



PROPOSED RULE MAKING

CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Social and Health Services, Children's Administration

- Preproposal Statement of Inquiry was filed as WSR: 14-19-028; or
- Expedited Rule Making--Proposed notice was filed as WSR:___; or
- Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

- Original Notice
- Supplemental Notice to WSR:
- Continuance of WSR:

Title of rule and other identifying information: (Describe Subject)

Revisions to chapter 388-61A WAC, Shelters for Victims of Domestic Violence.

Hearing location(s):

Office Building 2
DSHS Headquarters
1115 Washington
Olympia, WA 98504

Public parking at 11th and Jefferson. A map is available at:
<http://www1.dshs.wa.gov/msa/rpau/RPAU-OB-2directions.html>

Date: May 26, 2015 Time: 10:00 a.m.

Submit written comments to:

Name: DSHS Rules Coordinator
Address: PO Box 45850
Olympia, WA 98504
e-mail: DSHSRPAURulesCoordinator@dshs.wa.gov
fax: (360) 664-6185

by: 5:00 p.m. May 26, 2015

Assistance for persons with disabilities: Contact:
Jeff Kildahl, DSHS Rules Consultant by May 12, 2015.
Phone: (360) 664-6092 or TTY: (360) 664-6178
Email: KildaJA@dshs.wa.gov

Date of intended adoption: Not earlier than May 27, 2015.
(Note: This is **NOT** the **effective** date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

The Department of Social and Health Services (DSHS), Children's Administration, Division of External Affairs & Operations Management (DEAOM) is proposing to amend the sections of chapter 388-61A WAC that address the training requirements for advocates and advocate supervisors.

Reasons supporting proposal:

This proposal will add training requirements for advocate supervisors and to change (reduce) the number of annual continuing education training hours for advocates.

Statutory authority for adoption:

Chapter 70.123 RCW

Statute being implemented:

Is rule necessary because of a:

- Federal Law? Yes No
 - Federal Court Decision? Yes No
 - State Court Decision? Yes No
- If yes, CITATION:

DATE
March 30, 2015

NAME (type or print)
Katherine Vasquez

SIGNATURE

TITLE
DSHS Rules Coordinator

CODE REVISER USE ONLY

**OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED**

DATE: April 02, 2015

TIME: 2:02 PM

WSR 15-09-007

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

None

Name of proponent: (person or organization) Department of Social and Health Services

- Private
 Public
 Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Susan Hannibal	4045 Delridge Way SW, Room 300 Seattle, WA 98106	(206) 923-4910
Implementation:	Same		() Same
Enforcement:	Same		() Same

Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?

Yes. Attach copy of small business economic impact statement or school district fiscal impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

Phone: ()

Fax: ()

e-mail

No. Explain why no statement was prepared.

The department has analyzed the proposed rules and determined that they do not impose more than minor costs on affected small businesses or small non-profit organizations.

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name: Susan Hannibal

Address: DSHS/CA

4045 Delridge Way SW, Room 300

Seattle, WA 98106

Phone: (206) 923-4910

fax: (206) 923-5497

e-mail:

No: Please explain:

WAC 388-61A-0220 What definitions apply to this chapter?

"Advocacy" means that the client is involved with an advocate in individual or group sessions with a primary focus of safety planning, empowerment, and education of the client through reinforcement of the client's autonomy and self-determination. Advocacy also means speaking and acting for change or justice with, or on behalf of, another person or cause. Advocacy is survivor-centered and uses nonvictim blaming methods that include:

- Identifying barriers to, and strategies to enhance, safety, including safety planning.
- Clarifying and increasing awareness of the power and control associated with domestic violence and the options one may have to obtain resources while staying safe.
- Supporting independent decision-making based on the unique needs and circumstances of each individual.

"Advocate" means a trained staff person who works in a domestic violence agency and provides advocacy to clients.

"Child care" means the temporary care of a client's child or children by staff of the domestic violence agency at the agency's location or another location where the client is receiving confidential or individual services from the domestic violence agency or is participating in activities sponsored by the domestic violence agency, other than employment, and so long as the client remains on the premises.

"Children/youth activities" means activities other than children/youth advocacy, such as recreational and educational activities.

"Children/youth advocacy" means an age-appropriate intervention service that strives to assist children/youth to express feelings about their exposure to domestic violence. It is an educational, rather than a therapeutic intervention, and is focused on providing education about domestic violence, safety planning, and developing or enhancing problem-solving skills. Advocacy can be provided on an individual basis and in group settings.

"Client" means a victim of domestic violence who is accessing services at a domestic violence agency. Client can also be referred to as a survivor, service recipient, or resident.

"Cohabitant" means a person who is or was married, in a state registered domestic partnership, or cohabiting with another person in an intimate or dating relationship at the present time or at some time in the past. Any person who has one or more children in common with another person, regardless of whether they have been married, were/are in a domestic partnership with each other, or have lived together at any time, must be treated as a cohabitant. Any person who is or was in a dating relationship with another person at the present or at some time in the past, regardless of whether they lived together at any time, must be treated as a cohabitant.

"Community education" refers to information that is provided in community settings about domestic violence and services related to victims of domestic violence. Community education activities include: Training, presentations, outreach to specific communities or geographic areas, community events, and media events.

"Confidential communication" means all information, oral, written or nonverbal, that is transmitted between a victim of domestic violence and an employee or supervised volunteer of a domestic violence

agency in the course of their relationship and in confidence by means which, so far as the victim is aware, does not disclose the information to a third person.

"Confidential information" includes, but is not limited to, any information, advice, notes, reports, statistical data, memoranda, working papers, records or the like, made or given during the relationship between a victim of domestic violence and a domestic violence agency, however maintained. Confidential information includes the name, address, telephone number, social security number, date of birth, nine-digit postal (ZIP) code, physical appearance of, case file or history of, and other information that would personally identify a victim of domestic violence who seeks or has received services from a domestic violence agency.

"Crisis hotline or helpline" means a designated telephone line of the domestic violence agency that operates twenty-four hours a day, three hundred sixty-five days a year. A hotline/helpline provides crisis intervention, safety planning, information, and referral services.

"Crisis intervention" means services provided to an individual in crisis to stabilize an individual's emotions, clarify issues, and provide support and assistance to help explore options for resolution of the individual's immediate crisis and needs.

"Department" means the department of social and health services (DSHS).

"Domestic violence" is a pattern of assaultive and coercive behaviors that an adult or adolescent uses to maintain power and control over their intimate partner. Abusive tactics may include, but are not limited to the following: Physical abuse, sexual abuse, intimidating tactics, physical and/or psychological isolation of the victim, repeated attacks against the victim's competence, alternating use of indulgences, control of family funds and resources, stalking, and the use of children and systems to control the victim. The abuser's use of physical force against persons or property or the use of conduct that establishes credible threat of physical harm (i.e. terrorizing tactics) combined with other controlling tactics are key elements of domestic violence. The effect of the overall pattern of assaultive and coercive behavior is to increase the abuser's power and control in the relationship. It includes, but is not limited to, the categorization of offenses defined in RCW 10.99.020(3) when committed by one cohabitant against another.

"Domestic violence agency" means an agency that provides shelter and advocacy for domestic violence clients in a safe and supportive environment.

"Intimate partner violence" focuses on the most common form of domestic violence, which is between adult or adolescent intimate partners or cohabitants, rather than on violence between nonintimate adult or adolescent household members.

"Job-shadowing" means a work experience where an individual observes and learns about a job, activity, or activities by walking through the work day as a shadow to a skilled and competent employee. The experience must be planned for and structured with the goal of observing behavior and situations, engaging in interactive questions and answers, and experiencing the link between learning and practice. Job-shadowing can be anywhere from a few hours, to a day, to a week or more, depending on the job or activity to be experienced.

"Legal advocacy" means personal support and assistance with victims of domestic violence to ensure their interests are represented and their rights upheld within the civil and criminal justice systems,

including administrative hearings. It includes educating and assisting victims in navigating the justice systems; assisting victims in evaluating advantages and disadvantages of participating in the legal processes; facilitating victims' access and participation in the legal systems; and promoting victims' choices and rights to individuals within the legal systems.

"Live training" means events that are held at a specific time and not prerecorded, where participants have the opportunity to ask questions and hear the questions of others in real-time. Examples of live training include events that are in-person, teleconferences, interactive webinars and web casts.

"Lodging unit" means one or more rooms used for a victim of domestic violence including rooms used for sleeping or sitting.

"Marginalized populations" includes, but is not limited to, populations that have been historically underserved and oppressed in society because of ethnicity, race, culture or language diversity, age, sexual orientation, or disability.

"Personally identifying information" includes, but is not limited to, first and last name, home or other physical address, telephone number, Social Security number, date of birth, nine-digit postal (ZIP) code, physical appearance of, case file or history of, and other information that would personally identify a victim of domestic violence who seeks or has received services from a domestic violence agency, or such other information which, taken individually or together with other identifying information, could identify a particular individual.

"Program" means the DSHS domestic violence program.

"Resident" means a client of the domestic violence agency who is residing in a shelter as defined in this chapter.

"Safe home" means a shelter that has two or fewer lodging units and has a written working agreement with a domestic violence agency.

"Safety plan" is a process of thinking through with the victim how to increase safety for both the victim of domestic violence and any dependent children of the victim. Safety planning addresses both immediate and long term risks, barriers, or concerns regarding the victim and any dependent children. It is based on knowledge about the specific pattern of the domestic violence perpetrator's tactics and the protective factors of the victim and any dependent children. Safety planning can be done formally, informally, in writing or orally, or in any other conversational process between the victim and advocate.

"Secretary" means the DSHS secretary or the secretary's designee.

"Self-study" is a form of study in which one is, to a large extent, responsible for one's own instruction. Examples of self-study include reading articles, books, academic journals, training materials, engaging in on-line learning opportunities, and prerecorded webinars. Self-study content must be current or have historical relevance to the domestic violence advocacy field.

"Shelter" means a safe home or shelter home that provides temporary refuge and food and clothing offered on a twenty-four hour, seven-day-per-week basis to victims of domestic violence and their dependent children. Domestic violence agencies may use hotels and motels for victims who need safe shelter, but the domestic violence agency must also have a shelter home and/or safe home(s) that meet the requirements of this chapter.

"Shelter home" means a shelter that has three or more lodging units and is either a component of, or has a written working agreement with, a domestic violence agency.

"Staff" means persons who are paid or who volunteer to provide services to clients and are a part of a domestic violence agency.

"Support group" means interactive group sessions of two or more victims of domestic violence that is facilitated by trained staff on a regular basis. Participants share experiences, offer mutual support, and receive information and education around a specific topic of common interest. Support groups validate the experiences of victims, explore options, build on strengths, and respect participants' rights to make their own decisions. A shelter or house meeting where, for example, chores are discussed, and there is no advocacy provided, is not a support group.

"Victim" means a cohabitant who has been subjected to domestic violence.

"We, us and our" refers to the department of social and health services and its employees.

"You, I and your" refers to the domestic violence agency.

AMENDATORY SECTION (Amending WSR 10-22-040, filed 10/27/10, effective 11/27/10)

WAC 388-61A-0350 What type of training is required for staff of the domestic violence agency? Initial and continuing education training of domestic violence agency staff is critically important. In addition, quality supervision is an integral component for the provision of excellent advocacy and in supporting staff. Advocates and advocate supervisors must be able to demonstrate an understanding of the nature and scope of domestic violence as defined by this chapter, as well as the historical and societal attitudes in which domestic violence is rooted. Training must be current and relevant to the provision of empowerment-based advocacy. Domestic violence agencies should also strive to ensure that staff incorporate training on services to marginalized populations as part of each advocate's annual continuing education hours. In furtherance of these goals, domestic violence agency staff must meet the following minimum training requirements.

Initial training (~~for staff providing supportive services and staff supervisors~~)

(1) Staff providing supportive services and supervisors of staff shall obtain a minimum of twenty hours of initial basic training that covers the following topics and skills:

(a) Theory and implementation of empowerment-based advocacy.

(b) The history of the domestic violence movement.

(c) Active listening skills.

(d) Legal, medical, social service and systems advocacy.

(e) Anti-oppression and cultural competency theory and practice.

(f) Confidentiality and ethics.

~~((f))~~ (g) Safety planning skills and barriers to safety.

~~((g))~~ (h) Planning, clarifying issues and options, and crisis intervention.

~~((h))~~ (i) Providing services and advocacy to individuals from marginalized populations.

~~((i))~~ (j) Policies and procedures of the domestic violence agency.

(2) Initial training shall be completed prior to providing supportive services to clients and/or their dependent children.

(3) The recommended format for initial trainings is live and in-person group sessions. Structured job-shadowing and self-study may be included as part of the overall initial training. All domestic violence agency in-house training must be based on a training plan that covers one or more of the required initial training topics.

Continuing education and supervisor training ((for staff providing supportive services and staff supervisors))

~~((2))~~ (4) Based on their date of hire with the domestic violence agency, staff providing supportive services and staff supervisors must obtain an annual minimum of ((thirty)) twenty hours of continuing education training beginning in their second year with the domestic violence agency, and in every year thereafter. ((Continuing education training must include:

~~(a) A minimum of fifteen hours of training on advocacy that is directly related to serving victims of domestic violence and their children.~~

~~(b) A minimum of five hours of training on providing services and advocacy to individuals from marginalized populations.~~

~~(3) Not more than ten hours of the thirty hours of continuing education training can be obtained from video, audio, or similar self-study methods.))~~

(5) A minimum of ten hours must be live training on topics specifically focused on serving victims of domestic violence and their children.

(6) The remaining ten hours of training may be satisfied through self-study on topics specifically focused on serving victims of domestic violence and their children.

(7) Within six months of being hired as an advocate supervisor and for each year thereafter, the supervisor must obtain a minimum of five hours of training on supervision. Supervision training can be counted toward the twenty hours of annual continuing education training hours required by this chapter. Examples of supervision training topics include leadership skills, job coaching and staff evaluation, personnel management, effective communication and managing conflict, multicultural supervision, and how to foster professional development of, and self-care with, advocates. While live, in-person training is the preferred method for supervision training, all methods of live and self-study training are acceptable.

Training for staff not providing supportive services

~~((4))~~ (8) Domestic violence agency staff who do not provide supportive services to clients or their dependent children are not required to obtain initial and continuing education training as described in this section. Examples of staff that are included in this category are shelter housekeeping staff, individuals providing child care assistance as defined in this chapter, and bookkeeping and accounting staff. It is recommended, however, that staff who may come into contact with clients of the domestic violence agency and their dependent children, but who do not provide supportive services, receive training on the following:

(a) Confidentiality.

(b) Relevant policies and procedures of the domestic violence agency.

(c) Mandated reporting of child abuse/neglect as required by chapter 26.44 RCW, Abuse of children.

AMENDATORY SECTION (Amending WSR 10-22-040, filed 10/27/10, effective 11/27/10)

WAC 388-61A-0360 How should training be documented? Initial, ((and)) continuing education, and supervisor training ((received by staff and supervisors of staff providing supportive services must be recorded in a training log. At a minimum the log must include:

- ~~(1) Date(s) of training.~~
 - ~~(2) Title or subject matter of the training.~~
 - ~~(3) Individual or organization that provided the training.~~
 - ~~(4) Number of training hours received.~~
 - ~~(5) Training method (e.g. in person, video, audio, self study, or other method).~~
 - ~~(6) For continuing education training, whether the training was on advocacy or serving individuals from marginalized populations))~~
- must be documented as required by DSHS.