and complies with all state and federal privacy laws.

**FAMILY COURT JUDGE
FIRST FAMILY COURT CIRCUIT**

JOYCE DUMBAUGH CHERNENKO

Family Court Judge

JOYCE E. COEN

Case Coordinator

MARGARET OMREGCIK

Secretary - Clerk



Ohio - Brooke & Hancock Counties

Courthouse Annex, Second Floor

51 Sixteenth Street

Wheeling, WV 26003

Telephone: (304) 238-1051

Case Coordinator (304) 238-1149

Fax: (304) 238-1000

July 10, 2002

Trudy Laurenson, Chair
Family Protection Services Board
1002 Sandhill Drive
Saint Albans, WV 25177

RE: Monitored Visitation Centers

Dear Ms. Laurenson:

I have reviewed the proposed Rules which you provided with your June 26, 2002 Memorandum. Although I have not reviewed West Virginia Code §48-26-10, I would ask that consideration be given to removing the words "visitation" and "custody" as it appears in all locations in the Rules.

The Legislature has been very careful, in its changes to the allocation of custodial responsibility in Chapter 48, to remove any reference to the words "visitation" and "custody". During my work with legislators, I found that they desired to remove the stigma that parents felt of "visiting" with their children. Moreover, the word "custody" had a certain meaning to parents which was negative to the individual who did not receive "custody".

Therefore, I would recommend that the reference to the program contained in the proposed Rules be described as a "Monitored Parenting and Exchange Program". Under those circumstances where the individual is not a "parent" then the term "monitored contact" may be used.

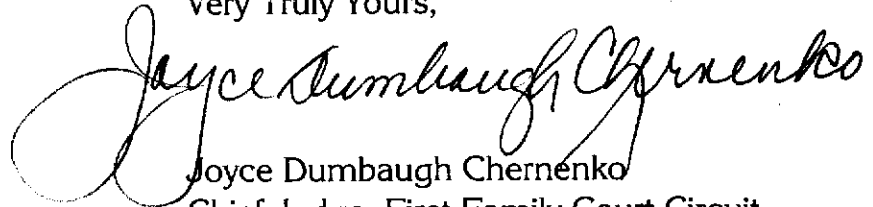
For example, under Section 191-4-2. Definitions, under 2.2 I would describe the "custodial parent" as a biological parent, adoptive parent, legal guardian, state agency and its representatives who are the temporary or permanent legal custodian of the

child.

As an additional example, in Section 191-4-2. Definitions, 2.4 I would describe a "monitored exchange" as means of supervision of movement of a child from the custodial to the non-custodial parent at the start of the "parenting opportunity" and back to the custodial parent after the end of the "parenting opportunity"

If you have any questions regarding my comments concerning the proposed Rules, please do not hesitate to contact me at the above address.

Very Truly Yours,

A handwritten signature in black ink, reading "Joyce Dumbaugh Chernenko". The signature is written in a cursive style with large, flowing loops.

Joyce Dumbaugh Chernenko
Chief Judge, First Family Court Circuit
State of West Virginia

JDC/mmo



STATE OF WEST VIRGINIA
FAMILY PROTECTION SERVICES BOARD
BOB WISE, GOVERNOR

July 25 2002

The Honorable Joyce Dumbaugh Chernenko
Family Court Judge, First Family Court Circuit
Courthouse Annex, Second Floor
51 Sixteenth Street
Wheeling, WV 26003

Dear Judge Chernenko:

Thank you very much for taking time to review and comment on the proposed changes to the Family Protection Services Board rules. After checking with the Administrative Law division of the Secretary of State, we have determined that your suggestion for modifying the term "visitation" to "parenting" is not beyond the scope of our authority. The Board, as well as several providers of the service, agree that the term "Monitored Parenting and Exchange Program" conveys a more inclusive and welcoming meaning for families. In addition, where possible, the term "visit" was changed to "parenting visit."

Again, thank you very much for your time and interest. If you have additional comments or questions about the rule, or the work of the Family Protection Services Board, please feel free to contact me at 645-6334, or our staff person, Beth Morrison, at 727-1906.

Sincerely,

A handwritten signature in cursive script that reads "Trudy Laurenson".

Trudy Laurenson, Chair

Cc: FPSB members



R.E.A.C.H.H.

176 Pleasant Street
Hinton, WV 25951
(304)466-4659
Fax: 466-4674

**Family Resource
Center**

411 Temple Street
Hinton, WV 25951
(304) 466-2226
Fax: 466-0398

Executive Coordinator
Peggy Rossi, MSW

**Board of
Directors**

President
Donna Conway

Vice President
Scott Miller

Treasurer
Billy D. "Skip" Mills

Secretary
Yvonne Satow

Members

**Jane Duffield
Larry Levine
Nancy Smith
Delia Tachado
Shalom Tazewell
David Ziegler**

Trudy Laurenson, Chair
Family Protection Services Board
c/o 1002 Sandhill Drive
Saint Albans, WV 25177

July 18, 2002

Dear Trudy,

I appreciate the opportunity to review the proposed rules and have a number of comments.

The first few are minor corrections:

On P. 2 section 2.5 of "Licensure of Domestic Violence (DV)and Perpetrator Intervention(PI) Programs", I believe Department of Health and Human Resources should be capitalized, and preceded by WV, and at the bottom of the page, section 2.11 the " is missing in front of "Shelter". On p. 2 section 3.1 of the section on"Monitored Visitation and Exchange Programs", it appears that some words are omitted after "rules apply only to,"

Next, a point of clarification: in the section on "Monitored Visitation and Exchange Programs", is there an established curriculum or manual for the required 30 hours of required training described on p, 7?

The following comments are more substantial in nature, and reflect my general, long standing concern with the manner in which funding and services are allocated by the Board, state-wide. Much of the language I am questioning is not new to the current revisions.

In the first section, "Operation of the Board", I take p.3 section 3.4, (and other sections throughout the Rules) to mean that a "Family Protection Program" has to include a shelter. This is reinforced on p. 13 section 6.7.3.d., and p. 26 section 7.3.a. in the section on"Licensure of DV and PI Programs": "Provide or propose to provide a facility which will serve as a temporary shelter"

In the second section "licensure of DV and PI Programs", on p. 2 section 2.7, the definition of "Family Protection Program" includes no reference to shelters. However, on p. 9 section 4.1.j. under "Family Protection Program Requirements" mandates "follow-up procedures for residential clients", and section 4.1.k mentions direct resident services"; p. 27 section 7.4.b. states "the Board shall not refund a ...program if its original application projected the provision of residential services and such services were not provided in the first three months following disbursement of funds"; and section 7.6 states that the funding formula "may include...number of beds, shelter nights...."

In regards to new language, section 2.8 on the same page changes "Outreach Program" to "Outreach Service". I take issue with this change because I think it only reinforces the position of outreach programs as existing at the "will and pleasure" of their parent shelters. In my opinion, this does NOT serve the cause of providing equitable access to services for all victims of DV. I see this language as being further disempowering to outreach programs, and thereby contrary to the Coalition's core principle of empowerment. Why are Monitored Visitation and Perpetrator Intervention services referred to as "programs" while outreach programs are demoted to the category of "services"?

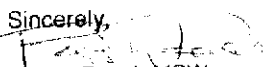
I gather that p. 18 "Licensing Standards for Domestic Violence Outreach Services" again precludes the licensing of non-shelter based programs in "outreach" counties.

It is my belief that the current mechanisms for distribution of funds for DV programs are highly inequitable. I am most familiar with the WRC catchment area where, at the present time, Fayette County (pop. approx. 48,000) has only one DV advocate, with no other backup or support staff, while Raleigh County (pop. approx 77,000) has 20+ staff including counselors, child advocates and etc. The shelter-based funding formula of the FPSB only serves to reinforce these inequities. Having just experienced a situation where the WRC cut me out of their budget completely, (they had been paying me 10 hours+ per week since our Conrad Hilton funding was terminated some 10 years ago,) without so much as informing me, I do not think that outreach counties can necessarily count on shelters to look out for the best interest of their programs. It is my belief that it is in the best interests of victims of DV state-wide that funding be distributed more equitably between ALL counties, and that "outreach" counties have a guaranteed base of funding and a level of staffing that more equitably reflects the service needs of the victims in these counties. A logical first step in accomplishing this would be to restore the "outreach program" language in these Rules, and eliminate the requirement that funded programs provide shelter services. It has been widely acknowledged that, with advances in the area of DV law, the need for shelter services has declined in recent years, adding further justification for a change in these Rules. The title "Family Protection Services Board" reflects acknowledgment of the need for protection for all family members, including children. A number of DV programs (in both shelter and outreach counties) are broadening their scope of services to include child advocacy functions. I believe it would behoove the Board to better support these efforts by allowing for the licensing of non-shelter programs.

With the current state-wide crisis in social services and Medicaid funding, rural counties run the risk of being further under-served, in the areas of both DV advocacy and social and mental health services overall. The FPSB is in a position to counter this tide by opening the door for non-shelter counties to qualify for base funding from which to expand their service and base of support. As the Executive Coordinator of an outreach program that has successfully secured diverse funding to provide a comprehensive array of services to victims of family violence and abuse in an under-served county, I am convinced that it would be in the best interests of the DV network, and particularly of the families it serves, if the Board and Coalition made a commitment to strengthening their efforts to support and empower outreach programs. This can be done by seeking to help to provide both the funding and technical assistance (including grant writing training and support, etc), to bolster outreach programs state-wide and to move away from a shelter-based funding formula and the resulting inequitable distribution of resources and services.

Thank you for the opportunity to comment.

Sincerely,


Peggy Rossi, MSW
Executive Coordinator



STATE OF WEST VIRGINIA
FAMILY PROTECTION SERVICES BOARD
BOB WISE, GOVERNOR

July 25 2002

Peggy Rossi, Executive Coordinator
R.E.A.C.H.H.
176 Pleasant Street
Hinton, WV 25951

Dear Ms. Rossi:

Thank you very much for taking time to review and comment on the proposed changes to the Family Protection Services Board rules. In response to your comments:

1. Staff revised your noted typographical errors;
2. There is not, at this time, an established curriculum for the required 30 hours of training for staff of the monitored visitation centers;
3. The Board did not elect to make substantive changes in the funding section of the rule this year. You raise a valid point about equitable distribution of advocacy resources across the state, and I'm sure many program directors would agree that it is a great challenge to staff their rural counties adequately. The Board will take your comments under advisement and convene a broader group during the coming year to discuss distribution of resources.

Again, thank you very much for your time and interest.

Sincerely,

A handwritten signature in cursive script that reads "Trudy Laurenson".

Trudy Laurenson, Chair

Cc: FPSB members

**TITLE 191
LEGISLATIVE RULE
FAMILY PROTECTION SERVICES BOARD**

**SERIES 1
OPERATION OF THE FAMILY PROTECTION SERVICES BOARD**

General Comments

Comment	Suggestion
There are times when entity reference to "board" or "Board" is unclear.	That throughout the four-part series, references to the Family Protection Services Board be "Board"; while references to community-based boards of directors be "governing body."
Each of the Series (1,2, 3,and 4) contain exact numbered references that address different issues. The numbering process could easily present problems for people who are referencing a specific Series but may be understood by other people to reference a different Series. For example: a. 2.1 in Series 1 addresses the purposes of the Board b. 2.1 in Series 2 addresses the definition of advocacy c. 2.1 in Series 3 addresses the definition of the Board d. 2.1 in Series 4 addresses the definition of the Board	That the Series number preface each of the numbered sections as a means of avoiding confusion about which Series is being referenced. For example: a. 1.2.1 addresses the purpose of the Board b. 2.2.1 addresses the definition of advocacy c. 3.2.1 addresses the definition of Board d. 4.2.1 addresses the definition of Board <u>and</u> there is no confusion about what Series the person is referencing. Series 1 = Operation of FPSB Series 2 = Family Protection Programs Licensure Series 3 = PIP Licensure Series 4 = Visitation Centers Certification
Confusion can be created by having the same rule included in the different series and with different numbered references. For example: The same definition of "Board" has four different references: 191-1.3.1 191-2.2.2 191-3.2.1 191-4.2.1	Contact someone like Rita Pauley who has expertise in this area and may have suggestions (may also affirm the numbering process as it is!)
What is the guideline for including some but not all definitions in Series 1 Section 1.3 - Definitions?	Include all definitions found in the four-part series in the definitions section of Series 1.

2pe

Series Specific Comments

<i>Series 1 – Operation of FPSB</i>
✓ 191.1.1 – Add " <i>The West Virginia Code is available at . . .</i> "
✓ 191.2.1 – Add "a system of standards for the annual certification of monitored visitation . . ."

191.3 – Definitions not referenced in this section but found in other sections of the four part series:

- educator/facilitator
- power/control
- advocacy
- crisis counseling
- direct services
- outreach services
- safety planning

✓ 191.1.3.5 – The definition of “shelter” here differs from the definition of “shelter” found in series 2 (191.2.11). Choose one definition.

✓ 191.1.4 – Add “an annual report *to the governor*”

191.1.5.1.a – Language differs from that found in 191.2.3.1.a

191.5.1.b – Alter sentence to read “The Board shall *use the following criteria when considering* applications submitted for license:” Delete “all” and “in light of”

191.5.1.d – Undelete “*perpetrator intervention programs*” or change same reference in

✓ 191.3.3.1.d

191.1.5.1.e – Change language to read “the operation of an organization *that has not obtained a* license . . .” It doesn’t matter whether a program agrees or refuses to obtain a license; what matters is whether or not they actually have one. No?

✓ 191.1.5.4.3.a – Add “The Board shall annually evaluate all *licensed* family protection . . .” Undelete “The evaluation *will be*”

✓ 191.5.3.b – Add “All *licensed* programs”; add “assure onsite review *of the established*”

✓ 191.1.5.d – Change language to read “The Board may *contact* the program’s partner agencies to *assess* program effectiveness”

✓ 191.1.5.4.d – Delete “twenty (20) days *to the Board* should”

✓ 191.1.5.5 – Add “The Board shall close any *licensed* family protection “

191.1.5.b – Add “or shelter’s governing *body* ; delete ~~Board of directors~~”; the family protection program’s ~~Board of directors~~ *governing body*;

✓ 191.1.5.5.d – Delete “the ~~family protection services~~ Board”

✓ 191.1.5.6 – Undelete “*perpetrator intervention program*” since this section applies to BIPPs – cross reference 191.3.3.6

✓ 191.1.5.6.a – This section is not clear to me. Maybe something like “*After placing a family protection program into receivership and prior to the closure of a family protection program the Board shall provide for and hold a public hearing in the municipality or county in which the family protection program is located. . .*”; Add shelter’s governing *body*; delete ~~board of directors~~.

191.5.6.b - Add “counsel of the *family protection or perpetrator intervention* program.” Cross reference 191.3.6.b

✓ 191.1.6.1 - Change language “the welfare of the children, adults, and program staff during ~~supervised~~ *monitored* contact.” (to keep distinctions clear?); add “While these rules apply only to *monitored visitation and exchange centers* nothing in these rules”

- take out by FPSB and

- ✓ 191.6.2.a – This is unclear to me. Does the Board not have discretion to certify a program? Perhaps stated differently might make this rule clearer? “All monitored visitation and exchange programs that represent themselves as certified for monitored contact *are required to obtain certification by the Board.*”
- ✓ 191.6.5.a – Note: This deleted section is not deleted in 191.4.3; also if deletion holds then the numbering for the section that follows should be 191.6.5.a and not 191.6.5.b
- ✓ 191.6.6.b.2 – Numbering is off. It says 3.6.b.2
- ✓ 191.6.7.1 – Is this the correct code cite? I don’t have my reference book with me.
- ✓ 191.6.7.3 – Perhaps it would be helpful to add as the number one criteria – *Be licensed by the Board.* If so this will change the numbering of sections that immediately follows.
- ✓ 191.6.7.3.b Change Board to *board.*
- ✓ 191.6.7.4.a – Add *sexual orientation.*
- ✓ 191.6.7.4.a Add “a family protection *program* if services”
- ✓ 191.6.7.5 – Add “deny an application *for funding* within forty-five days”
- ✓ 191.6.7.6 – Is this the correct code cite? I don’t have my reference book with me. Also is *monthly financial reporting new?* Do programs already do this? If so who reviews the reports?
- ✓ 191.6.7.7.c – Use small letters for social workers to be consistent with marriage counselors or family therapists

26-1001
88

- ✓ Series 2 – *Family Protection Domestic Violence Programs Licensure* (To be consistent with the content of the rule)
- ✓ 191.2.2.2 - Delete “for the licensure of family protection and ~~perpetrator intervention~~ programs “
- ✓ 191.2.2.3 – Delete and insert “employed by a family ~~violence~~ protection program”
- ✓ 191.2.2.5 – For consistency, capitalize Department of Health and Human Resources and add “or any successor agency however so named.” (*Cross reference 191.1.3.3 or delete the phrase in this section*)
- ✓ 191.2.2.7 – Delete “or ~~Program~~ means” – rule is specific about referring to a family protection program and not to a “program” in general
- ✓ 191.2.2.10 – Capitalize Secretary of the Department of Health and Human Resources (consistency – cross reference 191.1.3.1)
- ✓ 191.2.2.11 – This definition differs from that found in 191.1.3.5. Choose one.
- ✓ 191.2.3 - Delete “~~and perpetrator intervention~~ programs” – Because there are separate rules for the perpetrator programs I am suggesting that reference to perpetrator programs be omitted from this series on family protection programs.
- ✓ 191.2.3.1 – Delete “~~and perpetrator intervention~~ programs” and **NOTE:** Language in this provision differs form language in 191.1.5.1.a
- ✓ 191.2.3.1.b - Insert “The Board shall *use the following criteria when considering receive and consider* all applications submitted for licensure: Also – add “operate a family protection program” and “the delivery of services, *capacity of the family protection program to comply with standards, and*” (cross reference language with 191.1.5.1.b)
- ✓ 191.2.3.1.d – Delete “~~and perpetrator intervention programs~~ in a timely manner”
- ✓ 191.2.3.1.e – Delete and insert: “an ~~organization which refuses to obtain that has not obtained a~~ license”
- ✓ 191.2.3.2.b – Delete “~~and perpetrator intervention~~ program and shelter”
- ✓ 191.2.3.3.b - Add “one half of all licensed *family protection* programs”

✓	191.2.3.3.c – Delete “ and perpetrator intervention program and staff”
✓	191.2.3.5.b – Add or shelter’s governing <i>body board of directors</i> ; and programs governing <i>body board of directors</i> shall have fifteen”; and restore language “suspension of the <i>family protection program’s</i> ”
✓	191.2.3.5.d – Add “in which the <i>family protection</i> program is located”
	191.2.3.6 Delete “governing <i>board of directors</i> and insert <i>body</i> ” in the last sentence.
✓	191.2.3.6.a – Not clear. Same suggestion as in 191.1.5.6.a Maybe something like “ <i>After placing a family protection program into receivership and prior to the closure of a family protection program the Board shall provide for and hold a public hearing in the municipality or county in which the family protection program is located.</i> ”
✓	191.2.3.6.b – Add “legal counsel of the <i>family protection</i> program”
✓	191.2.4.1.b – Add “family protection program”
✓	191.2.4.1.f.1 through 191.2.4.1.f.4 – Capitalize first letter of each phrase
✓	191.2.4.2.c.1 through 191.2.4.2.c.3 – Capitalize first letter of each phrase
✓	191.2.4.2.e – Add any member of the board of directors”
✓	191.2.4.2.j & 4.2.j.2 & 4.2.j.7 & 4.2.j.8 – Add “ <i>family protection</i> program”
✓	191.2.5.10 – Revise to read “victims who are elderly, have disabilities, <i>or are adult or adolescent males</i> ”
✓	191.2.6.6.a through 191.2.6.6.g – capitalize first word of each phrase.
✓	191.2.6.8 – regarding “outreach meetings per year” – This may be changing now that the Certification of Advocacy Process is operational. <i>du</i>
	191.2.7.3 – Add a new point – “ <i>Be licensed by the Family Protection Services Board.</i> ”
	191.2.8.7.4 – Add “ <i>sexual orientation</i> ”
	191.2.8.7.5 – Add “an application for funding within forty five days”

Series 3 – Perpetrator Intervention Programs

✓	191.3.1.1 – Add “for the licensure of perpetrator”
✓	191.3.2 Definitions – Check this entire section against the language used in definitions contained in Series 1 – Operation of the FPSB. Some of the wording in the definitions are different and other definitions are omitted in series 1.
✓	191.3.2.3 – Reference to Section 7.2 is wrong – there is no Section 7. I think it should be 4.3
	191.3.3 – Delete “The Board shall enforce a system of standards ”
	191.3.1.a - An organization shall will) For consistency 191.1.5.1.a
	191.3.1.b – “The Board shall use the following criteria when considering all applications”
	191.3.1.d – Use same language as 191.1.5.1.d by adding “ <i>Forms for licensure ...</i> ”
✓	191.3.3.2.b – Delete “require every licensed family protection and perpetrator “
✓	191.3.3.3.a – Add “all licensed perpetrator”
✓	191.3.3.3.b – Add “all licensed perpetrator intervention programs”
✓	191.3.3.5 – Add “The Board shall close any licensed perpetrator”
✓	191.3.3.5.c – Delete and add “the president of the family protection or perpetrator intervention program’s or shelter’s governing <i>body board of directors</i> . (In both places in this section.)
✓	191.3.6.a – Not clear - <i>After placing a perpetrator intervention program into receivership and prior to the closure of a perpetrator intervention program the Board shall provide for and hold a public hearing in the municipality or county in which the perpetrator intervention program is located.</i>

✓	191.3.3.6.b – Add “legal counsel of the <i>perpetrator intervention</i> program”
✓	191.3.4.2.c.1 through 191.3.4.2.c.3 – Capitalize the first word of each phrase.
	191.3.4.6.a – Change “licensed <i>domestic violence family protection</i> program”
✓	191.3.4.6.b – Add “Educator/facilitators of <i>licensed perpetrator intervention programs</i> will consult with licensed <i>domestic violence family protection</i> programs (Cchange dv to fp in other sentence in this section.)
✓	191.3.4.6.c – “In the event that the contact of the victim and/or partner is done by the perpetrator intervention program staff, they shall provide written information to the licensed <i>perpetrator intervention family protection</i> program, including date and contact information.”
	191.3.4.7.a & 4.7.c & 4.7.c & 4.7.d & 4.8 & 4.9 – Add “ <i>perpetrator intervention</i> program”
	191.3.4.9 – Change “licensed <i>domestic violence family protection</i> program”
✓	191.3.4.10.b – Change “perpetrator intervention <i>class program</i> ” (in both places – I assume this refers to release after the entire program is completed and not just one class?)
✓	191.3.4.11 – Change <i>domestic violence</i> to “ <i>family protection</i> program”
✓	191.3.4.11.c – “sending of monthly reports to the licensed <i>family protection perpetrator intervention</i> program”

Series 4 – Monitored Visitation and Exchange Program Certification

✓	191.4.1.1 – Add “ <i>The West Virginia Code is available ...</i> ”
✓	191.4.3.1 - Change language “the welfare of the children, adults, and program staff during supervised <i>monitored</i> contact.” (to keep distinctions clear?); add “While these rules apply only to <i>monitored visitation and exchange centers</i> nothing in these rules”
✓	191.4.3.2.a - Change language: “that represent themselves as certified for monitored contact shall be <i>are required to be</i> certified by the Board.: The original language makes it seem as if the Board has no discretion in granting certification; all a program has to do is represent itself as being certified and then it shall be certified by the Board.
	191.4.3.5 and 3.5.a are deleted in 191.1.6 – Choose one way or the other.
	191.4.3.5.b.1 through 3.5.b.5 – Due to number change these sections really are 191.4.3.5.a.1 through 3.5.a.5
	191.4.2.a through 191.4.2.k – capitalize first letter of each phrase
✓	191.4.3 – “shall establish and/or report to a board of directors <i>be governed by and report to a board of directors</i> ”
✓	191.4.5.d – “Statistics shall be gathered and reported in a manner that will not compromise client confidentiality.”
-	191.4.4.5.e.3.a through 191.4.4.5.e.3.e – Capitalize first letter of each phrase
-	191.4.4.6.a and 4.6.b - Capitalize first letter of each phrase
-	191.4.4.7.b.6 – Family violence, including <i>parental abuse, and child abuse and neglect</i>
-	191.4.4.7.b.7 – Capitalize first letter of phrase



STATE OF WEST VIRGINIA
FAMILY PROTECTION SERVICES BOARD
BOB WISE, GOVERNOR

July 25 2002

Ms. Sue Julian
WVCADV
Elk Office Center
4710 Chimney Drive
Charleston, WV 25302

Dear Sue:

Thank you very much for your thorough review of and comments on the proposed changes to the Family Protection Services Board rules. In response to your suggestions:

1. The typos and various language inconsistencies across the Series have been addressed;
2. References to local program boards is now "board of directors" throughout;
3. The rules could not be renumbered to include Series number;
4. The Administrative Law division of the Secretary of State advised that definitions be limited to those relevant to the Series;
5. Clarifications were made regarding the role of the FPSB in certifying monitored visitation and exchange programs;
6. The reference to monthly financial reporting to the FPSB was removed;
7. Outreach advocate training requirements were updated to be consistent with current training requirements for Certified Domestic Violence Advocates;
8. Sexual orientation was added to the list of discrimination prohibitions; and
9. "Class" was changed to "program" in the Perpetrator Intervention Program Series to clarify when the program reports to the referring agency.

Again, thank you very much for your time and interest. If you have additional comments or questions about the rule, or the work of the Family Protection Services Board, please feel free to contact me at 645-6334, or our staff person, Beth Morrison, at 727-1906.

Sincerely,

A handwritten signature in cursive script that reads "Trudy Laurenson".

Trudy Laurenson, Chair

Cc: FPSB members



STATE OF WEST VIRGINIA
FAMILY PROTECTION SERVICES BOARD
BOB WISE, GOVERNOR

July 25 2002

Ms. Sue Julian
WVCADV
Elk Office Center
4710 Chimney Drive
Charleston, WV 25302

Dear Sue:

Thank you very much for your thorough review of and comments on the proposed changes to the Family Protection Services Board rules. In response to your suggestions:

1. The typos and various language inconsistencies across the Series have been addressed;
2. References to local program boards is now "board of directors" throughout;
3. The rules could not be renumbered to include Series number;
4. The Administrative Law division of the Secretary of State advised that definitions be limited to those relevant to the Series;
5. Clarifications were made regarding the role of the FPSB in certifying monitored visitation and exchange programs;
6. The reference to monthly financial reporting to the FPSB was removed;
7. Outreach advocate training requirements were updated to be consistent with current training requirements for Certified Domestic Violence Advocates;
8. Sexual orientation was added to the list of discrimination prohibitions; and
9. "Class" was changed to "program" in the Perpetrator Intervention Program Series to clarify when the program reports to the referring agency.

Again, thank you very much for your time and interest. If you have additional comments or questions about the rule, or the work of the Family Protection Services Board, please feel free to contact me at 645-6334, or our staff person, Beth Morrison, at 727-1906.

Sincerely,

A handwritten signature in cursive script that reads "Trudy".

Trudy Laurenson, Chair

Cc: FPSB members

Amendments made to proposed rule as result of public comments.

Series 4: Monitored Parenting and Exchange Program Certification

1. Most changes included agency-approved clean up language to fix typos, make the rule more clear (e.g., adding the words “are required to be certified” under 3.2.a. to clarify that the Board will not automatically certify any program that provides service), and to make it consistent with language in the other Series under this title (e.g., making sure definitions are consistent across Series).
2. The term “Monitored Visitation and Exchange Program” was changed to “Monitored Parenting and Exchange Program” throughout the rule in response to the written comment and two verbal comments that the term “parenting” created a more welcoming and inclusive environment for non-custodial parents, and increased their participation in the northern panhandle programs. Similarly, the word “visit” was modified throughout to “parenting visit.”