

NOTICE OF INTENT

Department of Children and Family Services

Economic Stability

**Family Violence Prevention and Intervention Program
(LAC 67:III.Chapter 69)**

In accordance with the provisions of the Administrative Procedure Act R.S. 49:953(A), the Department of Children and Family Services (DCFS) proposes to adopt LAC 67:III, Subpart 19 Family Violence Prevention and Intervention Program, Chapter 69 Family Violence Prevention and Intervention Program, Subchapter A, Sections 6901, 6903, 6905, 6907, 6909, 6911, and 6913, and Subchapter B, Sections 6915, 6917, 6919, 6921, 6923, 6925, 6927, 6929, 6931, 6933, 6935, 6937, 6939, 6941, 6943, 6945, 6947, 6949, 6951, and 6953.

Pursuant to Louisiana's Temporary Assistance for Needy Families (TANF) Block Grant, adoption of Chapter 69 is necessary to govern the development of community based shelters and support services for victims of family violence, domestic violence, and dating violence. Sections 6901, 6903, 6905, 6907, 6909, 6911, and 6913 are being adopted to govern the administration of the program and eligibility of program providers. Sections 6915, 6917, 6919, 6921, 6923, 6925, 6927, 6929, 6931, 6933, 6935, 6937, 6939, 6941, 6943, 6945, 6947, 6949, 6951, and 6953 are being adopted to provide standards to program providers in developing quality services and implementation of best practices.

Title 67

SOCIAL SERVICES

Part III. Economic Stability

Subpart 19. Family Violence Prevention and Intervention Program

Chapter 69. Family Violence Prevention and Intervention Program

Subchapter A. Program Administration and Eligibility

§6901. Program Creation

A. From federal funds, state funds, and/or funds made available from private or local sources for this purpose, the Department of Children and Family Services (DCFS) is hereby authorized to establish a family violence program, hereafter called the "Family Violence Prevention and Intervention Program." This program is for the development of community based shelters and support services for victims of family violence, domestic violence, and dating violence. The Family Violence Prevention and Intervention Program is partially funded through the Temporary Assistance for Needy Families (TANF) block grant. The program meets TANF goal 4 to encourage the formation and maintenance of two-parent families. DCFS will be responsible for the administration of available funding to selected program providers.

B. DCFS will administer the program to do the following:

1. establish immediate and full-time trauma informed shelters for victims of family violence, domestic violence, and dating violence and their dependents; and
2. increase, improve, and coordinate the delivery of comprehensive support services to victims of family violence, domestic violence, and dating violence.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2121-2128.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Economic Stability, LR 43:

§6903. Eligible Organizations

A. In order to receive funding, a program provider's core function must be providing assistance to victims of family violence, domestic violence, and dating violence. The program provider must be a public or private nonprofit organization and

demonstrate that it can provide services that include but are not limited to the following:

1. a 24-hour a day shelter which provides safe refuge and temporary lodging for victims of family violence, domestic violence, and dating violence and their dependents or other safe refuge accommodations such as time limited hotel and motel placements and other direct placement programs;

2. counseling for victims;

3. support programs that assist victims of family violence, domestic violence, and dating violence in obtaining needed medical, legal, and other services and information; and

4. educational programs tailored to increase community awareness of family violence, domestic violence, and dating violence.

B. The program provider must meet minimum health, safety, and program standards as defined in Standards 4.1 and 4.2. (See §6921.)

C. The program provider must demonstrate that they have received, or can expect to receive, separate local funding equal to 20 percent of their anticipated cost of operation. In-kind contributions, whether it be materials, commodities, transportation, office space, other types of facilities, personal services, or otherwise, will be evaluated by the department and, if appropriate, will be included as part of the required local 20 percent funding.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2121-2128.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Economic Stability, LR 43:

§6905. Contracts for Services

A. DCFS will contract for services with eligible providers in accordance with the Louisiana Procurement Code, R.S. 39:1551-1736.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2121-2128.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Economic Stability, LR 43:

§6907. Application Process

A. Application packets will be sent to all existing family violence program providers and all persons and organizations that have made past inquiries regarding funding. Organizations interested in applying may request application packets from the Department of Children and Family Services, P.O. Box 94065, Baton Rouge, LA 70821.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2121-2128.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Economic Stability, LR 43:

§6909. Definitions

Counseling—supportive services that are provided to individuals or groups and includes referrals to community based social services.

Crisis Counseling—in person crisis intervention, emotional support, guidance, and counseling provided by advocates, counselors, mental health professionals, or peers. Such counseling may occur at the scene of a crime, immediately after a crime, or provided on an ongoing basis.

Dating Violence—violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship, and the

frequency of interaction between the persons involved in the relationship.

Domestic Violence—a pattern of assaultive and coercive behaviors, including physical, sexual, and psychological attacks, as well as economic coercion, that adults or adolescents use against their intimate partners where the perpetrator and victim are current or have been previously dating, cohabiting, married, or divorced. This includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.

Family Violence—any act or threatened act of violence, including any forceful detention of an individual that results or threatens to result in physical injury and is committed by a person against another individual to or with whom such person is related by blood or is or was related by marriage or is or was otherwise legally related or is or was lawfully residing.

Personally Identifying Information or Personal Information—any individually identifying information for or about an individual, including information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault, or stalking, regardless of whether the information is encoded, encrypted, hashed, or otherwise protected, including:

1. a first and last name;

2. a home or other physical address;
3. contact information (including a postal, e-mail or Internet protocol address, or telephone or facsimile number);
4. a social security number, driver's license number, passport number, or student identification number; and
5. any other information (including date of birth, racial or ethnic background, or religious affiliation, that would serve to identify any individual).

Shelter—the provision of temporary refuge and supportive services in compliance with applicable state law governing the provision, on a regular basis, of shelter, safe homes, meals, clothing, personal care items and supportive services to victims of family violence, domestic violence, or dating violence, and their dependents.

Support Programs—preventive and counseling services such as outreach, parenting, employment training, educational services, promotion of good nutrition, disease prevention, substance abuse counseling, legal advocacy, transportation, and adult and child counseling.

Supportive Services—services that meet the needs of victims of family violence, domestic violence and dating violence and their dependents for short term, transitional, or long term safety and provides counseling, advocacy, and assistance for victims.

Survivor—someone who has experienced any form of intimate partner violence, has overcome the domestic violence, or who has escaped an abusive relationship.

Trauma Informed Care—is an organizational structure and treatment framework that involves understanding, recognizing, and responding to the effects of all types of trauma. Trauma informed care also emphasizes physical, psychological, and

emotional safety for both survivors and providers, and helps survivors rebuild a sense of control and empowerment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2121-2128.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Economic Stability, LR 43:

§6911. Program Monitoring

A. Program providers that contract with the Department of Children and Family Services (DCFS) and receive funding for domestic violence programs must allow and agree that:

1. DCFS personnel will make annual on-site programmatic contract reviews. DCFS, at its discretion, may make more than one programmatic visit per year. These site visits will be conducted for compliance with contractual requirements; and

2. The program grants to the Office of the Legislative Auditor, the Office of the Inspector General, the Bureau of Audit and Compliance Services, the federal government, and any other officially designated authorized representatives of DCFS the right to audit, inspect, and review all books and records pertaining to services rendered under their contract with DCFS and the right to conduct on-site monitoring.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2121-2128.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Economic Stability, LR 43:

§6913. Guiding Principles for Minimum Program Standards

A. All of the minimum program standards are considered mandatory. Any program provider found noncompliant with a critical standard must submit a corrective action plan to address the noncompliant standard to the department within 15 calendar days after the date of the program inspection.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2121-2128.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Economic Stability, LR 43:

Subchapter B. Minimum Program Standards

§6915. Governance

A. Guiding Principles. The Board of Directors is the governing body of a nonprofit organization. The board establishes the program's mission statement and develops policies necessary to carry out the mission. The board secures financial support and is legally responsible and accountable for the organization and the programs that the organization administers. The roles of the board and the executive director are clearly differentiated. The executive director, a program staff member, does not govern and the board does not interfere with, participate in, or administer the day-to-day program activities.

B. Critical Minimum Standards

1. Standard 1.1. The mission and philosophy of the program must be compatible with the philosophy of the department as stated in §6902.B.1-2.

2. Standard 1.2. The program must have documentation of its authority to operate under state law.

3. Standard 1.3. The program must have a designated board of directors.

C. Minimum Standards

1. Standard 1.4. The program must have documents that identify the board of directors' names, addresses, and the dates of their membership on the board.

2. Standard 1.5. The board must consist of individuals who do not have a conflict of interest with program staff members or other board members.

3. Standard 1.6. The board must have a written conflict of interest policy. This policy will prohibit anyone in the provider organization from undertaking any activities that have a conflicting interest or have the appearance of a conflicting interest in the mission and operations of the organization.

4. Standard 1.7. The board must maintain written minutes of formal meetings. Written policies must dictate the frequency of meetings and the quorum requirements for formal meetings.

5. Standard 1.8. The board must ensure that the program complies with its policies and with relevant federal, state, and local laws and regulations.

6. Standard 1.9. The board must designate a person to act as executive director and is to delegate sufficient authority to the executive director to manage the program, its program staff members, and volunteers.

7. Standard 1.10. The board must conduct an annual performance evaluation of the executive director.

8. Standard 1.11. The executive director will administer day-to-day activities in accordance with these standards and guidelines. The executive director is responsible for directing the program staff members to implement activities to fulfill the program's mission and purpose.

9. Standard 1.12. The board and the executive director must develop a strategic plan for the program.

10. Standard 1.13. The board must inform the department within 48 hours of any changes in their executive director position.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2121-2128.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Economic Stability, LR 43:

§6917. DCFS Contract Requirements

A. Guiding Principles. The Department of Children and Family Services (DCFS) requires that all family violence programs meet basic legal and contractual obligations and specify these obligations in the contract. These standards are not inclusive of all the requirements under the contract. The contract will contain a mandatory provision for compliance with DCFS quality assurance standards. (See R.S. 46:2122 Program creation; R.S. 46:2124 Community shelters, funding, services; R.S. 46:2126 Programs for victims of family violence, creation; and R.S. 46:2128 Eligibility requirements for local family violence programs.)

B. Critical Minimum Standards

1. Standard 2.1. The legal structure of the program must permit it to enter into a contract with the state and to abide by federal statutes and regulations. The program must agree to abide by the requirements of the following as applicable to employees, volunteers, and survivors: Title VI and VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972; Federal Executive Order 11246; the Federal Rehabilitation Act of 1973, as amended; the Vietnam Era Veteran's Readjustment Assistance Act of 1974; Title VIII of the Civil Rights Act of 1968; Title IX of the Education Amendments of 1972; the Age Act of 1972; and the Americans with Disabilities Act of 1990. These regulations require that the program act as an equal opportunity employer. The program must not discriminate against anyone seeking employment on the basis of age, sex, race, color, disability, national origin, religion, veteran status, marital status, sexual orientation, abuse status (i.e. battered or formerly battered), or parenthood. Program

employees must not discriminate in the provision of services or use of volunteers on the basis of any status described above. No program can discriminate or retaliate against any employee who exercises their rights under any federal or state anti-discrimination law.

2. Standard 2.2. The program must maintain current commercial liability insurance coverage on all program owned vehicles. Staff members and volunteers who transport survivors and their families in their personal vehicles must also maintain appropriate liability insurance coverage.

C. Minimum Standards

1. Standard 2.3. The program must acknowledge DCFS as a funding agent on its program stationary and written material and when providing information about the program.

2. Standard 2.4. The program must inform designated representatives of DCFS prior to initiating any substantial changes to the services that the program provides or to any of the program's physical structures.

3. Standard 2.5. The program must be registered with the Secretary of State and show compliance with that agency's annual reporting requirements.

4. Standard 2.6. The program must not use DCFS funds as direct payment to survivors or dependents.

5. Standard 2.7. The program must not impose income eligibility standards on individuals seeking assistance.

6. Standard 2.8. The program must not accept reimbursement from survivors of domestic violence. All advertising must state that services to survivors and their children are free and confidential.

7. Standard 2.9. Services provided to survivors must include, but are not limited to, emergency shelter or referrals,

24-hour hotline, supportive services, and crisis, peer, educational, and domestic violence counseling.

8. Standard 2.10. The program must secure and maintain insurance that covers both general and professional liability.

9. Standard 2.11. The program must submit accurate and timely reports and budget revisions as required by its contract with DCFS.

10. Standard 2.12. The program must retain all books, records, and other documents relevant to its contract with DCFS and funds expended thereunder for at least four years after its receipt of final payment or for three calendar years after audit issues or litigation have been resolved.

11. Standard 2.13. The service provider must obtain an annual audit of its program within six months of ending its fiscal year and submit a copy of the audit to DCFS within 30 calendar days of the audit issuance.

12. Standard 2.14. The program must have a written policy that prohibits it from entering into any agreement involving the payment of public funds to:

a. any member of the governing body or staff member and any members of their immediate family, anyone living in the household as a family member, or to any entity in which the foregoing have any direct or indirect financial interest; or

b. in which any of the foregoing serve as an officer or employee unless the services or goods are provided at a competitive cost or under terms favorable to the program. The program must maintain written records of any and all financial transactions in which a member of the board, staff members, or their immediate family is involved.

13. Standard 2.15. The program must identify the area and population it serves in its brochures.

14. Standard 2.16. The program must maintain accurate statistical data relevant to its services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2121-2128.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Economic Stability, LR 43:

§6919. Confidentiality

A. Guiding Principles. The board of directors, staff members, and volunteers of the family violence program must maintain the highest ethical standards in all areas of the organization's performance and in program implementation. Confidentiality must be guaranteed. The program must implement methods for determining the extent of danger to survivors and develop proper ways to prepare for the future safety of domestic violence survivors. (See R.S. 46:2124.1 Privileged communications and records; a provision in the federal Family Violence Prevention and Services Act 42 U.S.C 1042(a)(2)E; Section 40002 of the Violence Against Women and Department of Justice Reauthorization Act of 2005, PL 1009-162, subparagraph (b)(2) Non-disclosure of Confidential or Private Information and Section 40002(a)(18) Personally Identifying Information or Personal Information.)

B. Critical Minimum Standards

1. Standard 3.1. The program must have policies and procedures that maintain compliance with the confidentiality requirements of the Family Violence Prevention and Services Act (FVPSA) and the Violence Against Women Act of 2005 (VAWA). These include the following specific provisions that require those programs receiving grant funds to:

a. protect the confidentiality and privacy of adults, youth, and child victims of domestic violence, dating violence, sexual assault, or stalking and their families. No

individual client information can be revealed without the informed, written, and reasonably time-limited consent of the person about whom information is sought; and

b. have policies and procedures specific to maintaining the confidentiality of information that can be released to the parent or guardian of a non-emancipated minor, to the guardian of a person with disabilities, or pursuant to statutory or court mandate. Federal law provides that consent for release may not be given by the abuser of the minor, the abuser of the other parent of the minor, or the abuser of a person with disabilities.

C. Minimum Standards

1. Standard 3.2. The program must inform individuals served by the program about the nature and scope of confidentiality prior to providing any services.

2. Standard 3.3. The program must have additional policies and procedures that maintain compliance with confidentiality provisions that prohibit the disclosure of personal identifying victim information to any third party shared data system including the Homeless Management Information System (HMIS).

3. Standard 3.4. The program must ensure that members of the board, staff members, and volunteers sign a written statement agreeing to maintain the confidentiality of all information and records pertaining to those receiving or seeking services through the program.

4. Standard 3.5. When the program finds it necessary to keep the location of its shelter or other facilities confidential, program employees and volunteers are prohibited from disclosing information regarding the location of those facilities except in the following specific cases:

a. to medical, fire, and police personnel when their presence is necessary to preserve the health and safety of survivors, employees, and volunteers at the facility;

b. to vendors and others that programs have business relationships. The executive director or their designee must ensure that written agreements are executed by representatives of such businesses pledging to keep the location of the facility confidential;

c. to any other person, when necessary, to maintain the safety and health standards in the facility. The executive director or their designee may disclose the location of the confidential facility for the purpose of official inspections. These inspections include personnel from the Department of Children and Family Services (DCFS), the Louisiana Coalition Against Domestic Violence (LCADV), state and local fire marshals, and the Louisiana Department of Health (LDH). The executive director may also allow other inspections and maintenance activities necessary to ensure safe operation of the facility;

d. to supportive individuals of a shelter resident who have been approved, at the request of the resident, as a part of case management, who have been prescreened by shelter staff members, and who have signed an agreement to keep the location of the facility confidential. Program staff members must ensure that the individual's presence at the facility does not violate the confidentiality of other shelter residents; and

e. The program must ensure that an individual that is receiving services sign a written statement agreeing to maintain the confidentiality of facility locations and the identities of others who are also provided services by the program.

5. Standard 3.6. When the program finds it unnecessary to keep the location of its shelter or other facilities confidential, the program must notify survivors, in writing, that the program's facilities are not confidential locations.

6. Standard 3.7. The program must have policies and procedures to ensure that records of services sought or provided to individuals will be held confidential.

7. Standard 3.8. The program must maintain all records which contain personally identifying information in a secure, locked storage area. The program must have policies and safeguards in place to prevent unauthorized access to information identifying individuals seeking or receiving services. This includes all information systems and computer accessible records and documents.

8. Standard 3.9. The program must have policies that allow review and access to records only by program staff members and volunteers as necessary to provide or supervise services, perform grant or audit reporting duties, or to respond to court orders. Programs may identify in their confidentiality policies which specific staff members, as identified by job responsibility and title, will have access to confidential information, records, and information systems.

9. Standard 3.10. The program must ensure that policies and procedures require that staff members' and volunteers' discussions and communications regarding services provided to individuals will occur in appropriate and private locations.

10. Standard 3.11. The program must have policies that ensure that all consent for release of information forms are signed by the person about whom information is to be released. These forms must specifically state:

- a. the purpose of the release of information;
- b. the specific information that a person receiving services agrees can be released;
- c. the person or entity to whom the information is to be released;
- d. the date on which the form was signed;
- e. clear time limits for the duration of the release of information; and
- f. language that clearly indicates that the consent for release of information may be revoked at any time.

11. Standard 3.12. Staff members and volunteers must report suspected abuse of a child or dependent adult. A program must develop policies that address the specific procedures by which program staff members and volunteers will report information about any suspected abuse or neglect of a child or dependent adult according to the Louisiana Child and Adult Protection statutes. (Refer to Louisiana's Children Code Article 603 Definitions, subparagraph 13, "Mandatory Reporter" language; Article 609 regarding mandatory and permitted reporting; and Article 610 regarding the reporting procedure to be utilized; Article 611 regarding immunity from civil and criminal liability; Article 612 which describes the assignment of reports regarding child abuse and neglect for investigation and assessment; and Article 615 regarding the disposition of reports in response to allegations of child abuse or neglect. (See also R.S. 14:403.2 regarding the abuse and neglect of dependent or disabled adults.)

12. Standard 3.13. After the filing of a program initiated abuse report, program staff members must cooperate with child welfare and adult protective services regarding the investigation of the abuse report. This includes assisting child welfare and adult protective service investigators in gaining

access to survivors and their children in a manner that maintains the confidentiality of survivors that are receiving services who are not involved in the abuse report. This does not necessitate that staff members release any information that is not relevant to the reported abuse.

13. Standard 3.14. The program must have policies for reporting personally identifying information that may be required in instances of medical emergencies.

14. Standard 3.15. The program must have policies for reporting personally identifying information that is required in instances of threats of suicide or homicide that is communicated to domestic violence staff members and volunteers. Under these circumstances, confidential information may be disclosed to:

- a. licensed medical or mental health personnel and facilities;
- b. law enforcement personnel;
- c. an intended victim; and
- d. the parent of a minor child making a threat.

15. Standard 3.16. The program must have policies that include how domestic violence program staff members, volunteers, and the board will respond to summonses, subpoenas, and warrants, and should, whenever possible, provide specific detail allowing for a service of these court orders at a location other than that of the domestic violence program site.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2121-2128.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Economic Stability, LR 43:

§6921. Facility Management

A. Guiding Principles. These standards encompass the overall practices and procedures that the program employs to ensure that the facility and grounds that the program leases or

owns are appropriately accessible, functional, attractive, safe, and secure for the persons served, visitors, employees, and volunteers. They ensure that the program meets legal requirements and codes for public safety and health.

B. Critical Minimum Standards

1. Standard 4.1. The program must adhere to all applicable zoning, building, fire, health, and safety codes and the laws of the state and of the community in which the organization is located. Programs are annually inspected by the Office of Public Health and the State Fire Marshal.

2. Standard 4.2. Traditional, multifamily, and single family shelters must have monitored security, which may be an electronic security system, security cameras, security guards, or on-site police or sheriff protection.

C. Minimum Standards

1. Standard 4.3. The program must conduct regular evaluations to ensure proper maintenance of the facility's buildings and grounds.

2. Standard 4.4. The program must have a written policy to ensure that serious incidents, such as those that require the services of a licensed medical professional or law enforcement agency, are properly documented and reconciled. Serious incidents must be reported to appropriate authorities.

3. Standard 4.5. The program must have a policy that it will only house the number of people in its residential facilities that can be adequately served and that the number served cannot surpass the building capacity that is set by the State Fire Marshal.

4. Standard 4.6. The program must have space to provide private and confidential services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2121-2128.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Economic Stability, LR 43:

§6923. Financial Management and Fund Development

A. Guiding Principles. The board, the executive director, and other specified staff members share the responsibility for fiscal management. The board has the final legal responsibility for financial matters and should set policies, oversee the raising of revenue, approve annual budgets, and monitor finances throughout the year. The board should authorize the executive director to plan and implement procedures that carry out the fiscal policies while ensuring internal control so that no single individual directs all of the organization's day-to-day financial activities. Staff members that are assigned financial responsibilities are to make regular reports to the board.

B. Critical Minimum Standards

1. Standard 5.1. The program must comply with all financial regulations, such as earnings withholding and payment of federal, state, and Social Security taxes and the management and use of restricted funds.

2. Standard 5.2. The program must complete and submit the annual IRS Form 990 in a timely, accurate manner and include specific information about the relevant year's activities and outcomes.

3. Standard 5.3. The program's board of directors must ensure that its financial statements are audited, certified, and prepared in accordance with sound accounting practices. The audit must be completed within six months of the close of the organization's fiscal year.

C. Minimum Standards

1. Standard 5.4. Consistent, timely, and accurate financial reports must be prepared on a quarterly basis by the individuals responsible for the organization's financial

reporting. These reports should consist of a balance sheet and profit/loss statement and be approved by the board during official board meetings.

2. Standard 5.5. The program must ensure separation of financial duties to serve as a checks and balances system to prevent theft, fraud, and inaccurate reporting. This system should be appropriate to the size of the organization's financial and human resources.

3. Standard 5.6. The board must adopt written financial procedures to monitor major expenses including payroll, travel, investments, expense accounts, contracts, consultants, and leases.

4. Standard 5.7. The program must periodically assess their risks and purchase appropriate levels of insurance to prudently manage their liabilities.

5. Standard 5.8. The board must set the compensation level for the organization's executive director. Minimum wage standards and labor laws related to overtime pay must be followed.

6. Standard 5.9. The executive director and appropriate board members must jointly create a budget that is then presented to the full board for approval. The board should be provided with quarterly budget updates.

7. Standard 5.10. The board must have members that clearly understand how to read and interpret financial statements.

8. Standard 5.11. The board must strictly prohibit financial loans to board members, the executive director, and all organization personnel.

9. Standard 5.12. The program must provide bonding of staff or adequate insurance for employees responsible for financial resources.

10. Standard 5.13. Generally accepted accounting procedures and practices must be implemented as required by the terms of the Department of Children and Family Services (DCFS) contract.

11. Standard 5.14. The program must follow the directives for nonprofit organizations found in the Federal Office of Management and Budget (OMB) Super Circular 2 CFR 200.

12. Standard 5.15. The program must comply with all federal, state, and local laws concerning fundraising practices.

13. Standard 5.16. The program must conduct their fundraising activities in a manner that upholds the public's trust in stewardship of contributed funds. Fundraising communications should include clear, accurate, and honest information about the organization, its activities, and the intended use of funds.

14. Standard 5.17. The board shall have overall responsibility for raising sufficient funds to meet budgeted objectives.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2121-2128.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Economic Stability, LR 43:

§6925. Staff Management

A. Guiding Principles. These standards encourage strong professional values. Relevant goals, objectives, and plans must be established for staff and volunteer administration.

B. Critical Minimum Standards

1. Standard 6.1. The program must have written personnel policies that comply with employment law and prohibit discrimination based on race, ethnicity, color, gender, sex, age, sexual orientation, disability, including substance abuse,

economic or educational status, religion, HIV/AIDS or health status, and national origin.

2. Standard 6.2. Employees, program staff members, volunteers, and other personnel responsible for the actions of one or more persons and who have been given or have applied to be considered for a position of supervisory or disciplinary authority over children, with the permission of said person, must have a criminal history record check through the Bureau of Criminal Identification and Information before starting employment. (See R.S. 15:587.1 Provision of information to protect children and R.S. 15:587.3 Volunteers and employees in youth-serving organizations; background information.)

C. Minimum Standards

1. Standard 6.3. The program must have job descriptions for all positions. Job descriptions must include the required qualifications for each position and the program shall only employ individuals that meet or exceed the required qualifications.

2. Standard 6.4. The program must have written policies and procedures regarding the recruitment, screening, hiring, and dismissal of employees and identify which personnel will be responsible for hiring and terminating employees.

3. Standard 6.5. The program must conduct annual performance evaluations for all employees.

4. Standard 6.6. The program must maintain a confidential file for each staff member that includes, but is not limited to, application, resume, criminal background check, licenses and certifications, if applicable, reference checks, and a signed confidentiality statement.

5. Standard 6.7. The program may use unpaid volunteers to augment the program's direct and indirect services that are provided by paid staff members.

6. Standard 6.8. The program must have written volunteer policies and procedures regarding the recruitment, screening, training, recognition, supervision, and dismissal of volunteers used to provide direct and indirect services. Such policies must clarify the roles and responsibilities of volunteers in the program's provision of service with specific detail addressing professional boundaries, disclosure, and how, when, where, and the frequency with which volunteers will be used.

7. Standard 6.9. The program must have written job descriptions for each type of volunteer position that follows the same format of job descriptions for paid staff members. Job descriptions must be provided to volunteers upon acceptance into the program.

8. Standard 6.10. The program must maintain a confidential file for each volunteer that shall include, but not be limited to, application, criminal background check, licenses and certifications, if applicable, reference checks, a signed confidentiality statement, and a record of all trainings completed by a volunteer working directly with clients.

9. Standard 6.11. A written grievance policy must be provided to employees and volunteers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2121-2128.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Economic Stability, LR 43:

§6927. Training

A. Guiding Principles. These standards encourage strong professional values. Relevant goals, objectives, and plans must be established for staff and volunteer administration.

B. Critical Minimum Standards

1. Standard 7.1. Training shall be required for all individuals associated with the program. This includes board members, program staff members, and volunteers. Prior to working alone with clients, new staff members and volunteers must complete a minimum of 40 hours of training and must thereafter, annually complete a minimum of 30 hours of family violence training. The training curriculum should be compatible with the Louisiana Coalition Against Domestic Violence (LCADV) training manual or include the following topics:

- a. historical perspective on the movement to end violence against women;
- b. introduction to domestic violence;
- c. confidentiality;
- d. introduction to cultural competency;
- e. introduction to survivor centered advocacy;
- f. ethics in advocacy;
- g. the impact of domestic violence on children;
- h. civil legal and criminal procedure;
- i. advocacy skills;
- j. skills development; and
- k. trauma informed care.

C. Minimum Standards

1. Standard 7.2. The 40 hour training program may be accomplished through a combination of:

- a. group instruction using a variety of training techniques including role playing, other experimental exercises, and audio-visual materials;
- b. one-on-one instruction and discussion with a fully trained, experienced advocate or supervisor;
- c. shadowing a fully trained, experienced advocate performing job duties such as hotline coverage and intake procedures;

d. a practicum (a practicum is defined as a supervised activity meant to develop or enhance the trainee's ability to provide direct services);

e. audio-visual materials may be used provided the trainee can discuss the information with a fully trained, experienced advocate or facilitator following the activity; and

f. a training manual that is given to each participant from which reading assignments can be made provided the trainee can discuss the information with a fully trained, experienced advocate or facilitator following the activity.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2121-2128.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Economic Stability, LR 43:

§6929. Eligibility

A. Guiding Principles. These standards seek to ensure the availability and equal provision of services to family violence survivors and their dependents. These standards also define circumstances and situations that could render a survivor ineligible for program services.

B. Critical Minimum Standards

1. Standard 8.1. The program must provide services regardless of race, religion, color, national origin, gender, age, mental or physical disability, sexual orientation, citizenship, immigration status, marital status, or language spoken. The program must assist and accommodate persons with mental or physical special needs. Assistance shall be provided through coordinated efforts between family violence program staff members and other identified service providers.

C. Minimum Standards

1. Standard 8.2. Persons that are eligible for services shall include family violence, domestic violence, and

dating violence survivors and their dependents. Eligible persons include adults, legally emancipated minors, minors granted permission for services by a parent, a guardian, a judge's orders, or caretakers of eligible persons. In the event that a non-emancipated minor seeks services, the program must acquire parental permission prior to providing any services. No dependent males or females that are with their parent or guardian shall be denied access to services.

a. Those eligible for services include survivors who may be in imminent danger of being abused by their current or former intimate partner or family member, those who are in danger of being emotionally, physically, or sexually abused, and survivors who have no safe place to go.

b. The program must provide comparable services to eligible male survivors.

2. Standard 8.3. Upon initial contact with survivors, program staff members must complete an assessment which will cover the following:

a. eligibility for support and intervention services;

b. immediate safety issues;

c. batterer's potential for lethality;

d. ensure that the person requesting services is the survivor and not the perpetrator;

e. special needs based on a disability;

f. special needs based on the requirements of a person's self-identified religious, cultural, ethnic, geographic, and other affiliations; and

g. other appropriate services.

3. Standard 8.4. The program must develop and provide a written grievance policy that must be given to every

survivor upon admission to services. The policy shall include procedures to follow in the event a survivor:

a. believes they have been unjustly denied services;

b. is dissatisfied with the quality of services; or

c. is dissatisfied with the behaviors of a staff member or volunteer.

4. Standard 8.5. Survivors may be denied shelter services or be ineligible for other program services. In these instances, the program must, as soon as possible, inform survivors seeking services of the criteria that may render them ineligible for services. This standard is intended to guard against a survivor discovering she or he is ineligible for services when they have already risked leaving their abuser. Information and referrals are to be made for other appropriate services.

a. When the program cannot admit new survivors to a shelter due to capacity, every effort must be made to secure and facilitate admission to safe alternative accommodations. (See §6947, Standard 17.21.)

b. If it is determined that a person is ineligible for services after admission to a shelter, program staff must refer the person to other appropriate services and assist the person to access transportation to receive the other appropriate services.

5. Standard 8.6. The extent to which eligibility can affect the long-term or future eligibility for services must be evaluated and documented on a case-by-case basis. Examples of ineligibility criteria include:

a. not an adult or emancipated minor or a minor granted permission; and

b. exhibits signs of suicidal or homicidal behaviors.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2121-2128.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Economic Stability, LR 43:

§6931. Safety Planning

A. Guiding Principles. These standards require that family violence programs establish common quality intervention services. Participation in intervention services shall be voluntary.

B. Critical Minimum Standards

1. Standard 9.1. The program must provide a program staff member to be available 24-hours a day to assist survivors of family violence with assessing levels of danger and lethality and to assist them in developing a personal plan for safety.

C. Minimum Standards

1. Standard 9.2. Safety planning must meet the needs of the survivor.

2. Standard 9.3. The program must develop a protocol for safe travel of survivors. Protocols must contain provisions for survivor travel to programs for crisis intervention, shelter, and other support services. Furthermore, the protocols shall reflect the survivor's need for local travel whether provided by themselves, the program, or public and private carriers.

3. Standard 9.4. Safety planning must include a danger and lethality assessment to determine the survivor's immediate level of danger. Trained advocates must complete the assessment and document the assessment in the survivor's case record.

4. Standard 9.5. Safety planning is an on-going process during shelter stays and advocacy participation. Program staff must provide additional safety planning for survivors during periods of increased risk such as when filing court documents, attending court hearings, exiting the shelter, or any other strategic move by the survivor or abuser.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2121-2128.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Economic Stability, LR 43:

§6933. Hotline

A. Guiding Principles. These standards require that family violence programs establish common quality intervention services. Participation in intervention services shall be voluntary.

B. Critical Minimum Standards

1. Standard 10.1. The program must operate a 24-hour, 7 days a week hotline. The hotline must be answered by a program staff member or volunteer who has had training on crisis intervention and trauma informed approaches to hotline calls.

C. Minimum Standards

1. Standard 10.2. The program must have a minimum of two telephone lines. One of the lines must be the designated hotline. Programs that employ the use of caller identification equipment or telephone services in conflict with the spirit of anonymity must, as a condition of informed consent, inform callers of the use of such equipment.

2. Standard 10.3. Hotlines must be equipped with call blocking to safeguard against caller identification and call back services.

3. Standard 10.4. Hotline services must provide emergency telephone crisis intervention and advocacy. These services include:

- a. crisis intervention;
- b. assessment of caller's needs;
- c. emergency protocols;
- d. lethality and danger assessment;
- e. information and referrals to available community resources;
- f. safety planning; and
- g. listening to and validating the caller's experience.

4. Standard 10.5. Hotline services must include the provision of education and information about:

- a. the nature and dynamics of domestic violence;
- b. how batterers maintain control and dominance over their victims;
- c. the need to hold batterers accountable for their actions;
- d. the recognition that individuals victimized by domestic violence are responsible for their own decisions and that batterers are responsible for their violent behavior; and
- e. trauma.

5. Standard 10.6. Hotline calls must be documented on an appropriate form that denotes each hotline call, the services offered to the survivor, any referrals made on behalf of the survivor, any information received in calls from professionals or third parties, and a plan of action to be taken.

6. Standard 10.7. Staff members answering hotline calls must ensure that all calls are answered immediately and must ensure accessibility for all callers.

7. Standard 10.8. Hotlines must be answered using the name of the family violence program.

8. Standard 10.9. Staff members and volunteers must answer the hotline in a place that is quiet, free of distractions, and confidential. If possible, the hotline should be in a private office.

9. Standard 10.10. The hotline number must be listed in the local telephone directory, be widely distributed, and be available from local telephone information services.

10. Standard 10.11. When holding or transferring hotline calls the staff member must:

a. complete an initial assessment as to the immediate danger to the survivor before putting the caller on hold;

b. check back with callers on hold within two minutes; and

c. prioritize calls using safety and lethality assessments.

11. Standard 10.12. Survivors of domestic violence who are deaf or hard of hearing must have equal access to the hotline.

12. Standard 10.13. The program must have written procedures on how advocates will respond to a Limited English Proficiency (LEP) individual.

13. Standard 10.14. A hotline shall not be answered by an automated call-routing machine, an answering machine, or an answering service.

14. Standard 10.15. The program must maintain a staffing schedule that provides staff members or volunteers

access to a supervisor or their designee as a back-up during hotline coverage.

15. Standard 10.16. If either party is using a cellular telephone, the caller must be made aware that confidentiality cannot be guaranteed. All hotline telephones must have a call waiting feature.

16. Standard 10.17. If call forwarding is used to ensure proper staffing of the hotline, it is the responsibility of the program staff members to ensure safety and confidentiality.

17. Standard 10.18. After hours, on weekends, and on holidays, administrative and outreach telephones must be answered by devices that clearly direct callers to the hotline number.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2121-2128.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Economic Stability, LR 43:

§6935. Information, Outreach, and Community Education

A. Guiding Principles. These standards require that family violence programs establish common quality intervention services. Participation in intervention services shall be voluntary.

B. Minimum Standards

1. Standard 11.1. The program must maintain a current listing of traditional and nontraditional community resources including:

- a. emergency service telephone numbers;
- b. housing alternatives;
- c. medical and health care services including dentistry;
- d. legal services;

- e. alcohol and drug related services;
- f. translation and interpreter services;
- g. child protective and welfare related services;
- h. housing options and resources;
- i. services for those individuals with physical or cognitive disabilities;
- j. lesbian, gay, bisexual, transgender, and questioning (LGBTQ) support services;
- k. counseling services for adults and children;
- l. emergency and other transportation services;
- m. continuing education and job training;
- n. child care services and parenting education;
- o. batterer intervention services;
- p. consumer, credit, and financial services;
- q. adolescent services and programs;
- r. elderly support services;
- s. school based services; and
- t. victim and witness programs.

2. Standard 11.2. The program must take an active role in developing and maintaining on-going relationships with the following community partners:

- a. child protective services;
- b. court personnel;
- c. law enforcement agencies;
- d. the Council on Aging;
- e. local schools; and
- f. Temporary Assistance for Needy Families (TANF) assistance programs.

3. Standard 11.3. The program must actively endeavor to increase awareness of their services to survivors of domestic violence in their service areas.

4. Standard 11.4. The program must provide outreach activities to the ethnic, cultural, and religious diversity of battered women and other victims of domestic violence in their service area. The program must also provide outreach activities to domestic violence victims in traditionally underserved populations.

5. Standard 11.5. Outreach services must be accessible in all service areas of a program. At a minimum, programs must:

a. ensure that the hotline number is widely distributed in the outreach areas; and

b. provide a staff member, when possible, to meet in person and as needed with survivors in outreach areas.

c. conduct public awareness, education, and training activities in outreach areas.

6. Standard 11.6. The program must provide education and prevention programs and information to the local community. Programs should be actively involved in educating individuals, community organizations, and service providers concerning domestic violence dynamics, the prevalence of domestic violence, and the need for survivor safety.

7. Standard 11.7. The program must provide educational assistance to professionals, community groups, and organizations in the local community about the dynamics and extent of domestic violence and the resources that are available from the program. These groups include:

a. law enforcement agencies;

b. health care providers;

c. clergy;

d. school professionals;

e. mental health professionals;

f. social service providers;

g. business community leaders;

h. civic groups;

i. community groups; and

j. religious groups.

8. Standard 11.8. The program must have written materials in alternative formats to meet the needs of survivors with visual, hearing, or cognitive disabilities and materials for non-English speaking survivors.

9. Standard 11.9. The program must conduct community education, consultation, and training.

a. Programs should take a leadership role in their local community in identifying systems and organizations that affect the prevention and treatment of domestic, family, and dating violence.

b. Programs are to attempt to change institutional practices that again victimize survivors or that place survivors' safety at risk.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2121-2128.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Economic Stability, LR 43:

§6937. Crisis Intervention

A. Guiding Principles. These standards require that family violence programs establish common quality intervention services. Participation in intervention services shall be voluntary.

B. Minimum Standards

1. Standard 12.1. Crisis intervention services must be provided by a qualified, trained staff member or volunteer using a trauma informed approach.

2. Standard 12.2. Crisis intervention services must be primarily focused on the provision of information, advocacy, safety planning, and empowerment.

3. Standard 12.3. Crisis intervention services must be based upon a problem solving model to provide information and referrals that assist an individual or family in crisis. Crisis intervention services include:

- a. assessing risk and danger;
- b. assessing needs;
- c. identifying major obstacles and barriers;
- d. safety planning;
- e. providing referrals, as requested, to community resources such as shelters, attorneys, and medical providers;
- f. providing information about available legal remedies;
- g. exploring possible options to support safety;
- h. formulating an action plan; and
- i. validating the survivor's feelings.

4. Standard 12.4. Goals for crisis intervention services shall be defined as interactions that:

- a. stabilize emotions;
- b. clarify issues; and
- c. provide support and assistance.

5. Standard 12.5. A program that offers crisis intervention services must provide services to both shelter residents and nonresidents.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2121-2128.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Economic Stability, LR 43:

§6939. Individual Service Planning

A. Guiding Principles. These standards require that family violence programs establish common quality intervention services. Participation in intervention services shall be voluntary.

B. Minimum Standards

1. Standard 13.1. In collaboration with survivors, the program must develop an individualized service plan for the purpose of assessing needs, identifying priorities, setting goals, implementing progress toward goals, and locating resources.

2. Standard 13.2. Individual service planning must be provided by qualified, trained staff members or volunteers who are required to be trained in the practice and dynamics of trauma informed care.

3. Standard 13.3. An advocate providing individual service planning must have access to and be familiar with a complete list of community resources. They should also be expected to establish working relationships with other service providers.

4. Standard 13.4. An advocate must provide individual service planning and should assist the person with identifying the person's own needs, available resources and services, and provide assistance in obtaining those services. Individual planning services shall be survivor driven.

5. Standard 13.5. An advocate providing individual service planning must assume a coordinating role using a voluntary services approach and facilitate the provision of services provided by other organizations and professionals in a coordinated and collaborative manner while complying with federal laws regarding confidentiality.

6. Standard 13.6. An advocate must facilitate service delivery and referrals and encourage ongoing communication with the providers of additional services that includes:

- a. ongoing and long-term safety planning;
- b. medical, nutritional, and health services;
- c. counseling for individuals, children, and family;
- d. law enforcement assistance;
- e. civil legal remedies and services;
- f. public assistance services, including job training and support services;
- g. short-term, transitional, and permanent housing;
- h. child care services and parenting education;
- i. child protection services;
- j. alcohol and drug evaluation and education;
- k. alcohol and substance abuse treatment services;
- l. services for persons with disabilities;
- m. transportation assistance;
- n. education, continuing education, High School Equivalency Test (HiSET), and literacy services;
- o. lesbian, gay, bisexual, and transgendered support services;
- p. interpreter and translation services and immigration assistance;
- q. financial planning and consumer rights information and services; and
- r. other related services as needed.

7. Standard 13.7. Advocacy contacts made on behalf of survivors to individuals or groups outside of the family

violence program must not be initiated without the survivor's direct permission. A Release of Confidential Information form must be used to document the survivor's approval.

8. Standard 13.8. Programs must provide individual service planning to shelter residents and nonresidents.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2121-2128.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Economic Stability, LR 43:

§6941. Support Groups

A. Guiding Principles. These standards require that family violence programs establish common quality intervention services. These standards value an individual response, collaboration, thoughtful evaluation, careful stewardship, and unconditional positive regard through a trauma informed approach. Participation in intervention services shall be voluntary.

B. Critical Minimum Standards

1. Standard 14.1. The program must provide group interactions facilitated by program staff members to address the emotional needs of adult and child users of services. These services include crisis, peer, supportive, educational, and domestic violence counseling.

C. Minimum Standards

1. Standard 14.2. Interactive group sessions must be topic oriented, informational, educational, and survivor directed. Sessions must be facilitated by qualified, trained program staff members and volunteers. Staff members and volunteers facilitating the support group must have at least 40 hours of domestic violence training education and experience in group facilitation and group dynamics for peer-to-peer led

groups in trauma informed, culturally, and linguistically appropriate approaches.

2. Standard 14.3. The program must provide at least one weekly support group session for adult participants. As resources allow, the program will provide child care or a children's support group session during the time the adult support group meets.

3. Standard 14.4. The support group facilitator must discuss the requirement of maintaining confidentiality during the support group session. The facilitator must then ensure that all individuals attending the group session sign a written statement agreeing to maintain the confidentiality of others attending the group session.

4. Standard 14.5. A program that provides support group services may provide:

a. open support groups which accept new members at any time; and

b. closed support groups which do not add new members for a specified period of time.

5. Standard 14.6. Support group services, which differ from professional group therapy, must provide support that addresses the needs identified by those attending the group session that includes:

a. safety planning;

b. active and reflective listening;

c. problem solving;

d. building self-esteem;

e. information about available legal remedies;

and

f. information about available community resources.

6. Standard 14.7. Support group services must provide education and information about:

- a. how batterers maintain control and dominance;
- b. the need to hold batterers accountable for their actions;
- c. the recognition that individuals victimized by domestic violence are responsible for their own decisions and that batterers are responsible for their violent behavior;
- d. the role of society in perpetuating violence against women and the social change necessary to eliminate violence against women, including the elimination of discrimination based on ethnicity, color, gender, age, sexual orientation, disabilities, including substance abuse, economic or educational status, religion, HIV/AIDS or health status, or national origin; and
- e. the traumatic effect of abuse.

7. Standard 14.8. The program must provide support groups to both residential and nonresidential survivors including former residents.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2121-2128.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Economic Stability, LR 43:

§6943. Services for Children

A. Guiding Principles. These standards require that family violence programs establish common quality intervention services. Participation in intervention services shall be voluntary.

B. Critical Minimum Standards

1. Standard 15.1. Each program must have a written policy prohibiting the use of corporal punishment on children by

either the parent or the provider of care while a family is residing in a shelter. Parents must be provided a copy of the policy.

C. Minimum Standards

1. Standard 15.2. The program must recognize the special needs of survivors' children and provide services specific to them.

2. Standard 15.3. All in-person services for children must be provided at the request of the guardian and with the guardian's permission.

3. Standard 15.4. Family violence programs must provide children services to both residential and nonresidential children.

4. Standard 15.5. The program must provide the following services for children:

- a. child intake and assessment;
- b. safety planning with the parent and child;
- c. individual planning and support contacts;
- d. advocacy with outside systems;
- e. information and referral services;
- f. support groups and/or play groups;
- g. information about domestic violence and trauma in an age appropriate manner; and
- h. an orientation for children residing in a shelter.

5. Standard 15.6. Children services must be provided by qualified, trained staff members or volunteers that are trained in the following:

- a. the developmental stages of childhood, including physical, social, cognitive, and emotional stages;
- b. developmentally appropriate ways of working with children;

c. a working knowledge of family violence and its effects on survivors and children;

d. positive discipline techniques;

e. nonviolent conflict resolution;

f. the warning signs of abuse;

g. appropriate methods for interviewing children who have disclosed abuse;

h. trauma informed care; and

i. a working knowledge of the child welfare system.

6. Standard 15.7. Children services must include the use of child support groups.

a. Support groups are a time to allow children to play in a safe, structured environment. The support group is to be based on a developmentally appropriate philosophy. While the support group is planned and facilitated by a child advocate, the children direct their own progress in the group. This empowers the child, offers the child a safe and appropriate place to say "No," and teaches consistency, structure, and nonviolent conflict resolution.

b. The goals of the children's support group are to break the silence about abuse, to learn how to protect oneself, to have a positive experience, and to strengthen self-esteem and self-image.

7. Standard 15.8. Program staff members must make available to the child's parent education, support, and access to resources. Child advocates must be available to meet with each parent at least once a week in individual sessions to provide information and support to ensure that:

a. information is available and provided to parents about domestic violence and its complex effect on parents and their children; and

b. provides the child's parent with nonviolent options for disciplining his or her child.

8. Standard 15.9. The program must have in place a way to provide and arrange transportation to attend school for a child in residence.

9. Standard 15.10. Access to child care options must be provided to residential families. Situations in which child care options may be provided include:

- a. during the parent's intake;
- b. during support group sessions;
- c. when the parent may be looking for housing or employment;
- d. when the parent is in counseling;
- e. while the parent is meeting with attorneys and attending court proceedings; and
- f. during all appointments and meetings in which caring for the child could be disruptive or when the child might overhear the parent talking about his or her abuse.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2121-2128.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Economic Stability, LR 43:

§6945. Court Advocacy

A. Guiding Principles. These standards require that family violence programs establish common quality intervention services. Participation in intervention services shall be voluntary.

B. Critical Minimum Standards

1. Standard 16.1. The program must provide court advocacy to assist survivors in receiving self-identified interventions and actions sought from civil and criminal justice systems. The program must also provide information about legal

options so that self-identification of needed interventions can occur.

C. Minimum Standards

1. Standard 16.2. Court advocacy services must ensure that appropriate staff members and volunteers have a working knowledge of current state and federal laws pertaining to domestic violence and how the local justice system responds to domestic violence cases including the local court rules in each parish where services are provided.

2. Standard 16.3. Court and legal advocacy must be provided by qualified, trained staff members and volunteers who:

- a. offer support to survivors seeking relief through the courts;
- b. help survivors understand court actions; and
- c. provide information that enables the survivor to make informed decisions about court actions, decisions, and processes.

3. Standard 16.4. Programs offering court advocacy services must maintain a clear distinction between legal advice and legal information. The program must strictly monitor and prohibit staff members and volunteers from practicing law or providing legal representation if they are not properly certified to engage in such legal practices.

4. Standard 16.5. Court advocacy services must maintain current referral lists for survivors that include:

- a. local criminal and civil justice agencies and contact persons in each parish where services are provided; and
- b. local, state, and national resources for certain legal issues such as immigration, interstate child custody, identity, relocation, etc.

5. Standard 16.6. Court advocacy services must be provided to both shelter residents and nonresidents.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2121-2128.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Economic Stability, LR 43:

§6947. Shelter

A. Guiding Principles. These standards require that family violence programs establish common quality intervention services. Participation in intervention services shall be voluntary.

B. Critical Minimum Standards

1. Standard 17.1. The program must provide access, admittance, and residence, including transportation to a temporary shelter, or other accommodations for victims of domestic violence and their male and female children, zero to 18 years of age, 24-hours a day, every day of the year.

2. Standard 17.2. The shelter must not discriminate against survivors by limiting the number of times of re-entry into the shelter or by requiring a time limit between re-entries into the shelter. The program must not maintain a "no readmit" list, however, it is permissible to maintain a "not admit at this time" list if admittance of a survivor is not currently appropriate. This information is to be documented in the survivor's file. Reentry is based on the current needs of a survivor and is not based on past situations.

C. Minimum Standards

1. Standard 17.3. Shelter services may be provided through any of the following types of accessible housing:

a. a physical shelter facility operated by a program that primarily serves domestic violence survivors; and

b. other shelter accommodations such as time limited motel or hotel placement and other direct placement programs that provide safe housing that is arranged through a program staff member.

2. Standard 17.4. A program that provides shelter services as defined in Standard 17.3 must ensure that all types of services are accessible and culturally and linguistically appropriate. Domestic violence programs that provide safe shelter at locations separate from and/or in addition to the primary shelter facility must ensure that those accommodations are safe and that survivors have access to program staff, a telephone, the program's hotline telephone number, bathroom facilities, and locking doors.

3. Standard 17.5. A physical shelter facility must provide on-site staff member coverage 24-hours a day, seven days a week.

a. Programs that provide shelter through other shelter accommodations must ensure that survivors living in those accommodations have access to program staff 24-hours a day, seven days a week.

4. Standard 17.6. Programs must have written procedures regarding their shelter intake process. The program must have procedures relative to serving adult male survivors of domestic violence seeking emergency shelter. Male survivors are to be provided with the same level of services as provided to female survivors. Services may be provided in an alternate setting such as a hotel.

5. Standard 17.7. A shelter must provide a back-up staffing system for use during emergencies. A supervisor or designee must be available via a cellular telephone or in some manner that allows for an immediate response. The program must

have written protocols that define criteria and steps for using the back-up system.

6. Standard 17.8. A program providing shelter services as defined in Standard 17.3 must:

a. have written policies and procedures to ensure the safety and security of residents;

b. ensure that crisis intervention services are voluntary, accessible, available, and offered 24-hours a day with trained on-site advocates to provide face to face emergency services;

c. provide, free of charge, emergency food, clothing, and personal hygiene items for residents and their children;

d. provide a personal locker or cabinet that can be locked by a key or combination in which to place their medications and other items of value;

e. provide access to some form of public or private transportation to and from the facility, to other service providers, and to court;

f. not require residents to participate in religious groups or to use religious materials; and

g. offer accommodations to individuals with disabilities.

7. Standard 17.9. A domestic violence program providing shelter services as defined in Standard 17.3 must ensure that the staff members and volunteers:

a. are trauma informed or are knowledgeable about trauma and participate in on-going training on how to offer trauma informed support;

b. have immediate face to face contact with a new resident admitted to a shelter to determine emergency needs and to orient the survivor to the program and its procedures;

c. initiate a face to face intake process with a new resident's admission to the shelter; and

d. sign a written agreement with each survivor about services to be provided by the shelter which includes:

i. services to be provided by the program, it staff members, and volunteers;

ii. confidentiality rights and agreements including records and accessibility;

iii. communal living arrangements, resident's rights, and privacy matters; and

iv. length of stay policies and the criteria that may affect the survivor's stay.

8. Standard 17.10. Programs that provide a physical shelter facility must ensure that staff members and volunteers are trained in the dynamics of communal living including:

a. conflict resolution;

b. facilitating group dynamics; and

c. parent and child dynamics and interactions.

9. Standard 17.11. Shelters must develop guidelines that promote communal living. The purposes of the guidelines are for protection, safety, and health. Guidelines must include the shelter's policies on confidentiality, child abuse reporting, nonviolence, weapons, drugs, alcohol, food areas, smoking areas, medications, childcare, and safety.

10. Standard 17.12. Programs must develop a written policy demonstrating how repetitive substance or alcohol use or the demonstration of behaviors incongruent with community living may affect their continued stay in the shelter.

11. Standard 17.13. Shelter management staff members must hold regular meetings to facilitate communal living.

12. Standard 17.14. Shelters must establish a length of stay policy that is flexible and that balances the needs of

survivors and the program's ability to meet those needs.

Programs that offer a physical shelter facility must offer shelter for a minimum period of six weeks with optional extensions. Programs that utilize hotels and motels must offer a minimum length of stay of four nights and facilitate a stay in a traditional, multifamily, or single family program for longer periods.

13. Standard 17.15. Survivors must be informed, in writing, of the minimum length of stay policy and of any criteria that may impact or shorten their stay in the facility.

14. Standard 17.16. Lengths of stay extensions are contingent on the survivor's progress toward meeting self-identified goals. Programs must have a process for determining extensions. When a request for an extension is denied, the reasons are to be documented in the survivor's case file and shared with the survivor in sufficient time for the survivor to make alternative arrangements. Participation in a support group may not be used as a criterion for granting length of stay extensions.

15. Standard 17.17. Any type of firearm or weapon shall be prohibited in the facility. Program staff members must include in their assessment for services appropriate questions to identify those survivors who may possess firearms or other weapons and assist them in making arrangements for them to be stored at a different location.

16. Standard 17.18. The program must have clearly defined policies for the involuntary termination of services. Shelter programs must make every effort to work with a survivor in order for the survivor to remain in the shelter, except for situations that compromise the safety of others or of the shelter such as:

a. the use of violence or threats of violence;

b. the use of behavior that repeatedly disrupts the ability of other survivors and their children to receive safe and effective services;

c. possession of illegal substances;

d. possession of a firearm or any other weapon that may threaten a life accidentally or intentionally;

e. active suicidal or homicidal behaviors; and

f. violating the confidentiality of another resident.

17. Standard 17.19. The program demonstrates its efforts to keep survivors eligible for shelter services through the documentation of attempts to assist the survivors and/or their children with problematic or disruptive behaviors.

a. Demerit and warning systems are not to be used; and

b. The program must respect the survivor's right to privacy in their person, property, communications, papers, and effects. Survivors are not to be subjected to unwarranted or unreasonable searches by shelter staff of their person, room, or property. However, circumstances may arise where some form of search may be necessary to protect the health and safety of shelter residents and staff. Survivors must be informed during intake of the circumstances under which such searches may occur.

18. Standard 17.20. Each residential survivor is to be assigned an advocate. This staff person must be available to meet with the survivor three times a week for the purpose of individual service planning and counseling. Survivors must be notified, in writing; that they will have at least one hour per day, three days a week, of available individual sessions.

a. If the survivor's assigned advocate is not available, the program must ensure that an alternate staff advocate is available to meet with the survivor.

19. Standard 17.21. Shelter staff members must assist survivors requesting emergency safe shelter in obtaining other temporary shelter if the primary shelter facility is at capacity. The required minimum assistance to be offered by staff members of the domestic violence shelter in this situation is the provision of information and referrals to obtain alternative safe shelter and notice of the right to call back for additional assistance. Staff members and volunteers may make contact with another shelter or service and provide this resource to the survivor.

20. Standard 17.22. When an alternative safe shelter is located, it is the responsibility of the domestic violence program to provide transportation to the alternative shelter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2121-2128.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Economic Stability, LR 43:

§6949. Other Shelter Accommodations

A. Guiding Principles. These standards require that family violence programs establish common quality intervention services. Participation in intervention services shall be voluntary.

B. Minimum Standards

1. Standard 18.1. Alternatives to a shelter facility may include hotel and motel placement as a source of safe shelter in circumstances that include:

a. The shelter services program does not have a physical shelter facility available;

b. The physical shelter facility is at capacity and no space is available for those seeking emergency safe shelter;

c. The distance between the individual or family seeking safe shelter and the shelter facility prohibits immediate access to the facility;

d. The individual or family seeking safe shelter has special needs best served by shelter provision through a hotel or motel placement; and

e. The former resident of the shelter facility no longer needs primary shelter but would benefit from program managed subsidized or transitional housing services that are offered through a temporary hotel or motel placement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2121-2128.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Economic Stability, LR 43:

§6951. Documentation of Services

A. Guiding Principles. These standards require that family violence programs establish common quality intervention services. Participation in intervention services shall be voluntary.

B. Critical Minimum Standards

1. Standard 19.1. The program must have written policies and procedures to ensure that all services provided are documented in written or electronic form and that those records are maintained in a manner that protects the confidentiality and privacy rights of individuals and families receiving services.

2. Standard 19.2. Written records of services provided in individual, group, and family settings must be maintained by the program in a secure, locked storage area that is accessible only by staff members, authorized volunteers, and administrative staff members who are responsible for supervision and internal review of service records for quality assurance purposes.

3. Standard 19.3. The program must ensure that electronic records of services to survivors are accessible only to those listed in 19.2 and that the records cannot be accessed remotely by anyone outside of the organization.

C. Minimum Standards

1. Standard 19.4. Programs must have policies in place defining record retention that includes the length of time specific records are retained and the procedures for destroying both paper and electronic records.

2. Standard 19.5. Written records documenting services must be denoted in the following manner:

- a. notes are entered in chronological order;
- b. notes have the full signature of the advocate or counselor documenting the service;
- c. entries are to be made immediately after all survivor contacts;
- d. white-out is not to be used;
- e. notes are not to contain any diagnoses or clinical assessments;
- f. notes on one survivor do not include other survivor's names;
- g. errors are to be corrected by drawing a line through the error and then writing "error" above the line along with the initials of the writer; and
- h. only necessary facts are recorded.

3. Standard 19.6. Advocacy, counseling, and individual service planning documentation should include the following:

- a. demographic data;
- b. danger and lethality assessments;
- c. history of abuse;
- d. safety planning;

- e. description of the abuser;
- f. consent for services for the survivors and their children, if applicable;
- g. individual service plans;
- h. children's assessments, if applicable;
- i. notification of limitations of confidentiality;
- j. release of liability forms;
- k. release of confidentiality forms, if applicable; and
- l. service notes.

4. Standard 19.7. All personnel of a domestic violence program with access to records of direct services provided by the program must have a signed confidentiality agreement on file. Programs should identify in their confidentiality policies the specific staff members, as identified by job responsibility and title; that will have access to confidential information, records, and information systems.

5. Standard 19.8. A data collection and record keeping system must be developed that allows for the efficient retrieval of data needed to measure the domestic violence program's performance in relation to its stated goals, objectives, and the accounting of funds received for contracted services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2121-2128.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Economic Stability, LR 43:

§6953. Restricted Services

A. Guiding Principles. These standards require that family violence programs establish common quality intervention

services. Participation in intervention services shall be voluntary.

B. Minimum Standards

1. Standard 20.1. The program must not offer services that could jeopardize the physical or emotional safety of the survivor. These services include couples counseling, family counseling that includes the presence of an alleged batterer, and mediation services.

2. Standard 20.2. No program staff member with responsibility to provide direct services to survivors or to supervise or direct programs for survivors shall be allowed to participate in or to lead batterer intervention program services. These two programs must remain entirely separate so that it is apparent to survivors that there is no conflict of interest within the program. The program must not allow batterer intervention services to take place on or near the premises of the family violence program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2121-2128.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Economic Stability, LR 43:

Family Impact Statement

The proposed rule is not anticipated to have an adverse impact on family formation, stability, and autonomy as described in R.S. 49:972. This rule is anticipated to have a positive effect on the stability and functioning of the family by assisting the family to live a life free from violence and abuse.

Poverty Impact Statement

The proposed rule is not anticipated to have an impact on poverty as described in R.S. 49:973.

Small Business Impact Statement

The proposed rule is not anticipated to have an adverse impact on small businesses as defined in the Regulatory Flexibility Act.

Provider Impact Statement

The proposed rule is not anticipated to have an impact on providers of services funded by the state as described in HCR 170 of the 2014 Regular Legislative Session.

Public Comments

All interested persons may submit written comments through, November 28, 2017, to Sammy Guillory, Deputy Assistant Secretary of Family Support, Department of Children and Family Services, P.O. Box 94065, Baton Rouge, Louisiana, 70804.

Public Hearing

A public hearing on the proposed Rule will be held on November 28, 2017 at the Department of Children and Family Services, Iberville Building, 627 North Fourth Street, Seminar Room 1-127 Baton Rouge, LA beginning at 11:00 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing. Individuals with disabilities who require special services should contact the DCFS Appeals Unit at least seven working days in advance of the hearing. For assistance, call 225-342-4120 (Voice and TDD).

Marketa Garner Walters
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES

Person Preparing Statement: James Vidacovich Department: Children and Family Services
Phone: (225) 342-0495 Office: Economic Stability
Return Address: 627 N. 4th St., P.O. Box 94065 Rule Title: Family Violence Prevention and Intervention Program
Baton Rouge, LA 70804 Date Rule Takes Effect: February 1, 2018

SUMMARY

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. THE FOLLOWING STATEMENTS SUMMARIZE ATTACHED WORKSHEETS, I THROUGH IV AND WILL BE PUBLISHED IN THE LOUISIANA REGISTER WITH THE PROPOSED AGENCY RULE.

I. Estimated Implementation Costs (Savings) to State or Local Governmental Units (Summary)

Other than the publication fees associated with the proposed rule changes, which are estimated to cost the Louisiana Department of Children and Family Services (DCFS) \$12,354, it is not anticipated that DCFS will incur any other costs or savings as a result of this rule. The proposed rule codifies R.S. 46:2121-2128, which provides for the guiding principles of the Family Violence Prevention and Intervention program which governs the development of community-based shelters and support services for victims of domestic violence. Also, the proposed rule provides specific minimum program standards to govern the administration and eligibility of program providers, as well as, provide standards in developing quality services and implementation of best practices.

II. Estimated Effect on Revenue Collections of State or Local Governmental Units (Summary)

The Family Violence Prevention and Intervention program is a program that currently operates within DCFS. The proposed rule codifies the program's existing administrative procedures and establishes minimum standards and best practices for providers. The proposed rule change will not affect state or local governmental revenue collections.

III. Estimated Costs and/or Economic Benefits to Directly Affected Persons or Non-Governmental Groups (Summary)

To the extent that a provider does not meet the minimum standards set forth in the proposed rule, then the provider must come into compliance with the standard, which may cause the provider to incur costs. If the provider does not come into compliance with the minimum standards, then the provider will no longer be eligible to participate in the program.

IV. Estimated Impact on Competition and Employment (Summary)

This proposed rule will not have an impact on competition and employment for low-income families.

Signature of Agency Head
or Designee

Date

LEGISLATIVE FISCAL OFFICER
OR DESIGNEE

Sammy Guillory, Deputy Assistant Secretary
Typed Name and Title of Agency Head

DATE OF SIGNATURE

DCFS Undersecretary