

Dear Senators HEIDER, Souza, Jordan, and  
Representatives WOOD, Packer, Chew:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of  
the Department of Health and Welfare:

IDAPA 16.05.04 - Rules of the Idaho Council on Domestic Violence and Victim Assistance Grant  
Funding - Proposed Rule (Docket No. 16-0504-1801).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the  
cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research  
and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative  
Services. The final date to call a meeting on the enclosed rules is no later than 11/13/2018. If a meeting is  
called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis  
from Legislative Services. The final date to hold a meeting on the enclosed rules is 12/12/2018.

The germane joint subcommittee may request a statement of economic impact with respect to a  
proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement,  
and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has  
been held.

To notify Research and Legislation, call 334-4854, or send a written request to the address on the  
memorandum attached below.



Eric Milstead  
Director

# Legislative Services Office

## Idaho State Legislature

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*Serving Idaho's Citizen Legislature*

### MEMORANDUM

**TO:** Rules Review Subcommittee of the Senate Health & Welfare Committee and the House Health & Welfare Committee

**FROM:** Principal Legislative Drafting Attorney - Elizabeth Bowen

**DATE:** October 24, 2018

**SUBJECT:** Department of Health and Welfare

IDAPA 16.05.04 - Rules of the Idaho Council on Domestic Violence and Victim Assistance Grant Funding  
- Proposed Rule (Docket No. 16-0504-1801)

#### Summary and Stated Reasons for the Rule

This rule updates the incorporation by reference for the Minimum Standards for Domestic Violence Offender Intervention Programs to include the most recent edition.

#### Negotiated Rulemaking / Fiscal Impact

Negotiated rulemaking was not conducted, as it was not considered feasible. There is no anticipated negative fiscal impact on the state general fund.

#### Statutory Authority

I.C. 39-5209.

cc: Department of Health and Welfare  
Frank Powell and Trinette Middlebrook

#### \*\*\* PLEASE NOTE \*\*\*

Per the Idaho Constitution, all administrative rules must be reviewed by the Legislature during the next legislative session. The Legislature has 3 options with this rulemaking docket: **1)** Approve the docket in its entirety; **2)** Reject the docket in its entirety; or **3)** Reject the docket in part.

**IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE**  
**16.05.04 – RULES OF THE IDAHO COUNCIL ON DOMESTIC VIOLENCE**  
**AND VICTIM ASSISTANCE GRANT FUNDING**

**DOCKET NO. 16-0504-1801**

**NOTICE OF RULEMAKING – PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 39-5209, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 17, 2018.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

To best protect the public's health and safety, the Council on Domestic Violence and Victim Assistance is revising its standards manual that is incorporated by reference in this chapter of rules. The revision to these rules will ensure that the most recent edition of the manual has the force and effect of law.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:

There is no anticipated fiscal impact to the state general fund or any other funds related to this rulemaking. Programs affiliated with the ICDVVA provide fees independently. Currently there are no direct funds going to independent programs for offender intervention.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was not conducted and deemed not feasible because the content to be proposed for updates to the standards manual for the Idaho Council on Domestic Violence and Victim Assistance (ICDVVA) represents extensive input from stakeholders being gathered at meetings of the Committee for Oversight of Domestic Violence Offender Intervention Programs and Standards, a committee that oversees ICDVVA Offender Intervention Programs. The committee is responsible for making decisions on changes to the standards manual. In addition, the ICDVVA continually receives feedback from the Domestic Violence Offender Intervention Program Providers and the Domestic Violence court coordinators throughout the state.

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the Minimum Standards for Domestic Violence Offender Intervention Programs, edition 2019-1, is being incorporated by reference into these rules to give it the force and effect of law. The document is not being published in this chapter of rules due to its length and format, but it is available upon request. Once the docket has been finalized and adopted, the manual will be available online at: <https://icdv.idaho.gov/offender-intervention.html>.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Kimberly Conklin at (208) 332-1545.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 24, 2018.

Dated this 31st day of August, 2018.

Tamara Prisock, DHW – Administrative Rules Unit  
Phone: (208) 334-5500 / Fax: (208) 334-6558  
[dhwrules@dhw.idaho.gov](mailto:dhwrules@dhw.idaho.gov)

450 W. State Street – 10th Floor  
P.O. Box 83720  
Boise, ID 83720-0036

**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 16-0504-1801**  
**(Only Those Sections With Amendments Are Shown.)**

**004. INCORPORATION BY REFERENCE.**

**01. Documents Incorporated by Reference.** In accordance with Section 67-5229, Idaho Code, the following documents are incorporated by reference into this chapter of rules: (7-1-14)

**a.** “Service Standards for ICDVVA-Funded Programs,” Edition 2014-1, published by the Idaho Council on Domestic Violence and Victim Assistance, effective July 1, 2014. (7-1-14)

**b.** “Minimum Standards for Domestic Violence Offender Intervention Programs,” published by the Idaho Council on Domestic Violence and Victim Assistance, edition 201~~4~~<sup>9</sup>-1, effective July 1, 201~~4~~<sup>9</sup>.  
(~~3-29-12~~)(    )

**02. Availability of Reference Material.** Copies of the documents incorporated by reference into these rules are available: (7-1-14)

**a.** At the Idaho Council on Domestic Violence and Victim Assistance, 304 North 8th Street, Suite 140, P.O. Box 83720, Boise, Idaho 83720-0036. (7-1-14)

**b.** On the internet at: <http://www.icdv.idaho.gov>. (7-1-14)

## INCORPORATION BY REFERENCE SYNOPSIS

**In compliance with Section 67-5223(4), Idaho Code**, the following is a synopsis of the differences between the materials previously incorporated by reference in this rule that are currently in full force and effect and newly revised or amended versions of these same materials that are being proposed for incorporation by reference under this rulemaking.

The following agency of the State of Idaho has prepared this synopsis as part of the proposed rulemaking for the chapter cited here under the docket number specified:

**DEPARTMENT OF HEALTH AND WELFARE  
IDAPA 16.05.04 – RULES OF THE IDAHO COUNCIL ON DOMESTIC VIOLENCE  
AND VICTIM ASSISTANCE GRANT FUNDING  
Docket No. 16-0504-1801**

*(Include a brief description that explains the differences between the version of the materials or documents that are currently incorporated by reference and the materials or documents that are being proposed for adoption in this rulemaking.)*

*(You may use the following table or write a brief summary of the differences)*

Incorporated Document Version/URL	IDAPA Section Number	Current Version of Incorporated Document	Substantive Changes in New Incorporation by Reference Version
<a href="#"><u>Minimum Standards for Domestic Violence Offender Intervention Programs, Edition 2011-1</u></a>	16.05.04.004	Minimum Standards for Domestic Violence Offender Intervention Programs, Edition 2011-1 (effective July 1, 2011) <i>(NOTE: when approved by the 2019 Legislature, the Standards Manual (Edition 2019-1) will go into effect on July 1, 2019.)</i>	See below for summary of the changes to the “ <i>Minimum Standards for Domestic Violence Offender Intervention Programs</i> ” standards manual incorporated by reference in Section 004 of IDAPA 16.05.04, “Rules of the Idaho Council on Domestic Violence and Victim Assistance Grant Funding.”  The changes for this incorporated manual were negotiated throughout the year of 2018 with stakeholders. The text of the updated standards manual ( <i>Edition 2019-1</i> ) follows the summary.  If you have further questions, please contact Angela Wissel ( <a href="mailto:Angela.Wissel@icdv.idaho.gov">Angela.Wissel@icdv.idaho.gov</a> ), with the Council on Domestic Violence and Victim Assistance at (208) 332-1541.

**Summary of Changes**  
**for**  
***Minimum Standards for Domestic Violence Offender Intervention Programs –***  
***Edition 2019-1\****

- 1) Update the edition to 2019-1 and the effective date to July 1, 2019.
- 2) The word “treatment” throughout the standards changed to “intervention.”
- 3) Clearly state that “under no circumstances” should couples counseling be utilized with court-ordered domestic violence clients.
- 4) Exemptions permitting ***on-line*** intervention may be granted on “extraordinary circumstances” but must be pre-approved by **Committee for Oversight of Domestic Violence Offender Intervention Programs and Standards (CODVOIPS)**.
- 5) General Ethical Standards for DV Offender Intervention Programs: cannot be convicted of any criminal action for a minimum of **ten (10) years** (increased from five (5) - Added verbiage that criminal conviction probation or parole including withheld judgements or Section 19-2604, Idaho Code – re: Relief.
- 6) Detailed job descriptions for Direct Service Provider and Program Supervisor and an individual can only serve as a Trainee for a maximum of **two (2) years**.
- 7) The program must have on file a contract signed by trainee, which specifies a *start* and *end* date in the trainee role with detailed description of trainee responsibilities.
- 8) Minimum hours for Program Supervisor decreased.
- 9) Bachelor’s degree requirement added for approval of Direct Service Providers and required treatment experience revised.
- 10) Continuing education hours increased from **thirty (30) to sixty (60)** and need to be gained through an *approved* CEU provider.

*\*Subject to approval by the 2019 Legislature, these changes will go into effect July 1, 2019, under **Edition 2019-1**.*

# Minimum Standards For Domestic Violence Offender Intervention Programs

Edition 2019-1

7/01/2019



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EFFECTIVE DATE July 1, 2019



**STATEMENT OF PURPOSE  
MINIMUM STANDARDS FOR DOMESTIC VIOLENCE OFFENDER  
INTERVENTION PROGRAM**

Idaho Code, Section 18-918, enacted in 1998, gave the Idaho Council on Domestic Violence and Victim Assistance (ICDVVA) responsibility to set standards for counseling and treatment ordered for anyone who pleads guilty to or is found guilty of domestic violence. Idaho law uses the terms “treatment or counseling”; however, current practice suggests that “intervention” is a more commonly used term and incorporates counseling as a component of treatment. A list of programs meeting current standards and approved by the ICDVVA, pertinent legislation, and application forms are available at:

[www.icdv.idaho.gov](http://www.icdv.idaho.gov)

or call

208.332.1540 or 800.291.0463

Domestic Violence is generally accepted as a behavior of choice for which a person carries responsibility. Therefore, through intervention, one can learn to choose positive behavior. Thus, the goals of these standards are to:

1. Increase victim safety;
2. Increase offender accountability and positive, responsible behavior;
3. Help eliminate domestic violence through counseling, intervention, and education focused on the development of improved behavioral skills free of violence;
4. Promote healthy relationships; and
5. Foster and improve the climate of community response to domestic violence.

Intervention integrating counseling, education, and other modalities shall be provided by those who have knowledge and understanding of the complex, dynamic and intergenerational nature of domestic violence and are qualified through education and experience to provide appropriate and effective intervention.

Research and supporting literature were used in revising the standards. The Council recognizes that these are **minimum standards** for intervention. The Council emphasizes that in order to be effective, programs shall integrate clinical expertise with the best available external evidence which includes but is not limited to research. The expectation is that providers enhance practice, clinical effectiveness, and the delivery of services based on the awareness and knowledge of current evidence inclusive of research and related literature. Further, the expectation is to collaborate with representatives of victim service programs, the judicial system, and members of the community.

The Committee for Oversight of Domestic Violence Offender Intervention Programs and Standards (CODVOIPS) meets on a quarterly basis across the state to review new and

renewal program applications, provide oversight for all approved programs, and to recommend amendments to the standards for consideration by the Council.

## **I. STANDARDS FOR DOMESTIC VIOLENCE OFFENDER INTERVENTION PROGRAM**

Domestic violence offender intervention programs shall be specifically designed to work with those who are court ordered to attend. Services may also be provided to those who elect to participate on a voluntary basis. The following describes the basic elements that must be included:

### **A. Intervention Philosophy:**

1. Defines domestic violence as any abusive, violent, coercive, forceful, or threatening act or word inflicted by one member of a family or a household member as defined in Idaho Code 18-918(a) on another along a broad spectrum of behavior from a one-time incident to a pattern of coercion that might include physical, emotional, psychological, verbal, sexual, or economic abuse or property damage;
2. Clearly defines domestic assault or battery as a crime;
3. Agrees with the principle that those who use violence against a household member as defined in Idaho Code 18-918(a) must accept responsibility and consequence for their choice;
4. Supports an intervention plan with first priority to end abuse, and establish a basis for safety;
5. Promotes changing attitudes toward intimate partners and other family members and violence in the family;
6. Recognizes that domestic violence has multiple causative and contributing factors;
7. Recognizes that the conduct of a victim does not excuse the choice to use violence by the offender;
8. Recognizes that domestic violence is complex and requires on-going comprehensive assessment for effective intervention;
9. Recognizes that substance use disorder treatment, anger management, and mental health treatment related to couples counseling are not substitutes for domestic violence offender intervention though they may be necessary components of successful recovery. The council stipulates that under no circumstances should couples counseling be utilized, with court ordered DV clients.

10. Recognizes that the intervention must be based on the intake assessment of the offender and the nature of violence; and
11. Recognizes the decision of a family to remain together as a valid choice if safety is a first priority and mutual respect a primary value. Further recognizes that family involvement in recovery may eventually be necessary for long-term success.

**B. Requirements of the Intervention Program:**

1. The primary goals of domestic violence offender intervention are changed attitudes and behaviors resulting in increased victim safety and cessation of abusive conduct. The ICDVVA recognizes that domestic violence offender intervention is an evolving field, where new and promising developments are being explored. However, victim and community safety should guide the systemic responses to domestic violence. Thus, whenever the needs of domestic violence offenders in intervention are likely to conflict with victim and/or community safety, victim and/or community safety must take precedence.
2. Intervention shall be provided by an approved provider. All Program Supervisors and Direct Service Providers must stay current on research and supporting literature regarding family violence and obtain continuing education. All Program Supervisors and Direct Service Providers must be able to demonstrate application of current evidence-based research and professional literature related to effective program delivery and evaluation.
3. Initial intervention shall be standard offender group counseling, education, and/or intervention for a minimum of 52 ninety-minute sessions.
  - a. Careful on-going assessment by the intervention staff of the circumstances of each case will be necessary to determine an implement intervention plan.
  - b. Documentation must be maintained in each case of the determination of intervention plan and offender progress, including sessions attended.
  - c. *The CODVOIPS recommends that during the intake process, intervention staff obtain copies of the evaluation completed by an Idaho Supreme Court approved evaluator if available and police reports including supplemental risk assessment.*<sup>1</sup>
  - d. Exemptions permitting on-line intervention may be granted on extraordinary circumstances but must be pre-approved by CODVOIPS.
4. If subsequent to implementing the initial intervention, the intervention provider and officers of the court determine by thorough assessment and evaluation it is appropriate and necessary, CODVOIPS approved, individual intervention or other interventions appropriate to the culture, community, and family may be implemented, however, other interventions shall not include couples/conjoint intervention. Documentation of assessment and evaluation should demonstrate

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<sup>1</sup> *Items denoted in italicized print are guidelines and not requirements*

at a minimum that the alternative plan includes and supports the victim's safety and accountability of the offender.

5. An intake session is not considered an intervention session.
6. All sessions that are attended must be documented by the treatment staff.  
*A sign-in sheet is suggested.<sup>2</sup>*
7. In the case of group intervention, group size shall not exceed twelve individuals.  
*A second facilitator is recommended if group size exceeds eight individuals.<sup>3</sup>*
8. Content areas in any intervention modality will include at a minimum:
  - a. Personal accountability;
  - b. Social, cultural, and familial foundations of domestic violence and abuse;
  - c. Role of family and others in addressing long term patterns of violence;
  - d. Use of power and control tactics;
  - e. Awareness and application of self-control including management of anger;
  - f. The impact on and harm done to partners, children, and families;
  - g. Equality and safety in relationships;
  - h. Communication skills;
  - i. Relapse prevention;
  - j. Gender stereotyping; and
  - k. Peaceful conflict resolution.

C. Mental Health/Substance Abuse/Chemical Dependency:

If the initial or on-going evaluation evidences mental health issues, substance abuse and/or chemical dependency, this shall be addressed. Appropriate testing may be used when indicated as a condition of continuation in a intervention program. Referral to other agencies for specialized intervention may be initiated in those circumstances.

D. Intake:

1. Programs must provide a written statement regarding offender rights, responsibilities, and limits of confidentiality.
2. The intake shall be completed in a person-to-person meeting of the offender and the intervention staff.

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<sup>2</sup> Items denoted in italicized print are guidelines and not requirements

<sup>3</sup> Items denoted in italicized print are guidelines and not requirements

3. A written release shall be obtained from the offender to allow notification to agencies or individuals as necessary to support intervention and requirements of court orders.
4. A written release shall be obtained from the offender authorizing intervention staff to notify any person whose safety appears to be at risk including, but not limited to, the victim, family member(s), victim advocates, law enforcement, and/or other providers.
5. The intervention staff must be available to the offender to begin intervention within two weeks of a court ordered referral. All contact between the offender and the intervention staff must be documented in the offender's file.
6. The intervention staff must contact the referring agency if unable to accept the offender within two weeks of referral.
7. The program shall have a contract outlining the responsibilities of the offender and the intervention staff in the program (refer to Required Offender Contract Guidelines, Section IV below).
8. The intervention staff shall inform the offender regarding process, expectations, and limitations of intervention; the reporting policies of the program and other rules of confidentiality. Victims and/or partners may be informed of above if a request by such individual is made to the intervention provider. Victims and/or current partners shall be informed, upon request, that attendance in the program does not guarantee an offender will not be violent.
9. The program retains the discretion to make determinations about the appropriate services to be provided to offenders transferring from their original point of service. When an offender transfers into intervention from another provider, a plan of care must be established.
10. Offenders participating in a program which loses ICCDVA Approval status may get credit for sessions attended in that program to the point of approval was discontinued and may transfer to another approved program.

E. Discharge Criteria:

The program will include documented discharge criteria in the intervention plan. An offender may be discharged from a program for compliance or administrative reasons. A compliance discharge refers to successful completion of a intervention program meeting the standards presented herein. Administrative discharge occurs when the offender has violated the conditions of the program. All discharges shall be formally summarized in writing and submitted to the court, if the offender was court ordered into intervention.

The victim and/or current partner shall be contacted, if possible, to inform him/her of the impending discharge from the program.

1. The compliance discharge may be used in the following situations:
  - a. Completion of the program with no recommendation for further intervention. Elements of completion include: Completion of the court ordered intervention resulting in measurable progress toward being violence free, including but not limited to the following:
    - i. **Acknowledgement in writing** of responsibility for his/her violent and abusive behavior;
    - ii. Cooperation with the therapeutic process by talking openly about his/her personal problems;
    - iii. Demonstration of knowledge and practices for peaceful conflict resolution skills;
    - iv. Compliance with alcohol and/or drug abstinence plans;
    - v. Compliance with safety plans (for example: surrendered weapons, respected the conditions of protective orders);
    - vi. Refrained from obsessive behavior about the victim or others (for example: behavior demonstrating intense jealousy, intimidation, stalking, attempts to locate the victim, surveillance activities);
    - vii. Refrained from economic abuse or manipulation;
    - viii. Refrained from child abuse and/or neglect, and has respected the conditions of child visitation or custody agreement; and
    - ix. Completion of any other intervention requirements as prescribed by the provider.
  - b. Referral to another program.
2. Administrative discharges shall be given due to non-compliance with the program's policies and procedures. Non-compliance may include, but not be limited to:
  - a. Criminal or violent behavior(s);
  - b. Erratic attendance;
  - c. Failure to attend;
  - d. Failure to report criminal or violent behavior;
  - e. Alcohol or drug abuse;
  - f. Demonstrated lack of participation;

- g. Not meeting financial obligations;
- h. Unwillingness to participate in recommended chemical dependency intervention;
- i. Unwillingness to cooperate with program rules;
- j. Unwillingness to provide requested information; and
- k. Violations of protection, no contact and/or restraining order.

Under administrative discharge, the program shall immediately notify **in writing** any known partner or victim, the court, probation, prosecution, or other individual or agency which mandated the offender into the program and document the reason(s) for discharge.

If the offender continues to exhibit signs of violence at the time that discharge is being considered, the program must adhere to state and federal mandates requiring immediate reporting of threats of harm to self or others.

F. Evaluation:

The intervention program shall have a clear plan in place for obtaining and reporting data related to program outcomes developed and required by the CODVOIPS.

## **II. GENERAL ETHICAL STANDARDS FOR DOMESTIC VIOLENCE OFFENDER INTERVENTION PROGRAMS**

- A. Intervention staff and volunteers in approved programs must meet standards outlined by professional group(s) such as the American Psychological Association, National Association of Social Workers, American Association of Pastoral Counselors, the American Psychiatrist Association, the American Counseling Association or other as appropriate to professional practice.
- B. Intervention staff and volunteers are required to adhere to the following:
  - 1. Respect the dignity of all offenders;
  - 2. Program policies regarding confidentiality;
  - 3. Discourage and confront sexism and victim blaming in the program;
  - 4. Not engage in intimate relationships with an offender or offender's immediate family, or the victim or the victim's immediate family;
  - 5. Not engage in any activity, personal, business or other with an offender or an offender's immediate family, or a victim or the victim's immediate family that is a conflict of interest. Pursuant to Idaho Code, Section 18-918, if counseling or other treatment is ordered, in no event shall the person, agency or organization doing the evaluation be the person, agency or organization that provides the counseling or other intervention unless this requirement is waived by the sentencing court, with the exception of federally recognized Indian tribes or

federal military installations, where diagnosis and intervention are appropriate and available.

6. Adhere to state and federal mandates requiring immediate reporting of threats of harm to self or others. Immediately inform the victim or any person if it is believed they may be at risk;
7. Abide by state child abuse/neglect reporting statutes;
8. Make mental health and drug/alcohol intervention referrals as appropriate;
9. Maintain a program protocol for victim contact;
10. Encourage open communication with agencies/personnel involved in the offender's program;
11. Be free of substance abuse or dependence in their own lives for five years prior to becoming staff or a volunteer, and remain so;
12. Not be convicted of any criminal action, or be a respondent in any civil protection order or civil action resulting in a finding of the use or threatened use of violence for a minimum of ten years including release from probation or parole including withheld judgements or section 19-2604 Idaho Code relief prior to employment or volunteer status, and remain so; and
13. Any staff or volunteer has an ongoing duty to report, within 72 hours, to their agency any civil or criminal action in which they are named as defendant or respondent with the allegation they used or threatened to use violence. The agency shall forward information regarding the incident to the Idaho Council on Domestic Violence and Victim Assistance within 72 hours of its notification.

### **III. DOMESTIC VIOLENCE OFFENDER INTERVENTION PROGRAMS AND THE JUDICIAL SYSTEM**

- A. Approved domestic violence offender intervention programs shall have knowledge of and be responsible to the judicial system. Staff shall demonstrate a current working knowledge of the following:
  1. State and federal laws that regulate law enforcement response to domestic violence calls;
  2. Law enforcement, city and county prosecuting attorney policies regarding domestic violence;
  3. The protection order process as well as how the system responds when orders have been violated; and
  4. Legal consequences of failure by the offender to complete mandated intervention.



- B. When the offender is involved in a court-mandated domestic violence offender intervention program, the staff shall exchange with the judicial system personnel and other appropriate parties, the following necessary information:
  - 1. A release of information consent form;
  - 2. All violations of a protection order, no contact order and/or restraining order;
  - 3. Any violation of the conditions of an intervention program or probation;
  - 4. Monthly written offender reports including attendance, participation, progress, and, as appropriate, recommendations for intervention; and
  - 5. Further incidents of violence, including the date(s), a brief description, and the outcomes.

#### **IV. REQUIRED OFFENDER CONTRACT GUIDELINES**

The intake process shall include a written contract, signed by the offender and staff, with a copy kept on file at the program's place of business. In addition, a copy shall be provided to the offender. Upon request, a copy shall be provided to the court, prosecutor or probation office. To ensure informed consent, the following criteria must be included in the contract:

- A. Program statement of philosophy;
- B. Statement regarding program development of intervention plan and modifications of such;
- C. Notification to the offender that the intervention program is monitored by the ICDVVA with contact information provided.
- D. Attendance policies, including requirements for cancellation and consequences for lack of attendance;
- E. Requirements for active offender participation including sharing personal experiences, values and attitudes, and completing group activities and assignments;
- F. Discharge criteria (Section I.E.);
- G. Substance abuse/chemical dependency policies including the requirement that the offender attend the sessions alcohol and drug free and be subject to random testing for substance use;
- H. Limits of confidentiality;
  - 1. Adherence to state and federal mandates requiring immediate reporting of threats of harm to self or others, and immediately inform the victim or any person if it is believed they may be at risk.

2. The requirement that the court, prosecuting attorney or probation department shall be informed about an offender's attendance and participation and/or any violation of the conditions of probation if the criminal justice system is involved.
- I. Be given notice that collateral contacts may be made to monitor behavior during the course of intervention;
- J. Protection of group members' privacy and consequences for any breach;
- K. Fees/methods of payment. Consequences of non-payment;
- L. Be given notice that recurring domestic violence and past, present, and future indications of child neglect or abuse will be reported to the necessary agencies, and that potential victim(s) will be warned; and
- M. Other program expectations, such as written exams, active participation, concurrent intervention requirements, and state and federal laws regarding possession of weapons.

#### **V. PROGRAM SUPERVISOR, DIRECT SERVICE PROVIDER, AND TRAINEE REQUIREMENTS**

##### **A. General Guidelines:**

1. Individuals who work in an approved domestic violence offender intervention program are referred to as Program Supervisors, Direct Service Providers, or Trainees. These can be either paid or volunteer staff persons who provide direct services.
2. Intervention staff must have documented professional and continuing education regarding intimate partner abuse, child abuse, sexual and emotional abuse, elder abuse, psychopathology, substance abuse/chemical dependency issues and the legal system as it applies to violent relationships, intervention and recovery methods, current literature and research in the field; must be aware of and responsive to how the issues of power and control relate to abusive behavior and that issues of classism, cultural bias, sexism, racism, and homophobia may need to be addressed.
3. The program shall establish and implement policies, procedures, and supervision schedules ensuring adequate supervision for all intervention staff.
4. At the time an approved program adds a new Program Supervisor, Direct Service Provider, or Trainee, either volunteer or paid, the program must submit documentation to CODVOIPS of meeting the minimum qualifications. Program Supervisor or Direct Service Providers may not provide sole direct services to offenders until the qualifications have been reviewed and approved by the

CODVOIPS Chairperson pending consideration by the entire committee at its' subsequent meeting.

5. Those who work in an approved domestic violence offender intervention program shall demonstrate specific knowledge of their legal and ethical responsibilities to protect victims and potential victims and to report child abuse. They must have specific education and experience in domestic violence group dynamics and group process.
6. Those who work in an approved domestic violence offender intervention program shall be required to be free of criminal convictions, criminal conviction probation or parole including withheld judgements or section 19-2604 Idaho code relief, protection orders, and substance abuse or dependence in their own lives for a minimum of five years prior to becoming a Program Supervisor, Direct Service Provider, or Trainee.
7. Direct services are to be provided by a Program Supervisor or Direct Service Provider only. A Trainee may participate in direct service provision under on-site supervision only.

B. Program Supervisor:

Each program shall have a Program Supervisor who provides program supervision to paid and volunteer staff, and must meet all the following requirements:

1. Hold a Master's or Doctorate Degree in counseling, psychology, social work or related field.
2. The organization offering an offender intervention program based on these established standards and approved through the ICDVVA must have on file a position description for a Direct Service Provider and Program Supervisor. If the program is utilizing a Trainee(s), the program must have on file a contract signed by the Trainee which specifies start and anticipated end date in the Trainee role, and a detailed description of Trainee Responsibilities. An individual may serve as a Trainee for a maximum of two years.
3. Must be licensed in their respective field.
4. Have completed a minimum of sixty (60) hours of education about domestic violence from victim/advocate service programs, intervention programs that comply with these standards, organizations or government agencies committed to ending domestic violence, or academic institutions. Applicant must demonstrate that education focuses on a broad range of topics included in Section V.A.2. above. CODVOIPS reserves the right to reject education that does not appear to be from a qualified source or appears duplicative when considering this provision. An applicant who fails to meet the "broad range of topics" requirement but otherwise shows sixty (60) hours of education in the field can be granted a provisional approval pending additional education.

5. Have completed a minimum of five hundred (500) hours of supervised intervention experience. This shall include:
  - a. A minimum of two hundred fifty (250) hours of supervised experience that is directly related to counseling offenders and domestic violence victims and working with domestic violence victim advocacy services.
  - b. A minimum of two hundred fifty (250) hours of supervised direct intervention with offenders in an Idaho, or other state approved offender intervention program, which includes a minimum of fifty (50) hours supervised experience in offender group facilitation.
  - c. Supervision require direct on-site observed one-on-one supervision; one hour for every 20 hours for above total requirements. (At least one hour will be direct on-site observed)

C. Direct Service Provider:

Direct Service Providers engaged in direct intervention to offenders shall:

1. Hold an earned Bachelor's degree in a behavioral science related field or equivalent work related experience.
2. Have completed a minimum of sixty (60) hours of education about domestic violence from domestic violence victim/advocate service programs, intervention programs that comply with these standards, organizations or government agencies committed to ending domestic violence or academic institutions. Applicant must demonstrate that education focuses on a broad range of topics included in Section V.A.2. above. CODVOIPS reserves the right to reject education that does not appear to be from a qualified source or appears duplicative when considering this provision. An applicant who fails to meet the "broad range of topics" requirement but otherwise shows sixty (60) hours of education in the field can be granted a provisional approval pending additional education.
3. Have completed a minimum of one hundred fifty (150) hours of supervised intervention experience. This shall include:
  - a. A minimum of seventy-five (75) hours of supervised direct treatment contact with offenders.
  - b. A minimum of seventy-five (75) hours of supervised direct contact with domestic violence victims through an established advocacy program.

D. Trainees:

A Trainee is a paid or volunteer staff person who has not completed the minimum requirements. A trainee may serve as a co-facilitator of groups with a Direct Services Provider or Program Supervisor but may not facilitate a group alone. An individual may be considered a trainee for no more than two (2) years unless exceptional circumstances are demonstrated, and provisional approval of the Council is granted, subject to additional requirements. Must hold related behavioral science degree or be working toward a degree in a related field.

E. Continuing Education:

Continuing education requirements include:

1. Sixty (60) hours of continuing education (through an approved CEU provider) are required every three years from the date of the initial intervention program approval by the CODVOIPS for all Program Supervisors and Direct Service Providers. Trainees who work for over a year in any particular intervention program shall be required to meet the same continuing education requirements as a Program Supervisor or Direct Service Providers. No more than five of those hours may be obtained by attending "in-house" educational sessions.
2. Continuing professional education may be obtained through classes, seminars, workshops, or webinars. No more than thirty hours (30 hours) of self-study programs may be used toward the requirement of sixty (60) hours of continuing education.
3. Intervention programs are required to maintain written records of continuing education units for Program Supervisors, Direct Service Providers, and Trainees.

## VI. PROCEDURES

### A. Application and Renewal:

Application for approval as a domestic violence intervention program is to be submitted to the CODVOIPS. Once a program is approved, it will be placed on the ICDVVA website and the list distributed by the Idaho Supreme Court. Each program must submit an application for renewal every three (3) years. All programs must stay in compliance with established standards.

Application and renewal forms may be obtained from the Idaho Council on Domestic Violence and Victim Assistance at [www.icdv.idaho.gov](http://www.icdv.idaho.gov).

### B. Notification and Compliance:

Programs will be notified of approval within thirty (30) days of review by the CODVOIPS.

If a program refuses or cannot comply with established standards, the ICDVVA will notify the Idaho Supreme Court that the program is no longer on the approved list effective immediately.

### C. Monitoring:

The ICDVVA or its designated representative will monitor all approved domestic violence offender intervention programs. The CODVOIPS reserves the right to establish the process of monitoring programs, including drop-in visits to any treatment session. If the monitor finds any program is not in compliance with the standards established herein, the ICDVVA will take appropriate steps to help bring the program into compliance. A program may be placed on probationary status or lose approval at any time for failure to meet established standards.

### D. Appeal:

Any program which is dissatisfied with a decision of the CODVOIPS may send its objection in writing to the ICDVVA. ICDVVA staff will forward the objection to the CODVOIPS. The ICDVVA will review the objection and the decision and provide an opportunity for the program to be heard on the issue. A decision by the ICDVVA will be issued within thirty (30) days.

### E. Request for Inquiry:

Any person may submit a written request for an inquiry concerning compliance with these standards. Upon receipt of the inquiry, the ICDVVA staff shall forward the inquiry to the CODVOIPS for review and action.

### F. Revision of Standards:

The ICDVVA reserves the right to amend, change or alter these standards at any time at their discretion. Reasonable notice will be given.

**All correspondence should be sent to:  
Idaho Council on Domestic Violence and Victim Assistance  
P.O. Box 83720  
Boise, ID 83720-0036**