CHAPTER 15. STANDARDS AND CRITERIA FOR DOMESTIC VIOLENCE AND SEXUAL ASSAULT PROGRAMS

SUBCHAPTER 1. GENERAL PROVISIONS

75:15-1-2. Definitions

The following words or terms, when used in this Chapter, shall have the defined meaning, unless the context clearly indicates otherwise:

"Admission" means to accept a client for services.

"Adult shelter for primary victim" means a certified residential living arrangement in a secure setting with support and advocacy services provided by qualified staff for adult abuse victim of domestic violence, sexual assault, or stalking. Such shelter may also provide a residential living arrangement and support and advocacy services to a minor mother as permitted by Title 74, Section 18p-4 of the Oklahoma Statutes.

"Advocacy" means the assistance provided that supports, supplements, intervenes and/or links clients and their dependents with the appropriate service components to encourage self-determination, autonomy, physical and emotional safety, and to offer information that will enable independence. This can be viewed as a combination of active listening and facilitating personal problem solving, along with researching options of action, safety planning, community outreach and education; it may include medical, dental, financial, employment, legal and housing assistance.

"Advocate" means a trained staff or volunteer who offers clients appropriate services.

"Assessment" means an appropriate course of assistance based on a formal screening.

"Behavioral health professional" means either licensed or under supervision for licensure as a Licensed Professional Counselor, Licensed Marriage and Family Therapist, Licensed Behavioral Practitioner, Licensed Clinical Social Worker, psychiatrist, or psychologist with clients in individual, group or family settings to promote positive emotional or behavioral change. A practicum student or intern in an accredited graduate program in preparation for one of the above licenses may provide counseling to victims of domestic violence, sexual assault or stalking and their dependents.

"Business day" shall mean a calendar day other than a Saturday, Sunday, or state holiday. In computing any period of time where the last day would fall on a Saturday, Sunday, or state holiday, the period shall run until 5:00 p.m. of the next business day.

"Case consultation" means review of a client's case by the primary service provider and other program personnel, consultants or both.

"Case management" means the process of supporting and helping victims/survivors and their dependents as they cope with and overcome the effects of domestic violence, sexual assault and stalking. Actions may include activities such as: (1) developing, reviewing, and updating the service plan that is designed to solve specific problems in the current life situation; (2) supporting adult/child survivors' skills in making desired life changes through activities such as introducing new skills, modifying previous ways of coping with their situations and linking to resources to address immediate needs and secondary issues, and/or (3) exit planning as part of individual supportive services. The service provider must be a Certified Domestic and Sexual Violence Response Professional (CDSVRP) certified by the ~~the~~ active certifying body or hold another case management certification that has been approved by the Victim Advocacy and Services ("VASU") Council.

"Certified Domestic and Sexual Violence Response Professional" means a professional certified by the ~~Oklahoma Coalition Against Domestic Violence and Sexual Assault~~active certified body of the credentialing program as approved by OAG.

"Certified domestic violence and sexual assault program" or **"Certified DVSA program"** means a status which is granted to an entity by the Oklahoma Attorney General, and indicates approval to offer domestic violence, sexual assault and stalking services pursuant to 74 O.S. § 18p-6.

"Child" or **"Children"** means any unmarried individual from birth to eighteen years of age.

"Children's activities" means direct child contact that is temporary in nature and is not intended to address the effects of domestic violence, sexual assault/abuse and trauma on children that are supervised by

program personnel or volunteers.

"Children's services" means direct child contact that is intended to address the effects of domestic violence, sexual assault/abuse and trauma on children including but not limited to intake, needs assessment, groups, advocacy, and any other service related to domestic violence, sexual assault/abuse and trauma.

"Client" means an individual, adult or child, who has applied for, is receiving or has received assistance or services from a DVSA program.

"Client group education" means interactive group sessions for adult/child victims/survivors of domestic violence, sexual assault or stalking that may be topic oriented and educational and facilitated by qualified, trained staff members or volunteers. The focus is on safety, the dynamics of domestic violence, sexual assault, stalking, relationships, emotions, the impact of trauma and life skills.

"Client ID" means a program's discreet numerical or letter identifier stored in a master client index system that shall not include identifying information such as initials, age, date of birth, sex, or gender.

"Client record" includes but is not limited to all communication, records and information about an individual client.

"Community" means people, groups, agencies or other facilities within the locality served by the program.

"Community education" means the presentation of domestic violence/sexual assault and stalking information to increase public knowledge of the destructive dynamics and societal costs and/or to increase awareness of available and needed resources and/or identify the role the community can play in eliminating domestic violence/sexual assault and stalking.

"Contract" means a formal document adopted by the governing authority of the program and any other organization, agency or individual that specifies services, personnel or space to be provided to the program and the monies to be expended in exchange.

"Core Services" means services outlined in Subchapter 2 of this Chapter that are required to be offered by all certified programs.

"Counseling" means a face-to-face or telecommunication therapeutic session with one-on-one interaction between a behavioral health professional and an individual to promote emotional and/or behavioral change focused on victim safety and perpetrator accountability. Those individuals providing professional therapy to adult and child victims of domestic violence, sexual assault or stalking must be prepared to offer education and information about:

(A) Physical and emotional safety;

(B) How perpetrators maintain control and dominance over their victims;

(C) The need to hold perpetrators accountable for their actions;

(D) The recognition that individuals victimized are not responsible for a perpetrator's violent behavior; and

(E) The role of society in perpetuating violence against women and the social change necessary to eliminate violence against women, including the elimination of discrimination based on race, color, gender, sexual orientation, age, disabilities, economic or educational status, religion and national origin.

"Counseling evaluation and assessment" means a tool used by a licensed behavioral health professional to evaluate and assess the adult or child victim/survivor's current situation and provide trauma-informed therapy services that are appropriate to the needs of the adult or child victim/survivor. Such evaluation and assessment must assess dangerousness indicators; provide crisis intervention when needed; and assist with safety planning and ~~informaiton~~information on legal options available.

"Counseling service planning" means the process of developing a written plan based on formal or informal assessments that identify the abuse issues necessitating treatment developed by a licensed behavioral health professional or an individual under licensure supervision. Counseling service planning includes establishing goals and objectives; planning appropriate interventions; developing safety planning; and a review of the treatment plan with the individual 14 years of age or older and the modification of the plan as required. If the individual is under 18 years of age, the parent or guardian must also be involved.

"Counseling service plan review" means the evaluation or updating of the treatment plan by a licensed behavioral health professional or under licensure supervision based on victim's or survivor's documented progress. A counseling service plan review must be in ~~writting~~writing and signed by the victim or survivor. Such plan also includes a review of the treatment plan with the individual and the modification of the

plan as required, if the individual is 14 years of age or older. If the individual is under 18 years of age, the parent or guardian must also be involved.

"Court advocacy" means assistance provided to victims and their dependents in legal matters relevant to their situation. Information, support, assistance, safety planning, accompaniment and intervention with any aspect of the civil or criminal legal system on behalf of a victim of domestic violence, sexual assault or stalking. Court advocacy services must be provided by qualified, trained staff members or volunteers.

"Court advocate" means a qualified, trained staff or volunteer whose duties are to offer assistance to victims and any dependents in legal matters relevant to their situation. A Court Advocate provides court advocacy through support, information, assistance, safety planning, accompaniment, and intervention with any aspect of the civil or criminal legal system on behalf of a victim of domestic violence, sexual assault or stalking. Court advocates shall not act as licensed attorneys and are not permitted to give legal advice, unless such person is a licensed attorney in the state of Oklahoma.

"Crisis intervention" means short-term, immediate assistance and advocacy given by phone, secure electronic virtual platform, or in person to victims of domestic violence, sexual assault or stalking. Crisis intervention services include but are not limited to assessing dangerousness, safety planning, information about available legal remedies, establishing rapport and communication, identifying major problems, exploring feelings and providing support, exploring possible alternatives, and/or formulating an action plan and follow-up measures.

"Critical incident" means an occurrence or set of events inconsistent with the routine operation of the facility, or the routine care of a client. Critical incidents specifically include but are not necessarily limited to the following: adverse drug events; self-destructive behavior; deaths and injuries to clients, personnel, volunteers and visitors; incidents involving medication; neglect or abuse of a client; fire; unauthorized disclosure of information; damage to or theft of property belonging to a client or the facility; other unexpected occurrences; or events potentially subject to litigation. A critical incident may involve multiple individuals or results.

"Cultural diversity" means the spectrum of differences that exist among groups of people with definable and unique cultural backgrounds.

"Direct services" means services delivered by a qualified staff member or volunteer in direct contact with a client or client's child, including childcare and telephone contact.

"DVSA" means domestic violence and sexual assault.

"Documentation" means the provision of written, dated and authenticated evidence to substantiate compliance with standards, e.g., minutes of meetings, memoranda, schedules, notices, logs, records, policies, procedures, announcements, correspondence, and photographs.

"Domestic violence" means a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over a current or former partner or family member. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.

"Education" means the dissemination of relevant information specifically focused on increasing the awareness of the community and the receptivity and sensitivity of the community concerning domestic violence, sexual assault, stalking or batterer's intervention and other related problems and services and may include a systematic presentation of selected information to impart knowledge or instructions to increase understanding of specific issues or programs, to examine attitude or behaviors and to stimulate social action or community support of the program and its clients.

"Emergency services" or **"crisis services"** mean a twenty-four (24) hour capability for danger assessment, intervention and resolution of a client crisis or emergency that is provided in response to unanticipated, unscheduled emergencies requiring prompt intervention.

"Emergency transportation" means transportation for a victim of DVSA screened in by the certified provider to a secure identified location at which SANE exams or other emergency services or crisis services for victim safety can be offered.

"Executive director" means the person hired by the governing authority to direct all the activities of the organization. May also be referred to as "Chief Executive Officer."

"External consultation" means a formal and structured process of interaction between staff members and unrelated individuals, groups, or agencies for the purpose of problem solving and/or enhancing services

for the safety of victims/survivors within the program's service area.

"Facility" means the physical location(s) of a certified program governed by this Chapter.

"Family" means the children, spouses, parents, brothers, sisters, other relatives, foster parents, guardians, and others who perform the roles and functions of family members in the lives of clients.

"Governing authority" means a group of persons having the legal authority and final responsibility for the operations and functions of the entire DVSA program, or shelter, in and of all geographical locations and administrative divisions.

"Group counseling" means a face-to face or telecommunication therapeutic session conducted by a licensed behavioral health professional or individual under licensure supervision with a group of adult or child victim/survivors to promote emotional or behavioral change. Those individuals providing professional therapy to victims/survivors of domestic violence must be prepared to provide education and information about:

(A) Physical and emotional safety;

(B) How perpetrators maintain control and dominance over their victims;

(C) The need to hold perpetrators accountable for their actions;

(D) The recognition that individuals victimized are not responsible for a perpetrator's violent behavior;and

(E) The role of society in perpetuating violence against women and the social change necessary to eliminate violence against women, including the elimination of discrimination based on race, color, gender, sexual orientation, age, disabilities, economic or educational status, religion and national origin.

"Guardian" means an individual who has been given the legal authority to manage the affairs of another individual.

"Human trafficking" means modern-day slavery that includes, but is not limited to, extreme exploitation and the denial of freedom or liberty of an individual for purposes of deriving benefit from that individual's commercial sex act or labor.

"~~Human sex~~Sex trafficking" means a specific type of human trafficking that includes, but is not ~~limted~~limited to:

(A) Recruiting, enticing, harboring, maintaining, transporting, providing or obtaining, by any means, another person through deception, force, fraud, threat or coercion for purposes of engaging the person in a commercial sex act;

(B) Recruiting, enticing, harboring, maintaining, transporting, providing, purchasing or obtaining, by any means, a minor for purposes of engaging the minor in a commercial sex act; or

(C) Benefitting, financially or by receiving anything of value, from participating in a venture that has engaged in an act of trafficking for commercial sex.

"Indirect services" means services delivered by a staff member or volunteer, that do not involve direct services with a client or client's child.

"Individual counseling" means a therapeutic session with one-on-one interaction between a behavioral health professional or individual under licensure supervision and a person to promote emotional and/or behavioral change focused on victim safety and perpetrator accountability. Those individuals providing professional therapy to adult and child victims of domestic violence, sexual assault, or stalking must be prepared to offer education and information about:

(A) Physical and emotional safety;

(B) How perpetrators maintain control and dominance over their victims;

(C) The need to hold perpetrators accountable for their actions

(D) The recognition that individuals victimized are not responsible for a perpetrator's violent behavior; and

(E) The role of society in perpetuating violence against women and the social change necessary to eliminate violence against women, including the elimination of discrimination based on race, color, gender, sexual orientation, age, disabilities, economic or education status, religion and national origin.

"Individual under supervision" means an individual working towards licensure as a licensed behavioral health professional that is under the supervision of another individual who is a licensed behavioral health professional.

"Initial contact" means a person's first contact with the program or facility requesting information or service by telephone or in person.
"Intake" means an interaction intended to discover what has happened, determine what the crisis is, assess dangerousness indicators, do safety planning, and/or establish the immediate needs of domestic violence, sexual assault, and stalking victims and any dependents to determine appropriate services and referrals. This includes interaction with an individual determined to be appropriate for ongoing service in order to obtain basic demographic information, gather vital information on adults and/or children, and/or orient the victims to the program, program rules, and if applicable, the facilities. Cultural needs should also be identified at this time.
"Internal consultation" means a formal and structured process of interaction among staff from the same agency for the purpose of evaluating the individual's progress, when the individual is not present.
"Language interpretation" means activities that involve a client who is deaf or hearing impaired or has limited English proficiency requiring an interpreter for a staff member or volunteers to offer services.
"Licensed ~~behavioral~~behavioral health professional" is an individual licensed as a behavioral health professional by the State of Oklahoma or an individual licensed or certified as a behavioral health professional by another state and practicing in Oklahoma or providing behavioral health services to Oklahomans to the extent permitted by Oklahoma law.
"Licensure" means the official or legal permission to persons or health facilities meeting qualifications to engage in a given occupation or use a particular title.
"Medical care" means those diagnostic and treatment services that can only be provided or supervised by a licensed physician.
"Medication" means any drug that is legally in the possession of clients, their children, or persons seeking admittance to the shelter or their children; this definition includes prescription medications and medications available for legal purchase without a prescription.
"Mental health services" means a range of diagnostic, therapeutic and rehabilitative services used in treating mental illness or emotional disorders.
"Neglect" means failing to offer adequate personal care or maintenance, or access to medical care that results or may result in physical or mental injury or harm to a client.
"OAG" means the Oklahoma Office of the Attorney General.
"Objectives" means a specific statement of planned accomplishments or results that are quantitative, qualitative, time-limited, and realistic.
"Operation" means that clients are receiving services offered by the program.
"Outreach" means the dissemination of materials and information at community events and public places, with the purpose of establishing trust and rapport, explaining services available.
"Personnel record" means a file containing the employment history and actions relevant to individual personnel and volunteer activities within an organization such as application, evaluation, salary data, job description, citations, credentials, etc.
"Persons with special needs" means persons with a condition which is considered a disability or impairment under the American with Disabilities Act of 1990 including but not limited to the deaf and hard of hearing, blind, physically disabled, developmentally disabled, persons with disabling illness, and persons with mental illness.
"Policies" means statements of program intent, strategy, principle, or rules for providing effective and ethical services.
"Primary victim" means a client who has experienced domestic violence, sexual assault, stalking, or the consequences of these crimes first hand.
"Procedures" means the standard methods by which policies are implemented.
"Program" means a set of activities designed and structured to achieve specific objectives relative to the needs of the clients.
"Program evaluation" means the documented assessment activities, performed internally or externally, of a program or a service and its staff, volunteers, activities, and planning process to determine whether program goals are met, staff, volunteers and activities are effective, and what effect, if any, a program or service has on the problem it was created to address or on the population it was created to serve.
"Program goals" means broad general statements of purpose or intent.

_____**"Qualified staff"** means someone who has met the criteria for provision of direct services as defined in ~~Suchapter~~Subchapter 13 of this Chapter.

~~**"Rape crisis response services"** means "sexual assault services" as defined in this section.~~

_____**"Release"** means consent to the release of confidential or privileged information that is informed, written and reasonably time-limited.

_____**"Referral"** means information disseminated and/or coordinated access to agency and community services to meet victims'/survivors' and their dependents' identified needs.

_____**"Safety planning"** means the process of working with adult and child victims to develop tools in advance of potential abuse or violence for the immediate and long term safety of victims. Plans should be based on dangerousness and lethality indicators and should include the safety needs of dependents.

_____**"Screening"** means the process of determining preliminarily the nature and extent of a person's problem in order to establish service needs including, at a minimum, a brief personal history related to abuse, a review of the individual's strengths and resources, risk factors, and referral needs.

_____**"Secondary victim"** means a person who has a relationship with the primary victim.

_____**"Self determination"** means the right to make one's own choices.

_____**"Service agreement"** means a written agreement between two or more service agencies or service agencies and individual service providers that defines the roles and responsibilities of each party. The purpose of service agreements is to promote coordination and integration of service programs for the purpose of curbing fragmentation and unnecessary service duplication in order to assure a continuation of services.

_____"**Service note"** means documentation of the time, date, location, and description of services offered or provided, and signature, including electronic signature, of the staff or volunteer offering or providing the services.

_____**"Service plan"** means a plan of action developed and agreed upon by the client and service provider that contains service appropriate goals and objectives for the client.

_____**"Sexual assault"** means a range of behaviors, including but not limited to rape, attempted rape, sexual battery, sex trafficking, sexual abuse of children, sodomy, and sexual harassment.

_____**"Sexual assault services"** means personal advocacy and support services provided to primary and secondary victims of rape and sexual assault.

_____**"Shelter for dependents"** means a certified residential living arrangement in a secure setting with support and advocacy services provided by qualified staff for any dependents of the primary abuse victim of domestic violence, sexual assault and stalking.

_____**"Shelter services"** means a certified residential living arrangement in a secure setting with support and advocacy services provided by qualified staff for victims of domestic violence, sexual assault and stalking and their dependents.

_____**"Short term emergency shelter"** means temporary residential sites which are provided to immediately remove domestic violence, stalking or sexual assault victims and their dependents from danger. Sites might include hotel/motel or other sites as appropriate.

_____**"Staff"** means personnel who function with a defined role in the program whether full-time, part-time or contracted.

_____**"Staff and volunteer education"** means a structured, formal process by which information is delivered to or received by staff or volunteers for orientation purposes, enhancement of service procedures, ongoing in-service, or accreditation for professional/contractual requirements.

_____**"Stalking"** means a course of conduct directed at a specific person that would cause a reasonable person to feel fear.

_____**"Substance abuse services"** means the assessment and treatment of diagnosable substance abuse and dependence disorders, as defined by current DSM criteria, by qualified alcohol and drug treatment professionals.

_____**"Support"** or **"Supportive services"** means the provision of direct services to primary and secondary victims and their dependents for the purposes of preventing further violence, helping such victims to gain access to civil and criminal courts and other community services, facilitating the efforts of such victims to make decisions concerning their lives in the interest of safety, and assisting such victims in healing from the effects of violence.

_____**"Transitional living services"** means temporary, independent living programs with support services provided by the staff or volunteers of the sponsoring domestic violence, sexual assault and stalking program.

These services are extensions of domestic violence shelter services to victims of domestic violence, sexual assault or stalking and their dependents. These services permit victims to develop their financial capacity and other means to live independently.

"Transitional living services for dependents" means temporary, independent living programs with support services provided by the staff or volunteers for dependents of a primary abuse victim of domestic violence, sexual assault and stalking.

"Trauma-informed services" means a service approach that recognizes the impact of trauma and acknowledges its role in the lives of primary and secondary victims and their dependents.

"Travel" means transporting individuals to access needed services.

"Universal precautions for transmission of infectious diseases" means those guidelines promulgated by the U.S. Occupational Health and Safety Administration that are designed to prevent the transmission of Human Immunodeficiency Virus, hepatitis and other infectious diseases.

"Update" means a dated and signed review of a report, plan or program with or without revision.

"VASU" means the Victim Advocacy and Services Unit of the Office of the Attorney General.

"Voluntary services" means a program shall not mandate participation in supportive services as a condition of shelter residency or emergency services under the Family Violence Prevention and Services Act.

"Volunteer" means any person who is not on the program's payroll, but provides either indirect or direct services and fulfills a defined role within the program, including interns and practicum students.

"Waiver" means the agreed-to relinquishing or abandonment of a right to maintain a privilege provided under federal or Oklahoma law.

SUBCHAPTER 2. DOMESTIC VIOLENCE AND SEXUAL ASSAULT PROGRAMS

75:15-2-2. Shelter program

(a) All shelter programs shall comply with ~~section~~ Section 1 of this Subchapter, and each shelter program shall provide long-term shelter services and staffing to offer services twenty-four (24) hours per day, seven (7) days per week, and offer the following:

(1) Shelter programs shall provide room, food, bathing and laundry facilities, necessary clothing, and toiletries for victims and their children free of charge. Programs shall not ask clients to use their nutrition assistance benefits to supplement food for the facility;

(2) Shelters shall be staffed at all times when clients are in residence. When there are no clients in residence, each shelter program must assure availability for immediate contact or services;

(3) The shelter's policy shall have written procedures regarding the supervision of children;

(4) The shelter shall offer services to clients with dependent boys over the age of twelve;

(5) Shelter programs shall offer screening, referral and linkage to clients and callers to appropriate community resources, to include assistance in making initial contact;

(6) The shelter program shall maintain cooperation/liaison with the local school system;

(7) Each shelter program must ensure to the best of its ability the physical and emotional safety, security and confidentiality of clients and the location of the shelter; and

(8) The shelter shall maintain a written policy for involuntary exit criteria.

(b) Compliance with this Section shall be determined by a review of policies and procedures, service agreements, on-site observations, and/or other supporting documentation.

(c) For the purposes of this Section, "long-term" means thirty days or more.

75:15-2-3. Transitional living program

(a) All transitional living programs shall comply with Section000 1 of this Subchapter and the following:

(1) The program shall maintain homes, apartments or other residential living environments suitable for victims of domestic and sexual violence, stalking and their dependents, if applicable, and which provide the reasonable safety and privacy needed by this population. The program shall offer access to necessary furniture and equipment;

(2) The program shall include heating and refrigerated cooling systems to maintain a reasonable comfort level;

(3) Supportive services for residents are available through the twenty-four (24) hour program hotline by trained staff or volunteers;
(4) The program shall assign staff or a volunteer as the advocate or liaison for the clients residing in the transitional living program(s). This person, or a crisis line staff ~~person~~member or volunteer, shall be available for emergencies at all times;
(5) The program shall have a written agreement with each resident that outlines specific responsibilities of both the program and the resident to include expectations, responsibilities and limitations. The agreement shall be signed by both parties and shall align with voluntary services and trauma-informed model;
(6) The program shall offer weekly support groups for transitional living residents and children; and
(7) The program shall offer at least one 30 minute face-to-face telecommunication-based service contact per week with each transitional living resident and children.

(b) Compliance with this Section shall be determined by a review of program policies and procedures, client records, on-site observations, written agreements and/or other supporting documentation.

75:15-2-5. Crisis intervention services

(a) All certified DVSA programs shall offer crisis intervention services which include:
(1) Twenty-four (24) hour crisis telephone services staffed by trained staff or volunteers, and 24-hour immediate, direct access to crisis advocates. Technology or services that do not offer immediate access to a crisis advocate shall not be sufficient to meet this requirement;
(2) Emergency housing such as hotel or motel available for victims and their dependent(s);
(3) Arrangement for safe shelter, food, clothing, and incidentals needed by victim/dependents;
(4) The program shall provide twenty-four (24) hour emergency transportation or access to shelter when screened in by the certified provider, to and from SANE exams or other emergency services necessary for victim safety. ~~, Additionally, transportation shall be offered for other services necessary for victim safety. This~~ provided, the provision of emergency transportation and access shall not require service providers to be placed in a situation that could result in ~~injur~~injury;
(5) Cooperation with law enforcement to offer assistance to the victim and accompanying dependent(s). Upon the request of the survivor, programs shall provide advocacy and support related to interactions with law enforcement, criminal, civil, or juvenile legal systems. Program staff shall ensure that any release or waiver of information is obtained as appropriate. Programs shall respect the survivor's decision about whether or not to engage with legal processes, and advocacy shall be provided in alignment with that choice.
(6) Provision of advocacy and referral to assist victims in obtaining needed services or resources;
(7) Language interpretation; and
(8) Follow-up services shall be offered to all victims if victim safety is not compromised.

(b) Group and/or individual counseling or support services shall be made available before or after normal business hours (8:00 a.m. to 5:00 p.m.), if needed by clients. These services shall minimally offer the following:
(1) A facility with offices and individual and group counseling space to offer services;
(2) Advocacy services, both in person and by telecommunication, either in the locations of other community services and systems, or in the program's offices. Other locations include but are not limited to those necessary to provide court advocacy services to clients; and
(3) Service approaches shall focus on the empowerment of victims to access needed resources and to make healthy and safe decisions for themselves and dependents.

(c) Programs shall maintain at a minimum the following client resources:
(1) Service agreements with community service providers for client services, which shall be renewed every three (3) years. If unable to establish a service agreement, attempts shall be documented;
(2) A resource document of local, area, or state resources to facilitate referrals for clients; and
(3) For agencies that do not have a behavioral health professional on staff, the agency shall maintain an updated list of identified behavioral health professionals in their community who treat clients with related trauma and need mental health or substance abuse services.

(d) Compliance with this Section shall be determined by a review of program policies and procedures, client records, on-site observations, written agreements, and/or other program documentation.

SUBCHAPTER 5. CLIENT RECORDS AND CONFIDENTIALITY

75:15-5-2. Client records

(a) A certified program shall have and maintain a master client index system containing the client's name, and the program's discreet numerical or letter identifier. No identifying information such as initials, age, year of birth, or gender shall be part of the client ID. ~~That same discreet identifier shall be the client ID that is entered into the OAG database without further encryption.~~The client ID, when used in any electronic or paper recordkeeping system, shall be maintained in a manner consistent with applicable federal and state confidentiality requirements, including the confidentiality provisions of the Violence Against Women Act (VAWA), and provisions referenced in Section 4 of this Subchapter.

(b) A certified program shall have written policies and procedures for correcting errors on record material by lining through, initialing the error, and inserting the correct material either above the error or at the end of the entry. Further, the policies and procedures shall forbid the use of "white-out" or any action which obliterates the error.

(c) Electronic records, electronic communications, databases, text messaging, email communications, and other forms of electronic storage and transmission of client information shall be maintained in a manner consistent with applicable federal and state confidentiality requirements such as those referenced in Section 4 of this Subchapter.

~~(c)~~(d) Compliance with this Section shall be determined by on-site observation, client records and any other supporting program documentation.

75:15-5-3. Record content - general

(a) Client records for both residential and non-residential clients shall contain, at a minimum, the following information:

(1) Intake and screening information:

(A) Client's name;

(B) Date of initial contact/intake;

(C) Pertinent medical information;

(D) Emergency contact information, if voluntarily provided by the client;

(E) History/nature of abuse including an evidence-based, dangerousness assessment and screening for stalking and trauma including a description of the event that precipitated the request for services and safety planning;

(F) Screening for strangulation and head trauma, if applicable, information shall be given to client; and

(G) Perpetrator information if known.

(2) Service notes, which shall minimally include:

(A) The date, location, start time, duration and description of service provided delineated by time spent and service code; and

(B) ~~The signature of staff or volunteer providing the services.~~Documentation identifying the staff member or volunteer providing the service, including an electronic signature, user identification, or written signature, if applicable.

(3) Service plan shall focus on victim safety and well-being which shall minimally include goals and objectives of the client, which shall be agreed upon between the client and staff or volunteer.

(4) Exit information, which shall minimally include:

(A) Documentation that the client participated in planning for the client's exit from the program;

(B) The reasons for the client's exit or departure; and

(C) Client and staff or volunteer dated signatures or an explanation if staff or the volunteer were unable to obtain the client's signature.

(b) Each client record entry shall be legible, dated ~~and signed by the staff member or volunteer making the entry~~ and attributable to the staff member or volunteer making the entry through an electronic signature, user identification, written signature, or other Program-approved method.
(c) Programs shall not contact any client's emergency contact without the client's informed, written, and time-limited authorization.
~~(c)~~(d) Compliance with this Section shall be determined by a review of program policies and procedures, review of the client records for content and/or other supporting program documentation.

75:15-5-3.1. Record content - service specific
(a) Client records for specific services shall conform to the following:
(1) **Shelter Services:**
(A) On a client's entry to the shelter, a staff member or volunteer shall record the client's name, any emergency contact ~~person(s)~~information voluntarily provided by the client, and any referral for medical or emergency services~~. This information may be a part of the full intake interview if the full intake is done on entering the shelter. An evidence-based, dangerousness assessment and safety planning shall be offered to be done at this time~~;
(B) Shelter clients shall be offered the full intake interview and screening within forty-eight (48) hours of entry into the shelter~~.~~, including program-operated shelters and emergency hotel stays. If a client declines to participate with the intake process, a staff member or volunteer shall document offer of services;
(C) Service plans shall be offered and completed within five (5) business days of the shelter client's entry to the shelter. If a client declines to participate with the formation of a service plan, a staff member or volunteer shall document offer of services;
(D) The service plan shall be offered to be reviewed and updated at least every two (2) weeks. If the client declines to review the service plan, a staff member or volunteer shall document offer of services;
(E) The client's service plan shall be offered to include components which address the needs of each child accompanying the client. If the client declines to add components for their children, a staff member or volunteer shall document offer of services;
(F) The service plan shall be offered to include safety issues for client and children. If the client declines to include safety issues, a staff member or volunteer shall document offer of services, and
(G) A daily note.
(2) **Crisis Intervention Services:**
(A) ~~All face-to-face contacts with clients are documented and contacts with persons not receiving additional services shall be offered and documented.~~All crisis intervention contacts, whether provided in person, by telephone, text message, chat platform, video platform, email, or other electronic means, shall be documented. Documentation shall minimally include the following:
(i) ~~Staff/Volunteer Name and signature~~Identification of the staff member or volunteer providing the service;
(ii) Date, time, ~~length~~duration, and ~~location of intervention~~method of contact;
(iii) Safety planning based on risk;
(iv) Client's ~~name, age, race, county of residence, and contact number if given~~demographic and contact information, if voluntarily provded;
(v) Protective order information, if applicable;
(vi) ~~Personnel of system partners involved, such as law enforcement, health professionals, Department of Human Services, etc.~~;
(vii) Summary of the contact including ~~voluntarily disclosed injuries and~~ the services requested and provided;
(viii) Follow-up services ~~shall be~~ offered ~~to all victims if victim safety is not compromised~~, when appropriate and conssitent with client safety; and
(ix) Outcome.

(B) All telephone contacts shall be documented. Documentation shall minimally include the following:

(i) ~~Staff/Volunteer~~Staff member/Volunteer name;

(ii) Date, time and length of call;

(iii) Safety planning based on risk;

(iv) Caller's name and contact number, if given however, no caller shall be required to give a name, phone number or any other identifying information as a condition to receive information or domestic violence, sexual assault or stalking services;

(v) Summary of the call including services needed and offered;

(vi) Outcome; and

(C) Contact information is kept by the program.

(D) Clients to be transported to shelter facilities shall be screened before the shelter referral is made. If the client is in immediate danger, or no safe housing is available, this screening may be initially waived. If the screening is waived, documentation shall reflect the reason(s) and the notification of such to the shelter.

(3) **Counseling, Support and Advocacy Services:**

(A) An assessment of the client's needs shall be completed by the third (3rd) counseling or advocacy session. If a client declines to participate staff or volunteer shall document offer of services;

(B) A service plan shall be completed by the fifth (5th) advocacy or counseling session. If a client declines to participate, a staff member or volunteer shall document offer of services; and

(C) A service plan review and update shall be completed at a minimum of once every six (6) months. If a client declines to participate, a staff member or volunteer shall document offer of services;

(4) **Sexual Assault Services:**

(A) For victims who continue in support or counseling sessions, a service plan shall be developed by the fifth (5th) visit. If a client declines to participate, a staff member or volunteer shall document offer of services; and

(B) Service plans shall be reviewed and updated at a minimum of once every six (6) months. If a client declines to participate, a staff member or volunteer shall document offer of services.

(5) **Transitional Living Services:**

(A) A service plan including safety issues for the client and dependents shall be developed within five (5) business days of the client moving in; and

(B) The service plan shall be reviewed and updated at least every ninety (90) days.

(b) Where required information is not obtained, efforts to comply with the requirements of this subsection shall be documented in the client record.

(c) Emergency contacts shall not be contacted without the client's informed, written, and time-limited authorization.

~~(c)~~(d) Compliance with this Section shall be determined by a review of client records, policy and procedures, call logs, and/or other supporting documentation.

75:15-5-4. Client confidentiality

(a) The DVSA program shall comply with both state and federal laws governing confidentiality and any exceptions to those laws.

(1) **State law.** Case or client records, files or notes, of a DVSA program shall be confidential and shall only be released under certain prescribed conditions ~~[75:18p-3]~~in accordance with title 74, section 18p-3 of the Oklahoma Statutes:

(A) The case records, case files, case notes, client records, or similar records of a domestic violence or sexual assault program certified by the Attorney General or of any employee or trained volunteer of a program regarding an individual who is residing or has resided in

such program or who has otherwise utilized or is utilizing the services of any domestic violence or sexual assault program or counselor shall be confidential and shall not be disclosed;

(B) For purposes of this subsection, the term "client records" shall include, but not be limited to, all communications, records, and information regarding clients of domestic violence and sexual assault programs; and

(C) The case records, case files, or case notes of programs specified in paragraph 1 of this subsection shall be confidential and shall not be disclosed except with the written consent of the individual, or in the case of the individual's death or disability, of the individual's personal representative or other person authorized to sue on the individual's behalf or by court order for good cause shown by the judge in camera.

(2) **Federal Law.**

(A) The Violence Against Women Act universal grant conditions regarding confidentiality, Section 3 of VAWA, at 34 U.S.C. § 12291(b)(2) ~~provides~~provide, in part~~:~~, ~~In~~ that in order to ensure the safety of adult, youth, and child victims of domestic violence, dating violence, sexual assault, or stalking, and their families, grantees and subgrantees shall protect the confidentiality and privacy of persons receiving services. Grantees and subgrantees shall not: disclose, reveal, or release any personally identifying information or individual information collected in connection with services requested, utilized, or denied through grantee and subgrantee programs, regardless of whether the information has been encoded, encrypted, hashed or otherwise protected; or disclose, reveal, or release individual client information without the informed, written, reasonably time-limited consent of the person (or in the case of an unemancipated minor, the minor and the parent or guardian or in the case of legal incapacity, a court-appointed guardian) about whom information is sought, whether for this program or any other Federal, State, tribal, or territorial grant program, except that consent for release may not be given by the abuser of the minor, incapacitated person, or the abuser of the other parent of the minor. If a minor or a person with a legally appointed guardian is permitted by law to receive services without the parent's or guardian's consent, the minor or person with a guardian may release information without additional consent. If release of information is compelled by statutory or court mandate, grantees and subgrantees shall make reasonable attempts to provide notice to victims affected by the disclosure of information and take steps necessary to protect the privacy and safety of the persons affected by the release of the information. In no circumstances may an adult, youth, or child victim of domestic violence, dating violence, sexual assault, or stalking be required to provide a consent to release identifying information as a condition of eligibility for the services provided.

(B) The Family Violence Prevention and Services Act universal grant conditions on confidentiality require, pursuant to 42 U.S.C. § 10402(7), ~~provides: Personally identifying information. The~~that the term ~~personally identifying information~~"personally identifying information" has the meaning given the term in the Violence Against Women Act. The grant conditions further provide, at 42 U.S.C. § 10406(c), that ~~In~~in order to ensure the safety of adult, youth, and child victims of family violence, domestic violence, or dating violence, and their families, grantees and subgrantees under this ~~title~~chapter shall protect the confidentiality and privacy of such victims and their families. Subgrantees shall not disclose any personally identifying information collected in connection with services requested (including services utilized or denied), through grantee and subgrantee programs; or reveal personally identifying information without informed, written, reasonably time-limited consent by the person about whom information is sought, whether for this program or any other Federal or State grant program, which consent shall be given by the person, except in the case of an unemancipated minor, the minor and the minor's parent or guardian; or in the case of an individual with a guardian, the individual's guardian; and may not be given by the abuser or suspected abuser of the minor or individual with a guardian, or the abuser or suspected abuser of the other parent of the minor. If release of information is compelled by statutory or court mandate grantees and subgrantees shall make reasonable attempts to

provide notice to victims affected by the release of the information; and grantees and subgrantees shall take steps necessary to protect the privacy and safety of the persons affected by the release of the information.
(C) The Victims of Crime Act regulations on confidentiality applying to grantees, at 28 C.F.R. § 94.115, ~~provides~~provide, in part~~:~~, ~~Sub-recipients~~that sub-recipients of VOCA funds shall, to the extent permitted by law, reasonably protect the confidentiality and privacy of persons receiving services under this program and shall not disclose, reveal,or release any personally identifying information or individual information collected in connection with VOCA-funded services requested, utilized, or denied, regardless of whether such information has been encoded, encrypted, hashed, or otherwise protected; or individual client information, without the informed, written, reasonably time limited consent of the person about whom information is sought, except that consent for release may not be given by the abuser of a minor, incapacitated person, or the abuser of the other parent of the minor. If a minor or a person with a legally appointed guardian is permitted by law to receive services without a parent's (or the guardian's) consent, the minor or person with a guardian may consent to release of information without additional consent from the parent or guardian. If release of information is compelled by statutory or court mandate, SAAs or sub-recipients of VOCA funds shall make reasonable attempts to provide notice to victims affected by the disclosure of the information, and take reasonable steps necessary to protect the privacy and safety of the persons affected by the release of the information.
(D) Housing Assistance Emergency Solutions Grants, at 42 U.S.C. § 11375(c)(5), require recipients to develop and implement procedures to ensure confidentiality of records pertaining to any individual provided family violence prevention or treatment services under this part and that the address or location of the family violence shelter project assisted under this part will not be made public without written authorization of the person or persons responsible for the operation of such shelter; and
(E) ~~Stewart B.~~The ~~McKinney~~McKinney-Vento Homeless Assistance Act, at 42 U.S.C. § 11363, mandates that any victim service provider that is a recipient or subgrantee of a grant award under this subchapter shall not disclose for purposes of the Homeless Management Information System (HMIS) any personally identifying information about any client. Such recipients or ~~Subgrantees~~subgrantees may be required to disclose for purposes of HMIS non-personally identifying information that has been de-identified, encrypted, or otherwise encoded. ~~The Violence Against Women Act also contains a provision that specifies a domestic violence program provider shall not disclose any personally identifying information about any client to the Homeless Management Information System (HMIS).~~

(b) Compliance with this Section shall be determined by a review of the program's policies and procedures; and on-site observation of the handling and review of client records.
(c) If the release of information is compelled by federal or Oklahoma statute or court order, the Program shall make reasonable attempts to the fullest extent allowed by law to notify victims to be affected by a disclosure of information pursuant to statute or court order and to take necessary steps to protect the privacy and safety of the persons affected by a disclosure.

75:15-5-4.1. Waiver of Confidential Information

(a) For a waiver of confidentiality or privilege to be valid, it shall:
(1) Be voluntary;
(2) Relate only to the participant or the participant's dependents;
(3) Clearly describe the scope and any limitations of the information to be released;
(4) Include an expiration date;
(5) Inform the participant that consent can be withdrawn at any time, orally or in writing;
(6) Programs shall only share the specific information the client allows in the release. The client gets to choose when, how and what personal information will be shared, or not shared, and with whom; and

(7) ~~Even when a court mandate requires the program to disclose or release information about the client, the program shall only share the minimum information necessary to meet the statutory or court mandate; and~~

~~(8)~~ The program/agency shall notify the victim of any compelled disclosure and ~~to~~shall continue taking steps to protect the victim's safety and privacy.

(b) A valid written release form for disclosure of client information shall contain, at a minimum, the following:

(1) the specific name or general designation of the program or person permitted to make the disclosure;

(2) the name and title of the individual, agency or organization to which disclosure is to be made;

(3) the name of the client whose records are to be released;

(4) the purpose of the disclosure;

(5) a description of the information to be disclosed;

(6) the dated signature of the client or authorized representative or both when required;

(7) a statement of the right of the client to revoke the release in writing and a description of how the client may do so; and

(8) an expiration date, specified event or condition which, if not revoked before, shall ensure the release will last no longer than reasonably necessary to serve the purpose for which it is given. The reasonableness of this time period will depend on the specific situation.

(c) Legacy clause: Some programs have chosen to talk with clients about the lethality of domestic violence and ask if they would like the program to share information with the Oklahoma Fatality Review Board in the event that the client dies whether due to domestic violence or not. Programs shall have the "legacy clause" exception on a different form.

(d) The program shall have written policies and procedures to ensure confidentiality of client information and identity and shelter location and govern the disclosure of information, including verbal disclosure, contained in client records. When a client record is established, the program shall discuss the confidentiality requirements with each client and maintain documentation in the client record that they have reviewed the circumstances under which confidential information may be revealed.

(e) When disclosure is compelled by statute, court order, or other lawful mandate, the Program shall disclose only the minimum information necessary to comply with the requirement.

~~(c)~~(f) Compliance with this Section shall be determined by a review of the program's policies and procedures; and on-site observation of the handling and review of client records.

SUBCHAPTER 7. PHYSICAL ENVIRONMENTS

75:15-7-2. Fire and safety codes and inspections

(a) The physical environments of shelter facilities, housing options and all office space shall meet safety, zoning and building code regulations required by local, ~~statecand~~state, and federal authorities, and shall obtain and maintain an annual fire and safety inspection from local or state authorities.

(b) Compliance with this Section shall be determined by a review of the annual fire and safety inspection report.

75:15-7-5. Persons with special needs

(a) Pursuant to the Americans with Disabilities Act of 1990 and the Americans with Disabilities Act Amendments Act of 2008, the program shall ensure that persons with disabilities are not excluded from services. Programs are required to integrate a person with a disability into agency services, unless providing separate services is the only way to offer equal opportunities for services. Referrals must be offered when necessary, and the program shall have written procedures for referrals of disabled persons who cannot be served on-site. ~~Service and companion animals should be allowed in facilities unless the animal poses a direct threat to the health/safety of others.~~ "Service animals," as defined by 28 C.F.R. § 35.104, for the purposes of the Americans with Disabilities Act shall be permitted for use in program facilities by individuals with disabilities consistent with federal regulation implementing the Americans with Disabilities Act under 28 C.F.R. § 35.136. Auxiliary aids/services should be offered as necessary to ensure effective communication unless doing so would cause an undue burden (i.e., significant difficulty or expense) or fundamental alteration

in services. Alterations to existing buildings must be accessible to the maximum extent feasible. All newly constructed facilities must be accessible to persons with disabilities unless it is structurally impractical.
(b) Compliance with this Section shall be determined by a review of program policies and procedures.

SUBCHAPTER 17. CLIENTS RIGHTS

75:15-17-3. Client ~~Rights~~rights

(a) Each client shall be afforded all constitutional and statutory rights of all citizens of the State of Oklahoma and the United States, unless abridged through due process of law by a court of competent jurisdiction. Each program shall ensure each client has the rights which are listed below:

(1) Each client has the right to be treated with respect and dignity. This shall be construed to protect and promote human dignity and respect for individual dignity;
(2) Each client has the right to a safe, sanitary, and humane living environment;
(3) Each client has the right to a humane psychological environment protecting the client from harm, abuse, and neglect;
(4) Each client has the right to an environment that provides reasonable privacy, promotes personal dignity, and provides physical and emotional safety;
(5) Each client has the right to receive services suited to the client's needs without regard to race, sex, color, age, national origin, genetic information, religion, degree of disability, or legal status;
(6) Each client, on admission, has the absolute right to communicate with a relative, friend, clergy, or attorney, by telephone or mail, at the expense of the program if the client is indigent;
(7) Each client shall have and retain the right to confidential communication with an attorney, personal physician or clergy;
(8) Each client has the right to uncensored, private communications including, but not limited to, letters and telephone calls. Copies of any personal letter, sent or received, by a client shall not be kept in the client's record without the written consent of the client;
(9) No client shall be neglected or sexually, physically, verbally, or otherwise abused;
(10) Each client shall have the right to practice free exercise of religious beliefs, and be afforded the opportunity for religious worship that does not infringe on the health or safety of others. No client shall be coerced into engaging in, or refraining from, any personal religious activity, practice, or belief;
(11) Each client has the right to be offered prompt, competent, appropriate services and an individualized service plan. The client shall be afforded the opportunity to participate in the creation of the client's service plan. The client may consent or refuse to consent to the proposed services;
(12) The records of each client shall be confidential. This confidentiality remains intact even after the client's death;
(13) Each client has the right to refuse to participate in any research project or medical experiment without informed consent of the client, as defined by-law. A refusal to participate shall not affect the services available to the client;
(14) Each client has the right to assert grievances with respect to any alleged infringement of these stated rights of clients, or any other subsequently statutorily granted rights;
(15) No client shall ever be retaliated against, or be subject to any adverse conditions or services solely or partially because of having asserted the rights stated in this section;
(16) Upon request, each client has the right to review the client's own records. Upon written request, each client has a right to receive a copy of the client's own records or authorize an attorney or other person to do so. The program must provide a copy within a reasonable amount of time. The portion of the client's records regarding mental health or substance abuse treatment, may only be released pursuant to the provisions of Title 43A, Section 1-109 of the Oklahoma Statutes and Title 42, Part 2 of the Code of Federal Regulations shall apply;
(17) Each client has the right to know why services are refused and can expect an explanation concerning the reason why the client was refused particular services;
(18) Each client has the right to voluntary services that are self-determined; and

(19) Each client has the right to decide whether or not to participate in supportive services offered by the program.

(b) Each client shall be given a copy of these rights and the provision of such shall be documented in the client record.

(c) Programs shall have written policies to ensure each client has received explanation of these rights.

(d) Client rights shall be visibly posted in client areas of the facility.

(e) The OAG, in any investigation or program monitoring regarding client rights, shall have unimpeded access to clients, program records and program staff or volunteers.

(f) Compliance with this Section and applicable federal laws and regulations shall be determined by a review of program policies and procedures, client records, on-site observation, written agreements, and/or other program documentation.