PROPOSED RULE MAKING

CR-102 (October 2017)
(Implements RCW 34.05.320)
Do **NOT** use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: January 22, 2018
TIME: 1:35 PM

WSR 18-03-150

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

☒ **Original Notice**
☐ **Supplemental Notice to WSR _____**
☐ **Continuance of WSR _____**

☒ **Preproposal Statement of Inquiry was filed as WSR** 16-24-073 **; 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); or**
☐ **Proposal is exempt under RCW _____.**

Title of rule and other identifying information: (describe subject) The department is proposing to repeal existing sections and create new sections in chapter 388-61A "Domestic Violence Victim Services and Prevention Efforts".

Hearing location(s):

Date:	**Time:**	**Location:** (be specific)	**Comment:**
March 13, 2018	10:00 a.m.	Office Building 2 DSHS Headquarters 1115 Washington Olympia, WA 98504	Public parking at 11th and Jefferson. A map is available at: https://www.dshs.wa.gov/sesa/rules-and-policies-assistance-unit/driving-directions-office-bldg-2

Date of intended adoption: Not earlier than March 14, 2018 _ (Note: This is **NOT** the **effective** date)

Submit written comments to:

Name: DSHS Rules Coordinator
Address: PO Box 45850
Olympia, WA 98504

Email: DSHSRPAURulesCoordinator@dshs.wa.gov
Fax: 360-664-6185
Other:
By (date) 5:00 p.m. March 13, 2018

Assistance for persons with disabilities:

Contact Jeff Kildahl, DSHS Rules Consultant
Phone: 360-664-6092
Fax: 360-664-6185
TTY: 711 Relay Service
Email: Kildaja@dshs.wa.gov
Other:
By (date) February 27, 2018

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The department is proposing to repeal existing sections and create new sections in chapter 388-61A WAC in order to incorporate new and revised requirements mandated by chapter 70.123 RCW and the federal Family Violence Prevention and Services Act grant. A crosswalk table of existing and new WAC sections is available upon request.

Reasons supporting proposal: These changes are being proposed in order to comply with statutory changes to chapter 70.123 RCW and new requirements in the federal Family Violence Prevention and Services Act grant administered by DSHS.

Statutory authority for adoption: Chapter 70.123 RCW

Statute being implemented: Chapter 70.123 RCW

Is rule necessary because of a:

Federal Law?	☒ Yes	☐ No
Federal Court Decision?	☐ Yes	☒ No
State Court Decision?	☐ Yes	☒ No

If yes, CITATION: 45 CFR Part 1370.4(g)(1)

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	PO Box 45710, Olympia, WA 98504-5710	360-902-8493
Implementation:	Susan Hannibal	PO Box 45710, Olympia, WA 98504-5710	360-902-8493
Enforcement:	Susan Hannibal	PO Box 45710, Olympia, WA 98504-5710	360-902-8493

Is a school district fiscal impact statement required under RCW 28A.305.135? ☐ Yes ☒ No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

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: PO Box 45710, Olympia, WA 98405-5710
Phone: 360-902-8493
Fax:
TTY:
Email: hsus300@dshs.wa.gov
Other:

☐ No: Please explain:

Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

☒ This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.
Citation and description: 45 CFR Part 1370.4(g)(1)

☐ This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

☐ This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

☒ This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

☐	RCW 34.05.310 (4)(b) (Internal government operations)	☒	RCW 34.05.310 (4)(e) (Dictated by statute)
☐	RCW 34.05.310 (4)(c) (Incorporation by reference)	☐	RCW 34.05.310 (4)(f) (Set or adjust fees)
☐	RCW 34.05.310 (4)(d) (Correct or clarify language)	☐	RCW 34.05.310 (4)(g) ((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

☐ This rule proposal, or portions of the proposal, is exempt under RCW _____.
Explanation of exemptions, if necessary:

COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES

If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

☐ No Briefly summarize the agency's analysis showing how costs were calculated.

☐ Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

Date: January 18, 2018	**Signature:**
Name: Katherine I. Vasquez	
Title: DSHS Rules Coordinator	

Chapter 388-61A WAC
DEFINITIONS

NEW SECTION

WAC 388-61A-1000 What definitions apply to this chapter? The following definitions apply to this chapter:

(1) **"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 non-victim blaming methods that include:

(a) Identifying barriers and strategies to enhance safety, including safety planning;

(b) 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; and

(c) Supporting independent decision making based on the unique needs and circumstances of each individual.

(2) **"Advocate"** means a trained staff person who works in a domestic violence program and provides advocacy to clients.

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

(4) **"Children/youth activities"** means age-appropriate activities other than children/youth advocacy, such as recreational and educational activities.

(5) **"Children/youth advocacy"** means age-appropriate supportive services that strive to assist children/youth to express feelings about their exposure to domestic violence. It is an educational, rather than a therapeutic service 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.

(6) **"Client"** means a victim of domestic violence who is accessing services at a domestic violence program. A client may also be referred to as a survivor, service recipient, or resident.

(7) **"Community advocate"** means a person employed or supervised by a domestic violence program who is trained to provide ongoing assistance and advocacy for victims of domestic violence in assessing and planning for safety needs, making appropriate social service, legal, and housing referrals, providing community education, maintaining contacts necessary for prevention efforts, and developing protocols for local systems coordination.

(8) **"Community-based domestic violence program"** or **"CBDVP"** means a nonprofit program or organization that provides, as its primary purpose, assistance and advocacy for domestic violence victims. Domestic violence assistance and advocacy includes crisis intervention, indi-

vidual and group support, information and referrals, and safety assessment and planning. Domestic violence assistance and advocacy may also include, but is not limited to: provision of shelter, emergency transportation, self-help services, culturally specific services, legal advocacy, economic advocacy, and accompaniment and advocacy through medical, legal, immigration, human services, and financial assistance systems. CBDVPs also provide community education and prevention efforts. Domestic violence programs that are under the auspices of, or the direct supervision of, a court, law enforcement or prosecution agency, or the child protective services section of the department as defined in RCW 26.44.020, are not considered CBDVPs.

(9) **"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.

(10) **"Confidential communication"** means all information, oral, written, or nonverbal, that is transmitted between a victim of domestic violence and an employee or volunteer of a domestic violence program in the course of their relationship and in confidence, which means that the employee or volunteer will not disclose the information to a third person unless authorized in writing by the victim.

(11) **"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 program, however maintained. Confidential information includes personally identifying information as defined in this chapter, and any other information that would personally identify a victim of domestic violence who seeks or has received services from a domestic violence program.

(12) **"Crisis hotline or helpline"** means a designated telephone line of the domestic violence program 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.

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

(14) **"Culturally specific supportive services and prevention efforts"** means services and prevention efforts created by and for specific cultural populations that have been historically underserved or unserved. Services and prevention efforts are typically designed by and with individuals from the specific culture who are cognizant of the specific community generated risks and protective characteristics and often utilize the language and settings familiar to the population served.

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

(16) **"Domestic violence"** means the infliction or threat of physical harm against an intimate partner, and includes physical, sexual, and psychological abuse against the partner, and is a part of a pattern of assaultive, coercive, and controlling behaviors directed at achieving compliance from or control over that intimate partner. It may include, but is not limited to, a categorization of offenses as

defined in RCW 10.99.020, committed by one intimate partner against another.

(17) **"Domestic violence program"** means an agency, organization, or program with a primary purpose and history of effective work in providing advocacy, safety assessment and planning, and self-help services for domestic violence victims in a supportive environment, and includes, but is not limited to, a CBDVP, emergency shelter, or domestic violence transitional housing program.

(18) **"Emergency shelter"** means a place of supportive services and safe, temporary lodging offered on a twenty-four hour, seven days per week basis to victims of domestic violence and their children. Domestic violence programs may use hotels and motels for victims who need safe shelter, but the domestic violence program must also have an emergency shelter that meets the requirements of this chapter. The mere act of making a referral to emergency shelter is not itself considered provision of emergency shelter.

(19) **"Intimate partner"** means a person who is or was married, in a state registered domestic partnership, or in an intimate or dating relationship with another person at the present or at some time in the past. An intimate partner is also any person who has one or more children in common with another person, regardless of whether they have been married, in a domestic partnership with each other, or lived together at any time.

(20) **"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 is 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 may be anywhere from a few hours, to a day, week, or more, depending on the job or activity.

(21) **"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 legal systems and administrative hearings. It includes:

(a) Educating and assisting victims in navigating legal systems;

(b) Assisting victims in evaluating advantages and disadvantages of participating in legal processes;

(c) Facilitating victims' access and participation in legal systems; and

(d) Promoting victims' choices and rights to individuals within legal systems.

(22) **"Legal advocate"** means a person employed by a domestic violence program or court system to advocate for victims of domestic violence, within the civil and criminal legal systems and administrative hearings, by attending court proceedings, assisting in document and case preparation, and ensuring linkage with the community advocate.

(23) **"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, and interactive.

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

(25) **"Personally identifying information"** is individually identifying information for or about an individual including information likely to disclose the location of a victim of domestic violence, re-

gardless of whether the information is encoded, encrypted, hashed, or otherwise protected, including, but not limited to:

(a) First and last name;

(b) Home or other physical address;

(c) Contact information (including postal, email or internet protocol address or telephone or facsimile number);

(d) Social security number;

(e) Driver's license number, passport number, or student identification number;

(f) Religious affiliation;

(g) Date of birth;

(h) Nine digit postal (ZIP) code;

(i) Physical appearance of;

(j) Case file or history; and

(k) Other information that would personally identify a victim of domestic violence who seeks or has received services from a domestic violence program, or such other information which, taken individually or together with other identifying information, could identify a particular individual.

(26) **"Prevention"** means efforts that are designed to ultimately eradicate domestic violence through the promotion of healthy, respectful, and nonviolent relationships. Successful domestic violence prevention efforts address change at both the individual and community levels, and tailor messages to diverse populations. Characteristics of promising prevention practices include working to decrease risk factors for perpetration of abuse as well as victimization while at the same time promoting positive factors that protect individuals from perpetrating or experiencing abuse. Domestic violence prevention includes strategies, policies, and programs that focus on at least one of the following:

(a) Increasing community dialogue about the root causes of intimate partner violence;

(b) Shifting cultural norms;

(c) Building skills for healthy relationships;

(d) Promoting respectful and healthy relationships.

(27) **"Resident"** means a client of the domestic violence program who is residing in an emergency shelter as defined in this chapter.

(28) **"Restroom facility"** means a bathroom with at least a common-use indoor flush-type toilet, one nearby sink for hand washing, and a bathtub or shower facility.

(29) **"Safety planning"** is a process of thinking through with the victim how to increase safety for both the victim of domestic violence and any children of the victim. Safety planning addresses both immediate and long-term risks, barriers, or concerns regarding the victim and any children in the context of their communities and in relationship with the domestic violence perpetrator. 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 children. Safety planning may be done formally, informally, in writing or orally, or in any other conversational process between the victim and advocate.

(30) **"Secretary"** means the department secretary or the secretary's designee.

(31) **"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 online learning opportunities, and prerecorded webi-

nars. Self-study content must be current or have historical relevance to the domestic violence advocacy field.

(32) **"Shelter"** means temporary lodging and supportive services offered by a CBDVP to victims of domestic violence and their children.

(33) **"Staff"** means trained persons who are part of a domestic violence program and are paid or volunteer to provide services to clients.

(34) **"Support group"** means an interactive group session 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.

(35) **"Supportive services"** means assistance and advocacy for victims of domestic violence and their children that are designed to meet the needs of victims and children and provided in accordance with the service model defined in this chapter. Supportive services include, but are not limited to, activities described in the definition of CBDVP.

(36) **"Underserved or unserved populations"** means populations who face barriers in accessing and using victim services, including populations underserved or unserved because of religion, sexual orientation, gender identity or expression, underserved or unserved racial and ethnic populations, and populations underserved or unserved because of special needs including language barriers, disabilities, immigration status, and age.

(37) **"Victim"** means an intimate partner who has been subjected to domestic violence.

(38) **"We," "us," or "our"** refers to the department and its employees.

(39) **"You," I," or "your"** refers to the domestic violence program.

Chapter 388-61A WAC
SERVICE STANDARDS

NEW SECTION

WAC 388-61A-1005 What is the legal basis for establishing minimum standards for domestic violence programs? Chapter 70.123 RCW authorizes the department to establish minimum standards for programs that receive funding from the department to provide supportive services and prevention efforts.

NEW SECTION

WAC 388-61A-1010 What is the purpose of this chapter? The rules of this chapter are to establish minimum uniform statewide standards for domestic violence supportive services, emergency shelters, and prevention efforts funded by the department.

NEW SECTION

WAC 388-61A-1015 What service model must be used to provide the services required by this chapter? Supportive services and emergency shelters for victims of domestic violence are essential to provide protection to victims from further abuse and physical harm. Research demonstrates that access to supportive services that increase a survivor's knowledge of safety planning and awareness of community resources leads to increased safety and well-being over time. Consequently, the model for providing services must incorporate all the following practices and minimum standards:

(1) Services provided to victims must include access to safety, advocacy, information about options, and referrals to helping resources.

(2) Services must use a survivor-centered and empowerment service model that:

(a) Promotes safety for all victims of intimate partner violence and their children;

(b) Is survivor-centered and treats victims with dignity and respect;

(c) Builds on the strengths and resources of individuals and families, respecting their autonomy and self-determination;

(d) Supports the relationship between victims and their children;

(e) Offers options and support for autonomous decision making that is based on the needs and circumstances of each victim and their family;

(f) Assists individuals and families in accessing protection and services that are respectful and inclusive of cultural and community characteristics;

(g) Ensures program accountability by involving victims in evaluating the services they receive from the domestic violence program; and

(h) Supports engagement and collaboration with other community agencies and systems for the purpose of developing a comprehensive response system for victims and their children.

(3) The program must refrain from engaging in activities that compromise the safety of victims or their children.

(4) The program must not provide services that blame the victim for the abuse or do not hold the abuser accountable for the violence. Such services are ineffective and will likely result in further harm to the victim, up to and including death.

NEW SECTION

WAC 388-61A-1020 Is the department required to provide funding to any program that requests funding? (1) We are not obligated to disburse funds to all domestic violence programs that meet the minimum standards set forth in this chapter. Our goals are to:

(a) Provide for a statewide network of supportive services, including emergency shelter, and advocacy for victims of domestic violence and their children;

(b) Provide for culturally specific and appropriate services for victims of domestic violence and their children from populations that have been historically underserved or unserved; and

(c) Assist communities in efforts to increase public awareness about, and prevention of, domestic violence.

(2) Funding for this program is intended to develop and maintain domestic violence programs that are:

(a) Focused on victim advocacy, safety, empowerment, maintaining confidentiality, and safety planning;

(b) Inclusive and responsive to the ethnic, cultural, racial, and socioeconomic diversity of the state; and

(c) Flexible and designed to meet the needs of domestic violence victims at the local level.

(3) If an organization applies for funding, we will consider such things as:

(a) Geographic location;

(b) Population density;

(c) Specific population needs, including urban and rural areas, and the need for culturally and linguistically appropriate services and prevention efforts;

(d) Availability and existence of domestic violence outreach and prevention efforts;

(e) An applicant's demonstrated history and experience in providing domestic violence services and its ability to provide services that comply with the minimum standards of this chapter;

(f) The availability of other domestic violence programs in a community and the level of collaboration between and among existing programs; and

(g) The amount of funding we have available to maintain stability and support for domestic violence programs currently funded by the department under this chapter.

NEW SECTION

WAC 388-61A-1025 What services must a department-funded domestic violence program provide? (1) Supportive services provided by the domestic violence program must align with the survivor-centered and empowerment service model described in this chapter, and must also:

(a) Include a discussion of safety and options with each victim of domestic violence seeking assistance;

(b) Be respectful, respond to each client's life situation, and respect each person's right to self-determination;

(c) Be provided in a safe and supportive environment that offers the client the opportunity to examine the events that led to the need for domestic violence services; and

(d) Be provided in a private setting for the comfort of the client and to protect the client's right to confidentiality.

(2) Domestic violence programs must provide the following:

(a) A location with a private setting to meet and assist victims of domestic violence who have a need for community advocacy or supportive services;

(b) A dedicated telephone line that serves as the contact number for the domestic violence program;

(c) Language and disability access;

(d) Crisis intervention;

(e) Safety planning;

(f) Individual advocacy, including legal advocacy;

(g) Support groups;

(h) Child care assistance during individual advocacy sessions and support groups for the adult victim;

(i) Emergency transportation assistance or access to transportation;

(j) Information and referral; and

(k) Community education and prevention efforts.

NEW SECTION

WAC 388-61A-1030 What are the requirements for providing emergency shelter? (1) Programs that we contract with for emergency shelter must also provide:

(a) A crisis hotline or helpline;

(b) A place of temporary lodging that complies with the service and facility requirements of this chapter;

(c) A day program or drop in service for victims who have a need for supportive services but do not need emergency shelter;

(d) Resident access to a trained staff person twenty-four hours a day, three hundred sixty-five days a year;

(e) The opportunity for residents to receive and participate in supportive services during their stay in emergency shelter; and

(f) Age-appropriate supportive services and resources for children/youth residing in emergency shelter.

(2) Programs must not require that clients participate in supportive services as a condition of residing in emergency shelter.

(3) Your program must have written procedures regarding your emergency shelter intake process. Victims who are at immediate risk of harm or who are in immediate danger due to domestic violence must be given priority for emergency shelter.

(4) You must have a staff person available twenty-four hours a day, three hundred sixty-five days a year, who is able to assess requests for emergency shelter and arrange for immediate intake into your shelter or a hotel or motel.

(5) Where an individual is eligible for emergency shelter:

(a) A staff person must be present to admit a service recipient into the emergency shelter; and

(b) Your program must make reasonable efforts to have a staff person present to admit a service recipient into a hotel or motel.

(6) Hotels or motels may be used as a temporary emergency sheltering option but must not be used in place of an emergency shelter that meets the standards set forth in this chapter. Individuals placed in a hotel or motel or other temporary shelter option must be provided with supportive services during the time they are in emergency shelter.

(7) You must provide an individual with referrals to other services or domestic violence agencies when:

(a)Your emergency shelter is full;

(b)A client residing in emergency shelter must be transferred to another domestic violence program for client safety reasons;

(c) The person seeking emergency shelter is ineligible for your services;

(d) An inappropriate referral was made to your domestic violence program; or

(e) The person seeking emergency shelter has problems that require services of another program or programs before they receive domestic violence services.

NEW SECTION

WAC 388-61A-1035 What services and resources must be available to children/youth residing in emergency shelter? (1) With the parent's or guardian's permission, you must offer children/youth the opportunity to receive and participate in the following age-appropriate supportive services during their emergency shelter residency:

(a) Orientation to the emergency shelter;

(b) Information about domestic violence;

(c) Individual or group advocacy and support; and

(d) Information and referral to other supportive services.

(2) You must provide a safe and secure play area for children/youth residing in the emergency shelter.

(3) You must provide information to the client about resources for indoor and outdoor recreational activities in the community for children/youth residing in emergency shelter, such as outings to parks, playgrounds, movies, libraries, sports activities, youth clubs and other similar activities.

NEW SECTION

WAC 388-61A-1040 What are the requirements for a crisis hotline or helpline? (1) Emergency shelters must provide a crisis hotline/helpline telephone number for accessing the services of the domestic violence program. The telephone number must be widely distributed throughout the service area covered by the domestic violence program and be identified as the crisis hotline/helpline of the program.

(2) The crisis hotline/helpline service must comply with the following minimum requirements:

(a) It must operate twenty-four hours a day, three hundred sixty-five days a year;

(b) It must be a dedicated telephone line that serves as the crisis hotline or helpline;

(c) Staff that answer the hotline/helpline must be trained in, periodically review, and be familiar with, the crisis helpline/hotline written procedures and all referral and intake practices of the domestic violence program;

(d) In most cases, callers to the hotline/helpline must be able to speak, within fifteen minutes, to a trained staff person who can help the caller obtain services, including access to emergency shelter;

(e) Staff must have access to a telecommunications device for the deaf (TDD) or similar technology, and they must be trained in its use; and

(f) Staff must address safety in every call.

(3) You must have crisis hotline/helpline written procedures that address the following:

(a) How crisis hotline staff will meet the needs of non English speaking and hearing impaired callers;

(b) Steps staff must take when a caller requests emergency shelter; and

(c) If you use an answering service or another similar system, how you will provide training to the staff of the answering service and monitor the services they provide to your program.

(4) If you use a call forwarding system for your domestic violence program's hotline/helpline, answering service, or any other similar system, you must guarantee that the caller's first contact is supportive.

(5) You may use an answering machine, voice mail, or similar recording device as a back up means of responding to calls to your program's crisis hotline/helpline. However, these devices must not be used as your program's primary method of answering crisis hotline/helpline calls. Messages left on your program's answering machine, voice mail, or similar recording device must be returned within the timeframe described in this section.

Chapter 388-61A WAC
PREVENTION STANDARDS

NEW SECTION

WAC 388-61A-1045 What prevention efforts must you provide? Prevention is changing the social norms that allow and perpetuate domestic violence. The core strategy for preventing domestic violence is the promotion of healthy, respectful, nonviolent relationships by shifting attitudes, behaviors, and social norms at the individual, relationship, community, and societal levels. While prevention activities will vary by community and population, programs that we contract with must design and engage in efforts that:

(1) Promote attitudes, behaviors, and social conditions aimed at preventing domestic violence before it happens;

(2) Attempt to decrease risk factors for perpetration of abuse as well as victimization while also promoting positive factors that protect individuals from perpetrating or experiencing abuse;

(3) Include strategies that use varied teaching methods to address multiple learning processes;

(4) Are age and developmentally appropriate;

(5) Are culturally and linguistically applicable to the specific community;

(6) Engage with a subsection of the broader community, reaching beyond the program's community of clients;

(7) Emphasize multi-session, comprehensive activities with small, defined communities; and

(8) Include strategies, policies, and programs that are concentrated, can be sustained and expanded over time, and focus on at least one of the following:

(a) Increasing community dialogue about the root causes of intimate partner violence;

(b) Shifting cultural norms;

(c) Building skills for healthy relationships;

(d) Promoting respectful and healthy relationships.

NEW SECTION

WAC 388-61A-1050 What activities are not considered prevention? While valuable, we do not consider certain activities to be prevention. Examples of these activities include, but are not limited to:

(1) Community education as defined in this chapter;

(2) Transformative and restorative justice efforts;

(3) Single session or one-time activities, such as trainings, presentations, or events;

(4) Activities that focus on defining domestic violence, or teaching data, dynamics, and the impacts of domestic violence;

(5) Providing information on how to access domestic violence services or how to help others in accessing services;

(6) Support groups as defied in this chapter (support groups are considered a supportive service); and

(7) Activities that focus on improving responsiveness to domestic violence survivors by community members or system partners.

Chapter 388-61A WAC
ADMINISTRATIVE STANDARDS

NEW SECTION

WAC 388-61A-1055 What information must be in a client's file? (1) You must have a written file for each client served by your domestic violence program. Client files must:

(a) Include an intake that clearly documents the client's eligibility for domestic violence services;

(b) Include copies of all required releases and client notices;

(c) Be brief in documenting the services provided to the client; and

(d) Document only sufficient information to identify the service provided, and do not include any of the following:

(i) References to service recipient feelings, emotional or psychological assessments, diagnoses, or similar subjective observations or judgments;

(ii) Direct quotes from the client.

(2) Where supportive services are provided to the child/youth of clients, your domestic violence program must:

(a) Maintain separate documentation for each child/youth who receives supportive services and do not include it in the parent/guardian's file;

(b) Be brief in documenting the supportive services provided to the child/youth;

(c) Document only sufficient information to identify the service provided, and do not include any of the following:

(i) References to the child/youth's feelings, emotional or psychological assessments, diagnoses, or similar subjective observations or judgments;

(ii) Direct quotes from the child/youth.

NEW SECTION

WAC 388-61A-1060 What information must the domestic violence program keep confidential? (1) Agents, employees, and volunteers of a domestic violence program must maintain the confidentiality of all personally identifying information, confidential communications, and all confidential information as defined in this chapter. Information that individually or together with other information could identify a particular victim of domestic violence must also be kept confidential.

(2) Any reports, records, working papers, or other documentation, including electronic files that are maintained by the domestic violence program and information provided to the domestic violence program on behalf of the client, must be kept confidential. Any information considered privileged by statute, rule, regulation, or policy that is shared with the domestic violence program on behalf of the client must not be divulged without a valid written waiver of the privilege that is based on informed consent, or as otherwise required by law.

(3) You must comply with the provisions of this section regarding confidential communications concerning clients regardless of when the client received the services of the domestic violence program.

NEW SECTION

WAC 388-61A-1065 What information may be disclosed? (1) You may disclose confidential information only when one or more of the following is met:

(a) The client provides informed, written consent to the waiver of confidentiality that relates only to the client or the client's dependent children;

(b) Your failure to disclose is likely to result in a clear, imminent risk of serious physical injury or death of the client or other person;

(c) Disclosure is required under chapter 26.44 RCW;

(d) Release of information is otherwise required by law, court order, or following in camera review pursuant to RCW 70.123.075, with the following additional requirements:

(i) The domestic violence program must make reasonable attempts to provide notice to the person affected by the disclosure of the information; and

(ii) If personally identifying information is or will be disclosed, the domestic violence program must take steps necessary to protect the privacy and safety of the persons affected by the disclosure of information.

(2) Any disclosure of confidential information subject to any of the exceptions set forth in subsection (1) of this section must be limited to the minimum necessary to meet the requirement of the exception, and any disclosure does not void the client's right to confidentiality and privilege on any other confidential communication between the client and the domestic violence program.

(3) In the case of an unemancipated minor, the minor and the parent or guardian must provide the written consent to disclose confidential information. Consent to disclose confidential information must not be given by a parent who has abused the minor or the minor's other parent. In the case of a disabled adult who has been appointed a guardian pursuant to Title 11 RCW, the guardian must consent to disclosure of confidential information if so authorized in the order appointing him or her as guardian, unless the guardian is the abuser of the disabled adult.

(4) To comply with federal, state, tribal, or territorial reporting, evaluation, or data collection requirements, a domestic violence program may disclose aggregated, nonpersonally identifying data about services provided to their clients and nonpersonally identifying demographic information.

(5) You must provide copy of the disclosed information to the client if the client requests it.

NEW SECTION

WAC 388-61A-1070 What are the requirements for a written waiver of confidentiality? (1) To be valid, a written waiver of confidentiality must:

(a) Be voluntary;

(b) Relate only to the client or the client's dependent children;

(c) Clearly describe the scope and any limitations of the information to be released;

(d) Include an expiration date for the release; and

(e) Inform the client that consent may be withdrawn at any time whether it is made orally or in writing.

(2) If the written waiver of confidentiality does not include an expiration date, it expires ninety days after the date it was signed.

NEW SECTION

WAC 388-61A-1075 What must you provide to clients about their right to confidentiality? (1) You must provide each client with a written "notice of rights" at the time of the initial intake and any subsequent intake into the domestic violence program. At a minimum, the notice of rights must inform clients of the following:

(a) The client's right to privacy and confidentiality of the information shared with the domestic violence program;

(b) Exceptions to confidentiality as described in this chapter;

(c) That if the client signs a written waiver of confidentiality that allows their information to be shared with others, the client does not give up their right to have that information protected under other statutes, rules, or laws;

(d) That the client has the right to withdraw a written waiver of confidentiality at any time; and

(e) That the domestic violence program will not condition the provision of services to the client based on a requirement that the client sign one or more releases of confidential information.

(2) Information on the "notice of rights" must be explained to the client at the time of intake into the domestic violence program and then again at the time the client is considering whether to sign a written waiver of confidentiality.

NEW SECTION

WAC 388-61A-1080 What type of training is required for staff of the domestic violence program? Initial and continuing education training of domestic violence program 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 underserved populations as part of each advocate's annual continuing education hours. In furtherance of these goals, domestic violence program staff must meet the following minimum training requirements.

Initial training

(1) Staff providing supportive services and prevention efforts, and supervisors of staff must obtain a minimum of twenty hours of initial basic training that covers all 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;

(g) Safety planning skills and barriers to safety;

(h) Planning, clarifying issues and options, and crisis intervention;

(i) Providing services and advocacy to individuals from culturally specific populations; and

(j) Policies and procedures of the domestic violence program.

(2) Staff who will be engaged in prevention efforts must incorporate training on prevention as part of, or in addition to, the initial training requirements.

(3) Initial training must be completed prior to providing supportive services to clients or their children.

(4) 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 program in-house training must be based on a written training plan that covers one or more of the required initial training topics.

Continuing education and supervisor training

(5) Staff who provide either supportive services or are engaged in prevention efforts, or both, and staff supervisors must obtain an annual minimum of twenty hours of continuing education training beginning in the state fiscal year after they completed their initial training, and in every year thereafter. Staff who will be engaged in prevention efforts must incorporate training on prevention as part of, or in addition to, the annual continuing education requirements.

(6) A minimum of ten hours must be live training on topics specifically focused on either serving victims of domestic violence and their children, or prevention efforts, or both.

(7) 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, or prevention efforts, or both.

(8) 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, 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 or prevention activities

(9) Domestic violence program staff are not required to obtain initial and continuing education training as described in this section if they do not:

(a) Provide supportive services to clients or their children; or

(b) Conduct prevention efforts.

(10) Examples of staff who are included in this category are emergency shelter housekeeping staff, individuals providing child care assistance as defined in this chapter, and bookkeeping and accounting staff. We recommend, however, that staff who may come into contact with clients and their children, but who do not provide supportive services or conduct prevention efforts, receive training on the following:

(a) Confidentiality;

(b) Relevant policies and procedures of the domestic violence program; and

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

NEW SECTION

WAC 388-61A-1085 How should training be documented? Initial, continuing education, and supervisor training must be documented as required by the department.

NEW SECTION

WAC 388-61A-1090 Must supervisors of domestic violence program staff have specific experience and training? Supervisors of staff providing supportive services to domestic violence clients must have the following minimum experience and training requirements prior to being hired as a supervisor:

(1) At least two years of experience providing advocacy to victims of domestic violence within a domestic violence program; and

(2) A minimum of fifty hours of training on domestic violence issues and advocacy within three years prior to being hired as a supervisor.

NEW SECTION

WAC 388-61A-1095 What written policies or procedures do you need to have? The domestic violence program must have written policies or procedures on the following:

(1) Programs that provide emergency shelter must have procedures for the intake process, including that victims who are at immediate risk of harm or in immediate danger due to domestic violence must be given priority for emergency shelter;

(2) Confidentiality and protection of client records and communication;

(3) Nondiscrimination relating to staff, clients, and provision of services;

(4) The provision of bilingual and interpreter services to clients;

(5) Responding to calls from non English speaking and hearing impaired callers;

(6) Programs that are required to have a crisis hotline/helpline and use an answering service, or any other similar system to answer calls, must have procedures for providing training to the answering service staff and how you will monitor the services the answering service provides to your program;

(7) Responding to subpoenas and warrants;

(8) Reporting of child abuse as legally mandated;

(9) Client access to their files;

(10) Grievance procedure for clients;

(11) Prohibiting harassment of service recipients based on race, sexual orientation, gender identity (or expression), religion, and national origin, and procedures for addressing violations;

(12) Emergency procedures in the event of fire, disaster, and first aid, medical, or law enforcement intervention;

(13) Responding to disruptive or dangerous contact from abusers and other possible intruders or uninvited individuals requesting or seeking access to the domestic violence program;

(14) Records retention;

(15) Accounting procedures; and

(16) Personnel policies and procedures that include the following:

(a) Recruitment of staff and volunteers, including that programs recruit, to the extent feasible:

(i) Persons who are former victims of domestic violence; and

(ii) Persons from relevant communities to provide culturally and linguistically appropriate services;

(b) Hiring;

(c) Promotion and termination of staff;

(d) Grievance procedure for staff; and

(e) Maintaining personnel and training files, including job descriptions for paid staff and volunteers.

Chapter 388-61A WAC
FACILITY STANDARDS FOR EMERGENCY SHELTER

NEW SECTION

WAC 388-61A-1100 What safety requirements are emergency shelters required to meet? You must keep your equipment and the physical structures in the emergency shelter, including furniture and appliances, safe and clean for the clients you serve. You must:

(1) Maintain the emergency shelter, premises, equipment, and supplies in a clean, safe and sanitary condition, free of hazards, and in good repair;

(2) Provide guard or handrails, as necessary, for stairways, porches, and balconies;

(3) Have a method for securing all windows, doors, and other building accesses to prevent the entry of intruders;

(4) Make sure that clients residing in emergency shelter are able to immediately enter the shelter if they do not have the ability to independently access the facility with their own key, key card, door code, or other device;

(5) Provide adequate lighting of exterior areas to ensure the safety of clients residing in emergency shelter and staff during the night;

(6) Provide a way for staff to enter any area occupied by clients should there be an emergency;

(7) Secure all unused refrigerators and freezers accessible to children in such a way that prevents them from climbing in and becoming trapped;

(8) Request an annual fire and life safety inspection from the local fire department or fire marshal and:

(a) Document and maintain the request and any report issued as a result of the inspection; and

(b) Immediately correct any violations noted by the inspector;

(9) Have at least one program staff present or on-call to go to the emergency shelter twenty-four hours a day, seven days per week when clients are residing in shelter;

(10) Provide residents with contact numbers and instructions, in the resident's primary language, on how they can access domestic violence program staff; and

(11) Make sure that emergency shelter residents have, or have access to in the shelter, at least one telephone for incoming and outgoing calls.

NEW SECTION

WAC 388-61A-1105 What are the requirements for bedrooms? The minimum requirements for bedrooms are as follows:

(1) A bed for each resident that is in good condition, with a clean and comfortable mattress;

(2) A minimum ceiling height of seven and one-half feet; and

(3) At least fifty square feet of usable floor area per bed and floor area where the ceiling is less than five feet is not considered usable floor area.

NEW SECTION

WAC 388-61A-1110 What are the requirements for cribs or bassinets? If the emergency shelter provides cribs or bassinets, the shelter must comply with the crib safety standards issued by the United States Consumer Product Safety Commission.

NEW SECTION

WAC 388-61A-1115 What kind of diaper changing area must I provide? You must provide a sanitary diaper changing area. In addition, you must develop and post in view of the changing area hygienic procedures for handling and storing diapers and sanitizing the changing area. These procedures must also be provided in writing to all residents with infants.

NEW SECTION

WAC 388-61A-1120 What are the kitchen requirements? The following are the minimum general requirements for kitchen facilities:

(1) A sink for washing dishes;

(2) A refrigerator or other storage equipment capable of maintaining a consistent temperature of forty five degrees Fahrenheit or lower;

(3) A range or stove;

(4) Covered garbage container;

(5) Eating and cooking utensils that are clean and in good repair; and

(6) Counter surfaces that are clean and resistant to moisture.

NEW SECTION

WAC 388-61A-1125 What are the requirements for providing food to clients residing in emergency shelter? (1) Your domestic violence program must provide food and beverages for the basic sustenance of clients residing in emergency shelter, unless other resources are immediately available.

(2) You must store food and beverages, including infant formula, at the emergency shelter to provide to clients residing in shelter when other resources are not immediately available, and for emergency shelter residents who are unable to safely access other food resources.

(3) Milk and infant formula must be available at all times for children residing in the emergency shelter.

(4) You must purchase and provide only food and beverages that are of safe quality to clients residing in emergency shelter. Storage, preparation, and serving techniques must ensure that nutrients are retained and spoilage is prevented.

(5) Food and beverages prepared for clients residing in emergency shelter must be prepared, served, and stored safely and in a sanitary manner.

(6) Food must be available to prepare school lunches, if lunch is not otherwise available to the children of emergency shelter residents.

(7) Clients residing in emergency shelter must be provided, or have immediate access to, food that is in accordance with their religious or cultural beliefs and personal practices.

(8) When staff prepare and serve food to clients in communal emergency shelters, the food must be prepared in compliance with chapter 246-215 WAC, Food Service.

NEW SECTION

WAC 388-61A-1130 What are the requirements for providing clothing to clients residing in emergency shelter? (1) If an adult or child comes into emergency shelter without adequate clothing, you must assist them with access to clean, well fitting clothing appropriate to the season, and the individual's age, gender, and particular needs.

(2) Clothing that you provide must be clean and have been stored in a sanitary manner.

(3) Clothing that is provided to an individual becomes that person's personal property and must not be retrieved from the client when they leave the emergency shelter.

NEW SECTION

WAC 388-61A-1135 What personal hygiene items do I need to provide to clients residing in emergency shelter? All clients residing in emergency shelter must be provided with personal hygiene products during their residency, such as soap, hair care products, toothbrush and paste, and deodorant. Particular attention must be paid to providing items for individuals that have special needs because of their ethnicity, disability, or medical condition.

NEW SECTION

WAC 388-61A-1140 What are the requirements for toilets, sinks, and bathing facilities? You must meet the following requirements for toilets, sinks, and bathing facilities:

(1) You must provide at least one indoor flush-type toilet, one nearby sink for hand washing, and a bathtub or shower facility. These facilities must be located within the emergency shelter building premises.

(2) Communal emergency shelters must provide at a minimum, one restroom facility (as defined under WAC 388-61A-1000 (28)) for every fifteen residents who do not have access to private restroom facilities. For example, communal emergency shelters must provide one restroom facility for one to fifteen residents, two for sixteen to thirty residents, and so on.

(3) You must comply with all of the following requirements for toilet and bathing facilities:

(a) Toilet and bathing facilities must allow for privacy of emergency shelter residents;

(b) The floors of all toilet and bathing facilities must be resistant to moisture;

(c) Toilets, urinals, and hand washing sinks must be the appropriate height for the children served, or have a safe and easily cleaned step stool or platform that is water resistant;

(d) Facilities for hand washing and bathing must be provided with hot and cold running water and hot water must not exceed one hundred and twenty degrees Fahrenheit;

(e) Potty chairs and toilet training equipment for toddlers must be regularly maintained, disinfected, and kept in a sanitary condition and when in use, you must put potty chairs on washable, water resistant surfaces; and

(f) You must provide soap and clean washcloths and towels, disposable towels, or other hand drying devices to emergency shelter residents.

NEW SECTION

WAC 388-61A-1145 What types of linen do I need to provide to clients? You must provide bed linen, towels, and washcloths that are clean and in good repair. After use by a client, bed linen, towels, and washcloths must be laundered prior to use by another client.

NEW SECTION

WAC 388-61A-1150 What are the requirements for laundry facilities? The requirements for laundry facilities are as follows:

(1) You must provide adequate laundry and drying equipment or make other arrangements for getting laundry done on a regular basis. Laundry facilities in the emergency shelter must be provided free to shelter residents.

(2) You must handle and store laundry in a sanitary manner.

NEW SECTION

WAC 388-61A-1155 What are the requirements for drinking water? Water supplies that are used for human consumption must be from a water system that has been approved by the local health authority or department as safe for human consumption. This refers to both public water systems and individual systems.

NEW SECTION

WAC 388-61A-1160 What are the requirements for sewage and liquid wastes? You must discharge sewage and liquid wastes into a public sewer system or septic system that has been approved by the local health authority or department.

NEW SECTION

WAC 388-61A-1165 What kind of heating is required? (1) Rooms used by clients in the emergency shelter must be equipped with a safe and adequate source of heat that can keep the room at a healthful temperature during the time the room is occupied.

(2) The use of gas or oil fired space heaters is prohibited.

NEW SECTION

WAC 388-61A-1170 How must I ventilate the emergency shelter? You must ensure that your emergency shelter is ventilated for the health and comfort of the clients residing in shelter by meeting the following requirements:

(1) A mechanical exhaust to the outside must ventilate toilets and bathrooms that do not have windows opening to the outside;

(2) In order to prevent objectionable odors and condensation, all bathrooms, toilet rooms, laundry rooms, and other enclosed space containing wet mops and brushes, must have natural or mechanical ventilation;

(3) Bedrooms and communal living areas must have a window or opening to the outdoors that can be locked or secured from the inside; and

(4) Gas or oil fired water heaters and forced air systems must be safely vented to the outside.

NEW SECTION

WAC 388-61A-1175 How much lighting is required in the emergency shelter? You must locate light fixtures and provide lighting that promotes good visibility and comfort for clients residing in emergency shelter.

NEW SECTION

WAC 388-61A-1180 What are the requirements about pets in the emergency shelter? Pets are prohibited from the kitchen during food preparation.

NEW SECTION

WAC 388-61A-1185 What first aid supplies must I provide? You must keep first aid supplies on hand and accessible to clients residing in emergency shelter for immediate use. In instances where an

adult or child has ingested a potentially poisonous chemical or substance, you must call the Washington Poison Center for further instruction. Instructions for contacting the Washington Poison Center must be included with either the first aid supplies or visibly posted for residents, or both.

NEW SECTION

WAC 388-61A-1190 What are the requirements for storing medications? (1) Clients residing in emergency shelter must be provided with a means to safely and securely store, and have direct and immediate access to, their medications such as individual lock boxes, lockers with a key or combination lock, or a similar type of secure storage.

(2) All medications, including pet medications and herbal remedies, must be stored in a way that is inaccessible to children.

NEW SECTION

WAC 388-61A-1195 What measures must I take for pest control? You must make reasonable attempts to keep the emergency shelter free from pests, such as rodents, flies, cockroaches, fleas, and other insects.

NEW SECTION

WAC 388-61A-1200 What are the requirements for labeling and storing chemicals and toxic materials? (1) Containers of chemical cleaning agents and other toxic materials must:

(a) Be clearly labeled with the contents; and

(b) Include the manufacturer's instructions and precautions for use.

(2) You must store the following items in a place that is not accessible to children:

(a) Chemical cleaning supplies;

(b) Toxic substances;

(c) Poisons;

(d) Aerosols; and

(e) Items with warning labels.

(3) You must store chemical cleaning supplies, toxic substances, and poisons separately from food items, clothing, and bedding in order to prevent contamination.

NEW SECTION

WAC 388-61A-1205 Where do I keep firearms and other dangerous weapons? (1) If a resident has a firearm or other dangerous weapon, you must secure it in a locked storage container, gun safe, or another storage area made of strong, unbreakable material. Stored firearms must be unloaded.

(2) If a storage container for firearms has a glass or another breakable front, you must secure firearms with a locked cable or chain placed through the trigger guards.

(3) You must store ammunition in a place that is separate from the firearms or locked in a gun safe.

(4) You must allow access to firearms, weapons, and ammunition only to authorized persons.

Chapter 388-61A WAC
COMPLIANCE WITH STANDARDS

NEW SECTION

WAC 388-61A-1210 Will the department evaluate its contractors? The department will evaluate its contractors as follows:

(1) To measure compliance with our requirements we will conduct a biennial evaluation of each contractor;

(2) Emergency shelters will be inspected during on-site evaluations of contractors to measure compliance with our facility requirements; and

(3) If a lodging unit of the emergency shelter is occupied at the time of an on-site evaluation, the contractor must give the client an opportunity to leave the unit prior to the arrival of the evaluator.

NEW SECTION

WAC 388-61A-1215 What will happen if I am out of compliance with the minimum standards or my contract? (1) If we find that the contractor is out of compliance with the standards specified in this chapter or the terms of the contract, we will give you written notice of the deficiencies. You must correct the deficiencies according to a plan of correction we approve.

(2) We may suspend, revoke, or terminate the funding of a contractor if it is out of compliance with this chapter or the contract.

NEW SECTION

WAC 388-61A-1220 What will happen if there is a complaint to the department about the contractor? (1) If we receive information, or have reason to believe, that a contractor may be out of compliance with this chapter or the contract, we may initiate an investigation.

(2) If the investigation requires that we be on-site at your emergency shelter, you must give clients residing in lodging units an opportunity to leave the unit during the inspection.

(3) If we find that you are out of compliance with the standards specified in this chapter or the terms of the contract, we will give you written notice of the deficiencies. You must satisfactorily correct the deficiencies according to a plan of correction we approve.

(4) We may suspend, revoke, or terminate the funding of a contractor if it is out of compliance with this chapter or the contract.

NEW SECTION

WAC 388-61A-1225 May the department waive any of the minimum standards of this chapter? Under certain conditions we may waive some of the rules contained in this chapter.

(1) To request a waiver you must submit a written request that:

(a) Clearly describes the minimum standards(s) for which the waiver is requested;

(b) Describes the reason(s) why your program is unable to meet the requirements of this chapter without the waiver;

(c) Identifies whether there are other resources or services that can adequately compensate for the minimum standard(s) for which the waiver is requested;

(d) Demonstrates that granting of the waiver will not jeopardize the safety or health of clients; and

(e) Shows that the absence of granting the waiver will have a detrimental effect on the provision of services.

(2) If the written waiver request proposes any substitutions of procedures, materials, service, or equipment from those specified in this chapter, the substitutions must be at least equivalent to those required.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 388-61A-0200	What is the legal basis for the domestic violence shelter program?
WAC 388-61A-0210	What is the purpose of having minimum standards for domestic violence shelters and supportive services?
WAC 388-61A-0220	What definitions apply to this chapter?

WAC 388-61A-0230	What service model must be used to provide the services required by these rules?
WAC 388-61A-0240	Is DSHS required to provide funding to any domestic violence agency that requests funding?
WAC 388-61A-0250	What are the requirements for domestic violence agencies?
WAC 388-61A-0260	What supportive services must a domestic violence agency provide?
WAC 388-61A-0270	What services and resources must be available to children/youth residing in emergency domestic violence shelter?
WAC 388-61A-0280	What are the requirements for the crisis hotline or helpline?
WAC 388-61A-0290	What are the requirements for accessing emergency domestic violence shelter?
WAC 388-61A-0300	What information must be in a client's file?
WAC 388-61A-0310	What information must the domestic violence agency keep confidential?
WAC 388-61A-0320	What information can be disclosed?
WAC 388-61A-0330	What information must be included in a written waiver of confidentiality?
WAC 388-61A-0340	What information must be provided to clients about their right to confidentiality?
WAC 388-61A-0350	What type of training is required for staff of the domestic violence agency?
WAC 388-61A-0360	How should training be documented?
WAC 388-61A-0370	Must supervisors of domestic violence agency staff have specific experience and training?
WAC 388-61A-0380	What written policies or procedures do you need to have?
WAC 388-61A-0390	What safety requirements are shelters required to meet?
WAC 388-61A-0400	What are the requirements for bedrooms?
WAC 388-61A-0410	What are requirements for cribs or bassinets?
WAC 388-61A-0420	What kind of diaper changing area must I provide?
WAC 388-61A-0430	What are kitchen requirements?
WAC 388-61A-0440	What are the requirements for providing food to clients residing in shelter?
WAC 388-61A-0450	What are the requirements for providing clothing to clients residing in shelter?

WAC 388-61A-0460	What personal hygiene items do I need to provide to clients residing in shelter?
WAC 388-61A-0470	What are the requirements for toilets, sinks, and bathing facilities?
WAC 388-61A-0480	What types of linen do I need to provide to clients?
WAC 388-61A-0490	What are the requirements for laundry facilities?
WAC 388-61A-0500	Are there requirements for drinking water?
WAC 388-61A-0510	What are the requirements for sewage and liquid wastes?
WAC 388-61A-0520	What kind of heating system is required?
WAC 388-61A-0530	How must I ventilate the shelter?
WAC 388-61A-0540	How much lighting is required in the shelter?
WAC 388-61A-0550	Are there any requirements about pets in the shelter?
WAC 388-61A-0560	What first-aid supplies must I provide?
WAC 388-61A-0570	What are the requirements for storing medications?
WAC 388-61A-0580	What measures must I take for pest control?
WAC 388-61A-0590	What are the requirements for labeling and storing chemicals and toxic materials?
WAC 388-61A-0600	Where do I keep firearms and other dangerous weapons?
WAC 388-61A-0620	What are the additional standards for shelter homes?
WAC 388-61A-0630	What are the additional standards for safe homes?
WAC 388-61A-0640	Will DSHS do an evaluation of the domestic violence agency?
WAC 388-61A-0650	What will happen if I am out of compliance with the minimum standards or my contract?
WAC 388-61A-0660	What will happen if there is a complaint to DSHS about the domestic violence agency?
WAC 388-61A-0670	Can DSHS waive any of the minimum standards of this chapter?