The Governor's Family Violence Council's Operational Guidelines for Abuse Intervention Programs in Maryland

PURPOSE

The purpose of these Guidelines is to promote victim safety by establishing minimum operating standards for abuse intervention programs (AIP) in Maryland. In order to receive court-ordered referrals, abuse intervention programs must certify to local courts their compliance with these Guidelines.

Minimum operating standards contained in these Guidelines are intended to accomplish the following:

- establish program responsibility to victims and accountability to courts;
- ensure referral of individuals who cause harm to an intimate partner to intervention programs that focus on stopping abuse and preventing participants from evading or minimizing their responsibility for abusive behavior;
- ensure abuse intervention programs participate in a coordinated approach to ending intimate partner violence that involves a partnership with the legal community and victim advocacy programs at the local and state level; and
- ensure outreach to victims.

1.0 DEFINITIONS

1. **Participant:** An individual who is ordered to attend and complete an abuse intervention program for causing harm to an intimate partner.
2. **Certification**: status issued to a program or provider after review and approval of the program or provider's application which enables programs or providers to receive court ordered referrals.
3. **Corrective Action Plan**: document describing how deficiencies found in on-site audit will be corrected in order to have the program or provider in compliance with the Guidelines.
4. **Denial**: action taken by the Council to not certify a program or provider or action taken at the end of the three-year certification period denying a program's or provider's application for renewal.
5. **Hearing**: a program or provider can request a formal hearing to dispute any action taken by the Council to deny, revoke, or suspend any certification status.
6. **On-Site Audit**: includes review of personnel files, participant files, group observation(s), and other guidelines determined by the Council.
7. **Probation**: action taken 30 days after a program or provider has submitted a corrective action plan to address how they will correct deficiencies indicated from on-site audit. A program or provider maintains certification status during the probationary period. Probation may be no less than 30 days and no more than 6 months unless the Council finds that there are extraordinary circumstances beyond the program or provider's control that warrant an extended probationary period.
8. **Revocation**: action taken by the Council removing a program's or provider's certification status. This action makes the program or provider ineligible to receive court-ordered referrals and ineligible to reapply for recertification.
9. **Suspension**: action taken by the Council to terminate a program's or provider's certification status for a period of one year from the date of the program's or provider's most recent audit.

1.1 Application Procedures

1. Programs interested in obtaining certification should contact the Governor's Office of Crime Prevention and Policy for information on the next certification cycle.
2. A program or provider applying for certification must submit a completed application by the specified due date with required supporting documents.

3. The application and all required documents must be submitted electronically to Rebecca Allyn, Victim Services Unit, Governor's Office of Crime Prevention and Policy, at Rebecca.allyn@maryland.gov.
4. Incomplete applications will not be accepted.

1.2 Certification

1. Once the Victim Services Unit receives a program's or provider's completed application, the review process for certification will begin.
2. Certified status will be issued to a program or provider after review and approval of the program or provider's application, policy and procedures, form and other requested documents.
3. Notification of certification status will be sent to the Administrative Office of the Courts (AOC) for inclusion in the Judge's Bench Book.
4. Certification is valid for three years from the date of issuance.

1.3 On-Site Audit

1. Once Certification status has been issued, at any time during normal business hours, and as deemed necessary by the Council, the certified program or provider shall make available to the Victim Services Unit (VSU) or any authorized representative, any of the program's records for inspection and audit.

1.4 Recourse

1. If a program or provider does not meet the standards set forth in the Guidelines during the on-site audit, the program or provider will be given 30 days to submit an action plan detailing corrective action.
2. During the 30-day period, a program or provider may request technical assistance from the VSU.
3. Failure to successfully complete the corrective action plan will result in suspension of a program's certification, unless the Council finds that the failure to successfully complete the corrective action plan is due to extraordinary circumstances beyond the provider's reasonable control. However, the Council will suspend a program's certification immediately without allowing a corrective action in cases of recurring violations.
4. A program's or provider's certification will be placed on probationary status if the program/provider fails to become compliant within the 30-day period after submission and acceptance of the corrective action plan. Probation will be no less than 30 days and no more than 6 months unless the Council determines that there are extraordinary circumstances beyond the program's or provider's control.
5. A program or provider can only apply for certification once within a twelve-month period.
6. If a program or provider's certification is suspended or revoked, they may request a hearing to dispute action taken by the Council.
7. If, after the hearing, the Council's decision is upheld, the program or provider will not be able to re-apply for certification for a period of one year from the date of their most recent on-site audit.

1.5 Denial, Probation, Suspension or Revocation of Certification

Each of the following, in and of itself, may constitute full and adequate ground(s) on which to deny certification, place a certified program on probation, or suspend or revoke certification.

1. Failure to submit information required for certification;
2. Failure to meet any of the certification Guidelines as set forth by the Governor's Family Violence Council;
3. Denial of entry to auditors to conduct on-site visits or any other attempt to impede the work of auditors;
4. Attempting to obtain certification by fraud, misrepresentation, or by the submission of incorrect, false and/or misleading information;

5. Operation by a certified program or provider in a manner that endangers the health or safety of participants and/or victims/survivors of family violence; or
6. Substantiated complaints from licensing boards or other entities.

2.0 DEFINITION OF ABUSIVE BEHAVIOR AS IT OCCURS IN INTIMATE PARTNER VIOLENCE

For the purpose of these Guidelines and as a reference for AIPs, intimate partner violence is defined as follows:

Any criminal offense where the offender and the victim are or have been married, in an intimate relationship, including dating and same sex relationships, or have a child together, or where the victim qualifies for a protective order or an intimate partner peace order.

Abusive behavior in intimate partner violence is defined as follows:

- *Abuse is a pattern of coercive control directed toward the victim.*
- *Abusive behavior involves the use of physical harm, emotional harm, or intimidation to control the victim's thoughts, feelings or actions.*
- *Abusive behavior results in a living environment of fear which impinges upon the victim's basic rights and freedoms.*

2.1 Abusive behavior may consist of the following:

A. Deliberate use of physical force or threat to use physical force to harm another.
   - *Specific behaviors include, but are not limited to: hitting, pushing, strangling, biting, scratching, pinching, restraining, slapping, pulling, hitting with weapons or objects, shooting, stabbing, damaging property or pets, or threatening to do one of these acts.*

B. Verbal and emotional forms of assault and control, such as stalking, intimidation, coercion, threats, or degradation.
   - *Specific behaviors include, but are not limited to: name calling, insults, labeling, threats, blaming, and humiliating actions to diminish the victim's sense of self-worth.*

C. Economic forms of control.
   - *Specific behaviors include but are not limited to: withholding or denying access to money or other basic resources, and sabotaging employment, housing or educational opportunities.*

D. Sexual abuse, assault or coercion.
   - *Specific behaviors are those intended to have the effect of intimidation or harm in a sexual manner, including but not limited to: unwanted touching, voyeurism, sexual degradation, and rape.*

E. Social isolation.
   - *Specific behaviors include, but are not limited to: denying communication with friends or family members, prohibiting access to transportation and telephone, and other possessive or jealous behaviors.*

F. Failure to comply with immigration requirements, making an immigrant spouse unable to work and vulnerable to deportation and/or loss of child custody.

2.2 Responsibility for Abusive Behavior

The participant bears sole responsibility for his or her actions. Substance abuse or emotional problems do not diminish responsibility for abusive behavior.

3.0 OPERATING STANDARDS

AIPs must certify compliance with the following standards to be included in the Governor's Family Violence Council's list of certified abuse intervention programs.

3.1 Victim Confidentiality

A. The AIP shall maintain the confidentiality of victims unless specifically waived by the victim or it is determined by the AIP that there is reason to believe the victim may be in imminent danger.
B. The AIP shall inform victims upon initial contact that they are required by law to report incidents of child abuse, vulnerable adult and elder abuse to local authorities and to inform the police if they have reason to believe there is imminent danger to others as a result of the participant's violent behavior.
C. Files on victims shall be maintained separately from files on participants. AIPs should not maintain files on victims unless the files are protected by the confidentiality privilege of a licensed supervisor.

3.2 Intake Process

A. The AIP shall indicate to the court or court monitor if a referred person is assessed as not being amenable to the program's services and, to the extent feasible, make appropriate recommendations.
B. The AIP shall submit a report to the court or the court monitor if someone ordered to attend the program fails to contact the program, within either one month or the response time ordered by the court, whichever is shorter.
C. The AIP shall make every effort to offer a screening and intake appointment within ten (10) business days of the referred person's contact with the program.
D. The AIP shall develop a history and profile of the participant's violent behavior based on descriptions from criminal justice agencies, the victim(s), treatment programs, and other relevant persons or agencies.

The AIP shall require the participant to provide the following information:

- Full name;
- Address;
- Victim's name and available contact information;
- History of substance abuse;
- History of mental/behavioral health, including diagnoses, hospitalizations, treatment and medications;
- Assessment for homicidal or suicidal threats or ideation;
- Description of referring incident; and
- Information on possession and access to weapons, and any history of threat or actual use of weapons.

Best Practice Recommendation:

✓ AIPs are encouraged to obtain the following information from the victim(s), court(s), and/or participant:

- Employment and income information
- Current partner name and available contact information;
- Copy of the criminal or civil intimate partner violence record; and
- Copy of the police report, statement of charges, and petitions for protective orders.

E. The AIP shall secure a waiver of confidentiality from the participant to allow communication with the victim and, if possible, the current partner and all previous partners with whom the participant has children with, about incidents of abuse and the participant's attendance in the program. The AIP will attempt to provide information to victims about services available to maintain safety, as well as educational and counseling resources.

F. The AIP shall secure a waiver of confidentiality from the participant to allow the Council to audit, monitor and evaluate participant program records and group activity to ensure program compliance with the Guidelines.

G. The AIP shall either provide or refer participants for treatment services to address factors contributing to the abusive behavior. The AIP will secure from the participant a reciprocal release of information to allow for an exchange of information with relevant service providers.

H. A contract specifying the responsibilities of both the AIP and the participant shall be signed. The contract shall, at a minimum, reflect the following:

- Duration of the program;
- Agreement on fee rate and payment requirements;
- Agreement to stop all forms of violence;
- Agreement to refrain from drug and alcohol use while in attendance at group meetings; and
- Conditions resulting in program non-compliance and the consequences thereof.

3.3 Victim Safety

A. The AIP shall send information about local resources available to the victim unless the victim has asked not to be contacted. This list of resources shall include, but is not limited to:
   - Legal services
   - Emergency shelter
   - Counseling services
   - 24-Hour hotline
   - Children's therapeutic resources

B. The AIP shall provide information about the effectiveness of AIPs in general and, if available, their own specific AIP.

C. The AIP shall attempt to inform the victim about the participant's attendance unless the victim requests not to be informed. When contact information is available, at least three attempts should be made to reach the victim by phone. Effort should be made to vary the time and day of the attempts in order to increase the likelihood of contact. All efforts should be documented.

D. The AIP shall evaluate the participant's lethality and warn victims determined to be at high risk. The AIP shall establish a "duty to warn" procedure directing staff to warn the victim and/or notify the police if a direct threat is made against the victim or other person.

E. The AIP shall have clearly written policies and procedures to define how partners/victims may file grievances and describe all steps of the grievance process.

Best Practice Recommendation:

- ✓ When resources and contact information is available the AIP should attempt to make 3, 6, 9, and 12-month follow-up interviews with the victim in addition to the required initial contact.
- ✓ When resources and contact information is available the AIP should attempt to reach every participant's current partner.
- ✓ AIP services will be delivered in facilities with attention to the safety of victims.
- ✓ Matters to be attended to are separation of victims from offenders in waiting areas and procedures to minimize the possibility of a particular victim having unwanted or unexpected contact with his/her offender. Conjoint or family meetings/ sessions will be conducted in areas and facilities with proper security including presence of other staff nearby, appropriate alarm systems, etc.

3.4 Program Format

A. All AIP group members shall be referred or volunteer based on an incident or history of perpetrating intimate partner violence. Cases solely involving other types of conflict (i.e., child abuse, road rage, violence between siblings, etc.) should not be included in and are not appropriate for AIP sessions.
B. Group members should be of the same gender. Male and female participants should be separated by group in order to emphasize the distinct issues and motivations of that gender.
C. Program curriculum will be predominantly focused on issues of intimate partner violence.
D. Programs will meet a minimum requirement of 32 hours of group time extended over at least 20 weeks. If providing individual sessions, the program must be a minimum of 16 meeting hours extended over at least 12 weeks. The AIP shall have clearly written absence policies.
E. All AIP group members shall be given the opportunity to provide participant feedback to the AIP.

Best Practice Recommendation:

- ✓ Programs may include additional information in their curriculum that addresses issues faced by participants such as, but not limited to, responsible fathering, child abuse prevention and substance abuse information.
- ✓ To provide sufficient victim support a relationship with each participants' Parole or Probation Agent should be established and maintained.
- ✓ Programs should make every effort to maintain a group size of ten to twelve members based on an ideal setting for adult learning.
- ✓ Group format is preferred unless extenuating circumstances prevents an individual from participating in the group setting (e.g., disability, language barriers, sexual orientation, etc.)

4.0 DISCHARGE CRITERIA

The contract signed by the participant and the AIP shall specify criteria for discharge from the program.

4.1 Program Completion

A. Participants shall be considered completed the program upon fulfilling the requirements set forth in the program contract.
B. If a participant perpetrates a new, documented incident of abuse the AIP will re-evaluate the case and a new service plan and discharge requirements may be created.

4.2 Program Reporting Responsibilities

A. The AIP shall notify the referring court, corrections, probation or other court monitor of the participant's attendance and participation and, to the extent feasible, make appropriate recommendations.
B. The AIP shall notify the victim of the participant's completion of or termination from the program unless the victim requests not to be informed. Notification shall include, at a minimum, whether the participant has complied with the court order. The AIP shall advise the victim that program completion cannot guarantee their safety and may not reduce abusive behaviors.
C. The AIP shall notify the Governor's Family Violence Council if the AIP cannot provide groups for any reason, and if the program has a waitlist.

5.0 PROGRAM STAFFING

A. Staff employed by the AIP shall be violence free in their own lives. No AIP shall hire an individual who has been caused harm against an intimate partner unless the program director is satisfied that the prospective staff member has successfully completed a certified AIP and has since remained violence free for a minimum of three years.
B. Staff employed by the AIP shall not use alcohol or drugs to an extent or in a manner that is determined to impair the individual's ability to function in a responsible, professional manner.
C. The AIP shall strive to employ staff members who reflect the cultural diversity of the community being served, provide services to culturally diverse groups, and comply with the requirements of the Americans with Disabilities Act.
D. Volunteers and intern staff must be supervised on site at all times by a paid staff member.
E. Participants who complete the program and are invited to serve as mentors or facilitators in the program will always be supervised by a paid staff member while on site.
F. Minimum education requirements:

- At least one of the group facilitators in every group session must have a minimum of a Bachelors' level human service degree.
- Every program must have an individual with a Masters' level clinical license that can provide supervision for program staff.
- Intake staff without advanced degrees must be supervised by a staff member with a minimum of a Bachelors' degree in a human service field.
- Within six months of hire all group facilitators and individual counselors must have a minimum of 30 hours of training from a comprehensive intimate partner violence victim service agency, as defined by Code of Maryland Regulations, or the Maryland Network Against Domestic Violence, on dynamics of intimate partner violence and its effects on children. Until this requirement is met the staff person shall not facilitate a session alone.
- Before facilitating or co-facilitating any group sessions all group facilitators and individual counselors must have a minimum of 30 hours of training specific to working with perpetrators of intimate partner violence from an abuse intervention program certified in its state. The program

providing training does not have to be certified in Maryland but must be certified in the state it resides.

Best Practice Recommendation:

- ✓ Requirements or recommendations should be established for a training plan for all new AIP staff.
- ✓ Requirements or recommendations should be established for a continuing education plan for AIP staff.
- ✓ Co-facilitation is recommended for safety reasons and to prevent unintended collusion with participants. Additionally, the use of both male and female facilitators can provide positive models of interaction between genders.

6.0 COMMUNITY COLLABORATION

All programs will make reasonable and prudent attempts to create working relationships with the following community resources:

- Intimate partner violence victim services as defined by the Code of Maryland Regulations (COMAR) within the program's jurisdiction or county. Services must include shelter, legal services, and a 24-hour hotline/helpline.*
- Mental health – Programs must have a policy demonstrating a screening process and protocol for addressing issues of mental health and a list of local service providers.
- Substance Abuse – Programs must have a policy demonstrating a screening process and protocol for addressing issues of mental health and a list of local service providers certified by the Alcohol & Drug Abuse Administration.
- Intimate partner violence Coordinating Council - The program or a representative of its agency will attend at least half of the meetings scheduled by its local Domestic Violence Coordinating Council (DVCC) annually.
- Parole & Probation – Provide a minimum of monthly updates on participants supervised by the Division of Parole & Probation.

*Beginning in the 2024 AIP certification cycle, a memorandum of understanding (MOU) or another form of a written collaborative agreement between the AIP and intimate partner violence victim service agency is required. A collaborative working relationship with the intimate partner violence victim service agency is critical. A sample MOU can be found here.

Best Practice Recommendation:

- ✓ Other organizations programs may consider engaging include:
  - The Maryland Abuse Intervention Collaborative (MAIC)
  - The Governor's Family Violence Council (FVC)
  - The Maryland Network Against Domestic Violence (MNADV)
  - Community resources that can provide supportive services such as employment assistance, parenting classes, housing assistance, responsible fatherhood support groups, etc.