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Maryland Network Against Domestic Violence

Domestic Violence Program Standards

Working Draft

2014

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Starting structure based on committee input 04.19.13

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## Guiding Principles

Provide access to physical and emotional **safety** for survivors of domestic violence and their children in a **continuum of care** environment.

Dedicate our program to **empowering** survivors of domestic violence by partnering with them to strategize for their safety, to provide access to supportive services and safe accommodations, to make available opportunities for education and healing, and to advocate for victims to assist them in reaching self-defined goals.

Respect the **privacy and confidentiality** of survivors and their children by collecting only essential, necessary information, by keeping records and client information confidential to the fullest extent of the law, and by respecting their personal belongings.

Honor the language and spirit of local, state, and federal **laws, regulations, and grant requirements** that govern domestic violence service provision, provided that they are conducive to victim safety, client confidentiality, and abuser accountability.

Respect the **culture and customs** of survivors, staff, and volunteers by honoring differences and by making reasonable accommodations that allow everyone to participate in the program to the fullest extent possible.

Foster a **trauma-informed**, welcoming environment for survivors and their children that recognizes the impact of abuse and promotes self-sufficiency, independent decision-making, and safer futures.

Partner with local governmental and community organizations to foster effective **collaborations** that improve survivors' access to services and justice and that enhance victim safety and abuser accountability.

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# Non-Residential Program Standards

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## Hotline & Crisis Response

**Hotline** refers to crisis intervention, information and referral provided 24 hours a day, every day of the year, by any means of communication, by qualified, trained staff members or volunteers. Comprehensive domestic violence programs are required to receive and respond to crisis calls on a 24-hour basis (COMAR 01.04.05A1).

### Service Standards and Guidelines

1. A domestic violence hotline must provide 24 hour crisis access to domestic violence services.
2. The hotline number must be widely distributed, listed, advertised, and be available from local information services within the domestic violence program's service area. The domestic violence program should engage in culturally appropriate and linguistically specific marketing of the hotline number, which considers the key demographics of the community.
3. To ensure 24 hour hotline accessibility, domestic violence programs must ensure that they have the capacity to adequately respond to the volume of calls so that callers can get through.
  - a. Callers should not reach a busy signal.
  - b. Staff should always be available to pick up the phone. A special ring tone can signal to staff that a hotline call is coming through and must be picked up.
  - c. If callers must be placed on hold, an appropriate message they could receive is, "Please stay on the line. If this is an emergency, please hang up and call 911. Hold for the next available advocate."
  - d. Having callers leave a voicemail is not ideal and returning calls can jeopardize the privacy and safety of callers. Efforts should be made to avoid having callers leave a voicemail. If callers must leave a voicemail, messages must be checked promptly. Instruct callers to indicate the safest number and time to return the call.
  - e. In case of emergency, such as losing power or failure of hardware, domestic violence programs must have a backup plan to be able to receive hotline calls that protect a caller's privacy.
4. Victims who are deaf or hard of hearing, who have Limited English Proficiency (LEP) must be accommodated on the hotline through the availability of bilingual staff, language line interpretation, TTY, and/or Relay. Language interpretation access is available at a reduced rate to domestic violence programs through MNADV.
5. Each program must have procedures to respond to Lethality Assessment Program calls on a 24/7 basis. For specifics, see the LAP Hotline Guidelines in Appendix A.

#### CONFIDENTIALITY

##### How Can We Say It?

*Hi, my name is Sarah. I am here to help and listen but, before we talk, I want you to know your rights. Everything you talk about on this call is confidential, unless you tell me that you're going to hurt yourself or someone else, or if you tell me that a child is being or has been harmed. If you choose to tell me any of these things, a report may have to be made. Do you have any questions about that? If not, let's talk about the reason for your call.*

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6. The hotline must be answered in a manner that identifies the purpose of the hotline and that discloses the limits to confidentiality early in the call (see box). All hotline workers are mandated reporters. Everything that is shared on the hotline must be kept confidential, except for instances of imminent danger to oneself or others, or suspected past or present child abuse (see section on Confidentiality). The use of caller ID and call recording equipment is in conflict with the spirit of anonymity. Programs must inform callers of the use of such equipment.
7. Hotline workers may want to call victims back, in order to follow-up later, in case the call is disconnected, etc. To promote victim safety and to protect their privacy, hotline workers will ask callers for permission to call back. If permission is given, hotline workers should obtain one or more “safe” numbers where the victim can be reached. Additional safety precautions include: the best day and time to reach them, if it is safe to leave them a message, what to do if someone else answers the phone, and any special instructions. When following up, messages and calls should be discreet.
8. When providing callers with referral information, hotline workers should be well-informed about the services to which they are referring. The referral resources should be updated continually. When referring to a service provider, hotline workers should use warm hand-off practices (see box). If a caller is asking hotline workers to assist in service coordination, hotline workers must obtain and document a verbal information release for the caller’s information to be shared. A separate release should be obtained for each service provider.
9. The hotline must be answered by a program staff member or volunteer who has had domestic violence crisis intervention training.
  - a. Domestic violence programs should offer training on agency policies and procedures including how and when to address confidentiality, how to introduce oneself to callers (ex: first name only or a pseudonym), the process for obtaining information for data collection and call sheets, how to handle homicidal or suicidal callers, how to screen or refer for shelter services, and how to handle Lethality calls.
  - b. Hotline workers should receive a minimum of thirty hours of domestic violence and crisis intervention training. This training must include the following topics:
    - i. General domestic violence training (History and Framework of Domestic Violence; Empowerment Advocacy; Trauma; Victim-Centered Safety Planning; Protective and Peace Orders; Child Witnessing and Teen Dating Abuse; Elder Abuse and Abuse of People who have Disabilities; Minority Sexual Orientations and Gender Identities; Religion, Ethnicity, and Culture; Vicarious Trauma and Burnout)
    - ii. Crisis intervention (listening, establishing rapport, needs assessment, suicide prevention, etc.)
    - iii. Screening and assessing for danger and/or lethality and to provide safety planning
    - iv. Identifying imminent danger situations and knowing how to respond to them

## Warm Hand-Off Sample Language

(adopted from California Mental Health Services Authority)

*It sounds like you're going through a really difficult and scary time right now. I work with someone who specializes in situations like yours, who may be able to brainstorm some new strategies with you, and I would like to ask them to speak with you. Is it all right if I put them on the line?*

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- v. Effects of trauma, principles of trauma-informed services, trauma specific techniques
      - vi. Availability of legal remedies and the difference between giving legal advice and providing legal information (peace/protective orders, criminal charges, immigration, etc.)
      - vii. Referrals and community resources
    - c. Training resources include: MNADV's 4 day Advocate Training, House of Ruth MD's Comprehensive Intimate Partner Violence Training, Dr. Campbell's Danger Assessment, National Center for Suicide Prevention Training, etc.
10. Programs offering hotline services must provide emergency crisis intervention and advocacy. These services include, but are not limited to:
  - a. **Assessment and Establishing Contact:** Crisis intervention begins by establishing contact, listening to the person tell about what happened, determining what the crisis is, assessing risk and/or danger, and setting up time for future activities geared towards alleviating the crisis.
  - b. **Providing Information, Intervention, and Support:** Then crisis intervention focuses on implementation, which includes identifying tasks and who will carry out tasks to solve specific life problems, modifying previous ways of dealing with the situation, identifying strengths, and learning new skills.
  - c. **Summary:** Lastly, review the interaction; provide validation and support; provide next steps; review the safety plan; and review referrals and resources established. This may include planning for future ongoing contact, if appropriate (See #6 above for safe follow-up).
11. The hotline administrative procedures including data collection and record-keeping should be in accordance with the organization's standards outlined in the Administrative section. The Hotline should have written procedures regarding: confidentiality, assessing risk; record keeping and record purging; assessing and responding to crisis (ex: suicidality); and self-disclosure on the hotline (ex: hotline workers providing their first name or a pseudonym to protect their privacy).
12. The hotline service should be evaluated for effectiveness on an ongoing basis (see box). Evaluation questions should reflect the extent to which you have effectively met the stated goals and purpose of the hotline.

## Hotline Evaluation

*Ways to qualitatively measure the effectiveness of calls include:*

- asking one or more questions throughout the call, such as:
  - "Did you get the help you needed today?"
  - "Did you learn something new?"
  - "Was there anything I could have done to be more helpful during this call?"
  - "Are you aware of steps that will help you feel emotionally or physically safer?"
  - "Did this call meet your expectations?"
  - "How was this call helpful for you?"
- providing another avenue for obtaining caller feedback and satisfaction
- obtaining permission from the caller to safely conduct a sample survey to measure longer-term effectiveness of the hotline.

## Residential Program Standards

**Shelter** refers to temporary, emergency housing and related supportive services provided in a safe, protective environment for individuals and their dependents who are victimized by their current or former intimate partners and for who are without other safe housing options.

**Yellow** = New edit or revision from the last meeting

**Magenta** = Action item

### Service Standards and Guidelines

1. A domestic violence shelter must provide access, admittance and residence in temporary shelter for victims of domestic violence and their dependents 24 hours a day, every day of the year, **regardless of any previous history with the program.**
2. Domestic violence shelter services may be provided through any of the following types of housing:
  - a. A physical shelter facility operated in partnership with a comprehensive domestic violence service provider.
  - b. Other accommodations, such as time-limited motel/hotel placement arranged and provided through the comprehensive domestic violence service provider.
3. A domestic violence shelter **must**:
  - a. Have policies that maintain safety and security of residents
  - b. Ensure that crisis intervention services are accessible, available, and offered 24 hours a day, every day of the year, with trained advocates.
  - c. Provide access to food, clothing, and personal hygiene items for residents and their dependents, free of charge.
  - d. Provide access to supportive services, free of charge with minimum barriers to access and maximum efforts to engage. Participation in supportive services must be voluntary. The Family Violence Prevention Services Act (applicable to FVPS/DOMV grantees) states, "receipt of supportive services under this title shall be voluntary. No condition may be applied for the receipt of emergency shelter" (PL111-320 Sec. 308(d)(2)). These services include but are not limited to counseling, therapy, support groups, **house meetings**, and case management.
    - i. Must provide access to counseling and service planning.
    - ii. May provide access to legal, housing, employment, parenting, childcare, etc., free of charge.
  - e. Establish a **length-of-stay policy** that is flexible and that balances the needs of those victimized by intimate partners and the program's ability to meet those needs. This policy should be written in clear language. The policy could include minimum and maximum lengths of stay, assessment periods, etc. The length of stay should be provided to the victim verbally prior to entering shelter and a copy of the length of stay policy should be given to residents upon arrival.
    - i. **Extension:** Each program should have consistent and well-defined criteria for granting extensions to their length of stay policy. This should be based on individual needs, individual progress, and program capacity. A clear procedure should exist for requesting and granting an extension.



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ii. **Length of Stay:** Programs that define length of stay based on individual needs should also have clear and consistent criteria by which their length of stay is determined.

iii. **Involuntary Exiting:** Reasons for ending someone's length of stay prematurely should be clearly defined and communicated. Involuntary exiting should only occur when a resident or children presents a serious threat or danger to the shelter community. In these circumstances, when involuntary exiting has to occur then shelter staff should attempt to offer to explore alternate accommodations/housing options, provide community resources, conduct safety planning, conduct an exit interview, and offer follow-up domestic violence and other services. In the case of involuntary exit, clients should not be prohibited from requesting shelter in the future should a new incident occur.

### [BOX] Examples of Valid Reasons for Involuntary Exiting

- Resident threatens to cause bodily harm to a resident or staff.
  - Resident assaults another resident or staff.
  - Resident intentionally and maliciously violates another resident's confidentiality.
  - Resident uses illegal substances on the premises.
- iv. An abuser's knowledge of the shelter location or a breach in confidentiality should not be grounds for exiting in and of itself. Additional safety planning with the resident should occur if the resident feels safe enough to stay at the shelter. If the victim no longer feels safe at the shelter or, if the abuser poses a clear and present danger to residents or shelter staff and safety planning will be insufficient, then shelter staff should offer to explore options to transfer the resident to another shelter.
4. A domestic violence shelter must make every effort to provide **reasonable accommodations** for the needs of survivors living with disabilities, including addiction and have written policies and a process for requesting and providing accommodations. Shelters must consider as part of their accommodation plan:
- individuals who require mental or physical care by caregivers
  - residents with service animals, (Reference: ADA = AMBER)
  - victims who are d/Deaf or hard of hearing,
  - victims who are blind or low vision,
  - victims who have limited mobility
  - and residents who have communicable diseases including HIV/AIDS or another at-risk health status.
5. A domestic violence shelter must make every effort to provide reasonable accommodations for the needs of survivors within special populations. Populations to consider include, but not be limited to:
- males
  - transgendered and non-gender conforming individuals/LGBQ individuals,
  - minors as primary victims (emancipated or youth-head-of-household) (liability concerns = ERIN)
  - victims with low literacy,
  - dietary restrictions,
  - cultural or religious requirements or restrictions,

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- and Limited English Proficiency (LEP).
6. Planned or unplanned room searches can re-traumatize residents and can repeat a pattern of coercive control and are not recommended. Room inspections for health and safety should minimize invasion of privacy and should be done by trained staff. They should be explained and planned in advance.
  7. Safety and Security of the Shelter Location
    - a. Shelters should consider other security features, such as alarms, locks, guards, etc.
    - b. Generally, shelters should do their best to keep the location of the shelter confidential. The address or location of any FVPSA-funded shelter should not be made public. However, a shelter may determine that disclosing or publicizing the shelter location is safer than having a confidential location, in which case the individual responsible for the operation of the shelter would have to sign off on that decision (PL111-320 Sec. 306(c)(5)(H)).
    - c. Shelter residents and visitors can be asked to sign a confidentiality agreement upon entrance into shelter, where they agree to keep the location and identities of other shelter residents confidential.
  8. Programs must respect the **privacy and confidentiality** of survivors and their children by collecting only essential, necessary information, by keeping records and client information confidential to the fullest extent of the law, and by respecting their personal belongings.
    - a. **Client Records**
      - i. Review LBC license; documentation license; social work documentation license; HIPPA language for ideas(VIVIAN)
      - ii. Documentation of a resident's stay should contain factual and objective information, documented to the minimal extent of providing the service, limited to the time and length of interaction and services rendered. It should not contain negative or subjective language.
      - iii. The only names that should appear in a client's file should be the client and anyone else sheltered as part of the client's family group (children, dependents, caregivers, etc.)
      - iv. Informed consent to release information must be specific, time-limited, and narrow in scope and must expire upon termination in shelter.
      - v. All client records should be kept double-locked (in a locked cabinet, behind a locked door).
      - vi. Confidential client records should be kept only for the required length of time determined by state and funder regulations.
      - vii. Disposal of client records must occur through cross-cut shredding or incineration.
      - viii. **Subpoenas for Records:** All efforts should be made to quash subpoenas for client records. If a client requests to have their file released to use in a court proceeding, staff should inform the client of the possible unintended

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consequences, including that opposing council will have the ability to use it to the detriment of client, in court.

1. Due to these consequences, a summary of services is preferable to the release of full client files.
  2. Subpoenas must be signed by a judge and properly served (hand delivered, not mailed or faxed, to the custodian of the records) (VIVAN) before information can be released. [Appendix – NNEDV Confidentiality]
- b. **Warrants, Subpoenas, and Summonses OR Court Orders:** A clearly defined policy and procedure must be written to determine when and how to respond with law enforcement or the judicial system. All efforts should be made to maintain confidentiality and to work with a resident to address pending legal action.
- i. **Warrants:** If a shelter becomes aware of a warrant, they can and should notify the victim and help him/her self-report to the police and/or get legal assistance. [LISA will check with Gwen on the entire section]
    1. **When law enforcement comes:** In order to serve a warrant at the shelter, it must specifically include the shelter's address. A search warrant for the shelter must be issued in order for law enforcement to enter the shelter. If the subject of the warrant is a shelter resident, then they should be notified as soon as possible that the police have presented the warrant so a strategy to respond can be developed.
    2. **When program becomes aware:** no background checks (VAWA/FVPSA?)
  - ii. Arrest warrants
  - iii. Search warrants
  - iv. **Subpoenas for Persons** (client or staff) Victim OR Abusers may want to subpoena staff: All efforts should be made to quash subpoenas. If staff have to present in court, they have to make every effort to maintain the confidentiality of the shelter and the clients should be made under the provision of the law.
- c. **Communications within Shelter:**
- i. Communications between staff and clients or among staff about a resident's matters should be handled in a private setting. Care should be given to maintain each resident's confidentiality.
  - ii. When handling house conflict, care should be taken not to disclose any other client's confidential information.
- d. **Use of Technology:**
- i. Staff and residents should be educated on the potential breach of confidentiality that can occur by taking photos, videos, posting information or locations and posting on social media, or by using video telephone services (Skype, FaceTime, etc.).
  - ii. Staff and residents should be educated on preventing unintentional breaches of confidentiality by using devices or online applications with GPS tracking or location services.

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- e. **HMIS:** As stated under HUD regulations, domestic violence shelters are not to input any identifying or demographic information into the Homeless Management Information Systems (HMIS). Necessary information must be maintained in a separate database.
    - i. Aggregate totals can be provided.
    - ii. Client-level data, even encoded, is prohibited.
  - f. **Exceptions to Confidentiality:** Exceptions to confidentiality should be explained to shelter residents upon entrance into shelter. The only exceptions to client confidentiality are threat to kill self, harm others, suspected child abuse and/or abuse against vulnerable adults, or a valid court order.
    - i. Staff must determine whether it would be safe and possible to engage and involve the client in the reporting process. **If this is not possible, a report must still be made.**
    - ii. In cases of abuse, if another resident reports to staff, staff should encourage the resident who saw the incident firsthand to make the report. **In addition, staff must still make the report as mandated by law.**
9. **Emergency Preparedness**
- a. All shelters must be up-to-date with fire and health code regulations at all times.
  - b. Shelters must have written emergency procedures in place that are communicated to the residents and staff and that are practiced on a regular basis, including:
    - i. Evacuation plans
    - ii. Alternate staffing plans
    - iii. Material accommodations (food, warmth)
    - iv. Alternate shelter accommodation plans for circumstances when the shelter is destroyed or uninhabitable for a period of time
10. **Community Guidelines** should be provided that outline the expectations of community living, such as kitchen and bathroom courtesy and use, use of laundry facilities, storage of food and medications, security precautions for exit and entry, phone and computer use, available services, and days and times of community meetings and support groups. Community living arrangements, such as chores, meal times, quiet times, children's bedtimes, etc., can be determined by the residents. Such arrangements should be flexible and supported by shelter staff.
11. **Shelter Rules** should be kept to a minimum and only address issues of safety. In order to promote self-sufficiency and victim empowerment, certain decisions should be left up to the individual, including:
- a. **Curfew, Bedtime, and Wake-Up Times:** To promote self-sufficiency and victim empowerment, a set curfew or bedtime should be determined by each individual resident.
  - b. **Stays away from shelter:** Residents should be able to choose to stay away from shelter for a short period of time without jeopardizing their bed space. Staff should develop a safety plan and discuss any safety concerns they have related

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to a stay away from shelter. The period of time should be reasonable based on the circumstances and available bed space.

- c. **Extended Absences:** Upon entrance into shelter, staff should inform residents of the potential consequences of losing bed space if they stay away from shelter for a longer than agreed time.
- d. **Contact with abuser:** Contact with an abuser should be determined by each individual resident. Staff should safety plan with residents if a victim **might** have contact with their abuser.
- e. **Illegal Activities** (theft, prostitution, etc.)
- f. **Substance Use** on-site vs. off-site

12. **Goal, Action, and/or Service Planning:** Efforts should be made to engage and encourage residents to utilize the program's available services voluntarily. A resident's goals should be self-identified, individualized, and able to be modified on an ongoing basis. Progress on goals should not be the sole measure for a residents success in shelter. Barriers, including trauma, health conditions, and immigration status, should be considered. Progress, referrals, and follow-through should be documented in a trauma-informed manner.

13. **Program Engagement:** If staff concerns arise **regarding a resident's level of utilization of the program's services**, they should initiate contact with the resident to discuss the concerns, possible explanations, and solution-based options.

14. **Evaluation and Feedback:** Evaluation, including the written and verbal feedback from residents of the domestic violence shelter, must be conducted to ensure quality of services. These should be:

- a. gathered throughout the stay from all residents
- b. used to inform service and practice and program development
- c. feedback should be written, anonymous, and voluntary
- d. The program should elicit the most accurate and honest; elicit trust; create opportunity for the most honest feedback. Possible ways to do so include:
  - i. Suggestion box
  - ii. Periodic satisfaction surveys
  - iii. Exit surveys
  - iv. Exit interviews- should be offered to all residents leaving the shelter. Include feedback for program improvements, assessment of stay, etc.
  - v. House meetings
  - vi. Focus groups
  - vii. Advisory board of current or former emergency shelter residents and staff who review policies and procedures.
- b. The program will have a written policy on grievances that is accessible and available to all residents.

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**House meetings** should be conducted regularly **and frequently and/or at the request of staff or residents** to discuss community living issues and to obtain feedback from residents about shelter-related activities. House meetings should be voluntary and attendance should be encouraged.

## **--Additional Issues to Address--**

Screening policy (nondiscrimination)

Intake questions/background checks/

Intake process/orientation (How to welcome someone into shelter. Explaining importance of maintaining confidentiality of other residents. Collect minimal information.)

Leaving the Shelter

Voluntary exiting

Involuntary exiting

Staffing – 24/7, structure, roles

Case management definition

Counseling definition

Examples of Trauma-Informed Care:

-Minimal rules that are based solely on safety and/or security of shelter residents and/or staff

-Effects of trauma [Fly into the Sun]

-Deal with individual circumstances or “meet victim where they are at”

Best practice is to have a partnership with a pet foster placement agency (Humane Society, pet shelter, etc.)

Resident against resident conflict resolution

Appendix = NNEDV

Medication policy

Eligibility: victim of DV; no limit on # times in shelter; no limit on how soon they can re-enter;

**Background checks**

i. **Assessment and re-assessment**

ii. **Action planning and service planning**

**Shelters should not utilize or keep a “do not admit” list**

**Add appendices for special populations best practices**

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## Standards for Administration

Notes/Ideas to include in Administrative section in the future:

Confidentiality

Data collection

Files double-locked

Computers have safety pre-cautions

Don't email victim's name or info without password protection

Report aggregate data only: never reveal a victim's identity by any means

Rules for record-keeping (ex: 5 years; depends on funder)

Evaluation

Preliminary items to address in future identified by committee 06.10.13 and 07.16.13

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## Confidentiality

### CHILD ABUSE AND NEGLECT

Maryland COMAR Regulations 07.02.07.02 (defines child abuse and neglect)

Maryland Family Law § 5-704 (reporting by specified professionals, including human service workers)

Maryland Family Law § 5-705 (reporting by all others)

78 OAG 189 (Attorney General Opinion on reporting an adult who was abused as a child)

74 OAG 128 (Attorney General Opinion on reporting an adult who was sexually assaulted)

Form DHR/SSA 180 (to report suspected child abuse)

Family Law § 5-620 (immunity for reporting)

No criminal penalty for failure to report child abuse in MD

### DUTY TO WARN

Maryland Courts and Judicial Proceedings Annotated Code § 5-609

### Safety Considerations

Should hotline workers have to report to authorities, it is good practice to inform the victim first and solicit the victim's cooperation to promote empowerment whenever possible. There are several safety considerations you should make to determine if and how to do this:

Will notifying the caller create more danger for the child?

→If not, notify the caller.

→If yes, do not notify the caller.

Will notifying CPS endanger the victim?

→If yes, safety plan with the victim.

Is the victim willing to report with you?

→If yes, make the report together.

Decision to include this as Administrative and to reference it in different sections made 06/14/13.