CHAPTER 25. STANDARDS AND CRITERIA FOR BATTERERS INTERVENTION PROGRAMS

SUBCHAPTER 1. GENERAL PROVISIONS

75:25-1-3. 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.

"Assessment" means the process of evaluating an individual to determine needs for services and appropriateness of admission to the program.

"Batterer" means a person, male or female, who perpetrates domestic violence, stalking or other harassment against present or past intimate partners, another adult, emancipated minor or minor child, who are family or household members or who are or were in a dating relationship.

"Batterers intervention program" or **"BIP"** means a status which is granted to an entity by the Oklahoma Office of the Attorney General. These services hold a client accountable for abusive behavior, provide consequences for engaging in ongoing violent or abusive behavior, provide monitoring of a batterer's behavior, and require the client to change battering behavior and attitudes. BIPs shall keep victim's safety in the forefront. Anger control or management, substance abuse treatment or mental health treatment alone or in combination with each other shall not constitute batterers intervention; neither of these interventions, alone nor in combination with each other, should be utilized as the primary means of facilitating the required changes in behavior and attitudes.

"Battering" means a pattern of behavior used to establish power and control over another person through fear and intimidation, often including the threat or use of violence.

"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 o'clock p.m. of the next business day.

"Certified batterers intervention program" Indicates approval to provide batterers intervention programs pursuant to Title 74, Section 18p-6 of the Oklahoma Statutes.

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

"Client" means an individual who has applied for, is receiving or has received assistance or services of a batterer's intervention program.

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

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

"Coordinated community response team" means a multi-disciplinary group of individuals from agencies and programs in the community whose purpose is to keep victims safe and hold clients accountable.

"Counseling" means a method of using various commonly acceptable treatment approaches provided face-to-face by a behavioral health professional 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. Counseling is goal directed and utilizes techniques such as cognitive behavioral treatment, narrative therapy, solution-focused brief therapy, psycho-educational interventions or another widely accepted theoretical framework for treatment.

"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.

_____**"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 a client 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 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 stimulate social action or community support of the program and its clients.
_____**"Executive director"** means the person hired by the governing authority to direct all the activities of the organization who may also be referred to as the chief executive officer.
_____**"Facility"** means the physical location(s) of a certified program governed by this chapter of Title 75.
_____**"Family"** means the children, spouse, parents, brothers, sisters, other relatives, foster parents, guardians and others who perform the roles and functions of family members in the lives of clients.
_____**"Intake"** means the process of obtaining written information about a client for entry into services, obtained by the program at time of admission.
_____**"Lethality risk indicators"** means evidence-based risk factors commonly associated with lethal intimate partner violence such as those listed in Title 21, Section 142A of the Oklahoma Statutes:

(A) Has the person ever used a weapon against the victim or threatened the victim with a weapon?
(B) Has the person threatened to kill the victim or children of the victim?
(C) Does the victim think the person will try to kill the victim?
(D) Has the person ever tried to choke the victim?
(E) Is the person violently or constantly jealous or does the person control most of the daily activities of the victim?
(F) Has the victim left or separated from the person after living together or being married?
(G) Is the person unemployed?
(H) Has the person ever tried to kill himself or herself?
(I) Does the victim have a child that the person knows is not his or her own child?
(J) Does the person follow or spy on the victim or leave the victim threatening messages?
(K) Is there anything else that worries the victim about his or her safety and if so, what worries the victim?

_____**"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.
_____**"Mental health services"** means a range of diagnostic, therapeutic, and rehabilitative services used in treating mental illness or emotional disorders, including substance abuse.
_____**"Neglect"** means failing to provide adequate personal care or maintenance, or access to medical care which results or may result in physical or mental injury or harm to a client.
_____**"Non-abusive behavior"** means behavior that is absent of violence, coercion, control or abuse.
_____**"OAG"** means the Oklahoma Office of the Attorney General.
_____**"Objectives"** means a specific statement of planned accomplishments or results which are quantitative, qualitative, time-limited and realistic.
_____**"Operation"** means that clients are receiving services provided by the program.
_____**"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 Americans with Disabilities Act of 1990 and the Americans with Disabilities Act

Amendments Act of 2008.
"Policies" means statements of program intent, strategy, principle, or rules for providing effective and ethical services.
"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, activities and planning process to determine whether program goals are met, staff and activities are effective, and what effect, if any, a program or service has on the problem which it was created to address or on the population which it was created to serve.
"Program goals" means broad general statements of purpose or intent.
"Screening" means the process of determining, preliminarily the nature and extent of a person's problem in order to establish the service needs of an individual. At a minimum, a screening shall include a brief personal history related to abuse, a review of the individual's strengths and resources, risk factors and referral needs.
"Service agreement" means a written agreement between service agencies and/or individual service providers defining the roles and responsibilities of each party to promote coordination and integration of service.
"Service note" means the documentation of the time, date, location and description of services provided, and signature, including electronic signature, of staff or volunteer providing the services.
"Staff" means personnel that function with a defined role within the program whether full-time, part-time or contracted.
"VASU" means the Victim Advocacy and Services Unit of the Oklahoma Office of the Attorney General.
"Victim" is an individual against whom the client perpetrates domestic violence. Individuals may include partners, former partners, children and other family or household members.
"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 and includes interns and practicum students.

SUBCHAPTER 3. BATTERERS INTERVENTION

75:25-3-4.1. Record Content

Client records shall contain, at a minimum, the following information:

(1) Intake information:

(A) assessment information;

(B) date of intake if different than date of assessment;

(C) emergency contact information (not the victim or abused partner);and

(D) current employer, if applicable.

(2) Service notes for each client shall be completed by staff or volunteer after individual contact and every weekly session which shall minimally include:

(A) The time, date, location and description of services provided;

(B) The signature of staff or volunteer providing the services; and

(C) A service note shall be completed by the staff or volunteer providing the service for each weekly group contact, and shall include:

(i) personal responsibility and accountability;

(ii) level of participation in services;

(iii) change(s) in family, social, personal, legal or work environment(s);

(iv) inference of use or increased use of drugs/alcohol;

(v) whether or not facilitator observed sufficient indications of risk requiring notification of victim or others, and

(vi) Referrals for supplemental services.

(D) Staff or volunteers shall document in each client's service notes the specific curriculum component(s), as set forth in 75:25-3-1(b)(1) through (11), covered during an individual

contact or weekly session. The service notes should also document a client's progress in completing the curriculum.

(3) An individualized written contract shall be completed upon acceptance into the program prior to the first (1st) group session; signed by the client; and shall include, but not be limited to:

(A) Notice that the client is joining an educational program, not a therapeutic program, and will not have the same level of confidentiality afforded by mental health services. The program will not assure confidentiality with respect to:

(i) Judge, District Attorney or referring agency;

(ii) Current partner;

(iii) Past or current victim(s) and/or a representative designated by the victim to receive information on behalf of the victim;

(iv) Parent(s) or guardians of any of the client's children;

(v) Probation and parole;

(vi) Law enforcement;

(vii) Individuals toward whom there is a risk of imminent harm by the client;

(viii) Coordinated Community Response Team;

(ix) The domestic violence victim services program serving the area where the client lives or where the current or ex-partner lives, where guardians of the client's children live or with the domestic violence program where the client is currently residing;

(x) Guardian Ad Litems; or

(xi) The program will promise confidentiality with respect to: the general public, news media and anyone else not covered in the expectations set forth above

(B) Attendance policy, including the length of intervention, minimum number of sessions required and the maximum length of time for completion of the required sessions.

(C) The criteria for suspension and termination, including notice that involuntary termination from a program terminates any and all attendance credits accumulated.

(D) The program's rules.

(E) A written notice in bold type which specifies **"**Please be advised any reasonable knowledge or suspicion of illegal activities or bodily harm, or a threat of such, to the victim, her or his property, or to third persons, or any attempt, threat or gesture to commit suicide, or any belief that child abuse or neglect is present or has occurred, will be reported to the appropriate person(s) or authorities.**"**

(F) A list of provider program expectations, such as participation, and that the client will be held accountable for all abusive and violent behavior or threats of harm or expressions of intent to do harm. This includes harm to current or past victims or partners. Such acts include but are not limited to child abduction, court actions for divorce or custody, underhanded economic maneuvers, substance use, and intentionally exposing the victim(s) or partner(s) to risk of sexually transmitted diseases.

(4) The program shall develop a written policy for coordinating and complying with required reports to the judge, probation officer, child welfare worker, and district attorney. In the case of court-ordered or otherwise referred clients, a written report to the court or referring agency shall be submitted within seven (7) business days of the following events:

(A) Acceptance into the program including, but not limited to, a summary of the results of the initial assessment. Rejection or denied admission to the program including, but not limited to, a summary of the results of the initial assessment, reason for rejection or denial, and any alternative service recommendations; and

(B) Reasonable knowledge or suspicion of illegal activities or bodily harm, abuse or a threat of such, to the victim, children or to third persons; and

(C) Exit from the program including, but not limited to, the service termination report which shall summarize the type of termination and reason for termination.

(i) **Rejection.** Reasons for rejection shall be documented and include, but are not limited to: psychiatric history, including active or recent mental health related problems; criminal record of violent crimes; chemical dependency requiring

completion of an impatient or residential treatment program; inability to function in a group due to limited mental cognitive abilities; or needs that do not match services provided by this program;

(ii) **Involuntary termination.** Reasons for involuntary termination shall be documented and include, but are not limited to: ~~recurrence of violence; arrest; absences from program sessions and activities; failure to actively participate in group sessions attended; attending a group session when under the influence of alcohol or drugs; violation of any rules of the program or violation of the BIP contract.~~

(I) Recurrence of acts of violence;

(II) Criminal or violent conduct presenting an increased risk to any victim or others;

(II) New criminal charges or an arrest relating to the client's commission of new crimes that constitutute violent crimes including, but not limited to, assault and battery, whether simple or aggragvated, stalking, strangulation, sexual assault, and violations of protective orders;

(III) Absences from program sessions and activities;

(IV) Failure to actively participate in group sessions attended;

(V) Attending a group session while under the influence of alcohol or drugs; or

(VI) Violation of any program rules or the BIP contract.

Termination from a program terminates any and all credits accumulated by said client.

(iii) **Completion.** Upon completion of the program, an exit interview and service termination report shall be completed and documented in the client record. It shall be documented that the client participated in planning for the client's exit from the program. The client and staff shall sign and date acknowledgment of this service or an explanation shall be documented if staff is unable to obtain the client's signature. The service termination report shall include a disclosure stating that completion of the batterers intervention program does not indicate that the client will not re-offend; it is a report that the person has completed the necessary requirements of the certified program without any other known or reported re-offending during the time of enrollment in the program.

(5) All reports shall include specific lethality risk indicators that the court may want to seriously consider and any concerns for the safety of victims, children, and others.

(6) All reports shall include any perceived areas of concern which may include, but are not limited to, substance abuse or mental health issues.

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

(8) Compliance with this this Section shall be determined by a review of client records for content, review of program policy and procedures, or other supporting program documentation.

75:25-3-4.2. Victim safety and confidentiality

(a) Whereas confidentiality is a fundamental underpinning of services for victims of domestic violence, limited confidentiality is critical in batterer's intervention services. Victim safety shall supersede all consideration of client confidentiality for court referred and non-court referred clients.

(b) There shall be a written, cooperative, accountable working relationship between the batterers intervention program and the local OAG certified DVSA victim service provider(s) so potential victims and others are warned of imminent danger.

(c) Initial victim and current partner (if different from the victim) notification shall be attempted via telephone when the client has been accepted or denied admission to the program. Efforts to locate and notify the victim, current partner or the victim's advocate shall be attempted at least three (3) times within 7 business days of acceptance or rejection to the program. Upon making contact with the victim and current partner, the victim

and current partner shall be informed of OAG certified victim services, notified of the assessment results, reason for rejection if applicable, perceived areas of concern which may include, but are not limited to substance abuse and/or mental health concerns, and specific lethality risk indicators. Efforts shall be documented in a separate file, which may include an electronic file. All victim and partner information shall be confidential and shall not be disclosed to the client or documented in the client's file.
(d) After the initial victim and current partner notification, the batterers intervention program shall maintain contact with the victim or partner at the victim or partner's discretion. If the victim or partner elects not to receive and/or provide information, the program is still required to notify the individual in the case of imminent threat or danger to the victim or partner's safety, or that of any other persons.
(e) If the victim and partner (if different than the victim) elects to receive information after initial notification by the program, at a minimum, notification is required when:

(1) the client begins attending the intervention program;

(2) the client transfers to another certified batterers intervention program;

~~(2)~~(3) the client terminates the intervention program for completion or other reasons, such as noncompliance; and

~~(3)~~(4) there is an imminent threat or danger to the safety of persons or animals.

(f) The efforts to locate and notify the victim and current partner (if different than the victim) shall be documented.
(g) Compliance with this Section shall be determined by a review of program policy and procedures; client records; service agreements; or other program documentation.

75:25-3-17. Transfer of clients

(a) Certified batterers intervention programs shall have written policies and procedures governing the transfer of clients between programs. Transfers are intended to promote continuity of services and client accountability when circumstances prevent a client from completing services with the transferring program. Transfers shal not be used to circumvent program requirements or compromise victim safety.
(b) Programs may coordinate the transfer of a client under the following circumstances:

(1) Completion of services with the transferring program is no longer reasonably possible;

(2) Both the transferring and receiving programs are certified batterers intervention programs; and

(3) The referring agency, when applicable, has approved the transfer.

(c) Prior to the transfer of any client records, the receiving program shall require the client to sign a release of information permitting the transferring program to release applicable records.
(d) Upon receipt of the signed release of information, the transferring program shall provide the receiving program all records necessary including, but not limited to, assessment information, collateral information, service notes, attendance records, reports submitted to referring agencies, incident reports, and any other information necessary to facilitate the transfer. Client records shall be transmitted directly from the transferring program to the receiving program and shall not be released to the client for purposes of facilitating the transfer. Victim contact information and other confidential victim records may be released to the receiving program only with the victim’s consent.
(e) Prior to acceptance of a transferring client into services, the receiving program shall review the transferred records.
(f) Upon acceptance of a transferring client, the receiving program shall enroll the client in the next appropriate weekly group session to avoid unnecessary interruption in the client’s required weekly group participation.
(h) Programs may develop policies which allow a brief lapse in services of no more than thirty (30) days when a client transfers from another program due to program closure.
(i) Programs shall not transfer or accept the transfer of a client under the following circumstances:

(1) The transfer has been initiated unilaterally by the client without consultation with, and approval of, the transferring program and the referring program;

(2) The transfer would create or increase a risk to victim safety; or

(3) The transfer is intended to avoid program requirements, termination, or client accountability.

75:25-3-18. Program closure

(a) Certified batterers intervention programs shall have written policies and procedures governing program closure.
(b) Programs shall provide the OAG with written notice of anticipated closure at least thirty (30) days prior to the anticipated closure date.
(c) In the event of program closure, closing programs shall, at a minimum, do the following before closure:
(1) Provide notice of program closure to clients at least thirty (30) days prior to closure date; and
(2) Provide clients contact information for other OAG-certified batterers intervention programs.
(d) For the purposes of this Section, "program closure" means the permanent cessation of a program's operations and shall not include closures outside of normal operating hours.

SUBCHAPTER 5. PERSONNEL AND VOLUNTEERS

PART 5. TRAINING

75:25-5-21. Personnel training, batterers intervention services
(a) Personnel facilitating batterers intervention groups shall minimally have a graduate degree in a behavioral health or criminal justice related field and one-year related work experience, have a Bachelor's degree in a behavioral health or criminal justice related field and two years related work experience, or have been employed as a facilitator in a certified batterers intervention program prior to July 1, 2008.
(b) A certified batterers intervention program shall contract with or employ a qualified licensed professional as defined in Subchapter 1 of this Chapter for purposes of providing case consultation to personnel facilitating batterers intervention groups for client mental health and substance abuse issues. All BIP staff, BIP volunteers, BIP contractors, and BIP program supervisors shall complete batterers intervention facilitator orientation training sponsored by the OAG within 6 months of employment or volunteer service.
(c) Prior to providing any direct services, personnel facilitating batterers intervention services shall observe a minimum of 12 batterers intervention group sessions from an OAG certified program, and must complete 20 hours of training. The training requirement may be satisfied by attendance at a facilitator orientation training sponsored by the OAG or by an OAG-certified program's internal training approved by VASU. Topics shall ~~that includes~~include, but ~~is~~are not limited to:
(1) causes and dynamics of domestic violence;
(2) identification of cultural and social influences that contribute to violence;
(3) identification of coercive behavior;
(4) coercive sexual behavior, including sex trafficking;
(5) impact of domestic violence on children and the dynamics of the client as a parent;
(6) basic defense mechanisms of clients that promote deception, distortion and misrepresentation of the facts of the domestic abuse and the experience of the victim; and
(7) Lethality indicators and assessment procedures such as:
(A) perceived loss of control over the victim through separation, divorce, victim fleeing,
(B) extreme jealousy,
(C) escalation of abuse,
(D) acts of abuse,
(E) suicide/homicide threats, plan to carry out either of above,
(F) use of, or threat to use weapon (especially a gun),
(G) strangulation,
(H) stalking,
(I) history of mental health problems, substance abuse,
(J) history of sexual abuse of victim or children,
(K) kidnapping of partner,
(L) unemployment; and
(M) abuse or cruelty to animals
(8) the effects of alcohol and drug use/abuse and domestic violence;
(9) exploring myths and beliefs about domestic violence, including myths about provocation;
(10) impact of domestic violence on victims;

(11) clients who re-offend;
(12) group dynamics and group structure;
(13) planning for non-violence and victim and dependent safety;
(14) power and control;
(15) facilitator boundaries and collusion with the client; and
(16) providing safe victim and/or partner contact; ~~and~~

(d) Personnel who provide batterers intervention service may not provide services for a victim that may result in a conflict of interest.

(e) Personnel who provide batterers intervention must declare in writing that they are:
(1) violence free in their own lives,
(2) not abusing drugs or alcohol, and
(3) seeking to rid themselves of sexist attitudes.

(f) Compliance with this Section shall be determined by:
(1) Review of program's policy and procedures,
(2) Review of program's training records and other provided documentation of staff training, and
(3) Review of personnel records.