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Form #6

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE**

AGENCY: Family Protection Services Board
WV Department of Health and Human Resources TITLE NUMBER: 191

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: 5

TITLE OF RULE BEING PROPOSED: Perpetrator Intervention Programs Licensure for
Correctional Institutions


THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) HB2669

SECTION 64-6-96, PASSED ON April 9, 2005

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON THE

FOLLOWING DATE: May 13, 2005



Authorized Signature

#4.00

TITLE 191
LEGISLATIVE RULE
FAMILY PROTECTION SERVICES BOARD

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SERIES 5
PERPETRATOR INTERVENTION PROGRAMS LICENSURE
FOR CORRECTIONAL INSTITUTIONS

OFFICE WEST VIRGINIA
SECRETARY OF STATE

§191- 5-1. General.

1.1. Scope -- This rule establishes general standards and procedures for the licensure of perpetrator intervention programs in correctional institutions as specified in W. Va. Code §§48-26-401 (a) and 48-26-404. The West Virginia Code is available in public libraries and on the Legislature's web page at <http://www.legis.state.wv.us/>.

1.2. Authority -- W. Va. Code §§48-26-401 and 48-26-404.

1.3. Filing Date -- _____

1.4. Effective Date -- _____

§191-5-2. Definitions.

2.1. "Educator/Facilitator" means an individual who meets the minimum requirements outlined in Section 3.3. of this rule and who directly facilitates regularly scheduled classes for perpetrators of domestic violence.

2.2. "Power and Control" means the primary cause that gives rise to the occurrence of domestic violence and family violence. Factors such as alcohol, poverty, unemployment, stress and substance abuse are conditions that contribute to the incidents of domestic violence and family violence but are not themselves the cause of domestic and family violence.

§191-5-3. Licensing Standards for Correctional Perpetrator Intervention Programs.

3.1. Correctional perpetrator intervention program requirements

3.1.a. A correctional perpetrator intervention program shall have a written statement of purpose. The statement shall identify the types of services provided and the individuals to be served. The statement of purpose shall be available to the public on request.

3.1.b A correctional perpetrator intervention program shall have a written description of its referral process, admission policies, exit interview process and follow-up procedures.

3.2 Implementation of correctional perpetrator intervention programs in one or more correctional facilities shall be directed by applicable Division of Corrections policy and/or procedure directive on each of the following issues:

- 3.2.a Personnel qualifications and evaluations
- 3.2.b Program implementation
- 3.2.c Quality assurance
- 3.2.d Ethics
- 3.2.e Grievance procedures
- 3.2.f. Confidentiality policies

3.3. Staff Qualifications

3.3.a. Educators/facilitators shall have a minimum of thirty hours of training approved by the Family Protection Services Board, including, but not be limited to, the following:

3.3.a.1. The dynamics of domestic violence within the context of power and control.

3.3.a.2. The effects of domestic violence on victims and their children and the critical nature of victim contacts and safety planning.

3.3.a.3. The understanding that domestic violence is deeply rooted in historical attitudes toward women and is intergenerational.

3.3.a.4. Lethality assessment for risks of homicide, suicide, further domestic violence or other violent aggressive behaviors and the access to or use of weapons.

3.3.a.5. Information on state and federal laws pertaining to domestic violence, including the policies affecting treatment of court-ordered program participants, child abuse, divorce and custody matters.

3.3.a.6. The role of the facilitator within the group and in the context of a coordinated community response to domestic violence.

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3.3.a.7. Teaching non-controlling alternatives to violent and controlling behaviors and understanding and preventing collusion.

3.3.a.8. Dynamics involved in interpersonal relationships and knowledge of human behavior and development.

3.3.b. Educators/facilitators shall have at a minimum a high school diploma or general education degree.

3.3.c. Educators/facilitators shall receive on an annual basis a minimum of three hours of continuing education or training approved by the board. The training shall include, but not be limited to, the following:

3.3.c.1. Domestic violence and substance abuse

3.3.c.2. Domestic violence and the law

3.3.c.3. Other issues which pertain to domestic violence

3.3.c.3. Cultural sensitivity

3.3.c.5. Group process and facilitation skills training.

3.4. Criteria concerning a perpetrator's appropriateness for the program.

3.4.a. A perpetrator shall be admitted to a correctional perpetrator intervention program if ordered by a court or if that person voluntarily enrolls in the program and is assessed by the program to be eligible for participation in the program. An assessment shall be performed to:

3.4.a.1. Identify individuals who would benefit from concurrent mental health or substance abuse treatment programs.

3.4.a.2. Screen out individuals who have substance abuse problems or other impairments which make them unable to participate in the group intervention even with concurrent or preliminary treatment of those problems.

3.4.a.3. Screen out individuals from the program who may be dangerous or have severe mental illness and would not benefit from the program.

3.4.b. Upon an individual's admittance to a correctional perpetrator intervention program, the program educator/facilitator shall complete a perpetrator intake form. The information for the form shall be collected from the

perpetrator and from independent sources such as, but not limited to, police reports, court records and institutional records.

3.4.c. A correctional perpetrator intervention program shall have a contract outlining the responsibilities of the perpetrator and the educator/facilitator. The terms of the contract shall be agreed to and signed by the perpetrator and the authorized program representative.

3.5. Educators/facilitators of licensed correctional perpetrator intervention programs shall consult with the Division of Corrections victim service manager for any issues involving potential victim contact. The Division of Corrections victim service manager shall be responsible for overseeing any victim contact that may be deemed appropriate.

3.6. Client Records and Service Plans

3.6.a. The service plan or contract shall be developed by Division of Corrections program staff with the active participation of the client and must be completed prior to the provision of services. A correctional perpetrator intervention program shall maintain the service plan or contract and a written record for each individual who receives services from the program.

3.6.b. Individual client records shall include service data from the time of initial contact until the time services are concluded.

3.6.c. Individual client case records maintained by a correctional perpetrator intervention program shall contain an application form, which includes identifying data, eligibility factors pursuant to section 3.4., rights and responsibilities, participant/client signature and authorized staff signature.

3.6.d. A correctional perpetrator intervention program shall maintain, if possible, a copy of protective orders issued against a perpetrator enrolled in the perpetrator intervention program.

3.7. Confidentiality

Every correctional perpetrator intervention program shall have a written policy regarding disclosure of information. There shall be a written agreement between the perpetrator and the program providing for disclosure of information to the victim and a waiver of confidentiality. The disclosure agreement shall be signed by the perpetrator.

3.8. Reports

The correctional perpetrator intervention program shall provide an annual report to all licensed family protection programs. This report shall contain information on victim services provided by the Division of Corrections, how victims can access services that are available through the Division of Corrections and how licensed family protection programs can gain access to directly relevant information regarding a specific perpetrator.

3.9. Correctional Perpetrator Intervention Classes

3.9.a. A correctional perpetrator intervention class shall last for a period of at least thirty-two sessions and shall include, but not be limited to, the following topics:

3.9.a.1. A model that depicts an overall system of physical and sexual abuse where the perpetrator uses methods and tactics of power and control over a victim.

3.9.a.2. The nature and effects of domestic violence.

3.9.a.3. The work that is necessary to bring about changes in the attitudes and beliefs that promote domestic and family violence.

3.9.a.4. The necessity for the maintenance of non-abusive behavior, which includes learning non-violent conflict resolution, non-aggressive communication and maintaining positive, healthy partnerships.

3.9.a.5. The importance of community services which allow perpetrators to give something of themselves back to the community and contribute to changing the climate that condones domestic and family violence.

3.9.a.6. Information about state and federal law and practice regarding domestic violence and the legal and social consequences for perpetrators of domestic violence.

3.9.b. Educators/facilitators of perpetrator intervention programs shall utilize a group education format with a staff ratio at a minimum of one educator/facilitator per twelve perpetrators.

3.10. Correctional Perpetrator Intervention Program Evaluation

By October 31 of each year, a correctional perpetrator intervention program shall complete and submit to the Family Protection Services Board an annual evaluation for the preceding fiscal year. The evaluation shall include but not be limited to the following:

4.3.d. The Family Protection Services Board may contact the program's partner agencies to determine program effectiveness in relationship to community needs.

4.4. Waiver of Licensure.

If the Division of Corrections fails to meet the criteria for licensure, the board may grant a waiver of licensure to the Division of Corrections if the board finds it necessary for the good of victims or perpetrators who would be served by the perpetrator intervention program in question. The board shall review all waivers semi-annually.

4.5. Issuance of a Provisional License.

4.5.a. The board may grant provisional licensure to the Division of Corrections if the board finds it necessary for the good of participants who will be served by the perpetrator intervention program. All provisional certifications shall be reviewed semi-annually.

4.5.b. Upon a finding by the board that a perpetrator intervention program is not in compliance with this rule, the board may issue a provisional license and shall give the perpetrator intervention program written notice of deficiency that shall include, but not be limited to the following:

4.5.b.1. A statement of program deficiencies.

4.5.b.2. A requirement to submit a plan of correction regarding the deficiencies.

4.5.b.3. A timeline for the Family Protection Services Board's review of the plan of correction.

4.5.b.4. A requirement that the plan be modified and resubmitted to the board within twenty days should the original plan not address the identified deficiencies.

4.5.b.5. A requirement that compliance occur within a time period set by the board.

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

4.6. Revocation or Suspension of a License.

The board shall suspend or revoke a license and order closed any perpetrator intervention program that violates the standards established under this rule, subject to the requirements in this

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rule regarding public hearings under subdivision d of this subsection.

4.6.a. Four members of the board must vote in the affirmative before a license may be revoked or suspended.

4.6.b. The board shall send written notice of the license revocation or suspension by certified mail to the commissioner of the Division of Corrections. The notice shall include a statement of the program's alleged violations of this rule. The program will have fifteen days after receipt of the notice, to respond to the allegations. This response shall be in writing. If there is no written response, the board will proceed with the revocation or suspension of the program's license. The board will not provide funds to a perpetrator intervention program whose license has been revoked or suspended.

4.6.c. If the board is provided with a response to the violations, a public hearing will be held within thirty days in the municipality or county in which the program is located.