

CHILDREN AND FAMILIES

OFFICE OF PREVENTION AND COMMUNITY PARTNERSHIPS

Standards for Shelters for Victims of Domestic Violence

Readoption with Amendments: N.J.A.C. 10:130

Proposed: October 18, 2010 at 42 N.J.R. 2364(a).

Adopted: March 2, 2011 by Allison Blake, Ph.D., LSW, Commissioner, Department of Children and Families.

Filed: March 3, 2011 as R. 2011 d.100, **with substantive and technical changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3).

Authority: N.J.S.A. 30:14-1 et seq., specifically 30:14-5 and 37:1-12.1 et seq., specifically 37:1-12.3.

Effective Dates: March 3, 2011, Readoption;
 April 4, 2011, Amendments.

Expiration Date: March 3, 2016.

Summary of Public Comments and Agency Responses:

The following provided comments on the proposed rulemaking:

1. Sandy J. Clark, Executive Director, NJ Coalition for Battered Women (NJCBW), 1670 Whitehorse-Hamilton Square Road, Trenton, NJ, 08690-3541.
2. Deborah L. Wentz, Ph.D., Chief Executive Officer, NJ Association of Mental Health and Addictions agencies, Inc., the Neuman Building, 3575 Quaker Bridge Road, Suite 102, Mercerville, NJ 08619.

3. Elaine K. Meyerson, Executive Director, Shelter Our Sisters, 405 State Street, Hackensack, NJ 07601.

N.J.A.C. 10:130-2.2 and 2.5(a)

1. COMMENT: The commenters note that the word shelter in the heading and throughout the regulations are from a time when the shelter was the major service provided and from which all other services flowed. The commenters note that this is no longer the case and eventually the heading of this subchapter and the language throughout will need to be updated.

2. COMMENT: The commenters note most domestic violence programs provide more than shelter services, therefore it would be more accurate to substitute “A domestic violence program providing shelter” instead of “shelter” in this and other sections. The commenters also recommend ending the 2nd sentence with “including supportive counseling programs” following “offer non-residential services.” The commenters suggest the following language for the beginning of N.J.A.C. 10:130-2.2: “A domestic violence program providing shelter shall provide a residential area, which provides safe refuge for victims of domestic violence. Such programs shall also offer non-residential services, including supportive counseling programs.”

RESPONSE TO COMMENTS 1 AND 2: The Department agrees with the commenters that the word shelter in the rule text is from a time in the past when the shelter was the major service provided and from which other services flowed. Service delivery has since evolved into the current and often complex Statewide multi-system programmatic structure. The term shelter alone may not describe the full array of services and program components offered to victims of domestic violence. The Department believes that updating the rules to be consistent throughout

should be done, but would be too significant of a change to do upon adoption. Therefore, the Department will work with the providers of domestic violence services to develop a more up-to-date and comprehensive term to describe the programs and services that are offered to the victims of domestic violence and their families. The Department will propose those amendments in a future rulemaking.

N.J.A.C. 10:130-2.4(a)

3. COMMENT: The commenter notes that the staffing requirements do not mention any need for specific training or education of the staff members who will be providing the supportive counseling. As with other specialty programs, some basic core training should be required of a percentage of staff who operate the shelters and provide the services. For example, the volunteers who respond with local police in the domestic violence response teams must go through a certain number of hours of trainings in order to be eligible for assignment to a team. Minimally, some similar type of requirement would strengthen the services being provided by the shelters. The commenters notes that to provide the best quality care, evidence-based practice within the field of domestic violence should be part of every shelter and provided by those with the competencies to implement them. To ensure the highest quality of service in these facilities, the commenters recommends that these requirements be specified in the regulation.

RESPONSE: The Department does not agree with the commenters that the rules are the best place to address specific training or education for staff members. Staff education, experience and training are an integral part of the Department's contracting and monitoring process with the agencies providing domestic violence core services. As part of the contracting process all staff and volunteers must complete a minimum 40 hours of training prior to any contact with victims

of domestic violence. In addition, although the historical context of domestic violence service provision focused on a grassroots 'women helping women' construct, the Department currently looks to the provider agencies to hire and retain appropriately credentialed staff.

4. COMMENT: The commenter notes that the word "volunteer" needs to be added in the last line to be consistent with the new text at the beginning of the paragraph.

RESPONSE: The Department agrees that "volunteer" should be added to the end of the section to be consistent with the adopted new text in the beginning.

N.J.A.C. 10:130-2.4(b)

5. COMMENT: The commenters are in favor of eliminating the last sentence of the section.

The commenters note that even though domestic violence programs do hire survivors of abuse if they are qualified, programs cannot "recruit" survivors per se. In addition, survivors often seek employment with domestic violence programs, so it is not necessary to recruit. It is not unusual for the agency to hire a survivor of abuse; however potential staff must be competent and qualified. Additionally, the commenters note that programs cannot discriminate in favor of individuals from certain groups.

RESPONSE: The Department agrees with the commenters that the last sentence of N.J.A.C. 10:130-2.4(b) should be deleted. This is an aspirational goal rooted in the historical beginnings of the battered women's movement in New Jersey; however the Department is unable to measure or enforce this section through contract negotiation or program monitoring. Unless a battered women self identifies her personal history there is no reliable way to measure an agency's effort

to recruit and train victims as staff. The Department does not currently use nor has it ever used this indicator as a measure of program success.

N.J.A.C. 10:130-2.5(a)

6. COMMENT: The commenters suggest not listing supportive counseling in N.J.A.C. 10:130-2.5, which otherwise only deals with residential services.

RESPONSE: The Department disagrees that supportive counseling should not be listed in this section because it only pertains to residential services. Several of the listed domestic violence core services pertain to either or both residential and non-residential components. The Department also believes the term supportive counseling is less prescriptive and allows for some latitude on what services are able to be provided by each individual program and negotiated through the Department of Children and Families (DCF) contracting process. Supportive counseling may occur in either or both residential and non-residential settings.

7. COMMENT: The commenters also suggest eliminating "individual and group" to describe supportive counseling because not all programs provide both individual and group counseling to non-residential clients.

RESPONSE: The Department does not agree to eliminate "individual and group" to describe supportive counseling. The Department believes that this is consistent with prior rules and the 1985 Domestic Violence: Protection, Support, Prevention A Plan for Policy and Program Development. Individual and group supportive counseling are standard modalities that minimally describe service delivery. The Department also believes these terms should remain in

the rules for Statewide consistency subject to the DCF contracting process for each individual program.

8. COMMENT: The commenters also note that children's services, a core service, is not listed in subsection (a) with all the other core services, although it does appear in recodified subsection (f).

RESPONSE: The Department did not intend to omit children's services from the list of core services listed in subsection (a). To make this subsection consistent with subsection (f), the Department will add children's services to the list of core services at subsection (a).

9. COMMENT: The commenter notes that core services do not include "training" and since training is a specific skill, the commenters does not feel all programs should be required to do "training."

RESPONSE: The Department does not agree that "training" should be omitted from the domestic violence core services. Domestic violence programs providing shelter are responsible for the 40-hour training of staff and volunteers that is relied upon for victim counselor privileged communication in N.J.S.A. 2A:84A-22.13; the 40-hour training required of domestic violence response team members working with local police departments in N.J.S.A. 2C:25-17 et seq., and the training requirement that is an integral part of the contract process, which requires all staff and volunteers to receive 40 hours of training prior to engaging a victim on the hotline or other program component. The Department believes training within this context is essential as a core service.

N.J.A.C. 10:130-2.5(b)

10. COMMENT: The commenter suggests that N.J.A.C. 10:130-2.5(b)3 specify not only emergency treatment services, but also ongoing support and counseling through referrals to licensed mental healthcare and addiction treatment providers.

RESPONSE: The Department does not agree that language that specifies referrals beyond emergency treatment services needs to be included in this paragraph. The Department recognizes that advocacy for and referrals to licensed mental healthcare facilities and addiction treatment services may be relevant services for victims of domestic violence and should be provided within a respect for the family's needs and culture. Time frames for shelter stays often are not conducive to services for other than ones of an emergent nature. Therefore, the Department believes including this in the rules may be beyond the scope of the shelter length of stay. The Department believes that domestic violence programs providing shelter have the ability to develop linkages and enter into affiliation agreements at local levels. Programs have developed written agency referral agreements with local health, mental health, substance abuse, law enforcement agencies and other types of community providers. Review of these linkages and agreements is an integral part of the DCF contract monitoring process.

N.J.A.C. 10:30-2.5(c)

11. COMMENT: The commenter applauds the addition of community-based agencies, and notes that advocacy would help facilitate delivery of the most appropriate services to clients who have experienced domestic violence. The commenter also notes the regulation should specify a fiscal note (that is, appropriations) to pay for such services and such funds must be made available to ensure timely provision of these vital services.

RESPONSE: The Department agrees that the services are important and should be funded consistently. However, the Department does not have control over the final decision regarding the budget – as with any contract or grant, availability of funding is contingent upon the final appropriation agreed upon by the Governor and the Legislature as reflected in the State’s annual appropriations acts.

N.J.A.C. 10:130-2.5(d)

12. COMMENT: The commenters suggest that this section may be redundant with N.J.A.C. 10:130-2.5(a).

RESPONSE: The Department agrees to remove “residential and non-residential” to be consistent with what shelters currently do and as suggested by the commenters. The Department agrees to work with providers in order to manage expectations of what encompasses a full array of services available among designated lead domestic violence agencies and intends to propose changes to the rule in a future rulemaking, as appropriate.

N.J.A.C. 10:130-2.5(f)

13. COMMENT: The commenter recommends that the regulation specifies the need for shelters to have referral agreements with licensed mental healthcare and addiction treatment providers for therapeutic counseling, in addition to providing supportive counseling at the shelters.

RESPONSE: The Department does not agree that the language proposed by the commenter should be included in this rule. The Department recognizes that advocacy for, and referrals to, licensed mental healthcare facilities and addiction treatment services may be relevant services for victims of domestic violence and should be provided within a respect for the family’s needs and

culture. The Department believes that shelters have the ability to develop linkages and enter into affiliation agreements at local levels. Domestic violence programs providing shelter develop written agreements for referral with local health mental health, substance abuse and other types of community providers. Review of these linkages is an integral part of the DCF contract monitoring process.

N.J.A.C. 10:130-2.9

14. COMMENT: The commenter notes that the discrimination language currently in the regulations is outdated and should be updated to reflect New Jersey's current Law against Discrimination.

RESPONSE: The Department agrees with the commenter on this section; the Department agrees the language in this section should be modified to make it consistent with the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 et seq., by including color, nationality, ancestry, sex (including pregnancy), familial status, marital status, domestic partnership status, affectional or sexual orientation, atypical hereditary cellular or blood trait, genetic information, liability for military service, mental or physical disability, perceived disability and AIDS and HIV status.

N.J.A.C. 10:130-3.5

15. COMMENT: The commenter advises that the NJCBW name is incorrect as it appears here. It is the New Jersey Coalition "for" Battered Women, not "of" Battered Women.

RESPONSE: The Department agrees that the section should be changed to correctly reflect the entity's name.

N.J.A.C. 10:130-3.6(a)

16. COMMENT: The commenter recommends adding the word “designated” prior to the phrase “lead agencies” for consistency with N.J.A.C. 10:130-3.5 and for clarity.

RESPONSE: The Department agrees and has made the change as suggested by the commenter.

N.J.A.C. 10:130-3.6(b)

17. COMMENT: The commenter appreciates the clarification that funding priorities include counseling for victims, children and perpetrators, as well as educational preventions efforts. The full continuum of preventive efforts and treatment services is critical. The commenter notes therapeutic counseling is essential for victims and their children, and sufficient funding must be provided to ensure that these services can be provided.

RESPONSE: The Department does not agree that therapeutic counseling for victims and their children can be included as a core service funding priority at this time. Therapeutic counseling is not a domestic violence core service. Domestic violence programs that provide shelter are encouraged to develop linkages and enter into affiliation agreements at local levels. Time frames for shelter stays often are not conducive to services for other than an emergent nature. Review of these linkages is an integral part of the DCF contract monitoring process. The Department agrees that the services are important and should be funded consistently. However, the Department does not have control over the final decision regarding the budget – as with any contract or grant, availability of funding is contingent upon the final appropriation agreed upon by the Governor and the Legislature as reflected in the State’s annual appropriations act.

18. COMMENT: The commenters suggest that counseling for perpetrators and domestic violence assessments performed at the request of DYFS are not a domestic violence core service. The commenters recommend either deleting the word “core” at the beginning of this subsection, or preferably, including these two non-core services at the end of this subsection referring to “other” services, which are also allowable expenditures.

RESPONSE: The Department does not agree to drop the core service language related to counseling to perpetrators of abuse. The Department believes this is consistent with prior rules and the 1985 Domestic Violence: Protection, Support, Prevention: A Plan for Policy and Program Development, which included batterers counseling in the counseling services section that describes core services. This is the seminal document that provided the blueprint for the development of services for domestic violence. The Department understands that currently domestic violence programs that provide shelter are not generally funded for counseling to perpetrators of abuse. The Department does agree that domestic violence assessments performed at the request of DYFS is not a core service and should be deleted from the rule, but as the change is too substantive to do upon adoption, the Department will propose this change in the future rulemaking discussed above.

19. COMMENT: The commenters recommend adding the word “supportive” prior to the word “counseling” in N.J.A.C. 10:130-3.6(b)1 iv both for consistency and accuracy and notes the language referring to counseling for perpetrators of abuse should not be counseling, but rather “services for perpetrators of abuse.”

RESPONSE: The Department does not agree to change this language. The Department believes this is consistent with prior rules and the 1985 Domestic Violence: Protection, Support,

Prevention A Plan for Policy and Program Development included batterers counseling in the counseling services section, which describes core services. However, the Department will work with providers of services for victim of domestic violence and batterers programs to clarify this section and better define the parameters of the suggested change “services for perpetrators of abuse” for future rulemaking.

Federal Standards Statement

These rules readopted with amendments are not subject to Federal standards or requirements and a Federal exceedance analysis is not applicable to the rulemaking.

Full text of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 10:130.

Full text of the adopted amendments follows (additions to proposal indicated in boldface with asterisks ***thus***; deletions from proposal indicated in brackets with asterisks ***[thus]***):

10:130-2.2 Shelter site

A shelter shall provide a residential area, which provides safe refuge for victims of domestic violence. A shelter shall also offer non-residential services*, **including supportive counseling programs***. These services may be located at the shelter site or in a separate facility, which can assist victims of domestic violence who have not made a decision to leave their home, or who have found other shelter but who nevertheless have a need for other domestic violence supportive services provided by the shelter.

10:130-2.4 Staff requirements

(a) A shelter shall require all staff and job applicants and prospective volunteers to make a full, written disclosure of his or her criminal convictions, if any. Should a criminal conviction be disclosed, the shelter operators shall apply the provisions of the Rehabilitated Convicted Offenders Act, N.J.S.A. 2A:168A-1 et seq., in determining whether to hire the job applicant or retain the staff member ***or volunteer***.

(b) To the extent feasible and in an effort to accommodate victims from diverse communities, one or more of the shelter personnel shall be fluent in the language(s) of the non-English speaking population of the shelter. ***[An effort shall be made to recruit and train victims of domestic violence as staff members and volunteers.]***

10:130-2.5 Domestic violence shelter services

(a) A shelter shall provide the following core services to victims of domestic violence:

1. – 4. (No change from proposal.)
5. Community education, training and awareness; ***[and]***
6. Community networking ***[.]**; and***
- *7. Children's services.***

(b) – (c) (No change from proposal.)

(d) A shelter shall have ongoing ***[residential and non-residential supportive]*** individual and group counseling programs.

(e)-(g) (No change from proposal.)

10:130-2.9 Non-discrimination; clients and employees

A shelter shall not discriminate in providing appropriate residential services and other domestic violence services based on *[age,]* race, creed, ***color,*** national origin, *[sex, handicap condition, and/or financial status]* ***nationality, ancestry, age, sex (including pregnancy), familial status, marital status, domestic partnership status, affectional or sexual orientation, atypical hereditary cellular or blood trait, genetic information, liability for military service, mental or physical disability, perceived disability, and AIDS and HIV status*.**

10:130-3.5 Funding priorities for marriage license fees

Designated lead agencies and the New Jersey Coalition ***[of]* *for*** Battered Women receiving funds from the Department of Children and Families shall be eligible to receive the proceeds of marriage license fee collections. Donor matching will not be required.

10:130-3.6 Funding priorities for the Domestic Violence Victims' Fund

(a) All moneys deposited in the Domestic Violence Victims' Fund shall be distributed equally among the Department of Children and Families' ***designated*** domestic violence lead agencies, specifically for the provision of emergency shelter and related core services to adult victims and their dependent children. Donor matching is not required.

(b) Funding for these programs shall be subject to the following conditions:

1. Allowable expenditures shall be limited to the provision of domestic violence core services, including:

i. – v. (No change from proposal.)

vi. Community education, training and awareness; ***and***

vii. Children's services*[, and]**.*

*[viii. Domestic violence assessments performed at the request of the
Division of Youth and Family Services.]*

2. – 4. (No change.)

