

**CHAPTER 17 - COUNCIL FOR WOMEN**

**SECTION .0100 – ORGANIZATION**

- 01 NCAC 17 .0101      ROLE OF COUNCIL**
- 01 NCAC 17 .0102      RULE MAKING**
- 01 NCAC 17 .0103      STAFF SUPPORT**

*History Note:     Authority G.S. 143B-393; 143B-394;  
                      Eff. February 1, 1976;  
                      Readopted Eff. February 27, 1979;  
                      Repealed Eff. June 1, 1986.*

- 01 NCAC 17 .0104      LOCATION**

*History Note:     Authority G.S. 143B-393; 143B-394;  
                      Eff. February 27, 1979;  
                      Repealed Eff. June 1, 1986.*

**SECTION .0200 - STATEMENT OF PURPOSE**

- 01 NCAC 17 .0201      PURPOSE**
- 01 NCAC 17 .0202      CLEARINGHOUSE AND RESOURCE CENTER**
- 01 NCAC 17 .0203      COORDINATION WITHIN STATE GOVERNMENT**
- 01 NCAC 17 .0204      COOPERATION WITH PRIVATE SECTOR**

*History Note:     Authority G.S. 143-340(14); 143B-10; 143B-393; 143B-394.1 through 143B-394.3;  
                      Eff. February 27, 1979;  
                      Repealed Eff. June 1, 1986.*

**SECTION .0300 - SERVICES FOR VICTIMS OF SEXUAL ASSAULT**

- 01 NCAC 17 .0301      COORDINATOR: SERVICES FOR VICTIMS OF SEXUAL ASSAULT**
- 01 NCAC 17 .0302      STATE COORDINATOR**
- 01 NCAC 17 .0303      STAFF SUPPORT**
- 01 NCAC 17 .0304      DUTIES**

*History Note:     Authority G.S. 143-340(14); 143B-10; 143B-393; 143B-394.1 through 132B-394.3;  
                      Eff. February 27, 1979;  
                      Repealed Eff. June 1, 1986.*

**SECTION .0400 - REGIONAL COUNCILS**

- 01 NCAC 17 .0401      LOCAL COUNCILS**
- 01 NCAC 17 .0402      REGIONAL OFFICES**

*History Note:     Authority G.S. 143-340(14); 143B-10; 143B-393; 143B-394.1 through 143B-394.3;  
                      Eff. February 27, 1979;  
                      Repealed Eff. June 1, 1986.*

**SECTION .0500 - OTHER PROGRAMS**

- 01 NCAC 17 .0501      FUNDING**
- 01 NCAC 17 .0502      PROGRAMS**

*History Note:* Authority G.S. 143B-10; 143-340(14); 143B-393; 143B-394.1 to 143B-394.3;  
Eff. February 27, 1979;  
Repealed Eff. June 1, 1986.

## **SECTION .0600 - COMPLAINTS**

### **01 NCAC 17 .0601 REFERRAL OF COMPLAINTS** **01 NCAC 17 .0602 RECOMMENDATION OF REMEDIES**

*History Note:* Authority G.S. 143-340(14); 143-422.2; 143-422.3; 143B-10; 143B-393;  
Eff. February 27, 1979;  
Repealed Eff. June 1, 1986.

## **SECTION .0700 - ABUSER TREATMENT PROGRAMS**

### **01 NCAC 17 .0701 PURPOSE**

The purpose of the rules in this Section is to set minimum standards of practice for abuser treatment programs for domestic violence offenders.

*History Note:* Authority G.S. 50B-3(a)(12); 143B-394.16;  
Eff. October 1, 2004;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 3, 2017.

### **01 NCAC 17 .0702 RESERVED FOR FUTURE CODIFICATION**

### **01 NCAC 17 .0703 PROCEDURE FOR ABUSER TREATMENT PROGRAM APPROVAL**

- (a) In addition to initial approval, each abuser treatment program shall be reviewed annually by the Commission.
- (b) In order to be approved, an abuser treatment program shall complete and submit an original and four copies of the approval application to the Commission for review. Applications may be obtained by contacting the Commission staff at 1320 Mail Service Center, Raleigh, NC 27699-1320, or by telephone at 919-733-2455, or by downloading the application at [www.doa.state.nc.us/doa/cfw/cfw.htm](http://www.doa.state.nc.us/doa/cfw/cfw.htm).
- (c) The Domestic Violence Commission shall approve applications semi-annually in March and September.
- (d) As part of its application, a program shall demonstrate community support by submitting three letters of support from among the following: a local domestic violence victim program; a local domestic violence task force or coalition; or a local governmental agency that is directly associated with the problem of domestic violence (e.g., a local department of social services, district attorney's office, or law enforcement agency). Letters of support shall not be from agencies organizationally affiliated with the abuser treatment program.
- (e) Every abuser treatment program shall provide documentation and assurances that it shall adhere to all program rules and program structure set out in this Section at the time of the submission of its application to the Commission. If a program is not in full compliance with any rule, its application shall be returned to the applicant with any rule deficiencies noted. Any deficiencies shall be corrected before the application is approved. If any deficiencies are not corrected during the review period for which the application was submitted, the program shall reapply in full at the next review period in order to be approved.
- (f) Before approving an abuser treatment program, the Commission may perform a site visit.
- (g) Each abuser treatment program submitting an application for approval shall receive a notice from the Commission indicating its approval status.
- (h) The Commission shall maintain the list of all approved abuser treatment programs and shall notify each District Court Judge and each Clerk of Superior Court of those approved programs semi-annually.

*History Note:* Authority G.S. 50B-3(a)(12); 143B-394.16;  
Eff. October 1, 2004;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 3, 2017.

### **01 NCAC 17 .0704 INTAKE AND ASSESSMENT**

- (a) All abuser treatment programs shall establish and comply with written policies and procedures regarding abuser intake and assessment.
- (b) Intake: A comprehensive intake and assessment shall be administered to all participants. The intake shall include:
- (1) family and social history;
  - (2) medical health history;
  - (3) relationship history;
  - (4) history of violent, abusive, and controlling behavior;
  - (5) history of past criminal behavior;
  - (6) substance abuse history and screening;
  - (7) assessment of participant's cognitive or social skills;
  - (8) any other factors that might interfere with the participation in a group program; and
  - (9) lethality assessment.
- (c) Lethality Assessment: Because of the severity of injuries and the number of deaths caused by domestic violence, lethality assessment shall be ongoing and not limited to intake. A lethality assessment shall include the following indicators of increased lethality risk:
- (1) violence that increases in severity, frequency, and specificity;
  - (2) a high degree of ownership that the abuser expresses regarding the victim;
  - (3) violation of court orders and conditions of probation;
  - (4) change in access to and relationship with victim;
  - (5) accessibility to weapons, especially firearms;
  - (6) life stressors (e.g., divorce, chronic illness, death of loved one, and unemployment);
  - (7) frequent or severe intoxication from alcohol or other drugs;
  - (8) threatened or attempted homicide or suicide;
  - (9) stalking behavior;
  - (10) history of holding victim captive;
  - (11) pet abuse;
  - (12) victim making plans to leave or has already left;
  - (13) extreme isolation of the victim;
  - (14) increased level of risk-taking by the abuser;
  - (15) history of sexual assault;
  - (16) acute mental health problems, including depression and anti-social behavior;
  - (17) past use of weapons or objects;
  - (18) strangulation behaviors; and
  - (19) violence in the family of origin.
- (d) Abuser treatment programs shall also provide initial and ongoing referral services for participants who have concurrent substance abuse, medical, or mental health problems.

*History Note: Authority G.S. 50B-3(a)(12); 143B-394.16;  
Eff. October 1, 2004;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 3, 2017*

#### **01 NCAC 17 .0705 VICTIM SAFETY**

All abuser treatment programs shall establish and comply with written policies and procedures regarding victim safety. These policies and procedures shall include the following:

- (1) The program shall make good faith attempts, which shall be documented, to make contact with the victim upon the participant's enrollment in the program. This contact must include information about the program and its limitations, victim confidentiality, and local resources for victims. The program shall attempt, in collaboration with the victim service agency, to contact the victim when the program participant has completed half of the sessions, and at termination, unless the victim declines contact or is unable to be located.
- (2) Program participants and persons who have been victimized by those participants may receive direct services from the same agency. In those instances, the same staff person or volunteer shall not provide services to both parties.
- (3) All information about or from the victim shall be kept confidential from the program participant, except with written permission from the victim.

- (4) The program shall not schedule victims' groups and abuser treatment groups to occur simultaneously at the same facility.
- (5) The abuser treatment program shall network with its local victim services program and have a current memorandum of understanding regarding cooperation with that program in place.

*History Note: Authority G.S. 50B-3(a)(12); 143B-394.16;  
Eff. October 1, 2004;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 3, 2017.*

#### **01 NCAC 17 .0706 PROGRAM STRUCTURE**

All abuser treatment programs shall establish and comply with written policies and procedures regarding program structure. These policies and procedures shall include the following:

- (1) Treatment shall be provided in group sessions unless same gender, age, geographic or language restrictions apply. Individual counseling sessions are not permitted in place of group sessions but may be provided as supplemental to group treatment.
- (2) Group Composition:
  - (a) Each group shall have at least two facilitators per session if the size of the group exceeds eight participants.
  - (b) Each group shall have no more than 16 participants.
  - (c) Female participants who are referred to the program shall not attend or be enrolled in groups with male participants.
- (3) Program Length:
  - (a) All abuser treatment programs shall provide intervention for a total of 39 hours of group treatment over a minimum period of 26 weeks.
  - (b) The 39 hours of group treatment shall be completed within 30 weeks.
  - (c) Each group session shall last at least one and one-half hours.
- (4) Fees: Programs shall establish locally-determined fees.

*History Note: Authority G.S. 50B-3(a)(12); 143B-394.16;  
Eff. October 1, 2004;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 3, 2017.*

#### **01 NCAC 17 .0707 ABUSER TREATMENT PROGRAM CURRICULUM**

All abuser treatment programs shall establish and comply with a written program curriculum. Written curricula shall define topics and content of sessions and shall include the following:

- (1) identification of all forms of physical, emotional, economic, sexual and verbal abuse and violence;
- (2) impact of domestic violence on the victim and the abuser;
- (3) impact of domestic violence on children including children who are abused and children who witness domestic violence;
- (4) emphasis on the responsibility of the batterer for his or her violence and abuse;
- (5) identification of the personal, societal, and cultural values and beliefs that legitimize and sustain violence and oppression;
- (6) alternatives to violence and controlling behaviors;
- (7) identification of healthy relationships;
- (8) promotion of accountability, self-examination, negotiation, and fairness;
- (9) the relationship between substance abuse and domestic violence;
- (10) the relationship between mental illness and domestic violence; and
- (11) identification of the behavioral, emotional, and physical cues that precede escalating violence.

*History Note: Authority G.S. 50B-3(a)(12); 143B-394.16;  
Eff. October 1, 2004;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 3, 2017.*

#### **01 NCAC 17 .0708 PROHIBITED ACTIVITIES**

- (a) The following methods shall not be used by abuser treatment programs:

- (1) couples therapy or counseling;
  - (2) any therapy or counseling which places the responsibility for adult behavior on the children or the victim;
  - (3) any theoretical approaches that treat the violence as a mutual process; and
  - (4) any counseling models that identify the violence as an addiction and the children or adult victim as enabling or codependent.
- (b) The following methods shall not be the primary focus of intervention:
- (1) techniques that lay primary causality on anger;
  - (2) theories or techniques that identify poor impulse control as the primary cause of the violence;
  - (3) methods that identify psychopathology on either parties' part as a primary cause of violence;
  - (4) interventions that base causation on a lack of communication skills; or
  - (5) the gradual containment or de-escalation of violence.

*History Note: Authority G.S. 50B-3(a)(12); 143B-394.16;  
Eff. October 1, 2004;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 3, 2017.*

#### **01 NCAC 17 .0709 PARTICIPANT TERMINATION**

(a) Participant Termination: All abuser treatment programs shall establish and comply with written policies and procedures for terminating participants from further participation in the program. Without limiting a program's ability to make more stringent requirements, termination may occur when a participant:

- (1) has a known recurrence of violent conduct, intimidation, stalking or harassment behaviors;
  - (2) fails to abide by the program rules and regulations, including absences and any other matter set forth in these standards;
  - (3) fails to participate and attend sessions according to the program criteria;
  - (4) fails to comply with the program's alcohol and drug policy; or
  - (5) demonstrates increased risk of lethality as demonstrated by the lethality assessment.
- (b) If a participant is terminated from the abuser treatment program, the program shall:
- (1) document the reasons for the termination without jeopardizing the victim's safety;
  - (2) make specific recommendations to the probation officer or referring judge, including any alternatives such as weekend incarceration, community service hours, restitution, probation violation, or return to the program;
  - (3) inform the victim of the participant's termination within two days, unless the victim declines contact or is unable to be located;
  - (4) inform the program from which the victim is receiving domestic violence services of the participant's termination within seven days;
  - (5) complete a risk assessment with the victim and make efforts to assist the victim in minimizing violence that may occur after the participant's termination, unless the victim declines contact or is unable to be located; and
  - (6) inform the probation officer and referring judge (or the Chief District Court Judge in the absence of the referring judge) and District Attorney's Office in writing of the participant's termination within seven days.

*History Note: Authority G.S. 50B-3(a)(12); 143B-394.16;  
Eff. October 1, 2004;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 3, 2017*

#### **01 NCAC 17 .0710 PROGRAM ASSESSMENT**

Programs shall submit quarterly statistical reports to the Commission to include a tracking of participants received by, accepted into and completing the program; the sources of referral; an analysis of completion rates and reasons for termination; an analysis of contacts with participants' victimized partners; and an assessment of program impact, including but not limited to re-offense rates.

*History Note: Authority G.S. 50B-3(a)(12); 143B-394.16;  
Eff. October 1, 2004;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 3, 2017.*

### **01 NCAC 17 .0711 PROVISION OF DIRECT SERVICES**

All programs shall establish written policies and procedures for determining qualifications for all staff, consultants, or volunteers delivering direct services to participants. These policies shall address situations in which individuals have committed domestic violence and the program's guidelines for determining whether the conduct undermines the integrity of the program or will interfere with the individual's performance. All programs shall have a pre-service and continuing education plan for staff, consultants and volunteers.

*History Note: Authority G.S. 50B-3(a)(12); 143B-394.16;  
Eff. October 1, 2004;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 3, 2017.*

### **01 NCAC 17 .0712 CONTINUING EDUCATION**

The program shall require that group facilitators receive a minimum of 6 hours per year of continuing education or training on domestic violence. The program shall require that Direct Service Staff, including staff conducting assessments, receive a minimum of 20 hours per year of continuing education or training on domestic violence. This training may be obtained through a combination of internal (i.e., presented within the agency as an in-service) and external sources (i.e., regional or state conferences).

*History Note: Authority G.S. 50B-3(a)(12); 143B-394.16;  
Eff. October 1, 2004;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 3, 2017.*

### **01 NCAC 17 .0713 PARTICIPANT CONFIDENTIALITY**

(a) All abuser treatment programs shall establish and comply with written policies and procedures regarding participant confidentiality and provide notice of the policies and procedures to all who provide direct services and those with access to participant records. Except as noted in Paragraph (b) of this Rule, program staff shall not disclose, without the participant's consent, any confidential communications made by a participant to the program staff during the course of the program.

(b) Exceptions to Confidentiality: All participant information shall be kept strictly confidential except under the following conditions:

- (1) When a participant makes an overt or covert threat to harm self or others, the program staff shall warn the potential victim and law enforcement personnel. The program staff shall promptly contact the partner, any other potential victim, and law enforcement if the staff member believes someone is at risk. If the victim cannot be reached, the staff may contact the Commission or any local victim services program that may provide assistance in locating the victim. The program shall undertake ongoing assessment of the risk of danger to the victim, the children, or the participant him or herself. (See Rule 01 NCAC 17 .0704(c) regarding lethality assessment.)
- (2) If a participant is suspected of child abuse or neglect, program staff shall report such abuse or neglect to the director of social services in the county where the juvenile resides pursuant to G.S. 7B-301.
- (3) If a participant has been mandated to an abuser treatment program by a judge, program staff shall release information about acceptance to, attendance, compliance with program rules and guidelines, behavior in group, and current abuse or threats of abuse to an officer of the court, a probation officer, or a judge.
- (4) The program shall notify or make good faith attempts which shall be documented to notify the person identified as the victim of abuse of the participant's acceptance or rejection for enrollment in the abuser treatment program for the dual purposes of ensuring the safety of victims and providing information about the program.
- (5) The program may disclose information about a participant when the participant or his or her heirs, executors or administrators file a suit or complaint against the abuser treatment program that arises out of or is connected with the services rendered or denied to such participant by the program.

(c) Waiver of Confidentiality: Information may be shared according to the terms of Waivers of Confidentiality that may be signed by the participant in the course of the program.

(d) Group Confidentiality: All abuser treatment program counseling and educational groups are confidential and closed to those other than participants, program staff, and other professionals necessary for the functioning of program services. Those providing services to the deaf, offering language translation and interpretation, or bringing information critical to the curriculum to the group may attend at the staff's discretion. Other people who wish to visit, including newspaper reporters, grant-makers, and the participant's family and friends may attend only when the participants unanimously agree to a visit, and

upon a written warning by the staff that the program shall not be responsible for any breach of confidentiality. Program staff shall advise visitors and participants of the confidentiality policy and require visitors to execute an agreement not to disclose identity of participants or participant-specific information except as they receive written permission to do so.

(e) Separate Records: The abuser treatment program shall maintain separate locked files for participants and victims. There shall be no commingling of confidential information in victim and participant records.

*History Note: Authority G.S. 50B-3(a)(12); 143B-394.16;  
Eff. October 1, 2004;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 3, 2017.*

#### **01 NCAC 17 .0714 VICTIM CONFIDENTIALITY**

All abuser treatment programs shall keep all information provided by the victim confidential unless the victim gives written permission for the program to release the information. All information received by the victim shall be kept in separate files from the participant's files. If the victim tells the abuser treatment program that the participant has committed a new offense, the treatment program shall encourage the victim to contact:

- (1) appropriate law enforcement; and
- (2) the local victim services program or other support services.

*History Note: Authority G.S. 50B-3(a)(12); 143B-394.16;  
Eff. October 1, 2004;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 3, 2017.*

#### **01 NCAC 17 .0715 ABUSER TREATMENT PROGRAM INVESTIGATIONS AND REMOVAL FROM APPROVED LIST**

(a) A person who believes that an approved abuser treatment program has violated any provision of the Rules in this Section may file a written complaint with the Commission. The Commission may also initiate proceedings under this Rule without a third party complaint having been filed.

(b) The Commission shall dismiss any complaint it finds is unfounded, frivolous, or trivial.

(c) Unless the complaint is dismissed, pursuant to Paragraph (b) of this Rule, the Commission shall notify the program of the complaint in writing. Such notice shall be sent by certified mail with return receipt requested. The notice shall state the alleged facts as contained in the complaint, or may enclose a copy of the complaint, and shall contain a request that the program submit an answer in writing within 20 days from the date the notice of the complaint is received by the abuser treatment program.

(d) If the abuser treatment program acknowledges the violations in the complaint, the Commission shall accept the admission and shall issue a First Notice of Violation. Upon First Notice of Violation, the abuser treatment program shall enter into a probationary period. An abuser treatment program that is not in compliance with this Section shall have 60 days to bring its program into compliance.

(e) If the abuser treatment program does not respond to or denies the violations, the Commission shall investigate the allegations contained in the complaint. The program shall be given another opportunity to respond to the Commission's concerns. If the Commission finds that the program is in violation, the Commission shall issue a First Notice of Violation as in Paragraph (d) of this Rule.

(f) The Commission shall maintain the complaint, evidence, investigative findings, and disposition of each matter. If a First Notice of Violation has been issued, the Commission shall determine if the abuser treatment program has come into compliance within 60 days. If the abuser treatment program is still not in compliance as determined by the Commission, the Commission shall issue a Second Notice of Violation to the program, setting forth an additional 60 days for correcting the violations.

(g) If the Commission determines that the abuser treatment program is still not in compliance at the end of the time set forth in the Second Notice of Violation, the Commission shall remove the program from the list of approved programs effective as of the first day of the next calendar quarter and issue a Letter of Termination to the program. District court judges and clerks of court for the prosecutorial districts served by the program shall be notified immediately by Commission staff of the termination.

(h) All participants in a terminated abuser treatment program shall be remanded back to the referring court for referral to another program or other action deemed appropriate by the court. Any program so terminated may reapply to the Commission for inclusion on the approval list no sooner than the next application period.

(i) When a program is terminated from the approved list, the Commission shall notify relevant domestic violence and sexual assault agencies and North Carolina Providers of Abuser Treatment.

(j) All abuser treatment programs shall comply with any reporting requirements and requests for information regarding statistics and other data as set out in the rule in this Section. Failure to comply with reporting deadlines and requests for information as set out in the rule in this Section shall result in a program being deemed noncompliant, which shall lead to termination and removal from the approved abuser treatment program list.

*History Note:* Authority G.S. 50B-3(a)(12); 143B-394.16;  
Eff. October 1, 2004;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 3, 2017.

#### **01 NCAC 17 .0716 RIGHT TO ACCESS**

The Commission or any of its authorized representatives may have access to any books, documents, papers, participant or other records of any applicant abuser treatment program needed to make a determination during the approval process or any time thereafter unless otherwise protected by law. The right to access only relates to records regarding the program component governed by these rules and does not include other agency records.

*History Note:* Authority G.S. 50B-3(a)(12); 143B-394.16;  
Eff. October 1, 2004;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 3, 2017

#### **01 NCAC 17 .0717 RECORDKEEPING, DOCUMENTATION, AND REPORTS**

In all instances where the rules in this Section require abuser treatment programs to establish and comply with written policies and procedures, the program shall maintain documents and records demonstrating compliance with the requirements imposed by these Rules.

*History Note:* Authority G.S. 50B-3(a)(12); 143B-394.16;  
Eff. October 1, 2004;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 3, 2017.

#### **01 NCAC 17 .0718 EQUAL OPPORTUNITY**

(a) The Commission shall not discriminate against any abuser treatment program or its providers because of age, race, sex, creed, color, national origin, or disabling condition.

(b) No approved abuser treatment program shall deny services to any participant or its providers because of age, race, sex, creed, color, national origin, or disabling condition.

*History Note:* Authority G.S. 50B-3(a)(12); 143B-394.16;  
Eff. October 1, 2004;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 3, 2017.