

**RULES OF
GEORGIA DEPARTMENT OF COMMUNITY SUPERVISION**

**CHAPTER 15-4
FAMILY VIOLENCE INTERVENTION PROGRAM**

TABLE OF CONTENTS

| | |
|-----------|---|
| 105-3-.01 | Name and Address. |
| 105-3-.02 | Purpose and Authority. |
| 105-3-.03 | Definitions. |
| 105-3-.04 | Certification Required. |
| 105-3-.05 | Certification Requirements for Family Violence Intervention Program Facilitators. |
| 105-3-.06 | Certification Requirements for Family Violence Intervention Program Owners. |
| 105-3-.07 | Procedure and Class Requirements. |
| 105-3-.08 | Reporting and Recordkeeping Requirements. |
| 105-3-.09 | Curriculum Requirements. |
| 105-3-.10 | Prohibited Intervention Practices and Activities. |
| 105-3.11 | Requirements of Commission-Approved Training. |
| 105-3-.12 | Family Violence Intervention Program Monitoring. |
| 105-3-.13 | Enforcement of Family Violence Intervention Program and Facilitator Requirements. |
| 105-5-.14 | Applicability of Administrative Procedures Act. |
| 105-3-.15 | Severability. |

105-3-.01 Name and Address.

The Board of Community Supervision, in partnership with the Georgia Department of Community Supervision and the Georgia Commission on Family Violence, adopted these rules governing family violence intervention programs. The Board of Community Supervision is located at 2 Martin Luther King, Jr., Drive, Suite 866 – East Tower, Atlanta, Georgia 30334.

105-3-.02 Purpose and Authority.

These rules shall be known as the Rules for Family Violence Intervention Programs. The purpose of the rules is to provide for the administration and certification of Family Violence Intervention Programs and Facilitators by the Department of Community Supervision through standards developed by the Georgia Commission on Family Violence and to provide for the enforcement of certification and program requirements and for the inspection and investigation of such programs and staff, by the Department of Community Supervision through the Georgia Commission on Family Violence. These rules are adopted and published in accordance with the Official Code of Georgia Annotated O.C.G.A. §19-13-10, et seq. These rules shall remain in effect until adoption of new rules and regulations under the Board of Community Supervision.

Authority: OCGA §19-13-10; §19-13-14(d) & (e); §19-13-17; §19-13-34(a)(4) & (9)

105-3-.03 Definitions.

- (a) "Candidate" means a person who is ordered or self-referred to complete a Family Violence Intervention Program.
- (b) "Certification fee" means the fee that is assessed by the Commission for consideration of an application for program certification or facilitator certification.
- (c) "Class" means a group of participants who are simultaneously participating in a Family Violence Intervention Program.
- (d) "CJCC" means Criminal Justice Coordinating Council.
- (e) "Commission" means the Georgia Commission on Family Violence.
- (f) "Community Task Force on Family Violence" means a community-based family violence task force that is supported by and working in collaboration with the Commission.
- (g) "Department" means the Georgia Department of Community Supervision.
- (h) "Domestic violence" refers to physical, emotional, economic, sexual and verbal abuse, coercive control, stalking, and violence or threats of violence against an intimate partner, property or others.
- (i) "Facilitator" means a Family Violence Intervention Program group leader who is certified pursuant to these rules.
- (j) "Facilitator Trainee" means a person who is in the process of completing the facilitator certification requirements.
- (k) "Family violence" means the occurrence of one (1) or more of the following acts between past or present spouses, persons who are parents of the same child, parents and children, stepparents and stepchildren, foster parents and foster children, or other persons living or formerly living in the same household: Commission of the offense of battery, simple battery, simple assault, assault, stalking, criminal damage to property, unlawful restraint, criminal trespass or any felony.
- (l) "Family Violence Intervention Program" or "FVIP" means any program which is certified pursuant to these rules.
- (m) "Family" or "household member" means past or present spouses, persons who are parents of the same child, parents and children, stepparents and stepchildren, foster parents and foster children, or other persons living or formerly living in the same household.

(n) "Intimate partner" refers to a current or former spouse, domestic or dating partner, significant other, boyfriend, or girlfriend.

(o) "Lateness" means arriving to a class after the class has started at its scheduled time.

(p) "Monitor" means an agent of the Commission trained and authorized to conduct monitoring of facilitators, class content, and the administrative and/or programmatic requirements of FVIPs.

(q) "Participant" means a person who is enrolled in a Family Violence Intervention Program.

(r) "Person" means any individual, agent, representative, governing or operating authority, board, organization, partnership, agency, association, corporation, or other entity, whether public or private.

(s) "Provider" means a certified FVIP provider whose purpose is to rehabilitate family violence offenders.

(t) "SOP" means a standard operating procedure of the Department.

(u) "Trainer" means a person providing Commission-approved training that may be credited toward the training and continuing education requirements for facilitators.

(v) "Victim" means the family member, household member or intimate partner against whom a participant has committed, or is committing, acts of family violence or domestic violence.

(w) "Victim liaison" means a victim advocate who works in a CJCC-certified program or Commission-approved domestic violence organization that primarily serves victims of family violence or domestic violence and has received domestic violence victim safety training, and who shall be paid and subcontracted by the FVIP.

Authority: OCGA §19-13-13(a).

105-3-.04 Certification Required.

No person shall own or operate an FVIP or facilitate an FVIP class without being certified by the Commission as set forth herein in these rules. The failure or refusal to apply for and maintain certification shall subject the FVIP owners, operators and facilitators to sanctions provided in these rules. All applications for certification and recertification must be submitted as required to the Commission, and must be truthful, accurate, and complete.

(a) Limitations on eligibility for FVIP Certification and Facilitator Certification:

1. No person shall be certified who has been a perpetrator of family or domestic violence, including any family violence charges within five (5) years, unless the applicant has shown proof that they have successfully completed a certified FVIP at least two (2) years prior to applying for certification.

2. No person shall be certified who is under any form of community supervision, administrative or otherwise, by any law enforcement agency or county, state or federal authority. This includes, but is not limited to, any form of misdemeanor or felony probation, pre-trial diversion, or parole.

3. No person shall own, direct, facilitate in, or employ any supervisor or director of an FVIP program if such status poses an actual, potential, or apparent conflict of interest. Nor shall any person own, direct, facilitate, or employ any supervisor or director of any program where there exists any type of relationship that would place the owner, director, facilitator, or employee in a position to exert undue influence, exploit, or take undue advantage of any participant.

Authority: OCGA §19-13-13(a) & (b); §19-13-14(d)

105-3-.05 Certification Requirements for Family Violence Intervention Program Facilitators.

(1) Initial Facilitator Certification Requirements.

(a) Facilitator Training Requirements. Applicants shall provide proof of completing the following training requirements within three (3) years of applying for certification:

1. Completion of twenty (20) hours of Commission delivered facilitator training;

i. Applicants must attend “FVIP Basics,” a six (6) hour training, prior to beginning all other training requirements and class participation requirements. The remaining fourteen (14) hours of Commission delivered training may be completed in conjunction with the additional training requirements.

2. Completion of forty (40) hours of Commission-approved training. These training hours must be pre-approved by the Commission.

3. Completion of forty (40) hours of participation in community education and victim advocacy.

i. Fifteen (15) of these forty (40) hours must be spent participating in the Community Task Force on Family Violence or other coordinated community response to domestic violence. If no such body exists, the applicant shall attend other family violence community meetings for this requirement or may request from the Commission that these hours be met through domestic violence court observations, law enforcement ride-alongs, or volunteering with a domestic violence advocacy program. The remaining hours may be comprised of domestic violence court observations, law enforcement ride-alongs, or volunteering with a domestic violence advocacy program;

(b) FVIP Class Participation Requirements. Applicants shall provide proof of completing the following participation requirements within three (3) years of applying for certification.

1. Thirty-six (36) hours as a participant observer in a certified FVIP. A facilitator trainee may participate in an FVIP class after completing six (6) hours of training as outlined in 105-3-.05(1)(a)(1)(i) and only with a certified facilitator.

2. Thirty-six (36) hours of direct face-to-face contact as a facilitator trainee with a certified facilitator. A facilitator trainee may have direct face-to-face contact as a facilitator trainee after completing requirements outlined in 105-3-.05(1)(a)(1)(i) and 105-3-.05(1)(b)(1).

(c) Recommendation Letter. Applicants shall submit a letter of recommendation from the certified facilitator with whom the applicant completed their direct face-to-face facilitator trainee hours.

(d) Facilitator Educational Requirements. Facilitators must have a four (4) year college degree or two years of experience as a group facilitator, instructor or counselor.

(e) Principles of Practice. Each facilitator trainee and certified facilitator shall adhere to the following Principles of Practice, submit a signed copy of the Principles of Practice upon certification and recertification and prominently display them in the program facility in which they are facilitating.

1. FVIP providers are advocates for victims of family and domestic violence who work to hold participants accountable for their acts of family and domestic violence. The highest priorities of FVIP providers are the safety, rights, and confidentiality of victims.

2. FVIP providers advocate that offenders of family and domestic violence be held accountable. FVIP providers should never collude with participants, minimize, tolerate or justify abusive and unacceptable behavior.

3. FVIP providers consult with victim advocates to ensure quality programming.

4. FVIP providers consistently act and communicate in ways that do not perpetuate discriminatory behavior, attitudes, or bias. FVIP providers treat all with dignity.

5. FVIP providers are not advocates or legal witnesses on behalf of participants and shall use caution when responding to requests for assessments, impressions, opinions, information, or testimony. FVIP providers will not state or imply that program completion will result in non-abusive behaviors or victim safety.

6. Anger management programs, couples counseling, and psychotherapy are not appropriate interventions for family and domestic violence and may place the victim at heightened risk. Ending violence and abuse and ensuring victim safety takes precedence over efforts to save relationships.

7. Educational group sessions must be the primary approach to family and domestic violence intervention. Substance abuse treatment, addictions treatment, and individual treatment are not

appropriate interventions for family and domestic violence. However, providers may find participants benefit from these interventions separately, but only in addition to participation in an FVIP.

8. FVIPs alone do not create accountability. FVIP providers collaborate with community partners and participate in a larger coordinated community response to family and domestic violence.

(f) Code of Ethics. Each facilitator trainee and certified facilitator shall adhere to the following Code of Ethics and submit a signed copy upon certification and recertification.

1. I will make victim safety my first priority in working with participants who engage in acts of family or domestic violence. I will make participant accountability my second priority.

2. I will collaborate with domestic violence victim advocates to design and inform my FVIP work to ensure quality programming.

3. I will provide truthful, accurate, and complete statements to the criminal justice system, victim liaisons, the Department, the Commission, and other community partners.

4. I will report to the referring agency and victim liaison any recent additional acts of family or domestic violence admitted to by an FVIP participant, when such reporting will not further endanger the victim or witness. Through consultation with the victim liaison, I will report to all appropriate legal authorities any suspected neglect and/or abuse of a child or protected adult.

5. I will report to the Commission any violations of the Rules for Family Violence Intervention Programs that I observe while certified as an FVIP facilitator.

6. I will conduct myself in my personal and professional life in a manner consistent with the principles of nonviolence and I will abide by a drug-free lifestyle. I will immediately disclose to my direct supervisor and the Commission if I commit, am arrested for, or have been convicted of any misdemeanor or felony crime.

7. I will avoid personal, professional, or business relationships that conflict with the interest of the FVIP and those it serves. I will not accept gifts, services, or benefits that impair my integrity, the integrity of the agency, or might invite special considerations.

8. I will avoid the appearance of impropriety. I will not engage in any behavior that I would be unwilling to disclose fully to my colleagues, legal authorities, and the public. I will not engage in sexual or romantic activities with participants, victims, or their family members for at least two (2) years after our last professional contact. Even at that time, I will not engage in such behaviors that could reasonably contribute to the suffering of any person(s) or the impairment of the FVIP efforts.

9. I will fully explain all program rules and policies, fee payment, enrollment, program standards, discharge, and completion requirements to participants. I will consistently apply program rules to all participants.

10. I will treat all program participants and the victims of their violence fairly. I will not discriminate on the basis of actual or perceived race, class, age, religion, educational attainment, ethnicity, national origin, handicaps, sex, gender identity, sexual orientation, or economic condition. To the best of my ability, I will work to ensure that all persons have equal access to FVIP resources and services.

(g) Background Check Requirement. All applicants shall undergo a comprehensive criminal background, temporary protective order, and driver history check. Facilitators may be subject to additional background checks at any point during their period of certification. All background checks will be conducted by the Department. The Commission shall report to the facilitator the results of the background checks at the request of the applicant or facilitator.

1. Facilitators shall provide the Commission documentation and details of any of the following:

- i. Conviction, guilty plea, or nolo contendere plea for any felony or misdemeanor.
- ii. Adjudication of guilt withheld for a felony or misdemeanor, including first offender act and conditional discharge sentencing.
- iii. Current charges of a violation of law.
- iv. Reports to the Department of Family and Children's Services for child abuse or neglect.
- v. Protective orders issued against them, or bond conditions resulting from an arrest.
- vi. A finding of family or domestic violence made in divorce, custody or visitation proceedings.
- vii. Any sanctions and revocations imposed by any professional licensing boards.

(h) Notification of Arrest Requirement. Once certified, facilitators shall report to the Commission by the next business day after release any arrest.

(i) Notification of Temporary Protection Order Respondent Requirement. Once certified, facilitators shall report to the Commission any temporary protection or stalking orders of which they are a respondent by the next business day after service of the order.

(j) Facilitator Certification Schedule and Fees. The Commission will review certification applications for facilitators on an ongoing basis. Each applicant will be required to submit a nonrefundable \$300 certification fee with their application. The Commission will prorate certification fees to the nearest

January 1.

(2) Recertification Requirements for Family Violence Intervention Program Facilitators. Once certified, a facilitator shall remain certified for two (2) years from the prorated January 1 certification date as long as the facilitator remains in compliance with applicable laws and rules. The failure or refusal to maintain certification while facilitating FVIP classes shall subject the facilitator to sanctions provided in these rules.

(a) Recertification Training Requirements. Each applicant shall submit to the Commission a completed application and all requested documentation.

1. Training requirements must be completed between the months of January – December annually. Facilitators shall provide proof of completing the following training requirements when applying for recertification:

i. Completion of twelve (12) hours of Commission-approved training annually.

ii. Attend three (3) meetings of the Community Task Force on Family Violence or other coordinated community response to domestic violence annually. If no such body exists, the applicant shall attend other family violence community meetings for this requirement or may request from the Commission this requirement be met through domestic violence court observations, law enforcement ride-alongs, or volunteering with a domestic violence program.

(b) Recertification Schedules and Fees.

1. Facilitators shall complete and submit to the Commission the required application and documents by January 1 biannually. Each recertification applicant will be required to submit a nonrefundable \$100 recertification fee with their application.

2. There will be a \$100 late fee for certified facilitators who submit their application for recertification within thirty (30) calendar days after January 1. If a recertification application is not received within thirty (30) calendar days after January 1, facilitator certification will be suspended and there will be an additional \$200 reinstatement fee if recertification requirements are met within sixty (60) calendar days.

3. After sixty (60) calendar days, certification will be expired. Within two (2) years of certification expiration, previously certified facilitators may apply for reinstatement of their certification by providing proof of completing ongoing continuing education and Community Task Force on Family Violence participation requirements and submit a \$200 reinstatement fee. After two (2) years, previously certified facilitators who seek recertification will be required to apply for certification as new facilitators.

(c) Certification and Recertification Requirements for Facilitators Approved before January 1, 2019.

1. All Commission approved facilitators shall be provided the opportunity to obtain certification upon providing the Commission with the requested information by December 30, 2018. Initial certification for approved facilitators will last for one (1) or two (2) years in order to stagger distribution of certification of facilitators. The Commission will notify the facilitator of their certification via certified mail by March 1, 2019.

2. Facilitators who receive an initial one (1) year certification period will be required to provide proof of the following on their next recertification application: completing twelve (12) hours of Commission-approved training obtained from January - December, evidence of attending three (3) Community Task Force on Family Violence meetings from January-December, and a \$100 recertification fee. All facilitators who are certified for an initial one (1) year certification period shall be required to attend three (3) hours of Commission-provided training on the Rules of Family Violence Intervention Programs within their first year of certification.

3. Facilitators who receive an initial two (2) year certification period will be required to provide proof of the following on their next recertification application: completing twelve (12) hours of Commission-approved training obtained from January – December annually, evidence of attending three (3) Community Task Force on Family Violence meetings from January – December annually, and a \$100 recertification fee. All facilitators who are certified for an initial two (2) year certification period shall be required to attend three (3) hours of Commission-provided training on the Rules of Family Violence Intervention Programs within their second year of certification.

(3) Notice of Approval or Denial of Facilitator Certification and Recertification.

(a) Upon receipt of all required application materials, the Commission will undertake a review of the application materials for purposes of determining whether the facilitator meets all certification or recertification requirements. The Commission will notify the applicant within thirty (30) calendar days of receipt of application materials if the application has been approved or denied, if the application is incomplete, or if the Commission requires more time to process the application.

(b) If the Commission determines all facilitator certification or recertification requirements have been satisfied as set forth by law and in these rules, the Commission shall certify or recertify the facilitator. The Commission will notify the facilitator of their initial certification via certified mail at the address provided in the application. The Commission will notify the facilitator of their recertification in the Commission designated reporting system.

(c) If the Commission determines facilitator certification or recertification requirements have not been satisfied, the Commission will advise the applicant or facilitator who is denied initial certification or recertification, in writing, of the reasons for its decision to deny facilitator certification or recertification. New applicants will be notified via the email address provided in the application. Facilitators seeking recertification will be notified via the Commission designated reporting system. The applicant will then have ten (10) business days from the date of the Commission's notification of denial of certification or

recertification to submit additional documentation, correct deficiencies, or otherwise complete the application as may be required by the Commission. If the applicant again fails to demonstrate compliance with all certification requirements, the application shall be denied.

(d) Denials may be appealed by following procedures required by law and these rules.

(e) It is the responsibility of applicants and facilitators to submit and maintain their current mailing address and email address with the Commission as any and all correspondence will be sent to the mailing address and email address on file.

Authority: OCGA §19-13-11; §19-13-13 (b); §19-13-14(a) & (e); §19-13-17

105-3-.06 Certification Requirements for Family Violence Intervention Program Owners.

(1) Initial FVIP Certification.

(a) Judicial Circuit Requirement. Programs seeking certification in more than one (1) judicial circuit shall submit one (1) application. Programs must indicate all judicial circuits in which they are applying for certification.

(b) Mission Statement Requirement. Each applicant shall submit in their application their program's mission statement or a statement of intent addressing the role of the FVIP in their organization.

(c) Background, History & Experience. Each applicant shall submit information on the program owner's, operator's and/or designee's background, history, interest and experience addressing family violence and domestic violence.

(d) Disclosure of Businesses and Ownership Ventures. Each applicant shall disclose any other businesses or ownership ventures.

(e) Locations & Class Schedules. Each applicant shall submit the addresses for all requested locations, proposed class schedules and assigned certified facilitators.

(f) Class Fees. Each applicant shall submit their class fee schedule and written indigent fee reduction plan for participants declared indigent by the court and provide a copy of these documents to all referral sources.

(g) General Liability Insurance. Each applicant shall submit proof of a current general liability insurance of at least \$1,000,000.

(h) Victim Liaison Requirement. Applicants shall submit a current contract with a victim liaison. FVIPs are required to have a contract with a victim liaison at all times during the course of their certification. The victim liaison shall be a paid, subcontracted domestic violence advocate from a CJCC-certified

program or Commission-approved program. FVIPs must notify the Commission if there is any change in the victim liaison.

1. An FVIP may initiate contact with victims of family and domestic violence only through the victim liaison unless FVIP staff has a legal duty to warn the victim of immediate danger. All FVIP contact with victims shall be in accordance with the Department SOP.

(i) Principles of Practice. Each applicant shall submit a signed copy of the Principles of Practice. FVIPs shall adhere to the following Principles of Practice, incorporate them into their program's policy and procedure manual, submit a signed copy to the Commission upon recertification, and prominently display them in the program facility.

1. FVIP providers are advocates for victims of family and domestic violence who work to hold participants accountable for their acts of family and domestic violence. The highest priorities of FVIP providers are the safety, rights and confidentiality of victims.

2. FVIP providers advocate that offenders of family and domestic violence be held accountable. FVIP providers should never collude with participants, minimize, tolerate, or justify abusive and unacceptable behavior.

3. FVIP providers consult with victim advocates to ensure quality programming.

4. FVIP providers consistently act and communicate in ways that do not perpetuate discriminatory behavior, attitudes, or bias. FVIP providers treat all with dignity.

5. FVIP providers are not advocates or legal witnesses on behalf of participants and shall use caution when responding to requests for assessments, impressions, opinions, information, or testimony. FVIP providers will not state or imply that program completion will result in non-abusive behaviors or victim safety.

6. Anger management programs, couples counseling, and psychotherapy are not appropriate interventions for family and domestic violence and may place the victim at heightened risk. Ending violence and abuse and ensuring victim safety takes precedence over efforts to save relationships.

7. Educational group sessions must be the primary approach to family and domestic violence intervention. Substance abuse treatment, addictions treatment, and individual treatment are not appropriate interventions for family and domestic violence. However, providers may find participants benefit from these interventions separately, but only in addition to participation in an FVIP.

8. FVIPs alone do not create accountability. FVIP providers collaborate with community partners and participate in a larger coordinated community response to family and domestic violence.

(j) Background Check Requirement. All program owners, operators and designees shall undergo a comprehensive criminal background, temporary protective order, and driver history check. Program owners, operators and designees may be subject to additional background checks at any point during their period of certification. All background checks will be conducted by the Department.

1. Program owners, operators, and designees shall provide the Commission details of any of the following:

- i. Conviction, guilty plea, or nolo contendere plea for any felony or misdemeanor.
- ii. Adjudication of guilt withheld for a felony or misdemeanor, including first offender act and conditional discharge sentencing.
- iii. Current charges of a violation of law.
- iv. Reports to the Department of Family and Children's Services for child abuse or neglect.
- v. Protective orders issued against them, or bond conditions resulting from an arrest.
- vi. A finding of family or domestic violence made in divorce, custody, or visitation proceedings.
- vii. Any sanctions and revocations imposed by any professional licensing boards.

(k) Notification of Arrest Requirement. FVIP owners, operators and designees shall report to the Commission by the next business day after release any arrest.

(l) Notification of Temporary Protection Order Respondent Requirement. FVIP owners, operators, and designees shall report to the Commission any temporary protection or stalking orders of which they are a respondent by the next business day after service of the order.

(m) Coordinated Community Response Requirement. Program owners, operators, or designees shall participate in the Community Task Force on Family Violence and be a part of the coordinated community response to domestic violence in every judicial circuit in which they are certified. Evidence of program owners, operators and/or designees (other than a facilitator or manager) participating in two (2) coordinated community response meetings annually shall be submitted to the Commission upon recertification. If no such body exists, the applicant shall attend other family violence community meetings for this requirement or may request from the Commission these hours be met through domestic violence court observations, law enforcement ride-alongs, or volunteering with a domestic violence advocacy program.

(n) Program Certification Schedule and Fees. The Commission will review applications for initial program certification two (2) times a year. Each applicant will be required to submit a \$300 nonrefundable certification fee per requested judicial circuit with their application.

(2) Recertification Required. Once certified, an FVIP shall remain certified for two (2) years as long as the program remains in compliance with applicable laws and rules. Recertification every two (2) years is required for FVIP programs in order to continue to hold FVIP classes. The failure or refusal to maintain certification with the Commission while holding FVIP classes shall subject the program or individuals to sanctions provided in these rules.

(a) Required Documentation for Program Recertification. The Commission will require that certain documents and information be updated to verify continuing compliance with these rules. Such documents and information shall include, but are not limited to: program locations, class schedules, class fees, indigent fee reduction plans, proof of general liability insurance, valid contract with an approved victim liaison, evidence of participation in two (2) meetings of the local coordinated community response to family violence annually, program curriculum, and a valid Principles of Practice agreement.

(b) Recertification Schedule and Fees. Certified FVIPs shall complete and submit to the Commission the required application and documents and \$300 per judicial circuit every two (2) years. There will be a \$200 late fee for FVIPs who submit their application within thirty (30) calendar days after the recertification due date. After thirty (30) calendar days of the recertification due date, FVIP certification will be suspended and there will be an additional \$200 reinstatement fee if all recertification requirements are met within sixty (60) calendar days.

(c) Action Required by Currently Certified Programs by December 30, 2019.

1. All programs currently certified by the Commission shall be provided the opportunity to maintain certification upon providing the Commission with the requested information by October 30, 2018. Certification dates will be reassigned to programs based on their current recertification dates in order to stagger distribution of certification of programs. Programs with certification or recertification dates in 2017 will be assigned recertification dates of January 1, 2020. Programs with certification or recertification dates in 2018 will be assigned recertification dates of January 1, 2021.

(a) The Commission will require that certain documents and information be updated and submitted to the Commission to verify compliance with these rules. Such documents and information shall include, but are not limited to: program locations, class schedules, class fees, indigent fee reduction plans, proof of general liability insurance, valid contract with an approved victim liaison, a valid Principles of Practice agreement, and contact information for the program owners, operators and/or designees (other than a facilitator or manager) who will be responsible for attending Community Task Force on Family Violence meetings.

(3) Notice of Approval or Denial of FVIP Certification and Recertification.

(a) Upon receipt of all required application materials, the Commission will undertake a review of the application materials for purposes of determining whether the program meets all certification or recertification requirements. The Commission will notify the applicant within thirty (30) calendar days of receipt of materials if the application has been approved or denied, if the application is incomplete, or if the Commission requires more time to process the application.

(b) If the Commission determines all program certification or recertification requirements have been satisfied as set forth by law and in these rules, the Commission shall certify or recertify the program. The Commission will notify the program of their initial certification via certified mail at the address provided in the application. The Commission will notify the program of their recertification via the Commission designated reporting system.

(c) If the Commission determines all program certification or recertification requirements have not been satisfied, the Commission will advise the applicant of the reasons for its decision to deny program certification or recertification. New applicants will be notified via the email address provided in the application. Certified programs seeking recertification will be notified via the Commission designated reporting system. The applicant will then have ten (10) business days from the date of the Commission's notification of denial of certification or recertification to submit additional documentation, correct deficiencies, or otherwise complete the application as may be required by the Commission. If the applicant again fails to demonstrate compliance with all certification or recertification requirements, the application shall be denied.

(d) Denials may be appealed by following procedures required by law and these rules.

(e) It is the responsibility of applicants and program owners, operators, and designees to submit and maintain their current mailing address and email address with the Commission as any and all correspondence will be sent to the mailing address and email address on file.

(4) Certification Nontransferable. Certification of a program is nontransferable. If there is a change in program ownership, an application for initial certification shall be submitted to the Commission by the proposed program provider at least sixty (60) calendar days prior to the effective date of any change in program ownership. New FVIP providers must meet all certification requirements.

Authority: OCGA §19-13-11; §19-13-13 (a) & (b); §19-13-14(a), (d) & (e); §19-13-17

105-3.07 Procedure and Class Requirements.

(1) Program Orientation Requirements.

(a) Certified facilitators will conduct an orientation and/or application interview with candidates. Neither the orientation nor the application interview will count toward the twenty-four (24) class

requirement. The orientation and/or application interview shall include determining previous incidents of abuse, identifying the source of referral, and obtaining victim contact information.

(b) Certified facilitators shall require candidates to provide copies of any police reports, protection orders, probation conditions, and any other court orders related to their case prior to starting FVIP classes.

(c) Certified facilitators may use assessment tools for evaluating candidates for the appropriateness of FVIP classes.

(d) Certified facilitators may not use evaluation tools or clinical assessments for the purposes of predicting a candidate's or participant's future use of violence or propensity for violence.

(e) Certified facilitators shall assess candidates for accessibility requirements under state law.

(f) A Victim Contact Request Form must be sent to the victim liaison within five (5) calendar days of a participant's enrollment in the FVIP. Requirements for this form can be found in the Department SOP.

(2) Participant Fee Requirements.

(a) FVIPs shall not charge participants a fee that exceeds \$60.00 per class or \$120 for orientation and/or application interview.

(b) Each FVIP will be assessed a \$20.00 fee for each participant that is payable to the Commission within thirty (30) calendar days of issuance of an invoice. The Program shall enter the participant into the Commission designated reporting system by the tenth day of the following month when the participant enrolled.

(c) If a participant re-enrolls in an FVIP after being previously terminated by that FVIP, the FVIP shall be assessed an additional \$20.00 fee for the participant payable to the Commission within thirty (30) calendar days of receiving an invoice. The FVIP shall enter the participant into the reporting system by the tenth day of the following month when the participant re-enrolled.

(3) Participant Contract Requirements.

(a) FVIPs shall require each participant to sign a contract before being permitted entry into the program. The contract must require the participant to:

- i. Immediately stop all violence and abuse towards the victim and others;
- ii. Remove from the place of residence all firearms;

- iii. Remove from the place of residence any weapons used to harm or threaten the victim;
- iv. Respect any effort by the victim to leave the relationship;
- v. Attend twenty-four (24) ninety (90) minute group classes at the rate of one (1) class per week, arrive on time, participate regularly, pay all required fees, complete all assignments, and adhere to the contract;
- vi. Complete the program where the participant originally enrolled unless approval to transfer FVIPs is obtained from the court, other referral source, or the Commission;
- vii. Be drug and alcohol free during all classes;
- viii. Acknowledge that FVIPs do not limit confidentiality and may release information to victims, victim liaisons, referring courts, law enforcement, Commission staff and monitors, the Department, the Board of Pardons and Paroles and others;
- ix. Acknowledge the FVIP's duty to warn policy, mandatory reporting requirements, victim contact policies, programmatic response to continued violence and consequences of breaking the FVIP's participant contract.

(4) Required Class Structure.

- (a) FVIPs shall require each participant to attend a minimum of twenty-four (24) weekly group classes. Participants may not attend more than one (1) class per week.
- (b) Classes shall be at least ninety (90) minutes in length. Administrative duties, including taking attendance and collecting fees, are prohibited during the ninety (90) minutes of instruction time. Breaks shall not be included in the ninety (90) minutes.
- (c) A certified facilitator may not hold a class with more than eight (8) participants if only one (1) certified facilitator is present. Two (2) certified facilitators may co-facilitate a class not to exceed sixteen (16) participants.
- (d) Participants may not have more than three (3) absences. A fourth absence must result in automatic termination from the FVIP.
- (e) Participants arriving late to class may attend class but not receive credit, and no payment shall be charged or received by the FVIP. If a participant is late to class three (3) times, it shall counted as one (1) absence.

(f) Transfer of a participant to another program will not be permitted unless the transfer has been approved by the court, other referral source, or the Commission. If approved, the FVIP the participant is transferring from shall notify the victim liaison of the participant's transfer within four (4) calendar days. FVIPs who accept transferred participants must complete all procedures required of new participants.

(g) All participants in a class must be of the same gender identity.

(h) Intimate or ex-intimate partners are not allowed to participate in the same class.

(i) Participants must attend class in-person. No online classes will be approved.

(5) Prohibited Class Activities.

(a) FVIPs shall not give participants credit for anger management, DUI, or any other class for attending an FVIP class, nor shall an FVIP give participants credit for attending an anger management, DUI or any other class.

(b) FVIPs shall not allow participants to provide personal favors in lieu of class fees or attendance.

(c) FVIPs shall not require or permit victims to attend or participate in orientation, application interview, class, or FVIP activities in any way.

(d) FVIPs shall not permit participants to violate any FVIP rules, procedures, or participant contract requirements without escalating consequences up to and including termination from the program.

(6) Criteria and Procedures for Program Completion.

(a) Participants must complete a minimum of twenty-four (24) weekly classes that are ninety (90) minutes in length to complete an FVIP program.

(b) FVIPs shall not issue certificates to participants who have completed the program.

(c) Within four (4) calendar days, FVIPs must notify all referral sources, including the courts, the Department (if applicable), the State Board of Pardons and Paroles (if applicable), and the victim (via the victim liaison), of a participant's completion of an FVIP.

(7) Criteria and Procedures for Terminating a Participant or Denying Enrollment of a Candidate.

(a) Participants and candidates shall be terminated and/or denied for enrollment from the program for the following reasons:

1. Participant or candidate is unwilling to sign the contract;

2. Participant or candidate fails to abide by the rules and regulations of the FVIP, including participation, attendance, fee payments, or any other violations of the contract, including but not limited to:

i. Continued use of multiple forms of violence or abuse towards the victim, any current family member or partner, FVIP staff, or FVIP participants,

ii. Demonstrated unwillingness to change, by refusal to hear and act on feedback, blaming victims or external circumstances, or justifying abuse,

iii. Attending class under the influence of alcohol or drugs,

iv. Refusal to remove from the place of residence all firearms;

v. Refusal to remove from the place of residence any weapons used to harm or threaten the victim;

3. Participant accumulates four (4) absences from the class.

(b) If an FVIP has determined that a participant will be terminated, the FVIP will notify the victim liaison with a notice of intent to terminate two (2) calendar days prior to terminating the participant, when possible.

(c) If a participant is terminated due to violence or threats of violence, the FVIP shall immediately contact all referral sources, including the courts, the Department (if applicable), the State Board of Pardons and Paroles (if applicable), and the victim (via the victim liaison).

(d) Within two (2) calendar days of terminating a participant, the FVIP shall notify all referral sources, including the courts, the Department (if applicable), the State Board of Pardons and Paroles (if applicable), and the victim (via the victim liaison) of a participant's termination from an FVIP.

(e) If a participant is terminated, they are not eligible to receive credit for classes completed at the program they attended. Participants may not start a new program after being terminated without approval from the referral source.

Authority: OCGA §19-13-11; §19-13-13 (a) & (b); §19-13-14(a), (d) & (e); §19-13-17

105-3-.08 Reporting and Recordkeeping Requirements.

(1) Monthly Reporting and Payment Requirements to the Commission.

(a) FVIPs shall report to the Commission the following information once a month through the Commission designated reporting system:

1. New and updated locations where classes are being held.
2. New and updated class schedules, including the day, time, type of class, and certified facilitator(s) assigned to the class.
3. Participants must be entered into the reporting system by the tenth day of the following month for which they enrolled or re-enrolled in the program.
4. Participants who have completed, transferred or been terminated from the program by the tenth day of the following month.
5. FVIPs must report if they had no new participants for the previous month.

(b) The Commission will issue an invoice to FVIPs once a month. FVIPs shall submit payment to the Commission within thirty (30) calendar days of issuance of the invoice. If payment is not submitted within thirty (30) calendar days, the FVIP shall be charged the following late fees:

1. After forty-five (45) calendar days, a \$30 late fee will be added to the outstanding invoice.
2. After sixty (60) calendar days, a \$60 late fee will be added to the outstanding invoice.
3. After ninety (90) calendar days, a \$120 late fee will be added to the outstanding invoice.

(2) Recordkeeping Requirements.

(a) A record of the following shall be kept by the Program for all participants for three (3) years. The Commission has the authority to review these documents upon request.

1. Participant Intake and Application Forms
2. Participant Assessment Forms
3. Victim Liaison Contacts & Notifications
4. Referral Contacts & Notifications
5. Participant Attendance Records
6. Participant Payment to the FVIP
7. Participant Reporting and Payment to the Commission

Authority: OCGA §19-13-13 (a) & (b); §19-13-14(a, (d)) & (e); §19-13-17

105-3-.09 Curriculum Requirements.

(1) All FVIPs shall establish and comply with a written curriculum. Written curriculums must follow an educational model and include content for weekly sessions. FVIPs shall make all written curriculum available to the Commission and victim liaisons upon request. Best practice curriculums are included in the Department SOP. Curriculums must adhere to the following principles regarding family and domestic violence:

(a) Power and Control. Program topics must follow a model that identifies and challenges family and domestic violence as an overall system of physical and emotional abuse where the participant chooses to use tactics of power and control over the victim.

(b) Beliefs and Social Context. Program topics shall consistently identify and challenge participants' personal beliefs and social contexts that support those beliefs and encourage the use of power and control tactics over the victim.

(c) Effects. Program topics shall consistently identify and hold the participant accountable for the physical and emotional effects of the participant's violence and abuse on victims, including children.

(2) Curriculums shall address the following:

(a) Identification of all forms of physical, emotional, economic, verbal and sexual abuse, and violence against an intimate partner;

(b) Impact of family and domestic violence on the victim and the abuser, including short and long term effects;

(c) Impact of family and domestic violence on children, including children who are abused and children who witness family or domestic violence, including short and long term effects;

(d) Identification of family and domestic violence as primarily a learned behavior;

(e) Emphasis on the responsibility of the batterer for his or her violence and abuse;

(f) Identification of personal beliefs and societal and cultural values that legitimize and sustain violence and oppression, including sporadic and systematic acts of retribution and punishment;

(g) Alternatives to violence and controlling behaviors;

(h) Identification and promotion of relationship dynamics based on equality;

(i) Attempts to improve participants' ability to identify, articulate, and express emotions in a non-threatening manner;

(j) Promotion of accountability, self-examination, negotiation, and fairness;

(k) Strategies to help participants develop and improve their support systems that promote and encourage a violence-free life;

(l) The relationship between substance abuse, mental illness, and family and domestic violence; and

(m) Identification of the behavioral, emotional, and physical cues that precede escalating violence.

(3) The Commission recognizes that men and women often use violence differently and that interventions for men and women need to be structured differently. Most curriculums are specifically designed for men who batter their intimate women partners. A different curriculum shall be used or developed by an FVIP providing classes to women who use violence against their intimate partners.

Authority: OCGA §19-13-13 (a) & (b); §19-13-14(a), (d) & (e); §19-13-17

105-3-.10 Prohibited Intervention Practices & Activities.

(1) The following intervention practices are specifically prohibited in FVIPs:

(a) Any intervention approach that blames the victim or suggests there is any behavior on the part of the victim that causes, provokes, or excuses abuse;

(b) Any intervention approach which treats the violence as a mutually circular process, minimizes the responsibility of the participant, or does not state clearly that participant's bear sole responsibility for their choices;

(c) Any couples, marriage, or family therapy or treatment;

(d) Any intervention approach which excuses a participant's violence and behavior;

(e) Any approach that coerces, mandates, or encourages voluntary participation of the victim;

(f) Any anger management techniques that identify anger as the cause of family and domestic violence;

(g) Any theories or techniques that identify psychopathology or substance abuse on the part of either party as the primary cause of family and domestic violence;

(h) Any intervention or approach whose goal is to preserve the relationship and/or the family at the expense of safety for partners/family, or whose doctrines promote an unequal distribution of power in the relationship which threatens the civil and human rights of the victim;

(i) Any intervention that provides any form of advocacy for the participant that places their partner/family at risk. This can include any action or inaction by the FVIP that serves to decrease the possibility that a participant will experience appropriate consequences for their abusive behavior and/or serves to increase the possibility that they will obtain privileges that result in any form of harm to their partner/family;

(j) Use of theories or techniques that identify poor impulse control as the primary cause of violence;

(k) Any approach that attempts to use containment methods in an attempt to de-escalate the violence; and

(l) Online, web-based programming.

Authority: OCGA §19-13-13 (a) & (b); §19-13-14(a) & (e); §19-13-17

105-3-.11 Requirements of Commission-Approved Training.

(1) Approval of Training. The Commission shall approve all training used to fulfill FVIP facilitators' training requirements for initial certification and recertification.

(2) Training Application Process. To be considered for approval, the following items shall be sent to the Commission using the process designated in the application created by the Commission. Applications must be received prior to forty-five (45) calendar days of the first scheduled training.

(a) A completed and signed application form with all requested attachments;

(b) A detailed training agenda;

(c) A statement of the qualifications, biography, or curriculum vitae of the potential trainers and two (2) references of people who can attest to the trainer's ability;

(d) A training evaluation to be distributed to the training participants that meets the requirements outlined in the training application. Results must be made available to the Commission upon request;

(3) Application Fees. An application fee outlined in the application must be submitted with the application for approval. If no fee is being charged for training attendees, the applicant may request this fee be waived.

(4) Agreement. All trainer applications must agree to allow Commission staff or monitors and/or victim liaisons to observe and monitor the training at no cost.

(5) Approval. The Commission will approve training at its discretion based upon training content and approval criteria detailed in the training application. Approval shall last for one (1) year.

(6) Advertisement. Trainings approved by the Commission shall display the following information on their promotional material: "This training was approved by the Georgia Commission on Family Violence for __ training hours for FVIP facilitators. The views, findings, conclusions, and recommendations expressed in this training are those of the trainer(s) and do not necessarily reflect the views of the Georgia Commission on Family Violence."

(7) Documentation. Sign in sheets must be sent to the Commission within thirty (30) calendar days of completion of the training event.

(8) Withdrawal of Approval. The Commission may withdraw training approval at any time at its discretion.

(9) Continuing Education Hours. No more than six (6) hours of the development and/or delivery of new Commission-approved training will count towards annual facilitator continuing education.

Authority: OCGA §19-13-13 (a) & (b); §19-13-14(a) & (e); §19-13-17

105-3-.12 Family Violence Intervention Program Monitoring.

(1) Monitoring Site Visits. FVIPs shall allow scheduled and unscheduled monitoring visits by Commission staff and/or designated monitors or a victim liaison. Monitoring may consist of both administrative review and class observation. Monitoring visits may include audio recordings of FVIP classes for the purpose of ensuring program and facilitator compliance with certification standards; such recordings may be conducted without prior notice.

(2) Records of Personnel and Contract Workers. FVIPs must maintain adequate documentation to ensure compliance with the minimum standards set forth in these rules. Programs and facilitators shall allow access to this documentation, even in the event of an unscheduled monitoring visit. Programs are required to maintain personnel records for each FVIP employee and/or contract worker, excluding the subcontracted victim liaison.

(a) Each personnel file shall contain:

1. a copy of the facilitator's certification by the Commission,
2. the employee's and/or contract worker's name, address, email address(es), and phone number(s),
3. a signed job description,
4. a signed drug-free workplace policy statement,

5. a signed sexual harassment policy statement,
6. a signed violence-free lifestyle statement,
7. a signed employment contract (if applicable),
8. a verification of notice to the Commission of civil proceedings involving family violence and/or any criminal arrest (if applicable).

Authority: OCGA §19-13-13 (a) & (b); §19-13-14(a), (d) & (e); §19-13-17

105-3-.13 Enforcement of Family Violence Intervention Program and Facilitator Requirements.

(1) The Department has the authority to deny, suspend, and revoke certification of an FVIP and/or facilitator for noncompliance with these rules. Additionally, the Department shall have the authority to issue a notice of deficiency, suspend classes, intakes, or all services, and impose administrative fines on FVIPs and/or facilitators for noncompliance with requirements.

(2) If an FVIP and/or facilitator is found to be in violation of these rules, the Department may issue a notice of deficiency via certified mail and the email address provided by the FVIP and/or facilitator in the Commission designated reporting system. The notice of deficiency will detail the Department's findings and the FVIP's and/or facilitator's rule violations. Within ten (10) business days of receipt of the notice of deficiency, the FVIP and/or facilitator shall return proof to the Department that they are in compliance with the rules or provide a corrective action plan detailing the process and date in which they will reach compliance. The Department will determine if the proof of compliance or corrective action plan provided by the FVIP and/or facilitator is sufficient. If the FVIP and/or facilitator fail to provide proof of compliance or a sufficient corrective action plan, the Department may assess an administrative fine against the FVIP and/or facilitator, suspend the FVIP and/or facilitator's certification, or revoke the FVIP and/or facilitator's certification.

(3) The Department, in its discretion, may choose to impose suspension or revocation of certification, or the assessment of an administrative fine against an FVIP and/or facilitator. In considering which to impose, the Department may consider, at a minimum, the FVIP's and/or facilitator's history of compliance, the seriousness of the violations, whether the FVIP and/or facilitator voluntarily reported problems giving rise to any violation, and whether the FVIP and/or facilitator exhibited good faith efforts to correct areas of noncompliance prior or subsequent to their discovery by the Department. Additional considerations are listed in the Department SOP.

(4) Grounds for denial, suspension, revocation of certification, or assessment of an administrative fine. The Department may also base the denial, suspension, revocation of certification or assessment of an administrative fine upon notice of deficiency or noncompliance with a failure to follow program rules or requirements as listed in sections 105-3-.07, 105-3-.08, 105-3-.09 and 105-3-.10, or upon any of the following applicable grounds:

(a) Knowingly making any verbal or written false or misleading statement of material fact or omitting to state a material fact in connection with an application for certification or recertification or in connection with an inspection or investigation;

(b) Failing or refusing to provide Commission representatives with meaningful access to the FVIP premises, facilitators and staff, participants, or records (including refusing to allow Commission representatives to obtain copies of documents reasonably necessary to making a compliance determination);

(c) The applicant for certification or recertification having an overall poor record of compliance, including but not limited to, denial of certification within the previous twelve (12) months, certification revocation at any time in the past in this or any other state, or suspension within the previous two (2) years;

(d) Changing ownership of a FVIP and/or facilitator in order to avoid or avert the denial, revocation, or suspension of certification;

(e) Altering or falsifying any facilitator or program records;

(f) Failure or refusal by an FVIP and/or facilitator or program to remit to the Commission the required program certification fees and program participant fees as outlined in these rules; and

(g) Failing or refusing to comply with any of these rules, FVIP and/or facilitator requirements, or violating any law relating to the operation of an FVIP programs and/or facilitators.

(4) Administrative fines. The Department has the authority to assess an administrative fine, not to exceed \$1,000.00 per violation, against any person, firm, or corporation that the Department determines to have violated any provision of the Title 19, Chapter 13, Article 1A of the Official Code Georgia Code or any order, rule, or regulation promulgated thereunder. In determining the amount of the fine, the Department may consider the seriousness of the violation, whether the same or any other program requirement has been violated previously by the same program owner, director, or facilitator, and whether procedures designated to prevent the violation were in place and were followed.

(a) The Department shall have the authority to assess administrative fines for FVIPs as follows:

1. 1st offense - \$1,000 maximum

2. 2nd offense and subsequent offenses - \$1,000 per violation

(b) The Department shall have the authority to assess administrative fines for facilitators as follows:

1. 1st offense - \$500 maximum

2. 2nd offense and subsequent offenses - \$1,000 per violation

(5) Effectuation of Suspension or Revocation. If suspension or revocation of certification is imposed in accordance with the provision of Sec. 50-13-18 of the Georgia Administrative Procedures Act, the suspension or revocation becomes effective on the date indicated by the Department's order. Upon termination of any period of suspension, and upon a showing that the program has achieved full compliance with program requirements in addition to meeting any reinstatement requirements, the Department shall reissue the certification. However, nothing in these rules shall be construed to prevent the Department from denying program certification prior to any hearing on such action.

(6) Suspension enforcement for FVIP Programs will be as follows:

(a) Removal from the Commission's website, certified FVIP list, and printed materials.

(b) Suspend classes and/or intakes for a minimum of thirty (30) calendar days and a maximum of six (6) months.

(c) Notification by the Department to the local court administrator, Chief Superior Court Judge, Chief State Court Judge, Chief Magistrate Court Judge, Prosecutor's Office, the Department, Victim Liaison, the Community Task Force on Family Violence, and other referral sources of the FVIP's suspension period.

(d) The reinstatement fee will be \$150.

(7) Suspension enforcement for FVIP Facilitators will be as follows:

(a) Removal from the Commission's website, certified FVIP Facilitator list, and printed materials.

(b) Suspend classes and/or intakes for a minimum of thirty (30) calendar days and a maximum of six (6) months.

(c) Notification by the Department to the local court administrator, Chief Superior Court Judge, Chief State Court Judge, Chief Magistrate Court Judge, Prosecutor's Office, the Department, Victim Liaison, the Community Task Force on Family Violence, and other referral sources of the FVIP's suspension period.

(d) The reinstatement fee will be \$100.

(8) Revocation enforcement for FVIP Programs will be as follows:

(a) Removal from the Commission’s website, certified FVIP list, and printed materials.

(b) Suspend classes and/or intakes for a minimum of six (6) months and a maximum of 18 months.

(c) Notification by the Department to the local court administrator, Chief Superior Court Judge, Chief State Court Judge, Chief Magistrate Court Judge, Prosecutor’s Office, the Department, Victim Liaison, the Community Task Force on Family Violence, and other referral sources of the FVIP’s revocation and reason.

(d) The recertification fee will be \$300.

(9) Revocation enforcement for FVIP Facilitators will be as follows:

(a) Removal from the Commission’s website, certified FVIP Facilitator list, and printed materials.

(b) Suspend classes and/or intakes for six (6) months or permanently.

(c) Notification by the Department to the local court administrator, Chief Superior Court Judge, Chief State Court Judge, Chief Magistrate Court Judge, Prosecutor’s Office, the Department, Victim Liaison, the Community Task Force on Family Violence, and other referral sources of the FVIP’s revocation and reason.

(d) The recertification fee will be \$300.

(10) Reapplying for certification after revocation. A program that has had its certification revoked may not reapply for certification for eighteen (18) months from the date of the revocation. The date of a revocation is the date of receipt of the revocation letter or the date a revocation appeal is denied, whichever is later. Reapplying for certification shall be subject to the same procedures as if the program were applying for certification for the first time. However, the Department may consider a program’s past violations of these rules in deciding whether to approve or deny recertification.

Authority: OCGA §19-13-13 (a) & (b); §19-13-17

105-3-.14 Applicability of Administrative Procedures Act.

All Enforcement actions resulting from the enforcement Chapter shall be administered in accordance with Chapter 13 of Title 50 of the Official Code of Georgia, the “Georgia Administrative Procedures Act.” The Department shall notify the FVIP program and/or facilitator or program applicant of any intended enforcement action. Any such notice shall set forth the proposed action or actions and the factual and legal basis or bases therefor. An FVIP program and/or facilitator desiring a hearing in response to an enforcement action against it must make a request in writing and must submit the request to the Department no later than ten (10) calendar days from the date of receipt of any notice of intent by the Department to take an enforcement action.

Authority: OCGA §19-13-17

105-3-.14 Severability.

In the event that any rule, sentence, clause or phrase of any of these rules and regulations may be construed by any court of competent jurisdiction to be invalid, illegal, unconstitutional, or otherwise unenforceable, such determination or adjudication shall in no manner affect the remaining rules or portions thereof. The remaining rules or portions thereof shall remain in full force and effect, as if such rule or portions thereof so determined, declared, or adjudicated invalid or unconstitutional were not originally a part of these rules.

Authority: OCGA §19-13-13 (a) & (b); §19-13-17

Proposed