

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

Form #4

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Family Protection Services Board TITLE NUMBER: 191

CITE AUTHORITY: 48-26-1003

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



Authorized Signature

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

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Form #3

**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: 48-26-1003

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.



Authorized Signature

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

FILED

**SERIES 4
MONITORED PARENTING AND EXCHANGE PROGRAM CERTIFICATION II: 04**

§ 191-4-1. General

OFFICE WEST VIRGINIA
SECRETARY OF STATE

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.

“Monitored parenting and exchange program” means a certified program offered by a locally controlled non-profit organization for purposes of providing monitored parenting and monitored exchange, as defined in Series 1 of these rules.

§ 191-4-3. Certification Standards for monitored parenting and exchange programs

3.1. A monitored parenting and exchange program may be provided by a free-standing organization or by a sub-division 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 services are trained and qualified according to Section 3.6 of these rules and for providing 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 also providing mediation of custody disputes or providing divorce counseling.

3.2. 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:

3.2.a. Services provided;

3.2.b. Confidentiality and release of information;

3.2.c. Participant acceptance and termination criteria;

- 3.2.d. Responsibilities of the participants;
- 3.2.e. Information to be gathered during the intake assessments;
- 3.2.f. Protocols for accepting and responding to concerns and complaints;
- 3.2.g. Documentation and record-keeping;
- 3.2.h. Reporting of criminal behavior and suspected abuse or neglect;
- 3.2.i. Hours of operation;
- 3.2.j. Fees;
- 3.2.k. Safety and security measures;
- 3.2.l. Program staff and volunteers.

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

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

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

3.5.a. A written personnel record for each employee or volunteer, including documents obtained or created by the program pertaining to the employee or volunteer.

3.5.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).

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

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

3.5.e. A participant 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 in a place not accessible to participants, and shall:

3.5.e.1. Include results of in-person intake interviews with each participant, including the children, conducted prior to the first visit; and

include: 3.5.e.2. Be updated after each parenting visitation or exchange to

3.5.e.2.a. Identifying client information;

3.5.e.2.b. Monitor name;

3.5.e.2.c. Date, time and duration of contact;

3.5.e.2.d. Who attended;

3.5.e.2.e. Account of critical incidents (violations of program guidelines);

3.5.e.2.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.

3.5.e.3. Include the reason for termination of service, if applicable.

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

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

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

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

3.7.a. Having written job descriptions and successful background/criminal record checks for staff and volunteers;

3.7.b. Requiring program staff who supervise parenting visits and exchanges to have a minimum of thirty (30) hours of training and volunteers to have a minimum of eight (8) hours of training that includes the following topics.

3.7.b.1. Confidentiality

3.7.b.2. Recording observations

3.7.b.3. General security issues and procedures

3.7.b.4. Legal context, court procedures

3.7.b.5. Cultural sensitivity

- neglect;
- 3.7.b.6. Family violence, including spousal abuse and child abuse and
- 3.7.b.7. Substance abuse detection and education;
- 3.7.b.8. Dynamics of separation and divorce;
- 3.7.b.9. Sexual assault.

3.7.c. Requiring program staff to complete training in first aid, CPR and/or emergency response methods;

3.7.d. Requiring program staff who monitor parenting visits and exchanges shall complete a minimum of ten (10) hours and volunteers to complete a minimum of five (5) hours annually in continuing education or in-service training relevant to the exchange and parenting services being provided.

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

- 3.8.a. Evacuation procedures in case of fire or other emergency;
- 3.8.b. Handling of critical incidents such as violent, dangerous or inappropriate behavior by an adult or child;
- 3.8.c. Handling of medical emergencies;
- 3.8.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;

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

- 3.9.a. Information to be obtained from the referring agency;
- 3.9.b. Criteria for accepting and refusing referrals;
- 3.9.c. Procedure for responding to referring agencies;
- 3.9.d. Procedure for referring participants to other services/agencies.

3.10. 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.