

**RULES OF**  
**GEORGIA DEPARTMENT OF COMMUNITY SUPERVISION**  
**CHAPTER 15-4**  
**FAMILY VIOLENCE INTERVENTION PROGRAM**

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### **105-3-.01 Name and Address.**

The Board of Community Supervision, in partnership with the Georgia Department of Community Supervision and the Georgia Commission on Family Violence, adopted these rules governing family violence intervention programs. The Board of Community Supervision is located at 2 Martin Luther King, Jr., Drive, Suite 866 – East Tower, Atlanta, Georgia 30334.

Authority: O.C.G.A. §§ 19-13-10; 19-13-14(a),(d) & (e); 19-13-17 ; 19-13-34(a)(4) & (9).

### **105-3-.02 Purpose and Authority.**

These rules shall be known as the Rules for Family Violence Intervention Programs. The purpose of the rules is to provide for the administration and certification of Family Violence Intervention Programs and Facilitators by the Department of Community Supervision through standards developed by the Georgia Commission on Family Violence and to provide for the enforcement of certification and program requirements and for the inspection and investigation of such programs and staff, by the Department of Community Supervision through the Georgia Commission on Family Violence. These rules are adopted and published in accordance with the Official Code of Georgia Annotated O.C.G.A. §19-13-10, et seq. These rules shall remain in effect until adoption of new rules and regulations under the Board of Community Supervision.

Authority: O.C.G.A. §19-13-10; §19-13-14(d) & (e); §19-13-17; §19-13-34(a)(4) & (9).

### **105-3-.03 Definitions.**

(a) “Candidate” means ~~a person~~ an individual who ~~is~~ has been ordered or self-referred to complete a Family Violence Intervention Program and is currently attempting to enroll.

(b) “Certification fee” means the fee ~~that is~~ assessed by the Commission ~~for consideration of to process and consider~~ an application for FVIP provider program certification or facilitator certification.

(c) “Class” means a group of participants ~~who are~~ simultaneously participating in a Family Violence Intervention Program with a Commission-certified facilitator.

(d) “CJCC” means the Criminal Justice Coordinating Council.

(e) “Commission” means the Georgia Commission on Family Violence. The Georgia Commission on Family Violence is administratively attached to the Department of Community Supervision.

(f) “Community Task Force on Family Violence” means a community-based family violence task force that is supported by and working in collaboration with the Commission.

(g) “Dating violence” is a pattern of abusive behaviors, including emotional, physical, sexual, and financial abuse, used to exert power and control over a dating partner. It can be present in any dating relationship, whether serious or casual, short-term or long-term, monogamous or not.

(h) “Department” means the Georgia Department of Community Supervision.

(i) “Domestic violence” refers to a pattern of abusive conduct or acts committed by an intimate partner or family member to gain and maintain power and control over another. Forms of abuse include but are not limited to physical violence, emotional, psychological, economic, sexual, and or verbal abuse, coercive control, stalking, and/or violence or threats of harm violence against an intimate partner or family member, property, or others. For purposes of these Rules, the term ‘domestic violence’ shall be used to encompass acts of family and dating violence as those terms are defined in Georgia Code Sections 19-13-1 et seq and 19-13A-1 et. seq.

(j) “Facilitator” means a Family Violence Intervention Program group leader who is certified pursuant to these Rules.

(k) “Facilitator Trainee” means a person who is in the process of completing the facilitator certification requirements and who has completed FVIP Basics.

(l) “Family violence” means the occurrence of commission of one (1) or more of the following acts between past or present spouses, persons who are parents of the same child, parents and children, stepparents and stepchildren, foster parents and foster children, or other persons living or formerly living in the same household: Commission of the offense of battery, simple battery, simple assault, assault, stalking, criminal damage to property, unlawful restraint, criminal trespass or any felony.

(m) “Family Violence Intervention Program” or “FVIP” means any program which is certified pursuant to these Rules.

(n) “Family” or “household member” means past or present spouses, persons who are parents of the same child, parents and children, stepparents and stepchildren, foster parents and foster children, or other persons living or formerly living in the same household.

(o) “Intake Orientation” refers to the process that initiates a participant’s enrollment into FVIP classes.

(p) “Intimate partner” refers to a current or former spouse, domestic or dating partner, significant other, boyfriend, or girlfriend, or individuals between whom a current pregnancy exists.

(q) “Lateness” means arriving to or joining a class after the class has started at its scheduled start time, including after any allowed grace period.

(r) “Monitor” means an agent of the Commission trained and authorized to ~~conduct monitoring of~~ observe and audit FVIP facilitators, programs, class content, and the administrative and/or programmatic requirements of FVIPs, and who can report deficiencies.

(s) “Participant” means a person who is enrolled in a Family Violence Intervention Program.

(t) “Person” means any individual, agent, representative, governing or operating authority, board, organization, partnership, agency, association, corporation, or other entity, whether public or private.

(u) “Program Owner” or “Provider” means the owner named person designated on the FVIP certification and recertification or application for certification who owns or who has a controlling interest in an FVIP, whose purpose is to offer classes to rehabilitate family violence offenders.

~~(u) “Provider” means a certified FVIP provider (certified facilitator and program) whose purpose is to rehabilitate family violence offenders.~~

(v) “SOP” or “Standard Operating Procedure” means a the standard operating procedure of the Department’s procedural guidance for performing and complying with the requirements, tasks, or operations set forth in the Rules for Family Violence Intervention Programs.

(w) “Trainer” means a person providing Commission-approved training that may be credited toward the training and continuing education requirements for FVIP Facilitators and Providers.

(x) “Victim” means the family member, household member or intimate partner against whom a participant has committed, or is committing, acts of ~~family violence or domestic violence.~~

(y) “Victim liaison” means a victim advocate who works in a CJCC-certified domestic violence program; or a Commission-approved community-based domestic violence organization that primarily serves victims of family violence or domestic violence, and or an experienced victim advocate who is an employee or independent contractor of the FVIP, and who has received Commission-approved domestic violence victim safety training, and who shall be paid and subcontracted by the FVIP and has adequate training and experience to monitor victims’ safety interests during participants’ enrollment in FVIP.

Authority: OCGA §19-13-13(a).

#### **Synopsis and Justification: Definitions Section**

The definition section has been amended to clarify and rephrase frequently used terms and

those with specific meanings within the Family Violence Intervention Program (FVIP) context. Additionally, several definitions were revised to align more closely with current jargon and practices in the field. Definitions for interchangeable terms were consolidated and updated to be more accurate and to reflect prevailing views, current practices, and applicable laws.

New terms have been added, including "dating violence" and "orientation/intake."

The definition of "domestic violence" has been revised for clarity to encompass "intimate partner violence," "family violence," and "dating violence."

The term "lateness" has been changed to "late," as "lateness" was not used in the original rules, and there are various interpretations of what constitutes being late, making this distinction important.

The terms "program owner" and "provider" have been merged into a single term.

Additionally, the definition of "victim liaison" has been changed and expanded for better align with practical realities and effectiveness considerations.

**\*\*Note regarding the removal of "operators" and "designees":\*\***

The 2019 rule adoption included multiple references to "operators" and "designees" in relation to program owners. These terms were never clearly defined, leading to significant ambiguity and inconsistency in practice. This proposed rule adoption eliminates any references to "operators" and "designees" throughout the document.

These titles were not effectively utilized in their originally intended context. They allowed program owners to delegate critical responsibilities and engagement to third parties, undermining the intention of having the program owner invested, informed, and accountable for the standards and principles set forth by the commission for intervention programs. Consequently, these rules now remove the terms, and programs may no longer identify a designee or operator to fulfill requirements on behalf of a program owner. This change does not prevent providers from hiring administrative support or supervisory staff for their programs.

### **105-3-.04 Certification Required.**

Any person who owns or operates shall own or operate an FVIP or facilitates an FVIP classes in Georgia without being must be certified by the Commission pursuant to the requirements as set forth herein in these rules. The failure or refusal to apply for and maintain certification shall subject the person, including a previously certified Provider or owners, operators and Facilitators, to sanctions or further action as provided in these rules and under the laws of the state of Georgia. All applications for certification and recertification must be submitted as required to the Commission, and must be truthful, accurate, and complete.

#### **Synopsis and Justification: Certification Required**

The rule underscores the importance of certification as a cornerstone for delivering effective, ethical, and consistent family violence intervention services in Georgia. By mandating this

standard for Commission-recognized certification, the rule aims to enhance overall program quality, uphold program credibility, and ensure compliance with the standards promulgated by the Commission.

The proposed revision clarifies that certification through the Commission is an exclusive requirement to operate an FVIP in Georgia. To underscore the recourse available to address non-certified online programs or others that are operating, though not certified as required.

(a) Limitations on eligibility for FVIP ~~Certification~~ Provider and Facilitator Certification:

1. No person shall be certified who has been ~~a perpetrator charged, indicted or convicted of family or domestic violence, including any family violence charges within five (5) years, in any state within the five (5) years preceding initiation of the certification process (i.e. enrollment in FVIP Basics)~~ unless the applicant ~~has shown~~ provides proof ~~that they have successfully completed~~ of successfully completing a certified FVIP class at least two (2) years prior to ~~applying~~ initiating the process for certification.
2. No person shall be certified who is actively under any form of community supervision, administrative or otherwise, by any law enforcement agency or county, state, or federal authority, or who has a matter pending in any criminal court. This includes but is not limited to, ~~any form of~~ misdemeanor or felony probation, pre-trial diversion, or parole.
3. No person shall own, direct, facilitate ~~in~~, or employ any supervisor or director of an FVIP program if ~~such status~~ their position poses an actual, potential, or apparent conflict of interest. Nor shall any person own, direct, facilitate, or employ any supervisor or director of any program where there exists any ~~type of~~ relationship that would place the owner, director, supervisor, facilitator, or employee in a position to exert ~~undue~~ improper influence, exploit, or take undue advantage of any participant.

Authority: OCGA §19-13-13(a) & (b); §19-13-14(d)

**Synopsis and Justification: Limitations on Eligibility to Hold Certification**

The proposed rule establishes specific limitations on eligibility for certification as a Family Violence Intervention Program (FVIP) Provider or Facilitator in Georgia. These limitations are intended to ensure the safety, credibility, and ethical operation of Georgia's FVIPs. Setting clear limitations on certification eligibility protects participants and victims, upholds professional standards, and enhances overall program effectiveness.

1. Individuals charged, indicted, or convicted of domestic violence within the five (5) years prior to starting the certification process are ineligible for certification unless they have successfully completed a certified FVIP class at least two (2) years before applying. Subsection 1 is revised to clarify that it applies to charges or convictions in any state and within five years of the application submission date.
2. Individuals under any form of community supervision (e.g., probation, parole) or with pending criminal matters are ineligible for certification. Subsection 2 clearly states that the prohibition applies to active supervision and any pending criminal matter.



3. Individuals cannot own, direct, facilitate, or employ supervisors/directors if their position presents a conflict of interest or if they have relationships that could lead to improper influence or exploitation of program participants. Subsection 3 revises the wording for readability.

Limiting certification eligibility based on recent domestic violence charges or convictions ensures that individuals with a history of violence do not own, facilitate, or control FVIPs, thereby safeguarding program integrity. By excluding individuals under community supervision or with pending criminal matters, the rule maintains the credibility and trustworthiness of the FVIPs. This instills confidence that those facilitating or managing programs represent law-abiding citizens with no ongoing legal issues. Prohibiting individuals from holding positions that pose conflicts of interest or improper relationships ensures ethical conduct within FVIPs.

This measure prevents situations where power dynamics could be exploited, thereby protecting the program's integrity and participants' well-being. By setting clear boundaries on who can be certified, these rules promote a culture of accountability, responsibility, and ethical behavior, helping to ensure that only qualified and ethically sound individuals are certified to own, direct, or facilitate FVIPs. The proposed rule aligns with best practices in family violence intervention, where the integrity and qualifications of program facilitators and providers are a critical foundation for achieving positive outcomes for victims and participants alike.

### **105-3-.05 Certification Requirements for Family Violence Intervention Program Facilitators.**

#### **(1) Initial Facilitator Certification Requirements.**

(a) Facilitator Training Requirements. Applicants shall provide proof of completing the following training requirements within ~~three (3)~~ two (2) years of applying for certification:

#### **Synopsis and Justification: Facilitator Training Requirements**

The proposed rule change seeks to adjust the current certification process for applicants by requiring proof of completing the training requirements within two (2) years of applying for certification instead of the currently mandated three years. This change aims to streamline the certification process, promote faster turnaround for earning certification, and ensure that applicants have had recent, relevant, and up-to-date training when applying for certification.

Reducing the timeframe from three years to two ensures that the training applicants receive remains current and aligned with today's standards and practices. A shorter timeframe means that the knowledge and skills acquired during training are more likely to be pertinent and applicable. By requiring more recent training, the proposed change emphasizes the importance of up-to-date knowledge and skills.

A shorter timeframe can lead to a more efficient certification process by reducing the lengthy gap between training completion and application. This can potentially reduce administrative burdens. The proposed rule change may also encourage applicants to complete their training and certification process more diligently and promptly. With a more immediate deadline, applicants are likely to stay engaged and motivated to complete the necessary requirements.

within the specified timeframe. Many professional certification bodies and regulatory agencies adopt shorter timeframes for training validation. Aligning with these best practices ensures that the certification process remains aligned with established and expected and respected within the industry.

*Note: This proposed change is also mirrored in the section for initial Facilitator Class Participation Requirements. The synopsis and justification remains the same. That section will contain a reference back to this synopsis and justification.*

1. FVIP Informational Session. An applicant for an FVIP Facilitator certification must attend an Informational Session and submit a signed authorization for the Commission to conduct background checks necessary during the certification period, including an initial background check required prior to enrolling in FVIP Basics. The informational session does not count toward the training requirements set forth in this section.

i. Background Check Requirement. Applicants for certification who have completed the Informational Session must complete an initial background check and receive approval prior to enrollment in FVIP Basics. All applicants shall submit to a comprehensive background check, including criminal history, the Georgia Protective Order Registry and Department of Motor Vehicles driving history record. The Commission may request additional background checks at any point during the certification period. Failure to comply with or submit to any requests for background checks may result in a temporary suspension of certification until the request is satisfied. All background checks will be conducted by the Department. The Commission shall provide the background check findings at the request of the applicant or facilitator.

#### **Synopsis and Justification: Informational Session and Background Check as Facilitator Certification Process Prerequisites**

The proposed rule mandates that applicants for FVIP Facilitator initial certification must attend an Informational Session and authorize the Commission to conduct necessary background checks throughout the certification period. An initial background check is also required prior to enrolling in FVIP Basics to begin the certification process. The goal is to increase assurances that applicants are thoroughly vetted before proceeding. The informational session itself does not count toward the training requirements.

1. FVIP Informational Session:
  - Attendance at a Required Informational Session.
  - Submission of a signed authorization for background checks, including an initial background check before enrolling in FVIP Basics.
2. **Background Check Requirement:**
  - Initial comprehensive background check covering criminal history, the Georgia Protective Order Registry, and Department of Motor Vehicles driving history.
  - Additional background checks as requested by the Commission during the certification period.
  - Suspension of certification for failure to comply with background check



requests.

The revised rule ensures that applicants undergo a background check before enrolling in FVIP Basics. This helps determine their suitability as FVIP Facilitators and their eligibility for certification. By identifying potential concerns early on, the Commission can uphold the program's integrity, safety standards, and protect its resources and time. This also benefits potential applicants, as they can avoid investing time and effort if they are ineligible.

Comprehensive background checks include criminal history, Georgia Protective Order Registry, and Department of Motor Vehicles driving history records. These checks maintain high ethical standards within the FVIP system, protect participants, and promote a safe environment. The Commission can request additional checks anytime during the certification period to ensure ongoing compliance and accountability.

The rule promotes transparency by allowing the Commission to share background check findings with applicants or facilitators upon request. Overall, these changes enhance the safety, integrity, and efficiency of the FVIP Facilitator certification process through thorough background checks and continuous monitoring.

*Note: This proposed change is also being introduced in the section for initial FVIP Program Owner Certification Requirements. The synopsis and justification remains the same. That section will contain a reference back to this synopsis and justification.*

## Training Requirements.

~~4. 2. Completion of twenty (20) hours of Commission-delivered facilitator~~ FVIP Basics training;

i. Applicants must attend “FVIP Basics,” a ~~six (6)~~ fourteen (14) hour Commission-delivered training; . FVIP Basics must be completed prior to beginning all other training requirements and class participation requirements. ~~The remaining fourteen (14) hours of Commission-delivered training may be completed in conjunction with the additional training requirements.~~

~~3. 2. Completion of forty (40) hours~~ Applicants must complete twenty (20) hours of Commission-approved training. These training hours must be pre-approved by the Commission.

## 4. Community Task Force and Coordinated Community Response Requirements.

~~i. 3. Completion of forty (40) hours of participation in community education and victim advocacy.~~ Applicants must attend six (6) meetings hosted by a Community Task Force on Family Violence, the Commission, Family Connections, or other Commission-approved domestic violence community meeting:

ii. ~~(i.) Fifteen (15) of these forty (40) hours must be spent participating in the Community Task Force on Family Violence or other coordinated community response to domestic violence. If no such body exists, the applicant shall attend other family violence community meetings for this requirement or may request from~~

~~the Commission that these hours be met through domestic violence court observations, law enforcement ride-alongs, or volunteering with a domestic violence advocacy program. The remaining hours may be comprised of domestic violence court observations, law enforcement ridealongs, or volunteering with a domestic violence advocacy program;~~ Applicants shall complete twenty (20) hours of community awareness or other coordinated community response to domestic violence for the purpose of engaging in local domestic violence awareness, response, or advocacy. The following activities may satisfy this requirement. Pre-approval from the Commission is needed for activities that have not been identified.

(1) Attend a domestic violence community meeting or event

(2) Complete a domestic violence civil (e.g. TPO) or criminal court calendar observation;

(3) Participate in a Department of Community Supervision ride-along with a Domestic Violence Liaison Officer; or

(4) Meet with a victim liaison at a CJCC-Certified family violence agency;

(5) Volunteer at a domestic violence advocacy program.

### **Synopsis and Justification: Additional Facilitator Certification Requirements**

The proposed rule outlines requirements for applicants seeking facilitator certification following an informational session and a clear background check. These requirements aim to enhance the applicants' knowledge, skills, and community engagement in addressing family violence issues.

1. Completion of FVIP Basics Training:
  - Attendance at the “FVIP Basics” fourteen (14) hours, currently twenty (20) hours. Commission-delivered training must be completed before other training and class participation.
2. Completion of Commission-Approved Training:
  - Completing twenty (20) hours of Commission-approved training, reduced from the current requirement of 40 hours.
3. Community Task Force and Coordinated Community Response Requirements:
  - Attendance at six (6) domestic violence task force meetings changed from 15 hours.
  - Completing twenty (20) hours of community awareness or coordinated community response activities, with pre-approval required for certain activities, reduced from the current requirement of 40 hours.

The initial certification training hours have been reduced from 40 to 20 hours. This change maintains the quality of the training while acknowledging that the FVIP Basics, ongoing continuing education, and decreased training time are sufficient to prepare facilitators. The

(b) FVIP Class Participation Requirements. Applicants shall provide proof of completing the following participation requirements within ~~three (3)~~ two (2) years of applying for certification.

**Synopsis and justification: FVIP Class Participation Requirements**

*Note: This proposed change is mirrored in the earlier section pertaining to initial FVIP Facilitator Training Requirements. The same synopsis and justification are applicable to this proposed change.*

1. ~~Thirty-six (36) hours~~ Twelve (12) classes as a participant observer in a certified FVIP. A facilitator trainee may participate in an FVIP class as an observer after completing ~~fourteen (14)~~ six (6) hours of FVIP Basics training as outlined in 105-3-.05(1)(a)(~~1~~)(2)(i) and only with a certified facilitator.
2. ~~Thirty-six (36) hours~~ Twelve (12) classes of direct ~~face-to-face~~ contact as a co-facilitator trainee with a certified facilitator. A facilitator trainee may ~~have direct face-to-face contact~~ and participate as a co-facilitator trainee after completing the FVIP Basics and participant observer requirements outlined in 105-3-.05(1)(a)(2)(i) and 105-3-.05(1)(b)(1).

### **Synopsis and justification: FVIP Class Participation Requirements**

The proposed rule delineates the participation requirements for applicants seeking certification as Family Violence Intervention Program (FVIP) Facilitators in Georgia. These requirements must be completed within two (2) years of applying for certification and include:

1. Participant Observer Requirement:
  - Applicants must attend twelve (12) classes as participant observers in a certified FVIP instead of the current 36 hours.
  - Participation as a participant observer is permitted only after completing fourteen (14) hours of FVIP Basics training and must be conducted with a certified facilitator.
2. Co-Facilitator Trainee Requirement:
  - Applicants must engage in twelve (12) classes of direct contact as a co-facilitator trainee with a certified facilitator.
  - Participation as a co-facilitator trainee is allowed only after fulfilling both the FVIP Basics training and the participant observer requirements.

The FVIP Class Participation Requirements rule ensures that trainees become skilled facilitators through a well-structured, hands-on training process. This comprehensive approach combines observation and co-facilitation, which are both essential for developing effective family violence intervention facilitators.

The structured participation requirements emphasize the importance of experiential learning. First, trainees observe twelve classes led by experienced facilitators to become familiar with program structure, dynamics, and best practices. Then, they progress to co-facilitating, applying their knowledge and developing confidence and skills in real-world scenarios. This phased approach ensures trainees are well-prepared before becoming certified facilitators.

The rule's clear milestones for observation and co-facilitation promote a thorough and deliberate training process, ultimately enhancing the overall quality of the FVIP and ensuring its facilitators are equipped to deliver effective interventions to program participants.

(c) Recommendation Letter(s). Applicants shall submit a letter of recommendation from ~~the~~ each certified facilitator with whom the applicant completed their direct ~~face-to-face~~ co-facilitator trainee requirements ~~hours~~.

### **Synopsis and justification: Recommendation Letter**

The proposed rule requires applicants for FVIP Facilitator certification to submit a letter of recommendation from each certified facilitator with whom they completed their direct co-facilitator trainee requirements. This clarifies the requirement and recognizes that trainees may not always co-facilitate under one certified facilitator alone to fulfill this requirement. It also removes the previous implication that co-facilitation had to occur exclusively in person, acknowledging the shift to online and hybrid classes. Additionally, this requirement allows the commission to benefit from peer evaluation and observation, potentially identifying any concerns or areas for improvement in an individual applicant before they become certified and facilitate independently. It ensures that applicants have demonstrated their competencies before advancing in the certification process.

Requiring letters of recommendation from certified facilitators serves as a reliable method for verifying the applicant's competencies and readiness. Certified facilitators can attest to the applicant's skills, knowledge, and suitability for the role based on direct observation and collaboration.

The letters of recommendation act as an additional layer of quality control in the certification process for FVIP Facilitators, maintaining high standards within the program and increasing the likelihood of effective intervention.

The requirement encourages a mentoring relationship between experienced facilitators and trainees. This mentorship can provide valuable guidance, support, and feedback to applicants, enhancing their development and preparation for the role. It may also serve as an opportunity for professional relationship building that could assist in identifying future facilitators who may be appropriate for a program.

(d) Facilitator Educational Requirements. Facilitators must have a four (4) year college degree or two (2) years of experience as a in group facilitator-facilitation, course instruction instructor, delivering training, or counselor-counseling.

#### **Synopsis and justification: FVIP Class Participation Requirements continued**

The proposed rule mandates that individuals seeking certification as Family Violence Intervention Program (FVIP) Facilitators in Georgia must meet one of the following educational or experiential criteria:

1. Possess a four (4) year college degree.
2. Have two (2) years of experience in group facilitation, course instruction, delivering training, or counseling.

Requiring a four-year college degree or relevant facilitating experience ensures that facilitators possess a foundational level of education and/or practical skills necessary to engage with program participants effectively. This baseline competency is critical for delivering high-quality interventions.

Facilitators with formal education or substantial experience are better equipped to understand and address the complex dynamics of family violence. This preparation enhances the overall effectiveness of the programs, leading to better outcomes for victims and perpetrators.

Offering educational and experiential certification routes accommodates a wider range of applicants. This flexibility ensures that individuals with valuable practical experience without a formal degree can still contribute to the program, enriching it with their hands-on insights.

The rule aligns with industry best practices, emphasizing the importance of well-educated and experienced facilitators in delivering effective intervention programs. This alignment ensures that Georgia's FVIPs are on par with leading programs nationwide.

The proposed rule on Facilitator Educational Requirements aims to ensure that individuals serving as FVIP Facilitators in Georgia are well-qualified and capable of delivering effective,

professional, and credible intervention services. By setting clear educational and experiential standards, the rule promotes the overall quality and effectiveness of the programs, supporting the well-being of all participants.

e) Acknowledgement of Adherence to Principles of Practice. ~~Each facilitator trainee and certified facilitator shall adhere to the following Principles of Practice, submit a signed copy of the Principles of Practice~~ A signed acknowledgment of the Principles of Practice must be submitted to the Commission upon certification and recertification and the facilitator shall prominently display them in the program facility in which they are facilitating. Facilitators shall make the Principles of Practice accessible at all times during virtual FVIP classes. Each facilitator trainee and certified facilitator shall adhere to the following Principles of Practice.

1. FVIP providers and facilitators are advocates for victims of ~~family and~~ domestic violence who work to hold participants accountable for their acts of ~~family and~~ domestic violence. The highest priorities of FVIP providers and facilitators are the safety, rights, and confidentiality of victims.

2. FVIP providers and facilitators advocate that offenders of ~~family and~~ domestic violence be held accountable. FVIP providers and facilitators should never collude with participants; to minimize, tolerate or justify abusive and unacceptable behavior.

3. FVIP providers and facilitators consult with victim advocates to ensure quality programming.

4. FVIP providers and facilitators consistently act and communicate in ways that do not perpetuate discriminatory behavior, attitudes, or bias. FVIP providers and facilitators treat all with dignity.

5. FVIP providers and facilitators are not legal advocates or ~~legal~~ witnesses on behalf of participants and shall use caution when responding to requests for assessments, impressions, opinions, information, or testimony. FVIP providers or facilitators will not state or imply that program completion will result in non-abusive behaviors or victim safety.

6. Anger management programs, couples counseling, and psychotherapy are not appropriate interventions for ~~family and~~ domestic violence and may place the victim at heightened risk. Ending violence and abuse and ensuring victim prioritizing victims' safety takes precedence over efforts to save relationships.

7. Educational group sessions must be the primary approach to ~~family and~~ domestic violence intervention. ~~Substance abuse treatment, addictions treatment, and individual treatment are not appropriate interventions for family and domestic violence.~~ However, providers may determine ~~find~~ participants would benefit from ~~these additional~~ interventions separately, including but not limited to substance abuse treatment, addiction treatment, parenting class, or individual therapy, but only in addition to participation in ~~an~~ FVIP. The FVIP provider may notify the



appropriate court or referral source of any recommendation in such instances.

8. FVIPs alone do not create accountability. FVIP providers and facilitators collaborate with community partners and participate in a larger coordinated community response to ~~family and~~ domestic violence.

#### **Synopsis and justification: Principles of Practice**

The proposed rule mandates that individuals seeking certification or recertification as Family Violence Intervention Program (FVIP) Facilitators in Georgia must submit a signed acknowledgment of the Principles of Practice to the Commission. These principles must be prominently displayed in the program facility where the facilitator operates and made accessible during virtual FVIP classes. Both facilitator trainees and certified facilitators must adhere to these Principles of Practice at all times.

Requiring facilitators to formally acknowledge the Principles of Practice emphasizes the importance of ethical conduct within FVIPs. This acknowledgment is a commitment to uphold the highest standards of professionalism and integrity while working with participants.

Displaying the Principles of Practice prominently in program facilities and making them accessible during virtual classes promotes transparency. Participants can trust that facilitators adhere to clear, standardized guidelines, fostering a sense of trust and accountability.

Adherence to the Principles of Practice safeguards the safety and well-being of program participants. By committing to these principles, facilitators are better equipped to provide a supportive, respectful, and effective intervention environment.

The rule aligns with best practices, emphasizing the importance of clearly defined ethical guidelines for intervention programs. The proposed rule on the Acknowledgement of Adherence to Principles of Practice ensures that FVIP Facilitators in Georgia operate with the highest levels of professionalism, transparency, and ethical conduct.

*Note: This proposed change is also mirrored in the section for initial FVIP Program Owner Principles of Practice Requirements. The synopsis and justification remains the same. That section will contain a reference back to this synopsis and justification.*

(f) Acknowledgment of Adherence to Code of Ethics. Each facilitator trainee and certified facilitator shall adhere to the following Code of Ethics and submit a signed copy upon certification and recertification.

1. I will make victim safety my first priority in working with participants who engage in acts of ~~family or~~ domestic violence. I will make participant accountability my second priority.

2. I will collaborate with domestic violence victim advocates to design and inform my FVIP work to ensure quality programming.

3. I will provide truthful, accurate, and complete statements to the criminal justice system, victim liaisons, the Department, the Commission, and other community partners.

4. I will report to the referring agency and victim liaison any recent additional acts of ~~family or~~ domestic violence admitted to by an FVIP participant, when such reporting will not further endanger ~~the~~ any victim or witness. Through consultation with the victim liaison, I will report to all appropriate legal authorities any suspected neglect and/or abuse of a child or protected adult.

5. I will report to the Commission any apparent violations of the Rules for Family Violence Intervention Programs that I observe or become aware of while certified as an FVIP provider or facilitator.

6. I will conduct myself in my personal and professional life in a manner consistent with the principles of nonviolence and I will abide by a drug-free lifestyle. I will immediately disclose to ~~my direct supervisor~~ the Program Owner and the Commission if I ~~commit~~, am arrested for, or ~~have been~~ convicted of any misdemeanor or felony crime.

7. I will avoid personal, professional, or business relationships that conflict with the interests of the FVIP and those it serves. I will not accept gifts, services, or benefits that impair my integrity or the integrity of the agency or might invite special considerations.

8. I will avoid the appearance of impropriety. I will not engage in any behavior that I would be unwilling to disclose fully to my colleagues, legal authorities, and the public. I will not engage in sexual or romantic activities with participants, victims, or their family members for at least two (2) years after our last professional contact. Even at that time, I will not engage in such behaviors that could reasonably contribute to the suffering of any person(s) or the impairment of the FVIP efforts.

9. I will fully explain all program rules and policies, fee payment, enrollment, program standards, discharge, and completion requirements to participants. I will consistently apply program rules to all participants.

10. I will treat all program participants and the victims of their violence fairly. I will not discriminate on the basis of actual or perceived race, class, age, religion, educational attainment, ethnicity, national origin, handicaps, sex, gender identity, sexual orientation, or economic condition. To the best of my ability, I will work to ensure that all persons have equal access to FVIP resources and services.

#### **Synopsis and Justification: Code of Ethics Acknowledgement**

Changes to this section primarily for the purpose of improving wording/readability, and do not substantively change the provisions of the code of ethics.

Paragraph 5 was revised to clarify that both providers and facilitators are responsible for reporting apparent violations that they observe or are made aware of.

Paragraph 6 was amended to include the program owner as a party entitled to notice of a facilitator's arrest or conviction. The term "commit" was also stricken to acknowledge that due process still applies and we should not require self-incrimination. Additionally, providers and

facilitators are already required to be honest and truthful in their interactions with the Commission while certified or seeking certification, and there is an entire section dealing with their obligation to give notice.

*Note: This proposed change is also mirrored in the section for initial FVIP Program Owner Code of Ethics. The synopsis and justification remains the same. That section will contain a reference back to this synopsis and justification.*

~~(g) Background Check Requirement. All applicants shall undergo a comprehensive criminal background, temporary protective order, and driver history check. Facilitators may be subject to additional background checks at any point during their period of certification. All background checks will be conducted by the Department. The Commission shall report to the facilitator the results of the background checks at the request of the applicant or facilitator.~~

#### **Synopsis and justification: Background Check Requirement**

See justification under proposed new Section 105-3-.05(1)(a)(1.)(i.) explaining why the Background check requirement was moved to earlier in the process.

*Note: This proposed change is also mirrored in the section for initial FVIP Program Owner Certification Requirements. The synopsis and justification remains the same. That section contains a reference back to this synopsis and justification.*

(g) Notice Requirement. Facilitators shall provide the Commission documentation and details of any of the following: immediately notify the Commission of any of the occurrences listed below. Additional documentation shall be provided upon the Commission's request. Failure to provide the Commission with timely notice and/or requested documentation will result in the temporary suspension of the facilitator's certification. The Commission may temporarily suspend certification pending final resolution or disposition of the pending matter.

1. At any point during certification or while seeking certification, Facilitators shall provide the Commission documentation and details of any of the following:

- i. Conviction, guilty plea, or nolo contendere plea for any felony or misdemeanor.
- ii. Adjudication of guilt withheld for a felony or misdemeanor, including First Offender Act and conditional discharge sentencing.
- iii. Current charges of a violation of law, not including minor traffic offenses subject to a fine of less than \$500.

a. Notification of Arrest Requirement. Once certified, Facilitators shall report an arrest to the Commission within three (3) business days after the Facilitator's release from custody.

iv. Reports to the Department of Family and Children's Services for child abuse or neglect.

v. Protective orders issued against them or bond conditions resulting from an arrest.

a. Notification of Temporary Protection Order Respondent Requirement. Once certified, facilitators shall report to the Commission any temporary protection order, including dating violence or stalking orders, of which they are a respondent by the next business day after service of the order.

vi. A finding of ~~family~~ or domestic violence made in divorce, custody, or visitation proceedings.

vii. Any sanctions and revocations imposed by any professional licensing boards.

viii. Any formal complaints or civil action filings, in which they are a named defendant, alleging conduct involving sexual harassment or misconduct, or retaliation, or involving conduct of dishonesty, fraud, or theft, or where allegations of domestic violence or abuse.

~~(h) Notification of Arrest Requirement. Once certified, facilitators shall report to the Commission by the next business day after release any arrest.~~

~~(i) Notification of Temporary Protection Order Respondent Requirement. Once certified, facilitators shall report to the Commission any temporary protection or stalking orders of which they are a respondent by the next business day after service of the order.~~

#### **Synopsis and Justification: Notice Requirement**

The proposed rule requires FVIPs Facilitators and applicants to immediately notify the Commission, in writing, of specific occurrences, such as convictions, charges, or protective orders, during certification or while seeking certification.

- Immediate notification of legal issues ensures the integrity and trustworthiness of FVIP Facilitators, allowing the Commission to promptly address any potential concerns and safeguard the program's reputation and participants' safety.
- The rule promotes transparency and accountability by requiring facilitators to disclose relevant information about their legal status, ensuring that the Commission is fully informed and can take necessary actions to maintain high standards within the program.
- Immediate notification enables the Commission to intervene promptly in situations that may affect a facilitator's suitability, preventing potential risks and ensuring that facilitators meet the program's standards at all times.
- The rule provides a clear and consistent framework for reporting legal issues, ensuring

that all facilitators are held to the same standards and promoting trust and confidence in the certification process.

- The ability to temporarily suspend certification pending resolution of issues allows the Commission to continuously monitor and evaluate facilitators' suitability, ensuring that facilitators remain compliant and aligned with the program's principles.

This rule aims to enhance the integrity, transparency, and accountability of the FVIP Facilitator certification process by requiring timely notification of legal issues and allowing the Commission to take necessary actions to maintain high standards.

*Note: This proposed change is also mirrored in the section for initial FVIP Program Owner Notice Requirements. The synopsis and justification remains the same. That section will contain a reference back to this synopsis and justification.*

(h) ~~(j)~~ Facilitator Initial Certification Schedule and Fees. The Commission will review certification applications for facilitators on an ongoing basis. Each applicant ~~will be required to~~ must submit a nonrefundable \$150.00 certification fee with their application. The Commission will prorate certification fees to the nearest January 1.

**Synopsis and Justification: Facilitator Initial Certification Schedule and Fees**

Changes to this section improve wording and readability and do not substantively change the meaning, application, or requirements of this provision.

(2) Recertification Requirements for Family Violence Intervention Program Facilitators.

(a) Once certified, a facilitator certification shall remain active ~~certified~~ for two (2) years from the prorated January 1 certification date as long as the facilitator remains in compliance with applicable laws and rules. The failure or refusal to maintain certification while facilitating FVIP classes shall subject the facilitator to sanctions provided in these rules.

**Synopsis and Justification: Recertification Requirements for Family Violence Intervention Program Facilitators**

Changes to this section improve wording and readability and do not substantively change the meaning, application, or requirements of this provision.

(b) Recertification Training and Community Engagement Requirements. Each applicant shall submit to the Commission a completed application and all required ~~requested~~ documentation showing completion of the following recertification requirements:

1. Training and community engagement requirements must be completed between the months of January – December annually for each year of the certification period. Facilitators shall provide proof of completing the following ~~training~~ requirements

when applying for recertification:

- i. Applicants for recertification must complete Completion of twelve (12) hours of Commission-approved training annually-, a total requirement of twenty-four (24) hours of training in the two (2) year certification period. Once the training hours requirement is met, up to six (6) hours in excess of the training required training hours accrued in a certification period may roll over and apply toward the next recertification period only, after which they shall expire.
- ii. Attend three (3) meetings of the Community Task Force on Family Violence or other coordinated community response to domestic violence annually (a total of six (6) meetings during the certification period). If no such body exists, the applicant shall attend other family domestic violence community meetings or related events, provided the applicant receives approval from the Commission before attending. ~~for this requirement or may request from the Commission this requirement be met through domestic violence court observations, law enforcement ride-alongs, or volunteering with a domestic violence program.~~

#### **Synopsis and Justification: Recertification Training Requirements**

Paragraph (a) - Changes to this section improve wording and readability and do not substantively change the meaning, application, or requirements of this provision.

Paragraph (a)(1.) - Changes to this section improve wording and readability and do not substantively change the meaning, application, or requirements of this provision.

Paragraph (a)(1.)(i.) and (ii)

The proposed rule change requires FVIP Facilitators to complete 12 hours of Commission-approved training and attend three community meetings on family violence annually to maintain their recertification. Any excess training hours, up to six, can be rolled over to the next recertification period. The 12-hour training requirement ensures facilitators stay up-to-date on their knowledge and skills, while attending community meetings fosters engagement with other stakeholders in family violence advocacy. The rule no longer allows court observations, ride-alongs, and volunteering with a DV program as alternatives to community meetings, prioritizing active engagement over passive observation.

#### **(b) Recertification Schedules and Fees.**

1. Facilitators shall complete and submit ~~to the Commission~~ the required application and documents to the Commission by January 1 biannually. Each recertification applicant will be required to submit a nonrefundable \$100 recertification fee with their application.
2. ~~There will be a Late fee.~~ A \$100 late fee will be assessed for certified facilitators who submit the application for recertification within thirty (30) calendar days after January 1: ~~If a recertification application is not received within thirty (30) calendar days after January 1, and the facilitator's certification will be suspended, and there will be an~~



~~additional \$200 reinstatement fee if recertification requirements are met within sixty (60) calendar days.~~

3. Reinstatement fee. If recertification requirements are met within more than thirty calendar (30) days but within sixty (60) days from January 1, certification and there will be an additional shall be reinstated upon payment of an additional a \$200 reinstatement fee.

~~3. 4. Certification expiration. After sixty (60) calendar days beyond the recertification date, the certification will expire be expired. Within two (2) years of certification expiration, previously certified facilitators may apply for reinstatement of their certification by providing proof of completing ongoing continuing education and Community Task Force on Family Violence participation requirements and submit a \$200 reinstatement fee. After two (2) years, previously certified facilitators who seek recertification will be required to apply for certification as new facilitators. A facilitator may apply to reinstate an expired certification within two (2) years of the previous recertification starting period if such facilitator provides proof of completing the required twenty-four (24) hours of continuing education hours and six (6) Community Task Force on Family Violence meeting participation requirements. If approved, all previously assessed fees and a \$200 expired-status processing fee must be paid prior to reinstatement.~~

5. Initial certification required. After it has been more than two (2) years from the recertification date, a previously certified facilitator must apply for certification by meeting the requirements for initial certification as a new facilitator.

<b>SCHEDULE OF RECERTIFICATION FEES FOR FACILITATORS</b>	
<u>Due Date</u>	<u>Amount</u>
<u>January 1st biannually (every two (2) years)</u>	<u>\$100 non-refundable application fee</u> <u>Total: \$100</u>
<u>Within thirty (30) calendar days after January 1</u>	<u>\$100 non-refundable application fee +</u> <u>\$100 late fee</u> <u>Total: \$200</u>
<u>Between thirty (30) and sixty (60) calendar days of January 1.</u>	<u>\$100 non-refundable application fee +</u> <u>\$100 late fee + \$200 reinstatement fee</u> <u>Total: \$400</u>
<u>Reinstating expired certification after sixty (60) days of January 1 for up to two years of the recertification date.</u>	<u>\$100 non-refundable application fee +</u> <u>\$100 late fee + \$200 reinstatement fee +</u> <u>\$200 expired status processing fee</u> <u>Total: \$600</u>

### **Synopsis and Justification: Facilitator Recertification Schedule and Fees**

Changes to this section improve organization, wording, and readability and do not substantively change the meaning, application, or requirements of this provision. The progression of penalties for late recertification applications are itemized for clarity. The fee after expiration is now labeled the expired status processing fee to alleviate prior confusion with the reinstatement fee that applies for certifications that are suspended pending submission of the recertification application, but where the certification is not yet expired.

Changes to this section improve organization, wording, and readability but do not substantively change the meaning, application, or requirements of this provision. The progression of penalties for late recertification applications is itemized for clarity. The fee assessed after expiration is now labeled the "expired status processing fee" to alleviate prior confusion with the reinstatement fee that applies to certifications that are temporarily suspended pending submission of the recertification application, but where the certification is not yet expired.

*Note: This proposed change is also mirrored in the section for initial FVIP Program Owner Recertification Schedule and Fees. The synopsis and justification remains the same. That section will contain a reference back to this synopsis and justification.*

#### **(c) Certification and Recertification Requirements for Facilitators Approved before January 1, 2019:**

~~1. All Commission approved facilitators shall be provided the opportunity to obtain certification upon providing the Commission with the requested information by December 30, 2018. Initial certification for approved facilitators will last for one (1) or two (2) years in order to stagger distribution of certification of facilitators. The Commission will notify the facilitator of their certification via certified mail by March 1, 2019.~~

~~2. Facilitators who receive an initial one (1) year certification period will be required to provide proof of the following on their next recertification application: completing twelve (12) hours of Commission approved training obtained from January–December, evidence of attending three (3) Community Task Force on Family Violence meetings from January–December, and a \$100 recertification fee. All facilitators who are certified for an initial one (1) year certification period shall be required to attend three (3) hours of Commission provided training on the Rules of Family Violence Intervention Programs within their first year of certification.~~

~~3. Facilitators who receive an initial two (2) year certification period will be required to provide proof of the following on their next recertification application: completing twelve (12) hours of Commission approved training obtained from January–December annually, evidence of attending three (3) Community Task Force on Family Violence meetings from January–December annually, and a \$100 recertification fee. All facilitators who are certified for an initial two (2) year certification period shall be required to attend three (3) hours of Commission provided training on the Rules of Family Violence Intervention Programs within their second year of certification.~~

**Synopsis and Justification: Certification and Recertification Requirements before January 2019**

This section is being removed in its entirety as it is no longer applicable and was only inserted during the 2019 rule for change as a grandfathering clause for transitioning to the new certification and recertification schedule and process. No such requirement will be needed for this proposed rule change.

*Note: This proposed deletion is also being introduced in the mirroring section pertaining to Program Owners. The synopsis and justification remains the same. That section will contain a reference back to this synopsis and justification.*

(3) Notice of Approval or Denial of Facilitator Certification and Recertification.

(a) Period of Review. Upon receipt of all required application materials and fees, the Commission will undertake a review ~~of the application materials for purposes of determining to determine~~ whether the facilitator meets ~~all the requirements for~~ certification or recertification ~~requirements~~. The Commission will notify the applicant within thirty (30) calendar days of receipt of application materials whether the application is approved, denied, if the application has been approved or denied, if the application is incomplete, or if the Commission requires more time to process the application.

(b) Notice of Approval. If the Commission determines all facilitator certification or recertification requirements have been satisfied as set forth by law and in these rules, the Commission shall certify or recertify the facilitator. The Commission will notify the facilitator of their initial certification via ~~certified~~ electronic mail at the email address provided in the application unless notice via certified mail is requested in writing when the application is submitted. The Commission will notify the facilitator of their recertification in the Commission designated reporting system.

(c) Notice of Denial. If the Commission determines facilitator certification or recertification requirements have not been satisfied, the Commission will advise the applicant or facilitator who ~~is~~ was denied initial certification or recertification, in writing, of the reasons for denying the application via the email address provided in the application. ~~its decision to deny facilitator certification or recertification. New applicants will be notified via the email address provided in the application. Facilitators seeking recertification will be notified via the Commission designated reporting system. The applicant will then have~~ An applicant will have ten (10) business days from the date of the Commission's notification of denial ~~of certification or recertification to submit additional documentation, correct deficiencies, or otherwise complete remedy the application as may be required by the Commission to reconsider.~~ If the applicant again fails to demonstrate compliance with satisfy all certification or recertification requirements upon reconsideration, the application shall be denied. The Commission will notify the applicant of their application status via electronic notification unless certified mail is requested in writing with the application upon submission.

(d) Denials may be appealed by following procedures required by law and these rules.

(e) It is the responsibility of applicants and facilitators to submit and maintain their current mailing address and email address with the Commission, as any and all correspondence will be sent using the to the mailing address and email address information on file.

Authority: OCGA §19-13-11; §19-13-13 (b); §19-13-14(a) & (e); §19-13-17

**Synopsis and Justification: Notice of Approval or Denial of Facilitator Certification and Recertification**

The current rule outlines the process for notifying applicants and current facilitators about the approval or denial of their certification or recertification. The Commission will review all required application materials and fees, and notify the applicant within thirty days, providing notice of approval or denial. If denied, applicants have ten business days to remedy the application; incomplete applications may also be remedied. Denials may be appealed following state law administrative procedures. Facilitators must keep their contact information up to date with the Commission.

The proposed changes would permit notice to be sent to the email address provided in the application for certification or recertification, as well as allow for notification of certified facilitators via a Commission-designated system, rather than requiring that the Commission send notices by certified mail. This change is intended to improve communication accuracy and timing, and alleviate some of the practical challenges and inefficiencies of certified mail as the exclusive and preferred mode of communication. While email communication would be the default, an applicant could still request to receive notice by physical mail when they submit the application.

By specifying the review period and notification process, the rule provides clarity for both applicants and the Commission, ensuring that all parties understand the timeline, steps, and requirements for certification and recertification. It also streamlines and improves efficiencies, allowing the Commission to reduce unnecessary waste of resources. Other than the substantive revisions referenced above, most of the changes to the provisions in this section improve wording and readability but do not substantively change the meaning, application, or requirements of this provision.

*Note: This proposed deletion is also being introduced in the mirroring section pertaining to Program Owners. The synopsis and justification remains the same. That section will contain a reference back to this synopsis and justification.*

**105-3-.06 Certification Requirements for Family Violence Intervention Program Owners.**

(1) Initial FVIP Certification.

(a) Program Owner Certification Training Requirements.

1. FVIP Informational Session. An applicant for a Program Owner certification must attend an Informational Session and submit a signed authorization for the Commission to conduct background checks as may be necessary during the certification period, including an initial background check that is required prior to enrolling in FVIP Basics. The informational session may not be applied to the training requirements set forth in this section.

i. Background Check Requirement. Applicants for certification who have completed the Informational Session must complete an initial background check and receive approval prior to enrollment in FVIP Basics. All applicants shall submit to a comprehensive background check, including criminal history, the Georgia Protective Order Registry and Department of Motor Vehicles driving history record. The Commission may request additional background checks at any point during the certification period. Failure to comply with or submit to any requests for background checks may result in a temporary suspension of certification until the request is satisfied. All background checks will be conducted by the Department. The Commission shall provide the background check findings at the request of the applicant or Program Owner.

**Synopsis and Justification: Program Owner Certification Training Requirements**

*Note: This proposed change is mirrored in the section pertaining to initial FVIP Facilitator Training Requirements. The same synopsis and justification are applicable to this proposed change.*

2. Completion of Commission-delivered FVIP Basics training:

i. Applicants must attend “FVIP Basics,” a fourteen (14) hour Commission-delivered training. FVIP Basics must be completed prior to beginning all other training and class participation requirements.

**Synopsis and Justification: Completion of Commission-delivered FVIP Basics training**

*Note: This proposed change is mirrored in the section pertaining to initial FVIP Facilitator Training Requirements. The same synopsis and justification are applicable to this proposed change.*

(b) ~~(a)~~ Judicial Circuit Requirement. Programs ~~owners~~ seeking certification ~~must indicate each in more than one (1) judicial circuit the FVIP will operate in and shall submit one (1) application. Programs must indicate all judicial circuits in which they are applying the application for certification.~~

**Synopsis and Justification: Judicial Circuit Requirement**

Changes to this section improve wording and readability and do not substantively change the meaning, application, or requirements of this provision.

~~(c)~~ ~~(b)~~ Mission Statement Requirement. Each applicant shall submit in their application their program's mission statement or a statement of intent addressing the role of the FVIP in their organization.

~~(d)~~ ~~(e)~~ Background, History & Experience. Each applicant shall submit information on the program owner's, ~~operator and/or designee's~~ background, ~~history, interest and~~ experience addressing ~~family violence and~~ domestic violence.

#### **Synopsis and Justification: Program Owner Background, History & Experience**

This section is revised to remove the references to program owners having operators or designees. As discussed above in the synopsis and justification in the definition section, these terms are no longer operable. The terms history and interests are also removed for clarity and to improve wording. The program owners history and interests can be adequately interpreted as being encompassed in information about their background and experience in addressing domestic violence. As noted also in the definition section, family violence and domestic violence are interchangeable terms and the term domestic violence shall be used to include the definition of family violence. Using both terms are superfluous. This section is revised to remove references to program owners having operators or designees. As discussed above in the synopsis and justification in the definition section, these terms are no longer operable. The terms "history" and "interests" are also removed for clarity and to improve wording. The program owner's history and interests can be adequately interpreted as being encompassed by information about their background and experience in addressing domestic violence.

As noted also in the definition section, family violence and domestic violence are interchangeable terms, and the term domestic violence shall be used to include the definition of family violence. Using both terms is superfluous.

~~(e)~~ ~~(d)~~ Disclosure of Businesses and Ownership Ventures. ~~Each a~~Applicant shall disclose any other businesses or ownership ventures, or any partners, co-owners, investors, or other affiliates with whom the applicant shares, whether legally or financially, a substantial joint business interest or with whom a material business relationship exists.

#### **Synopsis and Justification: Disclosure of Businesses and Ownership Ventures**

The proposed rule change requires applicants for FVIP provider/owner certification to disclose any other businesses or ownership ventures, as well as any partners, co-owners, investors, or affiliates with whom they share a substantial joint business interest or a material business relationship. This change is intended to allow the Commission to evaluate any potential conflicts of interest.

Requiring disclosure of other business interests and partnerships promotes transparency, enabling the Commission to assess the applicant's professional and financial affiliations. By identifying any substantial joint business interests or material business relationships, the rule helps prevent potential conflicts of interest that could compromise the integrity of the program. This ensures that facilitators are solely focused on their responsibilities within the FVIP.

The rule enhances accountability by requiring applicants to openly disclose their business



relationships. This openness fosters trust and credibility within the certification process, ensuring that facilitators adhere to the highest ethical standards. The disclosure requirement provides the Commission with a comprehensive understanding of the applicant's professional network and potential influences. This information is crucial for making informed decisions about the applicant's suitability for certification.

~~(f)~~ ~~(e)~~ **Locations & Class Schedules.** Each applicant shall submit the addresses for all ~~requested program~~ locations, proposed class schedules and assigned certified facilitators.

#### **Synopsis and Justification: Program Locations & Class Schedules**

Changes to this section improve wording and readability and do not substantively change the meaning, application, or requirements of this provision.

~~(g)~~ ~~(f)~~ **Class Fees.** Each applicant shall submit ~~their~~ a written class fee schedule and ~~written~~ indigent fee reduction plan for participants declared indigent by the court ~~and provide a copy of these documents to all referral sources. A copy of the fee schedule and the indigent fee reduction plan must be provided to all referral sources in every judicial circuit where the program will operate.~~

#### **Synopsis and Justification: Class Fees**

Changes to this section improve wording and readability and do not substantively change the meaning, application, or requirements of this provision.

~~(h)~~ ~~(g)~~ **General Liability Insurance.** Each applicant shall submit proof of a current general liability insurance policy of at least \$1,000,000. Liability insurance shall be maintained throughout the certification period. However, applicants who are governmental entities seeking certification to operate as FVIP providers shall be exempt from this requirement.

#### **Synopsis and Justification: General Liability Insurance**

The proposed rule mandates that all applicants for program ownership certification furnish proof of a current general liability insurance policy with a minimum coverage of \$1,000,000. This insurance must be maintained throughout the certification period. However, the proposed change acknowledges that governmental entities, as defined in O.C.G.A. 19-13-14, seeking certification to operate as FVIP providers are exempt from this requirement.

Requiring general liability insurance ensures that FVIPs are covered for potential legal claims or liabilities that may arise during their certification period. This coverage protects both facilitators and the program from financial risks associated with lawsuits or claims. This rule aims to enhance the financial and legal security of FVIP providers by requiring adequate liability insurance, thereby safeguarding the integrity and reliability of the program.

A liability insurance policy of at least \$1,000,000 provides significant financial protection in the event of an incident. This amount is considered sufficient to cover most potential claims, ensuring that FVIPs can address any legal or financial repercussions without compromising their operations.

The exemption for governmental entities acknowledges that these entities typically have their own comprehensive risk management and liability coverage in place. This consideration ensures that the rule does not impose unnecessary financial burdens on government-operated programs.

(i) ~~(h)~~-Victim Liaison Requirement. Applicants shall submit proof of a current contractual or employment agreement with a victim liaison upon certification or recertification. FVIPs ~~are required to~~ must employ or have a contract with a victim liaison at all times during the course of their certification. The victim liaison shall be a ~~paid, subcontracted~~ Commission-approved domestic violence victim advocate, from a CJCC-certified domestic violence program, or Commission-approved community-based victim services program. FVIPs must notify the Commission ~~if there is of~~ any change in the victim liaison.

1. An FVIP may initiate contact with victims of ~~family and~~ domestic violence only through the victim liaison ~~unless except under circumstances where the~~ FVIP staff has a legal duty to warn the victim of immediate-reasonably imminent perceived or apparent danger. All FVIP contact with victims shall be in accordance with the Department SOP.

#### **Synopsis and Justification: Victim Liaison Requirement**

The current rule mandates that applicants for FVIP provider certification must submit a current contract with a victim liaison upon certification or recertification. The proposed revision will allow FVIPs to employ or contract with a Commission-approved victim liaison throughout their certification period, beyond only CJCC-Certified DV Programs. FVIPs must still notify the Commission of any changes in the victim liaison.

The overarching need for this rule revision centers around a significant breakdown in the victim liaison-provider relationship that continues to come to the Commission's attention. By expanding the options available to providers for contracting or employing victim advocates as independent contractors to satisfy the victim liaison requirement, providers have greater flexibility and opportunities to become and remain compliant with the certification requirements. Further, the current rules have created a required contractual arrangement where the Commission is not in privity, since it is not a party to the contract. Therefore, the Commission lacks any leverage or authority over the DV programs FVIPs seek to contract with for the victim liaison role. Allowing providers to employ or hire liaisons as independent contractors gives the Commission better positioning to promulgate and enforce standards of operation and requirements that should be imposed on the victim liaison role.

Some communities suffer from a shortage of available domestic violence advocacy organizations, or those organizations have limited resources and do not believe they have the capacity to enter the contract. However, even if a CJCC-certified domestic violence program

refuses to enter into the agreement, the provider is still required to have a contract with a victim liaison.

Requiring a dedicated victim liaison ensures that victims of domestic violence receive consistent qualified and professional support from a trained advocate. This enhances the safety, quality of care, and assistance provided to victims. Mandating that contact with victims be initiated only through the victim liaison centralizes communication and ensures that all interactions are handled by a professional advocate. It also reduces the risk of miscommunication and ensures that victims' needs are appropriately addressed. By requiring victim liaisons to be Commission-approved domestic violence advocates or affiliated with certified programs, the rule ensures that programs have options and only qualified and experienced professionals are involved in supporting victims and maintains high professional standards within the FVIP.

~~(j) (i) Acknowledgment of Adherence to Principles of Practice. Each applicant shall submit a signed copy of the Principles of Practice, incorporate them into their program's policy and procedure manual, submit a signed copy to the Commission upon recertification, and prominently display them in the program facility. A signed acknowledgment of the Principles of Practice must be submitted to the Commission upon application for certification and recertification. FVIPs shall ensure the Principles of Practice are prominently displayed in the program's facility, including all locations in which the program operates, and shall ensure that the Principles of Practice are accessible or visible at all times during classes, including virtual class(es). Each facilitator trainee and certified facilitator shall adhere to the following Principles of Practice.~~

1. FVIP providers and facilitators are advocates for victims of ~~family and~~ domestic violence who work to hold participants accountable for their acts of ~~family and~~ domestic violence. The highest priorities of FVIP providers and facilitators are the safety, rights and confidentiality of victims.
2. FVIP providers and facilitators advocate that offenders of ~~family and~~ domestic violence be held accountable. FVIP providers and facilitators should never collude with participants; to minimize, tolerate or justify abusive and unacceptable behavior.
3. FVIP providers and facilitators consult with victim advocates to ensure quality programming.
4. FVIP providers and facilitators consistently act and communicate in ways that do not perpetuate discriminatory behavior, attitudes, or bias. FVIP providers and facilitators treat all with dignity.
5. FVIP providers and facilitators are not legal advocates or ~~legal~~ witnesses on behalf of participants and shall use caution when responding to requests for assessments, impressions, opinions, information, or testimony. FVIP providers will not state or imply that program completion will result in non-abusive behaviors or victim safety.
6. Anger management programs, couples counseling, and psychotherapy are not

appropriate interventions for ~~family and~~ domestic violence and may place the victim at heightened risk. Ending violence and abuse and ~~ensuring victim~~ prioritizing victims' safety takes precedence over efforts to save relationships.

7. Educational group sessions must be the primary approach to ~~family and~~ domestic violence intervention. ~~Substance abuse treatment, addictions treatment, and individual treatment are not appropriate interventions for family and domestic violence.~~ However, providers may find participants would benefit from ~~these~~ additional interventions separately, including but not limited to substance abuse treatment, addiction treatment, parenting class, or individual therapy, but only in addition to participation in an FVIP. The FVIP provider may notify the appropriate court or referral source of any recommendation in such instances.

8. FVIPs alone do not create accountability. FVIP providers and facilitators collaborate with community partners and participate in a larger coordinated community response to ~~family and~~ domestic violence.

#### **Synopsis and Justification: Principles of Practice**

*Note: This proposed change is mirrored in the section pertaining to initial FVIP Facilitator Principles of Practice. The same synopsis and justification are applicable to this proposed change.*

(k) Acknowledgment of Adherence to Code of Ethics. FVIP Providers and applicants for certification shall adhere to the following Code of Ethics and submit a signed copy upon certification and recertification.

1. I will make victim safety my first priority in working with participants who engage in acts of domestic violence. I will make participant accountability my second priority.

2. I will collaborate with domestic violence victim advocates to design and inform my FVIP work to ensure quality programming.

3. I will provide truthful, accurate, and complete statements to the criminal justice system, victim liaisons, the Department, the Commission, and other community partners.

4. I will report to the referring agency and victim liaison any recent additional acts of domestic violence admitted to by an FVIP participant, when such reporting will not further endanger any victim or witness. Through consultation with the victim liaison, I will report to all appropriate legal authorities any suspected neglect and/or abuse of a child or protected adult.

5. I will report to the Commission any apparent violations of the Rules for Family Violence Intervention Programs that I observe or become aware of while certified as an FVIP provider or facilitator.

6. I will conduct myself in my personal and professional life in a manner consistent with the principles of nonviolence and I will abide by a drug-free lifestyle. I will immediately disclose to the Program Owner and the Commission if I am arrested or convicted of any misdemeanor or felony crime.

7. I will avoid personal, professional, or business relationships that conflict with the interests of the FVIP and those it serves. I will not accept gifts, services, or benefits that impair my integrity or the integrity of the agency or might invite special considerations.

8. I will avoid the appearance of impropriety. I will not engage in any behavior that I would be unwilling to disclose fully to my colleagues, legal authorities, and the public. I will not engage in sexual or romantic activities with participants, victims, or their family members for at least two (2) years after our last professional contact. Even at that time, I will not engage in such behaviors that could reasonably contribute to the suffering of any person(s) or the impairment of the FVIP efforts.

9. I will fully explain all program rules and policies, fee payment, enrollment, program standards, discharge, and completion requirements to participants. I will consistently apply program rules to all participants.

10. I will treat all program participants and the victims of their violence fairly. I will not discriminate on the basis of actual or perceived race, class, age, religion, educational attainment, ethnicity, national origin, handicaps, sex, gender identity, sexual orientation, or economic condition. To the best of my ability, I will work to ensure that all persons have equal access to FVIP resources and services.

#### **Synopsis and Justification: Code of Ethics**

The code of ethics as first displayed in the facilitator certification requirements section is mirrored in this new section to apply to providers. All persons who are required to be certified under these rules should be required to adhere to a certain standard of ethical conduct. Therefore, introducing a code of ethics for program owners brings the Rules into alignment with standards and principles the commission expects of all certified providers and facilitators.

*Note: This proposed change is mirrored in the section pertaining to initial FVIP Facilitator Code of Ethics. Beyond what is stated above, the same synopsis and justification are applicable to this proposed change.*

(l) ~~(k)~~ Notice Requirement. Program owners shall immediately notify the Commission of any of the occurrences listed below. Documentation shall be provided upon the Commission's request. Failure to provide the Commission with timely notice and/or requested documentation will result in a temporary suspension of the FVIP's certification status. The Commission may temporarily suspend certification pending final resolution or disposition of the pending matter.

1. At any point during certification or while seeking certification, Program owners shall provide the Commission documentation and details of any of the following:

- i. Conviction, guilty plea, or nolo contendere plea for any felony or misdemeanor.
- ii. Adjudication of guilt withheld for a felony or misdemeanor, including First Offender Act and conditional discharge sentencing.
- iii. Current charges of a violation of law, not including minor traffic offenses subject to a fine of less than \$500.
- a. Notification of Arrest Requirement. Once certified, program owners shall report an arrest to the Commission within three (3) business days after the program owner's release from custody.
- iv. Reports to the Department of Family and Children's Services for child abuse or neglect.
- v. Protective orders issued against them or bond conditions resulting from an arrest.
- a. Notification of Temporary Protection Order Respondent Requirement. Once certified, program owners shall report to the Commission any temporary protection order, including dating violence or stalking orders, of which they are a respondent by the next business day after service of the order.
- vi. A finding of ~~family~~ or domestic violence made in divorce, custody, or visitation proceedings.
- vii. Any sanctions and revocations imposed by any professional licensing boards.
- viii. Any formal complaints or civil action filings, in which they are a named defendant, alleging conduct involving sexual harassment or misconduct, or retaliation, or involving conduct of dishonesty, fraud, or theft, or where allegations of domestic violence or abuse.

#### **Synopsis and Justification: Notice Requirement**

*Note: This proposed change is mirrored in the earlier section pertaining to initial FVIP Facilitator Notice Requirements. The same synopsis and justification are applicable to this proposed change.*

~~(j) Background Check Requirement. All program owners, operators and designees shall undergo a comprehensive criminal background, temporary protective order, and driver history check. Program owners, operators and designees may be subject to additional background checks at any point during their period of certification. All background checks will be conducted by the Department.~~

~~1. Program owners, operators, and designees shall provide the Commission details of any of the following:~~



- ~~i. Conviction, guilty plea, or nolo contendere plea for any felony or misdemeanor.~~
- ~~ii. Adjudication of guilt withheld for a felony or misdemeanor, including first offender act and conditional discharge sentencing.~~
- ~~iii. Current charges of a violation of law.~~
- ~~iv. Reports to the Department of Family and Children's Services for child abuse or neglect.~~
- ~~v. Protective orders issued against them, or bond conditions resulting from an arrest.~~
- ~~vi. A finding of family or domestic violence made in divorce, custody, or visitation proceedings.~~
- ~~vii. Any sanctions and revocations imposed by any professional licensing boards.~~

~~(k) Notification of Arrest Requirement. FVIP owners, operators, and designees shall report to the Commission by the next business day after release of any arrest.~~

~~(l) Notification of Temporary Protection Order Respondent Requirement. FVIP owners, operators, and designees shall report to the Commission any temporary protection or stalking orders of which they are a respondent by the next business day after service of the order.~~

#### **Synopsis and Justification: Background Check Requirement**

*Note: This proposed change is mirrored in the earlier section pertaining to initial FVIP Facilitator Certification Requirements. The same synopsis and justification are applicable to this proposed change.*

~~(m) Coordinated Community Response Participation Requirement. Program owners, operators, or designees shall participate in the a Community Task Force on Family Violence and be a part of the coordinated community response to domestic violence, in every judicial circuit in which they are certified. Evidence of program owners, operators and/or designees (other than a facilitator or manager) participating in attending two (2) coordinated community response meetings annually shall be submitted to the Commission upon recertification. If no such body exists, the applicant shall attend other family violence community meetings for this requirement or may request from the Commission these hours be met through domestic violence court observations, law enforcement ride-alongs, or volunteering with a domestic violence advocacy program.~~

1. To satisfy this requirement, upon Commission approval, applicants may:

i. Attend a Family Connections or other family or domestic violence community meeting or event;

ii. Complete a domestic violence civil or criminal court calendar observation;

iii. Meet with a victim liaison at a CJCC-Certified family violence agency;

#### **Synopsis and Justification: Coordinated Community Response Requirement**

The proposed rule mandates that program owners participate in a Community Task Force on Family Violence and the coordinated community response to domestic violence. This participation includes attending two coordinated community response meetings annually and providing evidence of attendance to the Commission upon recertification.

Program owners can satisfy the attendance requirement by attending pre-approved family or domestic violence community meetings or events, completing a domestic violence civil or criminal court calendar observation, or meeting with a victim liaison at a CJCC-Certified family violence agency. These additional options ensure program owners can meet the requirement in areas where taskforces may not be active, while still aligning with the intent of the requirement.

Participation in a Community Task Force on Family Violence, the Commission's preferred option, ensures collaboration with stakeholders and community members, strengthening the overall response to domestic violence. Additionally, attending community response meetings and engaging in related activities provides program owners valuable insights into the local context of domestic violence, which can inform their program implementation. Requiring evidence of participation promotes accountability and transparency, while building strong networks with other service providers and advocates, which enhances overall support for victims.

~~(n) Program Certification Schedule and Fees. The Commission will review applications for initial program certification two (2) times a year. Each applicant will be required to submit a \$250.00 nonrefundable certification fee per requested judicial circuit with their application. The Commission will prorate certification fees from the application submission date to the nearest January 1.~~

i. Fee Schedule for Multiple Judicial Circuits and Virtual-Statewide.

<u>Certification Application Fee (One judicial circuit location).</u>	<u>\$250</u>
<u>Additional Judicial Circuit locations</u>	<u>\$50 for each additional judicial circuit</u>
<u>Virtual classes</u>	<u>\$100</u>

#### **Synopsis and Justification: Program Certification Schedule and Fees**

The proposed revision changes the original program certification schedule to allow applications to be submitted on an ongoing basis, with certification fees and renewal dates prorated to the nearest January 1. This aligns with the way facilitator certification applications are accepted and makes the application process easier for applicants, who will no longer have to wait for specific time frames to submit.

The revision also replaces the current \$250 per-judicial-circuit certification fee with a reduced supplemental fee for each additional judicial circuit and a flat fee for statewide virtual operation. This new fee structure recognizes that the original rule could be cost-prohibitive and deter programs from expanding into other judicial circuits where FVIPs are greatly needed. The rule change demonstrates that the Commission seeks to encourage and facilitate new and existing FVIP growth throughout the state.

The fee is assessed because it allows programs to expand statewide and covers the additional administrative and monitoring resources required by the commission for programs operating in multiple circuits or virtually. The commission will maintain a list of all virtually certified programs on its website as FVIPs that accept participants statewide.

## (2) Recertification Requirements for Family Violence Intervention Program Providers.

(a) Recertification Required. Once certified, an FVIP shall remain certified for two (2) years as long as the program ~~remains in compliance~~ complies with applicable laws and rules. Recertification every two (2) years is required for FVIPs ~~programs in order to~~ continue to hold FVIP classes. Any program that operates, by actively advertising, offering, receiving payment for, or conducting intake sessions or FVIP classes while failing to maintain a current certification or during any period of suspension, expiration, or revocation once notice has been given by the Commission pursuant to these rules, shall be subject to sanctions, injunctions, actions and/or fines available to the Department under these rules and applicable laws of this state. The failure or refusal to maintain certification with the Commission while holding FVIP classes shall subject the program or individuals to sanctions provided in these rules.

### **Synopsis and Justification: Recertification Required**

Changes to this section improve wording and readability and do not substantively change the meaning, application, or requirements of this provision.

(b) Required Documentation for Program Recertification. The Commission ~~will~~ requires that certain documents and information be updated and made available upon request to verify continuing compliance with these rules at any time during the certification period. Such documents and information ~~may shall include, but are not limited to:~~ program locations, class schedules, class fees, indigent fee reduction plans, proof of general liability insurance, valid victim liaison contract or employment agreement ~~with an approved victim liaison~~, evidence of participation in two (2) meetings annually of the local Community Task Force on Family Violence ~~coordinated community response to~~

~~family violence annually (a total of four (4) meetings at recertification), a Commission-approved program curriculum, and a valid signed acknowledgements of adherence to the Principles of Practice agreement and the Code of Ethics.~~

**Synopsis and Justification: Required Documentation for Program Recertification**

Changes to this section improve wording and readability. Additionally, the required program documentation for recertification provision was updated to reflect the requirements upon the adoption of these rules. So the documentation that must be updated with the application acknowledges that the victim liaison requirement may be met with a contract or employment/ independent contractor agreement and now includes the requirement of a signed acknowledgment of the code of ethics.

This provision is included to ensure providers are aware of all the components required to be in an application for recertification.

~~(b) Recertification Schedule and Fees. Certified FVIPs shall complete and submit to the Commission the required application and documents and \$250.00 per judicial circuit every two (2) years. There will be a \$200 late fee for FVIPs who submit their application within thirty (30) calendar days after the recertification due date. After thirty (30) calendar days of the recertification due date, FVIP certification will be suspended and there will be an additional \$200 reinstatement fee if all recertification requirements are met within sixty (60) calendar days.~~

(b) Recertification Schedules and Fees.

1. Program owners shall complete and submit the required application and documents to the Commission by January 1 biannually (every two (2) years). A nonrefundable \$250.00 recertification fee must be submitted with the application.

2. Late fee. A \$100 late fee will be assessed for applications submitted within thirty (30) calendar days after the January 1 recertification due date. A \$100 late fee will be assessed for certified providers who submit the application for recertification within thirty (30) calendar days after January 1.

3. Reinstatement fee. After thirty (30) calendar days of the recertification due date, the FVIP provider's certification will be suspended. If recertification requirements are met in more than thirty calendar (30) days but within sixty (60) days from January 1, the Provider's certification will be reinstated upon payment of all accrued fees plus a \$200 reinstatement fee.

4. Certification expiration. After sixty (60) calendar days, the Provider's certification will expire. The FVIP must cease offering classes and wait until the next certification period, January 1. The Commission will coordinate the transfer of participants, remove the provider from the list of available programs, and send a notice to all referral sources. To be reinstated, all previously assessed fees and a \$200 expired-status processing fee must be paid.

5. Initial certification required. After certification has been expired for more than two (2) years, previously certified Providers may not seek recertification. They must apply for certification by meeting the requirements for certifying as a new Provider.

<u>SCHEDULE OF RECERTIFICATION FEES FOR FVIP PROVIDERS</u>	
<u>Due Date</u>	<u>Amount</u>
<u>January 1st (every two (2) years)</u>	<u>\$250 non-refundable application fee</u> <u>Total: \$250</u>
<u>Within thirty (30) calendar days after January 1</u>	<u>\$250 non-refundable application fee +</u> <u>\$100 late fee</u> <u>Total: \$350</u>
<u>After thirty (30) calendar days and within sixty (60) calendar days of January 1.</u>	<u>\$250 non-refundable application fee +</u> <u>\$100 late fee + \$200 reinstatement fee</u> <u>Total: \$550</u>
<u>If recertification requirements are met, reinstating from expired status after sixty (60) days of January 1 of initial recertification period year.</u>	<u>\$100 non-refundable application fee +</u> <u>\$100 late fee + \$200 reinstatement fee +</u> <u>\$200 expired status processing fee</u> <u>Total: \$600</u>

#### **Synopsis and Justification: Providers Recertification Schedule and Fees**

Changes to this section improve organization, wording, and readability but do not substantively change the meaning, application, or requirements of this provision. The progression of penalties for late recertification applications is itemized into a table for clarity. The fee assessed after expiration is now labeled the "expired status processing fee" to alleviate prior confusion with the reinstatement fee that applies to certifications that are temporarily suspended pending submission of the recertification application, but where the certification is not yet expired.

*Note: This proposed change is mirrored in the earlier section pertaining to Recertification Schedule and Fees for Program Owners by December 30, 2019. Facilitator Training Requirements. The same synopsis and justification are applicable to this proposed change.*

#### **~~(c) Action Required by Currently Certified Programs by December 30, 2019.~~**

~~1. All programs currently certified by the Commission shall be provided the opportunity to maintain certification upon providing the Commission with the requested information by October 30, 2018. Certification dates will be reassigned to programs based on their current recertification dates in order to stagger distribution of certification of programs. Programs with certification or recertification dates in 2017 will be assigned recertification dates of January 1, 2020. Programs with certification or recertification dates in 2018 will be assigned recertification dates of January 1, 2021.~~

~~(a) The Commission will require that certain documents and information be updated and submitted to the Commission to verify compliance with these rules. Such documents and information shall include, but are not limited to: program locations, class schedules, class fees, indigent fee reduction plans, proof of general liability insurance, valid contract with an approved victim liaison, a valid Principles of Practice agreement, and contact information for the program owners, operators and/or designees (other than a facilitator or manager) who will be responsible for attending Community Task Force on Family Violence meetings.~~

**Synopsis and Justification: Action Required by Currently Certified Programs by December 30, 2019**

*Note: This proposed change is mirrored in the earlier section pertaining to Action Required by Currently Certified Facilitators by December 30, 2019. The same synopsis and justification are applicable to this proposed change.*

(3) Notice of Approval or Denial of FVIP Certification and Recertification.

(a) Period of Review. Upon receipt of all required application materials and fees, the Commission will undertake a review of the application materials for the purposes of ~~determining to determine~~ whether the Provider has met ~~meets all the requirements for~~ certification or recertification requirements. The Commission will notify the applicant within thirty (30) calendar days of receipt of application materials whether the application is approved, denied, if the application has been approved or denied, if the application is incomplete, or if the Commission requires more time to process the application.

(b) Notice of Approval. If the Commission determines all program certification or recertification requirements have been satisfied as set forth by law and in these rules, the Commission shall certify or recertify the program. The Commission will notify the program of their initial certification via certified electronic mail at the email address provided in the application unless notice via certified mail is requested in writing when the application is submitted. The Commission will notify the program of their recertification via the Commission designated reporting system.

(c) Notice of Denial. If the Commission determines all program certification or recertification requirements have not been satisfied, the Commission will advise the applicant in writing of the reasons for denying the application. ~~for its decision to deny program certification or recertification. New applicants will be notified via the email address provided in the application. Applicants will be notified via the email address provided in the application. Certified programs seeking recertification will be notified via the Commission designated reporting system. The applicant will then have An applicant will have~~ ten (10) business days from the date of the Commission's notification of denial of certification or recertification to submit additional documentation, correct any deficiencies, or otherwise complete remedy the application as may be required by the Commission to reconsider. If the applicant again fails to demonstrate compliance with all certification or recertification requirements, the application shall be



denied. The Commission will notify the applicant of their recertification status via the designated notification system unless certification or recertification notice via certified mail is requested in writing when the application is submitted.

1. Denials may be appealed by following procedures required by law and these rules.

(d) It is the responsibility of applicants and program owners, ~~operators, and designees~~ to submit and maintain their current mailing address and email address with the Commission as any and all correspondence will be sent using the ~~to the mailing address and email address information~~ on file.

*Note: This proposed change is mirrored in the section pertaining to Notice of Approval or Denial of FVIP Facilitator Certification and Recertification. The same synopsis and justification are applicable to this proposed change.*

~~(4) Certification Nontransferable. Certification of a program is nontransferable. If there is a change in program ownership, an application for initial certification shall be submitted to the Commission by the proposed program provider at least sixty (60) calendar days prior to the effective date of any change in program ownership. New FVIP providers must meet all certification requirements. A program owner's certification is nontransferable. If program ownership changes, if the new program owner is not certified, that person must submit an authorization for the Commission to perform a background check. Following a satisfactory background check, the Commission may issue for provisional certification to allow the program to continue operating pending the new program owner completing the requirements for certification and becoming certified within six (6) months. If the requirements for certification have not been satisfied or the new program owner fails to submit a complete application for initial certification, the program must discontinue operating and transfer any existing participants to other programs. The Commission may exercise its discretion on granting written requests for an extension of a provisional certification.~~

#### **Synopsis and Justification: Certification Nontransferable**

To maintain program integrity, certifications are non-transferable. When program ownership changes, the new owner must authorize a background check. If the background check is satisfactory, the Commission may issue a provisional certification, enabling program operations to continue while the new owner fulfills certification requirements within six months. Extensions may be granted in writing. Failure to meet these requirements or submit a complete application will result in program closure and participant transfer to other programs. This ensures that only qualified individuals operate the program, maintaining program standards and participant safety.

(5) Prohibition on Multiple Program Ownership. Any person or entity may not simultaneously own, in whole or in part, more than one certified FVIP. Failure to adhere to this will result in penalties that could include an administrative fine, certification revocation, and program discontinuation.

Authority: OCGA §19-13-11; §19-13-13 (a) & (b); §19-13-14(a), (d) & (e); §19-13-17

### **Synopsis and Justification: Prohibition on Multiple Program Ownership**

The proposed rule prohibits any person or entity from simultaneously owning, in whole or in part, more than one certified FVIP. This helps prevent situations where, if an FVIP is sanctioned, under investigation, or otherwise deemed noncompliant with Commission standards, the program owner cannot evade sanctions by continuing to operate a different, nonsanctioned program.

If a program owner's FVIP is suspended, it is likely due to actions or inactions that violate the rules. Once the Commission determines that a person has violated the rules and requires suspension or other penalties, the owner should not be allowed to operate a completely different program while their existing program is still subject to sanction. This is a new rule introduced to address instances where providers exploited this loophole.

By limiting ownership to one FVIP, the rule ensures that program owners can be held accountable and are more likely to maintain high standards and quality of service to avoid sanctions. Leaving this loophole unaddressed may weaken the Commission's ability to ensure accountability and quality standards. This rule promotes program effectiveness and ensures appropriate accountability for program owners.

### **105-3-.07 Procedure and Class Requirements.**

#### **(1) Program Intake Orientation Requirements.**

(a) Certified facilitators or authorized program staff will conduct an intake orientation and/or application interview with candidates. ~~Neither the~~ The intake orientation nor the application interview will may not count toward the twenty-four (24) class requirement. The intake orientation and/or application interview shall include determining previous incidents of abuse, identifying the source of referral, and obtaining victim contact information.

(b) Certified facilitators or authorized program staff shall require candidates to provide copies of any police reports (if available), protection orders, sentence or probation conditions, and any other court orders related to their case prior to starting FVIP classes.

(c) Certified facilitators or authorized program staff may not use clinical assessment tools for evaluating to evaluate candidates for the appropriateness or fitness to participate in of FVIP classes.

(d) Certified facilitators or authorized program staff may not use evaluation tools or clinical assessments for the purposes of predicting to predict or formulate a professional statement of opinion, whether written or verbal, on a candidate's or participant's future use of ~~violence~~ or propensity for violence.

(e) Certified facilitators or authorized program staff shall assess candidates for accessibility requirements under state law, and make available any reasonable accommodations that may be necessary for the candidate to fully participate in the classes.

(f) A Victim Contact Request Form must be sent to the victim liaison within five (5) calendar days of a participant's enrollment in the FVIP. Requirements for this form can be found in the Department SOP.

#### **Synopsis and Justification: Program Intake Orientation Requirements.**

The proposed rule outlines the intake orientation requirements for applicants of the Family Violence Intervention Program (FVIP). It permits certified facilitators or authorized program staff to conduct an intake orientation with candidates, which includes gathering relevant information and documents. Additionally, the rule clarifies that programs cannot use clinical assessment tools to determine whether someone is appropriate for FVIP or to predict violent behavior. On the other hand, candidates will be assessed for accessibility needs. If an accessibility need is identified, the program should make reasonable efforts to accommodate the participant and not turn them away, in adherence with the standards of the Americans With Disabilities Act. Any reference to the term "application interview" was removed because this term does not accurately portray the intake function and is not commonly used in practice.

This rule aims to enhance the intake orientation process for FVIP candidates by ensuring comprehensive evaluation, document verification, appropriate class placement, communication of expected standards of participation, accessibility, and timely victim support. Conducting an orientation ensures a thorough evaluation of candidates. This process can help determine previous incidents of abuse, sources of referral, and necessary victim contact information, with the goal of obtaining an understanding of the participant's background.

Requiring candidates to provide copies of police reports, protection orders, probation conditions, and other court orders ensures that facilitators have all relevant legal documents before starting FVIP classes. This information is also important for the victim liaison.

Prohibiting the use of clinical assessments to predict future violence respects ethical and possibly privacy boundaries and prevents unsupported statements about a candidate's propensity for violence. This maintains the integrity of the program.

Assessing candidates for accessibility requirements and providing reasonable accommodations ensures that all participants can fully engage in the program. This promotes inclusivity and equal access to FVIP classes.

#### **(2) Participant Fee Requirements.**

(a) FVIPs shall not charge participants a fee that exceeds \$60.00 per class or \$120.00 for the orientation and/or intake process ~~application interview~~.

(b) Each FVIP will be assessed a \$20.00 fee for each newly enrolled participant that is payable to the Commission within thirty (30) calendar days of ~~issuance of an invoice~~ receiving an invoice. The Program shall enter the participant into the Commission-designated reporting system by the tenth (10) day of the following month from when the participant enrolled.

(c) ~~A~~ If a participant who re-enrolls in an FVIP after being previously terminated by that FVIP; and while subject to the same referral source or court order, will be treated as a newly enrolled participant, and the FVIP program shall be assessed an additional a \$20.00 fee for the participant payable to the Commission within thirty (30) calendar days of receiving an invoice. The FVIP shall enter the participant into the reporting system by the tenth (10) day of the following month when the participant re-enrolled.

(d) FVIPs may accept prepayment from participants for classes. FVIPs shall maintain a written policy for prepayment, which should be displayed and readily accessible to candidates and participants. The policy should include provisions explaining prepayment, refunds, late payments, and nonpayment. A prepayment policy must include a provision for refunding any unused portion of prepayments in the event of a participant's transfer or termination from the program. The Commission may void any provision of an FVIPs payment policy that it deems unreasonably excessive or unduly burdensome.

(e) Indigent fee reduction sliding scales must be included in the participant fee policies shared with participants at intake orientation.

#### **Synopsis and Justification: Participant Fee Requirements**

The proposed rule changes aim to enhance the financial accessibility, transparency, and fairness of participant fee structures, and standards around making that information accessible and transparent in FVIPs. The changes also allow the Commission to effectively manage and oversee program operations, minimize complaints and confusion, and ensure that the programs do not appear exploitative.

The proposed new rule provides that FVIPs can accept prepayment for classes if they maintain and provide participants with a written prepayment policy, which must include provisions for refunds for unused portions if participants transfer or terminate. The new rule also requires that the indigent fee reduction scales and policy be made accessible to participants at intake orientation.

The proposed changes in paragraphs (a), (b), and (c) are wording improvements for readability but do not substantively change the meaning, application, or requirements of the provisions.

Paragraph (d) creates a rule for how programs can implement prepayment policies for class participation. The current rules did not speak to this practice, but the Commission is aware that it has become a fairly common policy for programs. However, no standards are in place to guide programs or protect participants, including provisions for refunds. The proposed rule requires that prepayment policies be in writing and provided to participants who enroll, or to participants who wish to pay in advance for program classes.

Allowing FVIPs to accept prepayment and maintain a written policy provides flexibility for participants while ensuring that programs have clear guidelines for handling payments. The requirement for refund provisions ensures that participants are treated fairly in cases of transfer or termination.

### (3) Participant Contract Requirements.

(a) FVIPs shall require each participant to sign a contract before being permitted entry into the program. The contract must require the participant to agree to the following:

1. Immediately stop all violence and abuse towards the victim and others, and disclose to the program owner any new incidents of violence or abuse while enrolled;
2. Remove from the place of residence all firearms; Refrain from being in possession of or maintaining in the place of residence any firearms while subject to court order, community supervision, while enrolled in FVIP, or if expressly prohibited;
- iii. Remove from the place of residence any weapons used to harm or threaten the victim;
3. Respect any effort by the victim to leave the relationship;
4. Remain in compliance with the terms of a court order or order of protection in effect during the period of the participant's enrollment;
5. Attend twenty-four (24) ninety (90) minute group classes at the rate of one (1) class per week, arrive on time, participate regularly, pay all required fees, and complete all assignments, and adhere to the contract;
6. Complete the program where the participant originally enrolled unless approval to a transfer to another FVIPs is obtained approved by from the court, other referral source, or the Commission or is otherwise required;
7. Be drug and alcohol-free during all classes;
8. Acknowledge that FVIPs do not limit are not bound by confidentiality and may release information to victims, victim liaisons, referring courts, law enforcement, Commission staff and monitors, the Department, the Board of Pardons and Paroles, and others;
9. Acknowledge the FVIP's policies regarding the following: duty to warn policy, mandatory reporting requirements, victim contact obligations policies, programmatic response to continued violence, and consequences of breaking the FVIP's participant contract.

### **Synopsis and Justification: Participant Contract**

The proposed changes to the participant contract provisions aim to enhance clarity and readability. Substantive changes include amending firearm possession and removal policies and adding an obligation to abide by any existing court orders. Participants must not possess or keep firearms in their residence while under a court order, community supervision, enrolled in FVIP, or if expressly prohibited. They must also comply with any court order or order of protection during their enrollment.

These changes aim to improve the safety, accountability, and effectiveness of the FVIP by ensuring that participants adhere to firearm restrictions and legal orders, promoting safety for all involved, including victims, facilitators, and the participants themselves. Mandating adherence to court orders and orders of protection reinforces respect for legal decisions, which is crucial for the program's effectiveness.

Compliance with these requirements encourages participants to focus on rehabilitation and personal growth. Removing access to firearms and adhering to legal orders helps prevent potential triggers for violence and fosters positive change. The provision regarding the statistical significance of firearm use in domestic violence incidents was removed due to its vagueness, unenforceability, and lack of statistical significance compared to firearm use in domestic violence incidents. Other provisions emphasize the requirement of nonviolence once enrolled in the program.

### **(4) Required Class Structure.**

(a) ~~FVIPs shall require~~ Each participant to must attend a minimum of twenty-four (24) ~~weekly~~ group classes. Participants may not attend more than one (1) class per week to accelerate program completion.

1. An FVIP may allow a participant to attend one (1) make-up or substitute class in the same week as the participant's regularly enrolled class. The participant must have an excused absence or approval to attend a make-up class due to arriving late. In such instances, the make-up or substitute class attendance will not violate the one (1) week limitation. Providers must ensure the class ratio requirement is not violated to accommodate such requests.

### **Synopsis and Justification: Required Class Structure**

The proposed rule mandates that FVIP participants attend 24 weekly group classes. To ensure consistent engagement and structure standards, participants may only attend one class per week. However, they may attend one make-up or substitute class in the same week as their regular class with an excused absence or approval for being late, provided the required class ratio is maintained. This attendance flexibility accommodates unforeseen circumstances while preserving the program's structure and learning objectives.



By requiring weekly attendance, the rule promotes continuous learning and reinforces intervention strategies. It prevents participants from rushing through the program and encourages them to fully engage with the material over the intended duration. The flexibility of make-up classes ensures that participants can catch up on missed content without compromising their progress. The rule's focus on maintaining class ratios during make-up sessions underscores its commitment to program quality and participant engagement.

This rule aims to enhance the FVIP's effectiveness by fostering consistent participation, accommodating scheduling conflicts, and ensuring a high-quality learning experience for all participants.

(b) Classes shall be at least ninety (90) minutes and no greater than one hundred twenty (120) minutes in length. Administrative duties, including taking attendance and collecting fees, are prohibited during the ninety (90) minutes of instruction time. Breaks shall not be included in the ninety (90) minutes.

#### **Synopsis and Justification: Required Class Structure continued**

This revision caps the maximum class length at 120 minutes to ensure standardization, consistency, and reasonableness standards are incorporated in the class length. Currently, some programs exceed 90 minute classes. In the standards or guidelines around how or when this should occur, and this revision is also intended to deter poor class time management. Participants are entitled to have reasonable expectations on how long they will be required to be in class, so it should not be open ended.

(c) ~~A If only one (1) certified facilitator may not hold a~~ is present, the class shall not exceed with more than eight (8) ten (10) participants if only one (1) certified facilitator is present. Two (2) certified facilitators may are required to co-facilitate a class of more than ten (10) participants, however, class size shall not to exceed sixteen (16) twenty (20) participants.

#### **Synopsis and Justification: Required Class Structure continued**

The proposed rule change increases the facilitator-to-participant ratio, allowing for slightly larger class sizes. This change recognizes the realities faced by facilitators and aims to offer more flexibility to programs while maintaining the quality, safety, and effectiveness of FVIP classes. Specifically, the change allows for up to 10 participants to 1 facilitator and up to 20 participants with 2 facilitators. This is an increase from the previous ratios of 1 to 8 and 2 to 16, respectively.

The rationale behind this change is multi-faceted:

- Practicality and Flexibility: The increase accommodates the needs of facilitators and participants by allowing more individuals to attend existing classes rather than creating additional classes with limited facilitator availability.
- Safety and Control: While increasing class size, the rule still prioritizes safety by

ensuring adequate supervision and reducing the risk of conflicts.

- Individual Attention: Maintaining appropriate ratios ensures that each participant can receive sufficient attention from facilitators.
- Effective Learning and Engagement: Balanced class sizes with adequate facilitator interactivity promote active participation, discussion, and better learning outcomes.
- Alignment with Best Practices: The rule aligns with recommended best practices for group facilitation and reflects the less restrictive ratios found in domestic violence intervention programs nationwide.

This rule change aims to strike a balance between practicality, safety, and effectiveness by adjusting facilitator-to-participant ratios while preserving the quality of FVIP classes.

(d) Participants may not have more than three (3) absences. A participant must be terminated from the FVIP after the fourth absence must result in automatic termination from the FVIP. FVIP Provider owners may implement an excused absence policy in accordance with these rules. For an absence to be excused, the participant must immediately notify the FVIP Provider, facilitator, or authorized program staff at the earliest possible time. Supporting documentation must be placed in the participant's file to mark the absence as excused. Participants may not exceed three (3) excused absences. Refer to the SOP for guidance on maintaining an excused absence policy.

1. The FVIP Provider shall notify the Victim Liaison and referral source within two (2) days or as soon as practicable of the participant's status after three (3) absences, whether excused or unexcused.

#### **Synopsis and Justification: Required Class Structure continued**

The proposed rule change limits FVIP participants to three absences. Upon a fourth absence, participants must be terminated from the program. FVIP providers can implement an excused absence policy, requiring immediate notification and supporting documentation for excused absences, also limited to three. The FVIP provider must notify the Victim Liaison and referral source within two days, or as soon as practicable, following a participant's third absence, whether excused or unexcused.

FVIPs aim to promote accountability and program effectiveness by limiting absences and establishing clear procedures for excused absences. Consistent attendance and engagement are crucial for participants to fully benefit from the program and achieve positive outcomes.

The rule change promotes accountability and encourages consistent attendance and engagement by limiting absences and requiring immediate notification for excused absences. This ensures that participants receive the necessary interactions and support for behavior change and reducing family violence.

To maintain the program's integrity and ensure that all participants are held to the same standards, an excused absence policy allows for flexibility while requiring supporting documentation to ensure fair and consistent application. By setting clear limits on absences

and establishing procedures for excused absences, the rule helps maintain the program's integrity and ensures that program's objectives are met.

Additionally, the requirement to notify the Victim Liaison and referral source after three absences facilitates better monitoring, communication, and coordination of support for participants and for victim safety by ensuring that the victim liaison is informed and can take appropriate actions.

(e) Participants arriving late to class may ~~attend~~ remain in class but not receive credit, and no payment shall be charged to the participant or received by the FVIP. ~~If a participant is late to class three (3) times, it shall counted as one (1) absence.~~ Participants who arrive late may be allowed to attend a make-up class for up to three (3) tardies. Each tardy after three (3) shall be recorded as one (1) absence.

#### **Synopsis and Justification: Required Class Structure continued**

Changes to this section improve wording and readability and do not substantively change the meaning, application, or requirements of this provision.

(f) Transfer of a participant to another program will not be permitted unless written notice of the transfer request has been given to the Commission and the transfer has been approved by the court, other referral source, or the Commission. If approved, the transferring FVIP ~~the participant is transferring from~~ shall notify the victim liaison of the participant's transfer within four (4) calendar days. FVIPs who accept ~~transferred~~ transferring participants must follow complete all procedures required of new participants.

1. If a program's certification has been suspended, revoked, or expired, a written request to the Commission for transferring participants is not required. The FVIP owner must immediately inform the Commission of all participants currently enrolled in the program at the time of suspension, revocation, or expiration. The FVIP is required to send the files of the enrolled participants to the Commission within three (3) business days following the notice of suspension, revocation, or expiration. The FVIP must provide any additional assistance or information requested by for the transfer of the participants.

#### **Synopsis and Justification: Synopsis and Justification: Required Class Structure continued**

The proposed rule mandates that written notice and approval from the Commission, court, or other referral source are required to transfer a participant to another FVIP. The transferring FVIP must notify the victim liaison within four days of approval. Receiving FVIPs must complete all procedures required for new participants.

If a program's certification is suspended, revoked, or expired, the FVIP owner must inform the Commission of all enrolled participants and send their files to the Commission within three business days. A written transfer request is not required in this case, but additional assistance

or information for the transfer must be provided as needed.

These rules enhance oversight, protection, and consistency of participant transfers in FVIPs by ensuring that the Commission maintains oversight and control over the transfer process, preventing unauthorized transfers, and maintaining the integrity of the program. Additionally, the victim liaison can ensure continuity of care and support for victims, and receiving FVIPs can guarantee that all participants undergo the same thorough evaluation and intake process.

The rule also provides clear guidelines for handling participants from suspended, revoked, or expired programs, ensuring that participants are promptly reassigned to other programs and minimizing disruptions to their intervention process and schedule for completion.

(g) All participants in a class must be of the same gender identity. Gender identity refers to the gender with which an individual self-identifies or the predominant gender they may express, regardless of the sex assigned at birth.

(h) ~~Intimate or ex-~~ Current or former intimate partners, family or household members are not allowed to participate in the same class.

#### **Synopsis and Justification: Required Class Structure continued**

Changes to this section improve clarity, wording and readability and do not substantively change the meaning, application, or requirements of this provision.

(i) ~~Participants must attend class in person. No online classes will be approved.~~ Participants may attend FVIP classes in person or online. Once enrolled in the 24-week program, participants should remain in the same class through completion. However, a Provider may authorize a participant to change their enrolled class to accommodate a different class format or schedule, provided the participant submits a written request. The request must include the current class the participant is enrolled in, the class the participant is requesting, and the reason for the requested change. This information should be kept in the participant's file. The FVIP should notify the victim liaison and referral source of the change and the reason.

1. A facilitator may initiate a request to transfer a participant from the online class format to an available in-person class within the same FVIP if the facilitator determines that the participant is no longer suitable for online class participation or is not adhering to the guidelines for online classes. Providers should adjust the participant's fees, including prepaid fees, to reflect any differences in cost resulting from the change in class format, if applicable.

#### **Synopsis and Justification: Required Class Structure continued**

### Synopsis:

The proposed rule change allows participants in FVIPs to attend classes either in person or online. Once enrolled in the 24-week program, participants are expected to remain in the

same class format until completion. However, providers may authorize participants to change their class format or schedule if a written request is submitted, detailing the current and requested class, along with the reason for the change. This request must be documented, and the victim liaison and referral source must be notified. Facilitators may also initiate a transfer from online to in-person classes if a participant is unsuitable for online participation, and permitting fee adjustments to be made if applicable.

Allowing participants to choose between in-person and online classes enhances flexibility and accessibility. This change accommodates different needs and circumstances, ensuring that more individuals can participate in the program. Guidelines for online classes have been drafted and inserted in this rule proposal document to ensure victim safety and participant accountability remain prioritized and protected.

Permitting participants to request changes in class format or schedule provides flexibility for unforeseen circumstances. This accommodation helps participants continue their intervention without major disruption or adverse consequences from the referral source, ensuring continuous support.

Allowing facilitators to transfer participants from online to in-person classes if they are unsuitable for online participation ensures that the program maintains high standards. This measure helps address any issues with online class adherence and ensures participants are held accountable and receive necessary support to successfully complete.

Requiring written requests for class changes and notifying the victim liaison and referral source promotes transparency and accountability. This documentation ensures that all parties are informed and helps prioritize victim safety.

This rule change aims to enhance the flexibility, consistency, and quality of the FVIP by allowing participants to choose their class format, accommodating changing needs, and maintaining high standards of participation and support.

#### (5) Requirements for online FVIP classes.

(a) Online FVIP classes must be conducted using an approved virtual platform. The approved platforms include Zoom, Microsoft Teams, Google Meet, GoTo Meeting, Skype, Cisco Webex, Jitsi Meet, Toasty, Lifesize, Jami, Talky, and Whereby. Any other platform requires prior approval from the Commission.

1. All platforms used must have features enabled that allow users to access video and audio capabilities. Facilitators and participants are required to keep their video feature enabled at all times during the class.

(b) Online FVIP classes must adhere to the same requirements and standards as in person classes. The classes include at least ninety (90) minutes of instruction, excluding time for taking attendance or collecting payments.

(c) FVIP Facilitators must ensure that participants attending online FVIP classes are in a location and environment free from distractions throughout the class. Participants shall not be permitted to have anyone else in their company, and they must not be engaged in activities that would divide their attention.

**Synopsis and Justification: Requirements for online FVIP classes**

The proposed rule establishes specific requirements for conducting online FVIP classes, including the use of approved virtual platforms with video and audio capabilities. Participants must keep their video enabled throughout the class, ensuring active participation and engagement, and allowing facilitators to monitor non-verbal cues. Online FVIP classes must meet the same standards as if attending in-person classes, including at least ninety minutes of instruction, and facilitators must ensure participants are in a distraction-free environment and not accompanied by others.

Overall, this rule enhances the effectiveness and consistency of online FVIP classes by establishing clear requirements for virtual platforms, participant engagement, and learning environments, while ensuring flexibility and accessibility for those who may face barriers attending in-person sessions.

(5) (6) Prohibited Class Activities.

(a) FVIPs shall not give participants credit for anger management, DUI, or any other class for attending an FVIP class, nor shall an FVIP give participants FVIP class credit for attending an anger management, DUI or any other class. An FVIP may recommend to the court or referral source that a participant may require treatment or programs in addition to or in lieu of FVIP. The program may also determine that the participant requires further evaluation concerning the participant's suitability for the FVIP due to mental and/or cognitive capacity.

**Synopsis and Justification: Prohibited Class Activities**

The proposed rule prohibits FVIPs from awarding participants credit for attending anger management, DUI, or other classes in lieu of an FVIP class. Similarly, participants cannot receive FVIP class credit for attending anger management, DUI, or other classes. While maintaining the distinct focus of the FVIP curriculum, FVIPs may recommend additional or alternative treatments and further evaluation to the court or referral source if deemed necessary, based on the participant's mental or cognitive capacity.

This rule ensures that FVIP classes are distinctly recognized and credited separately from other types of classes, maintaining the integrity and specific focus of the FVIP curriculum and reinforcing the importance of specialized intervention for family violence.

FVIPs address specific issues related to family violence that differ from the goals of anger management, DUI, or other classes. By preventing cross-crediting, the rule ensures participants get the intended targeted intervention for addressing family violence issues.

Allowing FVIPs to recommend additional or alternative treatments and further evaluation



ensures that participants receive comprehensive support, addressing all underlying issues, including mental and cognitive capacities, to improve overall outcomes.

This rule aims to uphold the integrity, consistency, and effectiveness of FVIPs by ensuring that credits for different classes are not interchangeable, while also allowing for comprehensive evaluation and treatment recommendations.

(b) FVIPs, including owners, facilitators, or other program staff, shall not seek, allow, or accept any personal favors or gifts from participants to provide personal favors in lieu of class fees or attendance, or for any reason during the participant's active enrollment status in the program, except that items of nominal value are permitted, provided no promises, favors, assurances, or benefits are given to the participant in exchange.

#### **Synopsis and Justification: Prohibited Class Activities**

The proposed rule change prohibits FVIP staff, including owners, facilitators, and other program staff, from seeking, allowing, or accepting any personal favors or gifts from participants in exchange for class fees or attendance. This prohibition extends to any reason during the participant's active enrollment in the program. Items of nominal value are permitted, given that no promises, favors, assurances, or benefits are given in exchange.

- This rule prevents undue influence or favoritism that could compromise the objectivity and fairness of the program.
- The rule ensures that all participants are treated equally and fairly, without any preferential treatment based on personal favors or gifts. This promotes a sense of equity and trust among participants, reinforcing the program's credibility.
- This safeguards the program's integrity and reputation.
- This clarity supports a professional and respectful environment within the program and establishes clear boundaries.
- This provides a balanced approach that acknowledges participants' gratitude while maintaining professional boundaries.

This rule change aims to uphold the professional integrity, fairness, and ethical standards of FVIPs by prohibiting the acceptance of personal favors or gifts from participants during their active enrollment in the program.

(c) FVIPs shall not require or permit victims to attend or participate in orientation, the intake orientation process, application interview, class, or FVIP activities in any way. Participants in online classes must not have victims, children, or any other individuals present at any time.

#### **Synopsis and Justification: Prohibited Class Activities**

The proposed rule change prohibits FVIPs from requiring or permitting victims to attend or participate in any aspect of the orientation, intake process, application interview, class, or other FVIP activities. This includes online classes, where participants must not have victims,

children, or any other individuals present at any time.

Prohibiting victims from attending or participating in FVIP activities ensures their safety and well-being by preventing potential re-traumatization and ensuring that victims are not put in situations where they may feel unsafe or uncomfortable.

Ensuring that only participants are involved in the program activities maintains focus on the individuals receiving intervention. This helps facilitators provide targeted support and intervention without external distractions. By prohibiting the presence of other individuals, the program ensures that sensitive information shared during sessions remains confidential.

Prohibiting the presence of other individuals during online classes helps maintain a distraction-free environment, ensuring that participants can fully engage with the program content and benefit from the intervention without interruptions.

By not involving victims in the process, the rule supports their autonomy and empowers them to seek support and resources independently. This respects their agency, prioritizes their needs, and ensures that programs are not unwittingly perpetuating abusive behavior by the participant.

This rule change enhances the safety, focus, and effectiveness of FVIPs by prohibiting victim participation in program activities and ensuring a distraction-free environment for participants.

(d) FVIPs shall not permit participants to violate any FVIP rules, procedures, or participant contract requirements without escalating consequences up to and including termination from the program.

(7) Criteria and Procedures for Program Completion.

(a) Participants must complete a minimum of twenty-four (24) weekly classes that are ninety (90) minutes in length to complete an FVIP program.

(b) FVIPs shall not issue certificates to participants who have completed the program. However, FVIP Providers shall comply with requests to issue a letter of verification containing information such as the number of classes attended, termination, or completion to any requesting court or referral source or the participant.

#### **Synopsis and Justification: Criteria and Procedures for Program Completion**

The proposed rule change prohibits FVIPs from issuing certificates of achievement, completion, or participation to participants upon completion of the program. However, FVIP providers must comply with requests by any requesting court, other referral sources, or from the participant to issue a letter or statement of verification, which includes information such as the number of classes attended, termination, or completion.

Prohibiting the issuance of certificates ensures that participants do not misuse them for purposes other than intended. Certificates can sometimes be misinterpreted as full endorsements of character, which might not reflect the participant's behavior outside the

program. Certificates may also send the signal that the participant is now violence free or will not cause harm to an intimate partner because they have completed the program. This is neither a claim nor a guarantee of FVIPs.

The letter of verification holds participants accountable by providing precise information about their progress and participation in the program, Without offering any other implications that could be misinterpreted. This ensures that courts and referral sources have access upon request to a comprehensive understanding of the participant's engagement.

Complying with requests for verification letters ensures that all stakeholders, including courts and referral sources, receive the necessary information to make informed decisions about the participant's status and progress.

(c) Within four (4) calendar days of a participant's completion, FVIPs must notify all referral sources, including the courts, the Department (if applicable), the State Board of Pardons and Paroles (if applicable), and the victim (via the victim liaison), ~~of a participant's completion of an FVIP.~~

#### **Synopsis and Justification: Criteria and Procedures for Program Completion**

Changes to this section improve clarity, wording and readability and do not substantively change the meaning, application, or requirements of this provision.

(8) Criteria and Procedures for Terminating a Participant or Denying Enrollment of a Candidate.

(a) Participants and candidates shall be terminated and/or denied for enrollment ~~from~~ by the program for the following reasons:

1. Participant or candidate is unwilling to sign the participant contract;
2. Participant or candidate fails to abide by the rules and regulations of the FVIP, including class participation, attendance, fee payments, or any other violations of the contract, including but not limited to:
  - i. Continued use of ~~multiple forms of violence or abuse, including harassment and/or stalking,~~ towards the victim, any ~~current~~ family member or current or former partner, FVIP staff, or FVIP participants;
  - ii. Demonstrated unwillingness to change, by refusal to hear and act on feedback, blaming victims or external circumstances, or justifying abuse;
  - iii. Attending class under the influence of alcohol or drugs. Participants who are reasonably suspected of being under the influence of alcohol and/or drugs will be asked to leave the class and will not receive credit for attendance, resulting in an absence. The facilitator must document the circumstances that led to the participant's removal from class in the participant's file. If the participant is removed a second time for the

same reason, the FVIP may terminate the participant from the program. The provider must notify the victim liaison and referral source within two (2) calendar days of the termination.

iv. ~~Refusal to remove from the place of residence all firearms;~~ Refusal to refrain from being in possession of or maintaining in the place of residence any firearms while subject to court order, community supervision, while enrolled in FVIP, or if expressly prohibited:

v. ~~Refusal to remove from the place of residence any weapons used to harm or threaten the victim;~~

**Synopsis and Justification: Criteria and Procedures for Terminating a Participant or Denying Enrollment of a Candidate**

The proposed changes are primarily intended to enhance clarity and readability without altering the fundamental meaning, application, or requirements. However, substantive changes include amending the alcohol/substance, firearms, and weapons provisions.

These changes aim to improve the safety, accountability, and effectiveness of the program by ensuring that participants adhere to certain program standards. By addressing firearm possession for those under court orders or community supervision, the rule promotes safety for all involved, including victims, facilitators, and the participants themselves. Mandating adherence to court orders and orders of protection reinforces respect for legal decisions, which is crucial for the program's effectiveness.

Failure to comply with these requirements indicates an intentional and extreme lack of regard of the programs standards of participation and principles of accountability which should necessitate swift and severe action and consequences that would trigger an Immediate notification to the referral source and the victim liaison to prioritize victim safety.

3. Participant accumulates four (4) absences from the class.

(b) If an FVIP has determined that a participant will be terminated, the FVIP will notify the victim liaison with a notice of intent to terminate two (2) calendar days prior to terminating the participant, when possible.

(c) If a participant is terminated due to violence or threats of violence, the FVIP shall immediately contact all referral sources, including the courts, the Department (if applicable), the State Board of Pardons and Paroles (if applicable), and the victim (via the victim liaison).

(d) ~~Within two (2) calendar days of terminating~~ If a participant is terminated for reasons other than violence or threats of violence, the FVIP shall notify all referral sources within two (2) calendar days following the participant's termination, including the courts, the Department (if applicable), the State Board of Pardons and Paroles (if

applicable), and the victim (via the victim liaison) ~~of a participant's termination from an FVIP.~~

(e) If a participant is terminated, they are not eligible to receive credit for classes completed at the program they attended. Participants may not start a new program after being terminated without ~~approval~~ written permission to re-enroll in FVIP from the referral source.

**Synopsis and Justification: Criteria and Procedures for Terminating a Participant or Denying Enrollment of a Candidate**

Changes to this section improve clarity, wording and readability and do not substantively change the meaning, application, or requirements of this provision.

Authority: OCGA §19-13-11; §19-13-13 (a) & (b); §19-13-14(a), (d) & (e); §19-13-17

**105-3-.08 Reporting and Recordkeeping Requirements.**

(1) Monthly Reporting and Payment Requirements to the Commission.

(a) FVIPs shall report to the Commission the following information ~~once a month~~ by the tenth (10) day of the month through the Commission-designated reporting system:

1. New and updated locations where classes are being held.
2. Changes to the videoconferencing platform used for online classes.
3. New and updated class schedules, including the day, time, type of class, class format, and certified facilitator(s) assigned to the class.
4. Participants must be entered into the reporting system by the tenth (10) day of the following month ~~following the participant's for which they enrolled or re-enrolled enrollment or re-enrollment~~ in the program.
5. Participants who have completed, transferred or been terminated from the program must be reported in the reporting system by the tenth (10) day of the following month. FVIPs must record the date of completion, transfer, or termination for each participant in the designated reporting system.
6. FVIPs must report if ~~they had~~ no new participants were enrolled in ~~for~~ the previous month.

**Synopsis and Justification: Monthly Reporting and Payment Requirements to the Commission**

Paragraph (a) adds clarity to the timing by stipulating that the reporting must be by the 10th day of the following month.

Paragraph number 2 was added to require programs to report the videoconferencing platform used for online classes to the Commission. This report must be submitted in the month following any changes to the platform and will be included in the program's record.

All other changes to the provisions in this section are primarily intended to improve clarity, wording and readability and do not substantively change the meaning, application, or requirements of this provision.

(b) The Commission will issue an invoice to FVIPs once a month. FVIPs shall submit payment to the Commission within thirty (30) calendar days of the issuance date on the invoice. If payment is not submitted within thirty (30) calendar days, ~~the FVIP shall be charged the following late fees~~ will be assessed as follows:

1. After forty-five (45) calendar days, a \$30 late fee will be ~~added~~ applied to the outstanding invoice.
2. After sixty (60) calendar days, ~~a \$60 late fee will be added to the outstanding invoice~~ the assessed late fee will increase to \$60.
3. After ninety (90) calendar days ~~and then at ninety (90) day intervals, a \$120 late fee will be added to the outstanding invoice~~ the assessed late fee will increase to \$90.

**Synopsis and Justification: Monthly Reporting and Payment Requirements to the Commission**

Changes to subsection (b) are primarily intended to improve clarity, wording and readability and do not substantively change the meaning, application, or requirements of this provision.

Revisions in this subsection also make adjustments to the progression of the late fee assessed on the invoice for participant enrollment in the program. The revision provides that from the date of the invoice, late fees will be Assess for outstanding invoices at \$30 for 45 days late, \$60 for more than 45 but up to 60 days late, And \$90 after 90 calendar days past the invoice date, And beyond that at 90 day intervals.

This change is intended to ensure adequate pressure and penalization for outstanding, unpaid invoices while balancing the amount and frequency of the late fee assessed so as not to be unreasonably punitive or costly.

**(2) Recordkeeping Requirements.**

(a) ~~A record of the following shall be kept by t~~The Program shall keep a record of the



following for all participants for three (3) years. The Commission has the authority to review these documents upon request.

1. Participant Intake and Application Forms
2. Participant Assessment Forms
3. Victim Liaison Contacts & Notifications
4. Referral Contacts & Notifications
5. Participant Attendance Records
6. Participant Payment to the FVIP
7. Participant Reporting and Payment to the Commission

**Synopsis and Justification: Recordkeeping Requirements**

Changes to this section improve clarity, wording and readability and do not substantively change the meaning, application, or requirements of this provision.

Authority: OCGA §19-13-13 (a) & (b); §19-13-14(a, (d)) & (e); §19-13-17

**105-3-.09 Curriculum Requirements.**

(1) All FVIPs shall ~~establish~~ maintain and comply with a Commission-approved written curriculum. Written curriculums must follow an educational model and include content for weekly sessions. FVIPs shall make all written curriculum used for classes available to the Commission and victim liaisons upon request. ~~Best practice~~ Commission-approved curriculums are included in the Department SOP. For approval, ~~Curriculums~~ must adhere to the following principles regarding ~~family and domestic~~ violence:

**Synopsis and Justification: Curriculum Requirements**

Changes to this section improve clarity, wording and readability and do not substantively change the meaning, application, or requirements of this provision.

(a) Power and Control. Program topics must follow a model that identifies and challenges ~~family and domestic~~ violence as an overall system of any form of physical and emotional abuse where the participant chooses to use tactics of power and control over the victim.

### **Synopsis and Justification: Power and Control**

Changes to this section improve clarity, wording and readability and do not substantively change the meaning, application, or requirements of this provision.

(b) Beliefs and Social Context. Program topics shall consistently identify and challenge participants' personal beliefs and social contexts that support those beliefs and encourage the use of power and control tactics over the victim.

(c) Effects. Program topics shall consistently identify and hold the participant accountable for the ~~physical and emotional effects~~ harmful impacts of the participant's violence and abuse on their victims, including children.

### **Synopsis and Justification: Effects**

Changes to this section improve clarity, wording and readability and do not substantively change the meaning, application, or requirements of this provision.

(2) Curriculums shall address the following:

(a) Identification of all forms of abuse, including but not limited to physical, emotional, economic, verbal, technology, and sexual abuse, and/or stalking, against ~~an a current or former~~ intimate partner or family member;

(b) Impact of ~~family and~~ domestic violence on the victim and the abuser, including short and long term effects;

(c) Impact of ~~family and~~ domestic violence on children, including children who are abused and children who witness ~~family or~~ domestic violence, including short and long-term effects;

(d) Identification of ~~family and~~ domestic violence as primarily a learned behavior;

(e) Emphasis on the responsibility of the batterer for his or her violence and abuse;

(f) Identification of personal beliefs and societal and cultural values that legitimize and sustain violence and oppression, including sporadic and systematic acts of retribution and punishment;

(g) Alternatives to violence and controlling behaviors;

(h) Identification and promotion of relationship dynamics based on equality;

(i) Attempts to improve participants' ability to identify, articulate, and express emotions in a non-threatening manner;

- (j) Promotion of accountability, self-examination, negotiation, and fairness;
- (k) Strategies to help participants develop and improve their support systems, and that aid promote and encourage a violence-free life;
- (l) The relationship between substance abuse, mental illness, and ~~family and~~ domestic violence; and
- (m) Identification of the behavioral, emotional, and physical cues that may precede escalating violence.

#### **Synopsis and Justification: Curriculum Requirements**

Changes to this section improve clarity, wording and readability and do not substantively change the meaning, application, or requirements of this provision.

(3) The Commission acknowledges and recognizes the views of prevailing, accepted research and literature, which suggests that men and women often use violence differently and that effective interventions for men and women need to be structured differently. Most curriculums are specifically designed for ~~men who batter their intimate women partners~~ males who use violence against their female intimate partners. A different Commission-approved curriculum shall be used or developed by an FVIP providing classes to women who use violence against their male intimate partners. FVIPs shall make reasonable efforts to be inclusive while following the established curriculum guidelines and principles. This means providing class content that respects the diverse backgrounds of participants, including differences in culture, sexual orientation, and/or gender identity. The Commission will consider approving any curriculum that includes content addressing common issues associated with domestic violence as long as the content is intended for educational purposes and is not delivered, intended, or promoted as treatment.

Authority: OCGA §19-13-13 (a) & (b); §19-13-14(a), (d) & (e); §19-13-17

#### **Synopsis and Justification: Curriculum Requirements**

The proposed rule change acknowledges research indicating that men and women often use violence differently and thus require different intervention structures. Due to the historical statistical significance of high male perpetration and high female victimization, particularly regarding severe and fatal violence, FVIP curriculums have traditionally been designed for males who use violence against female intimate partners. The rule mandates the use or development of a different Commission-approved curriculum for FVIP classes provided to women who use violence against male intimate partners.

While acknowledging that both men and women use violence, often with different motivations and/or dynamics, the rule follows the standard that curriculums from leading national standards intervention experts continue to recommend intervention program classes tailored

to the specific needs and behaviors of each gender. This targeted approach is intended solely to enhance the program's effectiveness and is not a basis for any differences in accountability expectations regarding men and women who use violence. Recognizing these nuanced gender differences in the use of violence does not minimize or negate the reality that victimization occurs to both genders. Accordingly, this provision regarding curriculums focused on men's and women's use of violence dynamics is in no way a position by the commission that women's use of violence is any less deserving of attention, acknowledgment, or intervention.

By requiring curriculums to respect diverse backgrounds, including culture, sexual orientation, and gender identity, while ensuring objectivity in the class focus on prioritizing victim safety and offender accountability, the rule promotes inclusivity and fosters a supportive and understanding environment conducive to learning and behavioral change. The Commission will consider approving curriculums addressing common domestic violence issues for educational purposes, not as treatment.

Historically, curriculums have been male-focused, potentially overlooking the unique needs for appropriately addressing female participants' accountability and the context of different gender dynamics. This rule addresses this bias by mandating the development and use of appropriate accountability-based curriculums for women, ensuring equitable treatment. Aligning the program with prevailing research and literature ensures that the interventions are based on evidence and best practices, increasing the credibility and effectiveness of the program in addressing family violence.

This rule change aims to enhance the effectiveness, inclusivity, and credibility of FVIPs by ensuring appropriate gender-specific interventions, respecting diverse dynamics, and aligning with evidence-based research.

### **105-3-.10 Prohibited Intervention Practices & Activities.**

(1) The following intervention practices are specifically prohibited in FVIPs:

(a) Any intervention approach that blames the victim or suggests ~~there is any behavior on the part of the victim that causes, provokes, or excuses abuse~~ that the victim's actions or behavior are responsible for the participant's conduct;

(b) Any intervention approach ~~which that~~ treats the violence as a mutually circular process, minimizes the responsibility of the participant, or does not state clearly that participants bear sole responsibility for their choices;

(c) Any couples, marriage, or family therapy, counseling, or treatment;

(d) Any intervention approach ~~which that~~ excuses a participant's violence and behavior;

(e) Any approach that coerces, mandates, ~~or encourages~~, or otherwise brings

about the victim's voluntary participation of the victim;

(f) Any anger management techniques or interventions that identify anger as the cause of ~~family and~~ domestic violence;

(g) Any theories or techniques that identify psychopathology or substance abuse on the part of either party as the primary cause of ~~family and~~ domestic violence;

(h) Any intervention or approach whose goal is to preserve the relationship and/or the family at the expense of safety for partners/ or family, or whose doctrines promote an unequal distribution of power in the relationship which threatens the civil and human rights of the victim;

(i) Any intervention that provides any form of advocacy for the participant that places ~~their partner/family the victim, current or former intimate partner, or family member~~ at risk. ~~This can include any action or inaction by the FVIP that serves to decrease the possibility that a participant will experience appropriate consequences for their abusive behavior and/or serves to increase the possibility that they will obtain privileges that result in any form of harm to their partner/family; Any action or inaction by the FVIP that reduces the likelihood of a participant facing appropriate consequences for their abusive behavior—or that increases the participant's chances of gaining privileges that could harm their partner or family;~~

(j) Use of theories or techniques that identify poor impulse control as the primary cause of violence;

(k) Any approach that attempts to use containment methods in an attempt to de-escalate the violence; and

(l) Online, web-based programming operated by any person not duly certified by the Commission, including pre-recorded, self-paced, or non-instructor-led FVIP classes, is prohibited. Any online FVIP classes must be conducted in live sessions with at least one (1) Commission-certified facilitator And in accordance with these rules.

Authority: OCGA §19-13-13 (a) & (b); §19-13-14(a) & (e); §19-13-17

#### **Synopsis and Justification: Prohibited Intervention Practices & Activities**

Changes to Paragraphs (a) through (k) of this section improve clarity, wording and readability and do not substantively change the meaning, application, or requirements of this provision.

Paragraph (l) amends the prohibition on online, web-based programming by qualifying that this prohibition applies to online programs operated by any person not certified by the commission to operate an FVIP or similarly named program offered as an intervention or rehabilitative program for offenders who have been court-ordered or are otherwise seeking to take a family violence intervention program. It also stipulates that online FVIP classes must be conducted live and in real-time with a facilitator. In the state of Georgia, classes cannot be

prerecorded, self-paced, non-instructor-led, or artificial intelligence-based.

The Commission has established rigorous standards for abuse intervention programs, based on best practices and extensive research. Evidence shows that online programs, lacking a live instructor and accountability model, are ineffective. The vast number and variety of these online programs makes oversight and monitoring of participant engagement and progress nearly impossible. Therefore, such programs are strictly prohibited for court-ordered or supervision-based interventions, and the Commission must have the authority to discontinue their operation. Domestic violence is a serious, escalating problem that can be fatal. Given the high stakes, only the most effective, evidence-based interventions, like the Commission's FVIP structure, are acceptable for court-ordered offenders. Online substitutes are not a reasonable alternative.

### **105-3-.11 Requirements of Commission-Approved Training.**

(1) Approval of Training. The Commission shall approve all training used to fulfill FVIP facilitators' training requirements for initial certification and recertification.

(2) Training Application Process. To be considered for approval to offer FVIP training, the following items shall be sent to the Commission using the process designated in the application created by the Commission. Applications must be received prior to more than forty-five (45) calendar days before ~~of~~ the first scheduled training.

(a) A completed and signed training proposal application form with all requested attachments;

(b) A detailed training agenda including a description of the training, learning objectives, the training's duration and number of parts/sessions, and training structure format (i.e. lecture, case study, interactive learning elements);

(c) A statement of the qualifications, biography, or curriculum vitae of the potential trainers and two (2) references or recorded samples that ~~of people who can~~ attest to the trainer's ability and experience;

(d) A training evaluation to be distributed to the training participants that meets the requirements outlined in the training application. Results must be made available to the Commission upon request;

#### **Synopsis and Justification: Training Application Process**

Changes to this section improve clarity, wording and readability and do not substantively change the meaning, application, or requirements of this provision.

(3) Application Fees. An application fee outlined in the application must be submitted with the application for approval. If no fee is being charged for training attendees, the applicant may request ~~this fee be waived~~ an application fee waiver.



#### **Synopsis and Justification: Application Fees**

Changes to this section improve clarity, wording and readability and do not substantively change the meaning, application, or requirements of this provision.

(4) Observation Agreement. All approved trainers applications must agree to allow Commission staff, its agents, ~~or monitors~~ and/or victim liaisons to observe and monitor the training at no cost.

#### **Synopsis and Justification: Observation Agreement**

Changes to this section improve clarity, wording and readability and do not substantively change the meaning, application, or requirements of this provision.

(5) Approval. The Commission will approve training at its discretion based upon training content and approval criteria detailed in the training application. Approval shall last for one (1) year from the date of signed agreement between the trainer and commission, or the date of the purchase order for the training, whichever is later. Dates for approved training must be provided to the Commission no less than ninety (90) calendar days of the training.

#### **Synopsis and Justification: Approval**

The changes to this section enhance clarity, wording, and readability and do not substantively change the meaning, application, or requirements of this provision. The provision changes also specify when the one-year approval duration should begin and add a requirement that the trainer provide training dates to the commission at least 90 days before the training start date.

(6) Advertisement Disclaimer. Trainings approved by the Commission shall prominently display the following information-statement on their promotional material: "This training was approved by the Georgia Commission on Family Violence for \_\_\_ training hours for FVIP facilitators and/or providers. The views, findings, conclusions, and recommendations expressed in this training are those of the trainer(s) and do not necessarily reflect the views of the Georgia Commission on Family Violence or the Department of Community Supervision."

#### **Synopsis and Justification: Advertisement Disclaimer**

Changes to this section improve clarity, wording and readability and do not substantively change the meaning, application, or requirements of this provision. The revision also asked the Department of community supervision to the disclaimer due to the Commission's administrative attachment to the department.

(7) Documentation. ~~Sign-in sheets~~ A record of verified attendance must be sent to the Commission within thirty (30) calendar days ~~of following~~ completion of the training

event.

**Synopsis and Justification: Documentation**

Changes to this section improve clarity, wording and readability and do not substantively change the meaning, application, or requirements of this provision.

(8) Withdrawal of Approval. The Commission may withdraw training approval at any time at its discretion.

(9) Trainer Continuing Education Hours. No more than six (6) hours of the trainer's development and/or delivery of new Commission-approved training will count towards annual facilitator continuing education.

**Synopsis and Justification: Trainer's Continuing Education Hours**

Changes to this section improve clarity, wording and readability and do not substantively change the meaning, application, or requirements of this provision.

Authority: OCGA §19-13-13 (a) & (b); §19-13-14(a) & (e); §19-13-17

**105-3-.12 Family Violence Intervention Program Monitoring.**

(1) Monitoring Site Visits. FVIPs shall allow scheduled and unscheduled monitoring visits by Commission staff and/or designated monitors ~~or a victim liaison~~. Monitoring may consist of both administrative review and class observation. Monitoring visits may include audio recordings of FVIP classes ~~for the purpose of ensuring to ensure~~ program and facilitator compliance with certification standards; ~~such as~~ Recordings may be conducted without prior notice.

**Synopsis and Justification: Monitoring Site Visits**

Changes to this section improve clarity, wording and readability and do not substantively change the meaning, application, or requirements of this provision.

(2) Records of Personnel and Contract Workers. FVIPs must maintain adequate documentation to ensure compliance with the minimum standards set forth in these rules. Programs and facilitators shall allow Commission staff and/or designated monitors access to this documentation, even in the event of an unscheduled monitoring visit. Programs are required to maintain personnel records for each FVIP employee and/or contract worker, excluding the ~~subcontracted~~ victim liaison.

### **Synopsis and Justification: Records of Personnel and Contract Workers**

Changes to this section improve clarity, wording and readability and do not substantively change the meaning, application, or requirements of this provision.

(a) Each personnel file shall contain:

1. a copy of the facilitator's certification by the Commission,
2. the employee's and/or contract worker's name, address, email address(es), and phone number(s),
3. a signed job description,
4. a signed drug-free workplace policy statement,
5. a signed sexual harassment policy statement,
6. a signed violence-free lifestyle statement,
7. a signed employment contract (if applicable),
8. a verification of notice to the Commission of civil proceedings involving family violence and/or any criminal arrest (if applicable).

Authority: OCGA §19-13-13 (a) & (b); §19-13-14(a), (d) & (e); §19-13-17

### **105-3-.13 Enforcement of Family Violence Intervention Program and Facilitator Requirements.**

(1) The Department has the authority to deny, suspend, and revoke certification of an FVIP provider and/or facilitator for noncompliance with these rules. Additionally, the Department shall have the authority to issue a notice of deficiency, suspend classes, ~~intakes, or~~ and ~~all other FVIP-related~~ services, and impose administrative fines on FVIPs providers and/or facilitators for noncompliance with requirements.

(2) If an FVIP and/or facilitator is found to be in violation of these rules, the Department may issue a notice of deficiency via certified mail and the email address provided by the FVIP provider and/or facilitator in the Commission-designated reporting system. The notice of deficiency will detail the Department's findings ~~and with respect to~~ the FVIP's provider's and/or facilitator's rule violations. Within ten (10) business days of ~~receipt of~~ receiving the notice of deficiency, the FVIP provider and/or facilitator shall ~~return~~ submit proof to the Department ~~that they are in~~ of compliance with the rules or provide a corrective action plan (CAP) detailing the process and date ~~in on~~ on which they will ~~reach~~ achieve compliance. The Department will determine if the proof of compliance or corrective action plan provided ~~by the FVIP and/or facilitator~~ is sufficient. If the FVIP

provider and/or facilitator fail to provide timely proof of compliance or a sufficient corrective action plan CAP, the Department may assess an administrative fine ~~against the FVIP provider and/or facilitator, suspend the FVIP and/or facilitator's certification(s), or revoke the FVIP and/or facilitator's certification, and/or suspend or revoke the FVIP provider's or facilitator's certification.~~

(3) ~~The Department, in~~ In its discretion, ~~the Department may choose to impose suspension or revocation of certification or the assessment of~~ assess an administrative fine against an FVIP provider and/or facilitator. In considering which to impose, the Department may consider, at a minimum, the FVIP's provider's and/or facilitator's history of compliance, the seriousness of the violations, whether the FVIP provider and/or facilitator voluntarily reported problems giving rise to any violation, and whether the FVIP provider and/or facilitator ~~exhibited~~ undertook good faith efforts to correct areas of noncompliance prior or subsequent to their discovery by the Department. Additional considerations are listed in the Department SOP.

**Synopsis and Justification: Enforcement of Family Violence Intervention Program and Facilitator Requirements**

Changes to this section improve clarity, wording and readability and do not substantively change the meaning, application, or requirements of this provision.

(4) Grounds for denial, suspension, revocation of certification, or assessment of an administrative fine. The Department may also base the denial, suspension, revocation of certification or assessment of an administrative fine upon notice of deficiency or noncompliance with a failure to follow program rules or requirements as listed in sections 105-3-.07, 105-3-.08, 105-3-.09 and 105-3-.10, or upon any of the following applicable grounds:

(a) Knowingly making any verbal or written false or misleading statement of material fact or omitting to state a material fact in connection with an application for certification or recertification or in connection with an inspection or investigation;

(b) Failing or refusing to provide Commission representatives with meaningful access to the FVIP premises, facilitators, ~~and~~ staff, participants, and/or records (including refusing to allow Commission representatives to obtain copies of documents reasonably necessary to ~~making reach~~ a compliance determination);

(c) The applicant for certification or recertification having an overall poor record of compliance, including but not limited to denial of certification within the previous twelve (12) months, certification or licensure revocation at any time in the past in this or any other state, failure to complete certification requirements in a timely manner, or suspension within the previous two (2) years;

(d) Changing ownership of an FVIP ~~and/or facilitator in order to~~ avoid or circumvent ~~avert~~ the denial, revocation, or suspension of certification;

- (e) Altering or falsifying any ~~facilitator personnel, participant,~~ or program records;
- (f) Failure or refusal by an FVIP provider and/or facilitator ~~or program~~ to remit to the Commission the required ~~program certification fees and or program~~ participant fees as outlined in these rules; and
- (g) Failing or refusing to comply with any of these rules, ~~FVIP and/or facilitator~~ requirements, or violating any law relating to the operation of an FVIP ~~programs and/or~~ facilitators.

**Synopsis and Justification: Grounds for denial, suspension, revocation of certification, or assessment of an administrative fine**

Changes to this section improve clarity, wording and readability and do not substantively change the meaning, application, or requirements of this provision.

(5) Administrative fines. The Department has the authority to assess an administrative fine, not to exceed \$1,000.00 per violation, against any person, firm, or corporation that the Department determines to have violated any provision of Title 19, Chapter 13, Article 1A of the Official Code Georgia Code or any order, rule, or regulation promulgated thereunder. In determining the amount of the fine, the Department may consider the seriousness of the violation, whether the same or any other program requirement has been violated previously by the same program owner, director, or facilitator, and whether procedures designated to prevent the violation were in place and were followed.

(a) The Department shall have the authority to assess administrative fines for FVIPs Providers and facilitators as follows:

- 1. ~~1st offense — \$1,000 maximum~~
- 2. ~~2nd offense and subsequent offenses — \$1,000 per violation~~

(b) ~~The Department shall have the authority to assess administrative fines for facilitators as follows:~~

- 1. ~~1st offense — \$500 maximum~~
- 2. ~~2nd offense and subsequent offenses — \$1,000 per violation~~

### Synopsis and Justification: Administrative Fines

The proposed change introduces and inserts a table of adverse actions to replace the list of fines and penalties that may be imposed for violations of this rules. The table provides greater clarity and expectations surrounding where an offense would most likely fall and how the commission makes determinations surrounding adverse actions. Providing a table improves a sense of transparency and consistency in the application of penalties imposed. The table also establishes a reasonable progression for repeated violations of the same offense and/or increased severity of the violation.

<b>SCHEDULE OF ADVERSE ADMINISTRATIVE ACTIONS</b>			
<u>Level of Offense</u>	<u>Description of Severity</u>	<u>Possible Adverse Action</u>	<u>Possible Administrative Fines</u>
<u>Level 1</u>	<u>Violations of administrative policies or classroom procedures.</u>	<u>1st and 2nd Offense:</u> - <u>Notice of deficiency;</u> - <u>Suspension;</u> - <u>Fine</u>  <u>3rd Offense:</u> - <u>Revocation</u>	<u>Up to \$250.00 per violation</u>
<u>Level 2</u>	<u>Violations that compromise victim safety or the integrity of the FVIP program.</u>	<u>1st and 2nd Offense:</u> - <u>Notice of deficiency;</u> - <u>Suspension;</u> - <u>Fine</u>  <u>3rd Offense:</u> - <u>Revocation</u>	<u>Up to \$500.00 per violation</u>
<u>Level 3</u>	<u>Violations that severely compromise victim safety or the integrity of the FVIP program.</u>	<u>1st Offense:</u> - <u>Suspension;</u> - <u>Revocation;</u> - <u>Fine</u>	<u>Up to \$1000.00 per violation</u>

(6) Effectuation of Suspension or Revocation. If suspension or revocation of certification



is imposed in accordance with the provision of Sec. 50-13-18 of the Georgia Administrative Procedures Act, the suspension or revocation becomes effective on the date indicated by the Department's order. Upon termination of any period of suspension, and upon a showing that the program has achieved full compliance with program requirements in addition to meeting any reinstatement requirements, the Department shall reissue the certification. However, nothing in these rules shall be construed to prevent the Department from denying program certification prior to any hearing on such action.

(7) Suspension enforcement for FVIP Providers ~~Programs~~ will be as follows:

(a) ~~Removal~~ Provider shall be removed from the Commission's website, certified FVIP list, and printed materials throughout the suspension term until it is completed and the Provider is duly reinstated.

(b) Suspend classes and/or intakes for a minimum of thirty (30) calendar days and a maximum of six (6) months.

(c) Notification by the Department to the local court administrator, Chief Superior Court Judge, Chief State Court Judge, Chief Magistrate Court Judge, Prosecutors' 's Offices, the Department, Victim Liaison, the Community Task Force on Family Violence, and other referral sources of the FVIP's Provider's suspension period.

(d) The reinstatement fee will be \$150.

**Synopsis and Justification: Suspension enforcement for FVIP Providers**

Changes to this section improve clarity, wording and readability and do not substantively change the meaning, application, or requirements of this provision.

(8) Suspension enforcement for FVIP Facilitators will be as follows:

(a) ~~Removal~~ Facilitator shall be removed from the Commission's website, certified FVIP list, and printed materials throughout the suspension term until it is completed and the Facilitator is duly reinstated.

(b) Suspend facilitating classes and/or conducting intakes for a minimum of thirty (30) calendar days and a maximum of six (6) months.

(c) Notification by the Department to the local court administrator, Chief Superior Court Judge, Chief State Court Judge, Chief Magistrate Court Judge, Prosecutors' 's Offices, the Department, Victim Liaison, the Community Task Force on Family Violence, and other referral sources of the FVIP's Facilitator's suspension period.

(d) The reinstatement fee will be \$100.

**Synopsis and Justification: Suspension enforcement for FVIP Facilitators**

Changes to this section improve clarity, wording and readability and do not substantively change the meaning, application, or requirements of this provision.

(9) Revocation enforcement for FVIP ~~Programs~~ Providers will be as follows:

- (a) ~~Removal~~ FVIP shall be removed from the Commission's website, certified FVIP list, and printed materials throughout the revocation term until the Provider's Certification status is restored in good standing.
- (b) Suspend classes and/or intakes for a minimum of six (6) months and a maximum of 18 months. FVIP Provider must immediately cease offering or advertising FVIP classes and shall not conduct new intakes until certification is restored. Existing participants must be transferred to a different FVIP.
- (c) Notification by the Department to the local court administrator, Chief Superior Court Judge, Chief State Court Judge, Chief Magistrate Court Judge, Prosecutors' 's Offices, the Department, Victim Liaison, the Community Task Force on Family Violence, and other referral sources of the FVIP's Provider's revocation and reason.
- (d) ~~The recertification fee will be \$150.00.~~ The good standing restoration fee for FVIP Providers will be \$200.00. This fee will be assessed in addition to any previously assessed fees associated with recertification.

**Synopsis and Justification: Revocation enforcement for FVIP Providers**

Most changes to this section are improvements to clarity, wording, and readability and do not substantively change the meaning, application, or requirements of this provision. However, paragraph (d) is amended to correct an error, from the 2019 rule revision, in the fee amount required to restore a provider's certification after it has been revoked. The fee for providers was not intended to be \$150, which should have been the fee charged to facilitators and is currently less than the same fee charged to program owners.

The new proposed restoration fee is \$200.

This fee will be called a "good standing restoration fee," not a "recertification fee," to avoid confusion with the recertification application fee. This revision also ensures clarity of the expectation that any fees that were previously assessed that remain unpaid are still due prior to reinstatement.

(10) Revocation enforcement for FVIP Facilitators will be as follows:

- (a) ~~Removal~~ FVIP Facilitator shall be removed from the Commission's website, certified FVIP Facilitator list, and printed materials throughout the revocation term

until the Facilitator's Certification is restored and in good standing.

(b) ~~Suspend classes and/or intakes for six (6) months or permanently.~~ Suspend facilitating classes and/or conducting intakes for a minimum of six (6) months and a maximum of 18 months. The Facilitator may not facilitate class or conduct any new intakes until certification is restored.

(c) Notification by the Department to the local court administrator, Chief Superior Court Judge, Chief State Court Judge, Chief Magistrate Court Judge, Prosecutors' ~~'s~~ Offices, the Department, Victim Liaison, the Community Task Force on Family Violence, and other referral sources of the FVIP's Facilitator's revocation and reason.

(d) ~~The recertification fee will be \$250.00. The good standing restoration fee for Facilitators will be \$150.00. This fee will be assessed in addition to any previously assessed fees associated with recertification.~~

#### **Synopsis and Justification: Revocation of enforcement for FVIP Facilitators**

Most changes to this section are improvements to clarity, wording, and readability and do not substantively change the meaning, application, or requirements of this provision. However, paragraph (d) is amended to correct an error, from the 2019 rule revision, in the fee amount required to restore a facilitator's certification after it has been revoked. The fee for facilitators was not intended to be \$250, and as written the fee charged to facilitators is greater than the same fee charged to program owners. It is reduced to \$150.00.

This fee will be called a "good standing restoration fee," not a "recertification fee," to avoid confusion with the recertification application fee. This revision also ensures clarity of the expectation that any fees that were previously assessed that remain unpaid are still due prior to reinstatement.

(11) Reapplying for certification after revocation. ~~A Once a certification has been revoked, a provider program that has had its certification revoked may not reapply for certification for until~~ eighteen (18) months from the date of the revocation. The revocation date of a revocation is the date of receipt of the revocation letter or the date a revocation appeal is denied, whichever is later. Reapplying for certification shall be subject to the same procedures as if the program provider were applying for certification for the first time. However, the Department may consider ~~a program's~~ past violations of these rules in deciding whether to approve or deny ~~recertification~~ reinstatement.

#### **Synopsis and Justification: Reapplying for certification after revocation**

Changes to this section improve clarity, wording and readability and do not substantively change the meaning, application, or requirements of this provision.

**105-3-.14 Applicability of Administrative Procedures Act.**

(1) All Enforcement actions resulting from the enforcement Chapter shall be administered in accordance with Chapter 13 of Title 50 of the Official Code of Georgia, the "Georgia Administrative Procedures Act." The Department shall notify the FVIP program and/or facilitator or program applicant of any intended enforcement action. Any such notice shall set forth the proposed action or actions and the factual and legal basis or bases. An FVIP program and/or facilitator desiring a hearing in response to an enforcement action against it must make a request in writing and must submit the request to the Department no later than ten (10) calendar days from the date of receipt of any notice of intent by the Department to take an enforcement action.

Authority: OCGA §19-13-17

**105-3-.~~14~~15 Severability.**

(1) In the event that any rule, sentence, clause or phrase of any of these rules and regulations may be construed by any court of competent jurisdiction to be invalid, illegal, unconstitutional, or otherwise unenforceable, such determination or adjudication shall in no manner affect the remaining rules or portions thereof. The remaining rules or portions thereof shall remain in full force and effect, as if such rule or portions thereof so determined, declared, or adjudicated invalid or unconstitutional were not originally a part of these rules.

Authority: OCGA §19-13-13 (a) & (b); §19-13-17