

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
<b>Functional Area:</b> Policy & Executive Procedure/Family Violence Intervention Program	<b>Reference Number:</b>  IQ01-0001	<b>Revises            Previous            Effective Date:</b>
<b>Subject:</b> Family Violence Certification Standards and Guidelines		NEW
<b>Authority:</b> Donald	<b>Effective Date:</b> DRAFT 4/15/2004	Page 1 of  14

**I. POLICY:**

- A. This policy fulfils the Department's statutory duty to certify and manage Family Violence Intervention Programs (FVIP). The Department may deny, revoke, or suspend certification of a FVIP for noncompliance with this procedure and the Rules of the Board of Corrections. Alternatively, the Department, in its discretion, may choose to impose an administrative fine for noncompliance with this procedure and the Rules of the Board of Corrections.
- B. The procedure set forth in this Standard Operating Procedure will be followed unless the Commissioner or the Commissioner's designee, in his or her discretion, authorizes the use of another procedure. The failure to follow this or any other authorized procedure will not invalidate any action taken against a family violence intervention program unless the action has caused substantial harm.

**II. APPLICABILITY:**

All family violence intervention programs that receive referrals from a court or the State Board of Pardons and Parole.

**III. RELATED DIRECTIVES:**

- A. O.C.G.A. 19-13-10 et seq., 42-8-35.6, 50-13-1 et seq.
- B. Rules of Board of Corrections 125-4-9-.01 et seq.

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C. Office of State Administrative Hearings Rules 616-1-2.01 et seq.

**IV. DEFINITIONS:**

- A. Commission - Georgia Commission on Family Violence
- B. Employment Applicant - includes potential owners, directors, facilitators, co-facilitators, facilitator trainees, supervisors, or contract employees.
- C. Family Violence - The offenses of battery, simple battery, assault, simple assault, stalking, criminal damage to property, or criminal trespass between family or household members.
- D. Family Violence Intervention Program (herein "FVIP") - Any program that is certified or seeking certification by the Department of Corrections pursuant to Code Section 19-13-14 and designed to rehabilitate family violence offenders. The term includes, but is not limited to, batterer intervention programs, anger management programs, anger counseling, family problem resolution, and violence therapy.
- E. Victim liaison - a person who is a victim advocate, who is paid and subcontracted by a FVIP, who has received domestic violence victim safety training, and who works in a domestic violence organization that primarily serves battered women and their children.

**V. ATTACHMENTS:**

- Attachment 1 - Initial Certification Application
- Attachment 2 - Reference Check Form
- Attachment 3 - Class Observation Score Sheet
- Attachment 4 - Notice of Deficiency Form Letter
- Attachment 5 - Request for Reconsideration Form Letter
- Attachment 6 - Final Determination Form Letter
- Attachment 7 - Enforcement Action Form Letter

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Attachment 8 - Office of Administrative Hearings Appeal Form

**VI. PROCEDURE:**

A. Initial Certification - The Department may deny initial certification for failure to comply with any of the following requirements:

1. General certification requirements:

- a. FVIP applicants must submit a completed application with requested documents attached, and proof of general liability insurance of at least one million dollars for each judicial circuit in which the program operates.
- b. FVIP applicants must pay a certification fee of \$150.00 for each judicial circuit in which the program will operate.
- c. FVIP applicants, their staff, employees, or agents must attest that in their role with the FVIP, there is no actual, apparent, or potential conflict of interest with regard to program participants.
- d. FVIP applicants must actively ensure that application information remains current with the Department of Corrections throughout the certification process and for the duration of certification.
- e. FVIP applicants must agree to pay the Department of Corrections a fee of \$20.00 for each court-ordered participant, and each time the participant enrolls in the program.
- f. FVIP applicants or program provider if different, must agree in writing to submit reports as requested by the Department, pay applicant fees by the tenth of every month, and allow examination or audit of the program's books, records, and financial statements.
- g. FVIP applicants must currently participate in and maintain participation in at least one

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Community Task Force on Family Violence in each circuit in which they offer classes.

- h. FVIP applicants must have a written agreement with a victim liaison and agree in writing to utilize the victim liaison to contact victims in accordance with Department Standard Operating Procedure, unless the victim is in immediate danger, in which case the FVIP has a duty to warn as defined in (j) below.
- i. FVIP applicants must have forms and procedures in place and agree to follow the following requirements for providing completion and termination notifications to referral sources:
  - 1) Within four business days of a participant's completion of the program, the FVIP must notify all referral sources, including courts, Probation Operations Corrections Division, the State Board of Pardons and Paroles (if applicable), and the victim, through the victim liaison, of the participant's attendance, payment of fees, and participation.
  - 2) Within two calendar days of a participant's termination from the program, the FVIP must notify all referral sources including courts, Probation Operations Corrections Division, the State Board of Pardons and Paroles, and the victim, through the victim liaison, as applicable, of the participant's attendance, payment of fees, and participation, unless the FVIP has a duty to warn as defined in (j) below.
- j. FVIP applicants must acknowledge in writing a duty to warn the victim, the victim liaison, law enforcement, referring courts, Probation Operations Corrections Division, or the State Board of Pardons and Parole, as applicable, when a participant is terminated from the program due to violence or threats of violence

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toward himself or the victim, or if the FVIP has a reason to believe the victim is in immediate danger.

2. General staff qualifications:

- a. No person may own, direct, facilitate in, be employed by, or be an agent of any FVIP if such status poses an actual, potential, or apparent conflict of interest. No person may own, direct, facilitate in, be employed by, or be an agent of any FVIP where there exists any type of relationship that would place the owner, director, facilitator, employee, or agent in a position to exert undue influence, exploit, or take undue advantage of any participant.
- b. FVIPs must screen all employment applicants through referral and employment checks.
- c. FVIPs must inquire and request full disclosure of the following criminal background information from all individuals working for the FVIP in any capacity and employment applicants:
  - 1) any conviction, guilty plea, or nolo contendere plea for any misdemeanor or felony
  - 2) deferred adjudication for any misdemeanor or felony
  - 3) probation for any misdemeanor or felony
  - 4) pending charges for any violation of law
  - 5) report to the Department of Family and Children's Services for abuse or neglect
  - 6) bond conditions resulting from any arrest
  - 7) imposed protective or restraining orders

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- 8) a finding of domestic violence in a divorce, custody, or visitation case
- d. FVIPs, upon subsequently learning information contained in section c(1-8) above, must forward the information to the Department within two business days.
- e. The Department, upon receiving notice from an FVIP that an employment applicant has reported information contained in c(1-8) above, must complete a criminal background check.
- f. The Department may deny initial certification or take enforcement action if an FVIP applicant has engaged in any of the actions in c(1-8) above. Crimes of a violent nature, including family violence, drug-related crimes, and crimes related, either directly or indirectly, to a FVIP applicant's fitness to operate a business will be given greater scrutiny.
- g. If a self-report or background check reveals any violations related to family violence, the employment applicant must show that he or she has completed an FVIP that complies with the standards within this policy, and three years of nonviolent behavior subsequent to completion of such program.
- h. All FVIP employee and contract worker personnel files must contain the following documentation:
- 1) criminal background check information
  - 2) documented employment and reference checks
  - 3) signed drug-free workplace policy statements
  - 4) signed sexual harassment policy statements
3. Facilitators must:

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- a. hold a bachelor's degree or have at least two years work experience with batterers, victims, or victim liaisons
  - b. have completed 84 hours of direct contact facilitating, co-facilitating, or trainee experience with male batterer groups using a power and control model
  - c. have completed 40 hours of participation in community education and advocacy
  - d. have completed 40 hours of training approved by the Department and Commission
  - e. have completed 4 hours of documented experimental education with other members of the coordinated community response to domestic violence
4. Facilitators, co-facilitators, and facilitator trainees must:
- a. sign a violence-free lifestyle statement and report any violations of the statement to the FVIP owner by the next business day
  - b. report any actual, potential, or apparent conflicts of interest, arrests, or imposed protective or restraining orders to the FVIP owner by the next business day.
5. Facilitator trainees must have completed 40 hours of training approved by the Department and the Commission before co-facilitating a group.
6. Standards for program structure and course content:
- a. Program structure:
    - 1) Each participant must attend orientation and be interviewed prior to beginning the program. This time does not count toward the class participation requirement.

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- 2) Before entering the program, each participant must sign a contract, which contains:
- (a) an agreement to stop all violent and abusive behavior
  - (b) an agreement to attend and participate in 24 weekly classes within 27 weeks for the program originally enrolled
  - (c) an agreement to pay the required fees and complete all assignments
  - (d) an agreement to remove from the home all weapons, as defined by O.C.G.A. 16-11-121 and 16-11-122
  - (e) an agreement to remain drug and alcohol free during all FVIP classes
  - (f) an agreement to respect any effort by the victim to leave the relationship
  - (g) a statement authorizing release of information about participating in the program and acknowledgement that the FVIP does not hold such information in confidence. The FVIP may report such information to victims, victim liaisons, referring courts, law enforcement, employees of the Department or Probation Operations Corrections Division, and the Board of Pardons and Paroles as necessary.
  - (h) An acknowledgement statement addressing the duty to warn policy, mandatory reporting requirements, victim contact policy, and FVIP response to continued violence or breach of FVIP contract provisions.
- 3) Each class must consist of three to sixteen participants of the same gender,



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and the session must consist of at least 90 minutes of instruction time.

- 4) Participants who miss or report tardy for more than three classes must be terminated from the program, unless a leave of absence has been approved by the referral source and the FVIP in consultation with the victim liaison in advance of the fourth absence.
  - 5) Each FVIP must provide one facilitator for up to eight participants and two facilitators if there are more than eight participants.
  - 6) An FVIP must collect a fee from each participant for each class ranging from \$5.00 to \$50.00. Upon accepting a participant declared indigent by a court, the FVIP must apply a sliding scale based on an indigent's ability to pay.
  - 7) Victims may not attend classes or participate in any FVIP activity.
  - 8) An FVIP may not issue graduation certificates.
- b. Course Content:
- 1) Certified FVIP must use an educational model of group intervention that addresses family violence as an overall system of physical and emotional abuse where the participant chooses to use tactics of power and control over a victim.
  - 2) FVIPs must incorporate the following intervention practices:
    - (a) holding the participant accountable for past, present, and future actions of family violence;

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(b) identifying and challenging tactics of power and control

(c) identifying and challenging personal beliefs and social contexts that support family violence

(d) identifying the effects that the participant's abusive actions have on others

3) FVIPs must avoid the following intervention practices:

(a) referring to the behavior of the victim as a cause, provocation, or excuse for abuse rather than emphasizing the participant's sole responsibility for the choice to abuse

(b) conducting individual, couples, marriage, or family therapy or treatment

c. The Department may deny initial certification if the FVIP applicant's application is incomplete or the FVIP staff or FVIP program does not comply with the general certification requirements, using the following procedure:

1) Prior to denial the Department must issue a Notice of Deficiency (NOD) to the FVIP by certified mail or overnight delivery.

2) The NOD must state the details of the deficiency and give supporting legal basis.

3) An FVIP will have fifteen calendar days to submit requested documents or complete its application. If the FVIP fails to respond within by the deadline or responds inadequately, the Department will initiate the certification denial process.

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- 4) The Department's designee will submit a certification denial request to the Commission for concurrence.
  - 5) If the Commission concurs, it will forward the request to Legal for review. Legal will advise on legal compliance, evidentiary standards, and consistency of action, and return the request to the Commission.
  - 6) The Commission may review the decision with the Commissioner or Commissioner's designee before the Department issues its decision to deny certification.
- d. Notice of denial and response:
- 1) The Department must advise applicants in writing if initial program certification is denied. The notice must state the specific reasons for denial.
  - 2) The applicant will have ten calendar days from the date of notice to return a Request for Reconsideration to the Department, and twenty calendar days from the date of notice to submit any supporting documentation.
  - 3) The applicant may alternatively appeal the Department's decision directly to the Office of State Administrative Hearings by submitting the Office of Administrative Hearings Form with an attached written appeal within ten calendar days from the receipt of notice.
  - 4) Upon receipt of a Request for Reconsideration and if applicable, the Department will contact the FVIP and arrange to receive additional documentation within the appropriate timeline.

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- 5) If the FVIP fails to respond within the deadline, or responds inadequately, the Department will issue a final determination letter.

#### B. Monitoring and Evaluation

1. The Department may conduct on-site administrative reviews, curriculum reviews, application and documentation reviews, and class observations. The monitoring and evaluation of certified programs may also include input from consumer groups including shelters certified by the Department of Human Resources, battered women's advocacy organizations, state and private probation officers, the Georgia Coalition Against Domestic Violence, Tapestri, and the Georgia Commission on Family Violence.
2. To minimize subjective conclusions during monitoring and evaluation, the Department will use Class Observation and Reference Check Sheet forms.

#### C. Enforcement Actions

1. The Department may deny re-certification, suspend, or revoke certification of an FVIP for noncompliance with FVIP standards of section VI, subsection A of this policy, and any of the following reasons:
  - a. Denial of certification within the last 12 months
  - b. Previous revocation in Georgia or any other state
  - c. Suspension within the previous two years
  - d. Failure to begin holding classes within six months of certification
  - e. Failure to continuously operate in compliance with FVIP Rules, policy, and procedure with no more than a three-month break in instruction

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- f. Failure to utilize a subcontracted victim-liaison in accordance with the Department's Standard Operating Procedure.
  - g. Failure to ensure facilitators meet the annual continuous education requirement of eight hours approved by the Commission
  - h. Failure to ensure facilitators meet the annual four hours of experiential training with other members of the coordinated community response to domestic violence
  - i. Use of anger and violence assessment tools for court or probation purposes to predict future violent behavior
  - j. Allowing participants to violate their contract, FVIP rules, policy, or procedure without progressive consequences
  - k. Failure to provide the Department of Corrections representatives meaningful access to the premises, staff, or participant records
  - l. Communicating a false or misleading statement of material fact or omitting the same in connection with certification, inspection, or investigation, including altering or falsifying records
  - m. Changing ownership or locations to avoid monitoring or sanctions
2. Administrative Fines
- a. In addition to the enforcement actions of section VI, subsection C, the Department may, with the approval of the Commissioner, assess an administrative fine of up to \$1,000 per violation against any person, firm, or corporation that has violated any provision of Title 19, Chapter 13, Article 1A of the Official Code of Georgia, or any order, rule, or regulation developed pursuant to this code section.

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b. The Department, in its discretion may choose among the enforcement actions of suspension or revocation of certification or the assessment of an administrative fine. When deciding among enforcement actions, the Department may consider the following:

- 1) the seriousness of the violation
- 2) previous violations by the same FVIP
- 3) what preventive policy, if any, the FVIP had in place prior to the violation
- 4) whether the FVIP made a good faith attempt prior or subsequent to discovery of the violation to correct the area in noncompliance
- 5) whether the FVIP voluntarily reported the problem

3. Notice of enforcement actions and response:

- a. Upon initial discovery of a FVIP policy or procedural violation, the Department must document specific details in the Class Observation Form, Reference Check Sheet, or Site Visit Checklist as appropriate.
- b. Prior to imposing any enforcement action, the Department must issue a Notice of Deficiency (NOD) to the FVIP by certified mail or overnight delivery; unless the violation jeopardizes public safety, health or welfare. The NOD must put the FVIP on notice about the following:
  - 1) the date, time, and location for which the deficiency was documented
  - 2) a statement that details the deficiency with supporting legal basis

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- 3) a request that the FVIP return evidence showing compliance or respond with a Corrective Action Plan within ten calendar days
- c. If the FVIP fails to respond with a Corrective Action Plan within the designated time frame, or responds inadequately, the Department may request enforcement action under any provision detailed in section VI, subsections C and D of this policy.
- 1) The Department will forward the request for enforcement action to the Commission for concurrence
  - 2) The Commission will forward the request for enforcement action to Legal for review. Legal will advise on legal compliance, evidentiary standards, and consistency
  - 3) The Commission may review the decision with the Commissioner or Commissioner's designee before issuing the Department's Enforcement Action Letter with the Request for Reconsideration and OSAH Form attached.
- d. The Department must respond with a Final Determination Letter within five business days from the date the Request for Reconsideration was received. If the Department is unable to respond within five business days, the Department must notify the FVIP in writing of any extension of time.
4. Effect of Suspension or Revocation
- a. The date of revocation is the date the FVIP received the Enforcement Action Letter or the date that revocation appeal is denied, whichever is later.

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- b. A FVIP that has had its certification revoked may not apply for re-certification for 18 months after the date of revocation.
- c. Upon suspending or revoking FVIP certification, the Department must notify the appropriate courts, Task Force, Probation Operations Corrections Division, and the Board of Pardons and Paroles as applicable.