

**RULES
OF
DOMESTIC VIOLENCE STATE COORDINATING COUNCIL**

**CHAPTER 0490-1
RULES FOR BATTERER'S INTERVENTION PROGRAMS**

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0490-1-.01 PURPOSES

- (1) The purposes of these rules for certified batterers intervention programs in Tennessee are as follows:
 - (a) To provide minimum standards and certification, and monitoring criteria for batterers intervention programs that elect to identify themselves as “certified batterers intervention programs” for perpetrators of domestic abuse, as defined in Tennessee Code Annotated § 36-3-601.
 - (b) To assist judges in identifying those batterers intervention programs that are designed and operated in a manner that promotes safety of the victim and the victim’s family and associates and accountability of the batterer.
 1. These rules for certified batterers intervention programs in Tennessee are for programs to which batterers are court ordered or court referred as a part of the batterer’s sentence or plea agreement.
 2. These rules are not intended to apply to programs for batterers that are not based on an intervention model.
 - (c) To provide guidelines for batterers intervention programs that provide intervention services to batterers that help ensure that such programs are designed and operated in a manner that protects victims and holds batterers accountable for abusive and violent behavior.
 - (d) To provide guidelines for batterers intervention programs on working with other private and governmental agencies on coordinated community-wide and state-wide efforts to eliminate domestic abuse.
- (2) If any provision of these rules or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of these rules which can be given effect without the invalid provision or application, and to that end the provisions of these rules are declared to be severable.

Authority: T.C.A. §§38-12-110 and 36-3-601. **Administrative History:** Original rule filed September 30, 1999; effective December 9, 1999.

0490-1-.02 NATURE OF BATTERERS INTERVENTION PROGRAMS

- (1) These rules apply to Certified Programs that provide intervention services to persons who are court ordered to attend such Certified Programs:
 - (a) as part of their incarceration,
 - (b) as a condition of their probation or parole,
 - (c) as an additional requirement of other non-jail sentencing,
 - (d) as an alternative, in whole or in part, to incarceration, or
 - (e) as a complement to incarceration or to alternative sentencing options under the Tennessee Code Annotated.
- (2) Definitions. For purposes of these rules:
 - (a) The term "batterer" means an individual who commits acts of domestic abuse against a victim. The terms "domestic abuse" and "victim" are defined in Tennessee Code Annotated § 36-3-601 (1998 Supp.).
 - (b) The term "intervention" means the use of a time-limited, structured, educational group activity that requires batterers to face the consequences of their behavior, accept responsibility for their abusive actions, confront their rationalizations and excuses, and learn and practice alternative, non-violent behaviors.
 - (c) The capitalized phrase "Certified Program" means any individual, group, agency, or organization that provides batterers intervention services and is certified under these rules as a "certified batterers intervention program."
 - (d) The capitalized phrase "Victim Advocate" means an employee or volunteer of a victim services agency who works under the supervision of such an agency and has had training and experience working with victims of domestic abuse.

Authority: T.C.A. §§38-12-110 and 36-3-601. **Administrative History:** Original rule filed September 30, 1999; effective December 9, 1999.

0490-1-.03 ETHICAL STANDARDS

- (1) The following ethical standards are recommended for all batterers intervention programs; they shall be mandatory standards for Certified Programs.
 - (a) Before a batterers intervention program is established, local services should be available to victims of domestic violence.
 - (b) Before a batterers intervention program can be certified, it must consult with battered women's programs serving the county or judicial district in which the program is located for the purpose of establishing procedures for ensuring victim safety and batterer accountability, as well as establishing a cooperative working relationship to invite monitoring, networking, information sharing, and mutual support between programs.
 - (c) Batterers intervention programs shall have in place the following procedures:

(Rule 0490-1-.03, continued)

1. A procedure that ensures that any contact of victims by the batterers intervention program is done in a safe manner.
 2. A procedure to take reasonable steps to inform a victim about imminent danger to the victim or to anyone associated with the victim.
 3. A procedure for consulting with a local battered women's program or a Victim Advocate if there is a question as to whether to inform a victim about imminent danger to that victim or to anyone associated with that victim.
 4. A procedure for reporting threats or repeat acts of violence to appropriate authorities in the criminal justice system and, when necessary for victim safety, appropriate Victim Advocates.
 5. A procedure for reporting suspected child abuse and suspected elder abuse.
 6. A procedure for reporting any attempted self harm by the batterer.
 7. A procedure for handling batterers who are alcohol or drug impaired when they come to an intervention session.
 8. Written personnel policies that address sexual harassment within the organizational structure of which the batterers intervention program is a part.
 9. A procedure for sharing relevant information with law enforcement and judicial personnel responsible for monitoring batterers or responsible for victim safety, including probation and parole departments, the Department of Children's Services, and other governmental service providers involved with victims or batterers.
- (d) Victim confidentiality. Unless otherwise required by law or court order, the following procedures shall apply to protect victim confidentiality:
1. Batterers intervention program staff shall not reveal information received from a victim or the current partner of a batterer without consent of that victim or current partner.
 2. Even with the consent of the victim or current partner of the batterer, the staff shall not use information that may jeopardize the victim's safety.
 3. Any files or other materials kept by the batterers intervention program that relate to a batterer, but that also relate to, or contain information on, a victim of a batterer shall be kept separate from batterer records, in locked files, in order to ensure the safety and confidentiality of the victim.
- (e) Research by batterers intervention programs should be carried out in a manner that insures victim safety.
- (2) Reporting obligations.
- (a) A batterers intervention program should have access to legal counsel for advice on its obligations and responsibilities concerning disclosure of information obtained during interventions. A batterers intervention program should undertake staff education concerning the following:

(Rule 0490-1-.03, continued)

1. The identification of domestic abuse, child abuse, elder abuse, or other abuse mandated by law to be reported to the proper authorities;
 2. Its obligation to report domestic abuse, child abuse, elder abuse, or other abuse mandated by law to be reported to the proper authorities;
 3. The nature of its legal obligations to ensure victim safety; and
 4. The nature of any confidentiality requirements that may apply to victims or batterers under federal or state law.
 5. The limitations on a batterer's expectation of confidentiality in information made available to the batterers intervention program, including those limitations in Rule 0490-1-.05(1)(b).
- (b) Nothing in these rules shall be construed to limit any statutory obligation to report abuse of any nature.
- (c) Nothing in these rules shall be construed to limit or to expand any confidentiality rights of victims or batterers under applicable federal or state statute or regulation.
- (3) Recommendations regarding sentences. Batterers intervention programs shall not present themselves as being qualified to make sentencing recommendations.

Authority: T.C.A. §38-12-110. **Administrative History:** Original rule filed September 30, 1999; effective December 9, 1999.

0490-1-.04 ACCOUNTABILITY

- (1) Program accountability.
- (a) Certified Programs are responsible for providing the criminal justice system with information related to a batterer's noncompliance with the Certified Program's contract, group rules, and other requirements so that the criminal justice system can impose any appropriate sanctions.
 - (b) Certified Programs shall invite a cooperative working relationship with local battered women's programs and Victim Advocates.
 - (c) Certified Programs shall establish procedures for consultations with the criminal justice system and other appropriate entities, including local battered women's shelters, for information sharing, mutual problem solving, victim safety, informing the criminal justice system, and making programmatic changes.
 - (d) Certified Programs shall establish clear and expeditious lines of communication with the justice system.
 - (e) Certified Programs shall participate in community-based efforts to stop violence against women and other domestic abuse victims and to hold batterers accountable.
 - (f) Certified Programs shall compile adequate documentation that shall ensure continuity of interventions with batterers.

(Rule 0490-1-.04, continued)

1. Such documentation also may be used to establish a database for research purposes, provided that the maintenance of the data and the research based on the data are carried out in a manner that insures victim safety.
- (g) Certified Programs shall include in their programming efforts that are aimed at preventing domestic abuse. Such efforts should include the following:
1. The development of materials and programs aimed at increasing community awareness of domestic violence and of available resources; and
 2. Community efforts to reinforce the community's understanding of the need for and the support of batterer accountability.
- (2) Batterer accountability.
- (a) Certified Programs shall be designed with the goal that batterers who complete the Certified Program shall:
1. Stop abusive behavior.
 2. Hold themselves accountable for abusive behaviors.
 3. Recognize that domestic violence and other forms of coercive behavior are wrong.
 4. Recognize that they are solely responsible for their violence.
 5. Understand that abusive behavior has negative effects and consequences.
 6. Stop denying or minimizing their abusive behaviors.
 7. Stop any victim blaming.
- (b) As critical components of batterer accountability, Certified Programs shall require batterers to do the following:
1. Sign a contractual agreement with the Certified Program.
 2. Pay a fee for intervention services, except as follows:
 - (i) If a batterer is determined by the court to be indigent, the batterer may be required to make some form of restitution to the community in lieu of a fee; and
 - (ii) If the Certified Program is a jail based program, the Certified Program may waive the fee or not assess a fee.

Authority: T.C.A. §38-12-110. **Administrative History:** Original rule filed September 30, 1999; effective December 9, 1999.

0490-1-.05 PROGRAM STRUCTURE

(Rule 0490-1-.05, continued)

- (1) Intake. Intake includes the referral into the Certified Program, a contractual agreement between the Certified Program and the batterer, screening of the batterer by the Certified Program, victim and partner contact by the Certified Program, and any referral of the batterer out of the Certified Program.
 - (a) Referrals into the Certified Program.
 1. Certified Programs shall complete intake and expeditiously introduce the batterer into intervention classes.
 2. A batterer's failure to complete intake requirements within a reasonable period of time, as determined by the Certified Program, shall be reported within one week to the referral source in the criminal justice system.
 - (b) Limited confidentiality. As a condition to participation in the Certified Program and to protect the safety of the batterer's victim and others, batterers shall be required to agree in the contract with the Certified Program that the batterer's expectation of confidentiality in certain information collected by, or that becomes known to the Certified Program, including information that may be subject to public records statutes, will be limited.
 1. The batterer shall acknowledge and agree to such limitations and shall give a written waiver of any right to, or expectation of, confidentiality with respect to the following:
 - (i) Threats or acts of violence committed against any person while the batterer is in the Certified Program;
 - (ii) Suspected "domestic abuse" or abuse of any person who is a "victim," as those terms are defined in Tennessee Code Annotated § 36-3-601 (1998 Supp.), while the batterer is in the Certified Program;
 - (iii) The batterer's participation in the Certified Program;
 - (iv) Reports of the batterer's compliance with the Certified Program's rules and with the contract with the Certified Program;
 - (v) The reasons the batterer may have been discharged from the Certified Program;
 - (vi) The batterer's fee balance with the Certified Program;
 - (vii) To the extent allowed by federal or state statute or regulation governing substance abuse programs, information concerning any substance abuse screening or concerning the batterer's participation in any substance abuse components of the Certified Program; and
 - (viii) Audio, video, or written recordings of the intervention sessions in which the batterer is a participant.
 2. The Certified Program shall not release any information that it collects, or that becomes known to the Certified Program, that concerns facts that are required to remain confidential, and when such confidentiality may not be waived under applicable federal or state statute or regulation.
 - (c) Contracts. The Certified Program shall advise batterers regarding the following:

(Rule 0490-1-.05, continued)

1. Attendance requirements.
 2. Compliance with the Certified Program's rules.
 3. Non-violence.
 4. Confidentiality limitations.
 5. Active participation in the Certified Program.
 6. Fees to be paid for participating in the Certified Program.
 7. Referrals to additional service providers, when appropriate and authorized by the court.
 8. Agreement of the batterer not to interfere with the batterer's victim's or batterer's current partner's communication with Certified Program staff.
 9. Agreement of the batterer to supply the Certified Program with copies of pertinent criminal justice system documents.
- (d) Screening. Batterers shall be screened at the beginning of their participation in a Certified Program to determine their suitability for intervention and in order to obtain a baseline for intervention. Screening shall include any necessary consultations with mental health professionals and shall also include, but not be limited to, the following items:
1. Inspection of pertinent records.
 2. Arrest history.
 3. History of violence.
 4. Homicide or suicide potential.
 5. Substance abuse history.
 6. Mental health treatment history.
 7. Social history.
- (e) Referrals-out. If the Certified Program determines that the referral of a batterer to the Certified Program was inappropriate, the Certified Program shall request that the court make a new referral to an appropriate program or take such other measures as the court determines to be appropriate.
1. Referrals-out may be made for those batterers for whom the Certified Program does not have appropriate services because of the batterer's gender, sexual orientation, or other characteristics.
 2. Referrals-out may also be made for batterers assessed as having any of the following:
 - (i) High homicide or suicide risk.
 - (ii) Severe mental health problems.

(Rule 0490-1-.05, continued)

- (iii) Sexual offenders.
 - (iv) Child abuse offenders.
 - (v) History of extremely violent criminal offenses (in addition to domestic abuse).
 - (vi) Disruptive or non-cooperative behaviors.
 - (vii) Substance abuse problems requiring treatment prior to domestic violence intervention.
- (f) Victim and partner contact.
1. Certified Programs shall not attempt to act as a service provider to the victims or the current partners of the batterers that they serve.
 - (i) Certified Program personnel should make reasonable efforts to ensure that victims of domestic violence with whom they are in contact are referred to appropriate battered women's programs, Victim Advocates, or programs that are designed to provide victim services.
 - (ii) Organizations that operate Certified Programs may, however, provide victim services as a separate component of their organization.
 2. Contacts with batterer's victim and batterer's current partner shall accomplish the following:
 - (i) Inform them of the limitations of batterers intervention programs in assuring their safety (i.e. the possibility of continued danger).
 - (ii) Inform them of domestic violence resources and services.
 - (iii) Assist with safety planning.
 3. Contact with batterer's victims and batterer's current partners by a Certified Program shall be done in the following manner:
 - (i) Be coordinated with a battered women's program or Victim Advocate in the local community or the judicial district; and
 - (ii) To the extent permitted by law, be confidential.
- (2) Orientation. Orientation shall be used to introduce the batterer to the philosophy and expectations of Certified Programs and as an opportunity to further assess the batterer's suitability for intervention.
- (a) Orientation shall take place within a structured time frame to be determined by individual Certified Programs.
 - (b) Orientation shall introduce the principles upon which the Certified Program is based and shall include, but not be limited to, the following points:
 1. The goal is to end abuse.

(Rule 0490-1-.05, continued)

2. The batterer is solely responsible for the batterer's violence.
 3. Taking responsibility for violence and its negative consequences is a first step toward ending abusive behavior.
 4. The responsibility plan is an initial means to prevent violence.
- (c) Orientation shall review specific group rules regarding the following:
1. Program structure.
 2. Attendance.
 3. Fees.
 4. Assignments.
 5. Food, drink, and smoking policy.
 6. Sobriety.
 7. Weapons.
 8. Continued violence or threats of violence.
 9. Confidentiality limitations.
 10. Discharge criteria.
 11. Re-admissions to the Certified Program.
 12. Reporting obligations of the Certified Program.
- (3) Discharge criteria. Certified Programs shall establish criteria for discharge based upon the Certified Program's contract with the batterer and the Certified Program's rules.
- (a) Successful completion. A batterer successfully completes a Certified Program if the batterer has been in compliance with the Certified Program's contract, group rules, and other requirements. Upon a batterer's successful completion of a Certified Program:
1. The Certified Program shall communicate to the courts, the batterer, batterer's victim, and batterer's current partner that the batterer has complied with the Certified Program's requirements.
 2. Communications shall not imply that the batterer has been rehabilitated or is a "graduate."
 3. Communications shall clearly convey the message that the batterer's successful completion of the Certified Program is only the beginning of the batterer's process of change.
 4. Concerns regarding the behavior of a batterer who has completed a Certified Program shall be documented and forwarded to appropriate law enforcement or court personnel.

(Rule 0490-1-.05, continued)

5. Certified Programs should forward to the referring court any recommendations for continuing treatment, counseling or services for the batterer.
 6. Certified Programs may forward to the victim any recommendations concerning treatment or counseling for the batterer.
- (b) Termination due to failure to successfully complete the Certified Program.
1. Termination from the Certified Program shall result when a batterer has not met the requirements of the Certified Program as specified in the contract or group rules.
 2. The Certified Program shall document the specific reasons for termination without jeopardizing victim safety.
 3. The court, batterer's victim, and batterer's current partner, if known, shall be notified of termination along with any law enforcement or government agencies working with the batterer or victim.
- (4) Structure of batterers intervention classes.
- (a) Intervention shall take place in classes with two instructors, one of whom may be a student intern or a volunteer.
 - (b) Average class attendance shall not exceed sixteen (16) batterers.
 - (c) Twenty-four (24) class sessions shall be the minimum number of classes to meet discharge criteria.
 - (d) Classes shall meet weekly for one and one-half (1-1/2) to two and one-half (2-1/2) hours, except that jail based Certified Programs may schedule batterers for such number of classes per week as they deem appropriate for their programs.
 - (e) Classes may be either open or closed.
 - (f) Closed formats shall not delay class start up for more than three weeks.
 - (g) Classes shall be structured but flexible enough to incorporate spontaneous and dynamic elements.
 - (h) Certified Programs shall not allow victims, or batterers' current partners, to attend the batterers' group.
- (5) Role of instructors. The role of the instructors should include, but not be limited to, the following:
- (a) Keep the group focused on the issues of the batterer's violence, abuse, control, and the batterer's responsibility for change.
 - (b) Challenge any denial or minimization by the batterer of the batterer's abusive behavior and any blaming of the victim or others for the abuse.
 - (c) Facilitate reflective and critical thinking.
 - (d) Maintain an atmosphere that is compassionate and challenging, not colluding.

(Rule 0490-1-.05, continued)

- (e) Provide new information and teach non-controlling relationship skills.
 - (f) Facilitate an open and respectful group process.
 - (g) Challenge thinking and behavior that perpetuates sexism and other forms of discrimination.
 - (h) Recognize the relative progress of individual batterers within the process of change and adapt intervention accordingly.
 - (i) Refrain from engaging in unproductive power struggles with batterers.
 - (j) Provide education and support.
 - (k) Help the batterer accept accountability for the batterer's behavior.
- (6) Documentation.
- (a) Record keeping shall be concise and easy to use.
 - (b) Record keeping shall aid intervention planning.
 - (c) Certified Programs shall keep written group notes.
 - (d) Victim and partner contact notes shall be kept separate from batterer files.
 - (e) Batterer files shall contain the following:
 - 1. Intake records.
 - 2. Attendance records.
 - 3. Documentation of exchanges between Certified Program staff and the criminal justice system.
 - 4. Documentation of relevant exchanges between Certified Program staff and other service providers.
 - 5. Documentation of relevant exchanges between Certified Program staff and batterers.
 - 6. Documentation of batterer's compliance or noncompliance.

Authority: T.C.A. §38-12-110. **Administrative History:** Original rule filed September 30, 1999; effective December 9, 1999.

0490-1-.06 CURRICULUM

- (1) Certified Programs shall have written curricula that shall be included with requests for certification submitted to the Domestic Violence State Coordinating Council under Rule 0490-1-.08.
 - (a) Batterers intervention programs considering the establishment of intervention services for categories of batterers other than heterosexual males shall include in their request for

(Rule 0490-1-.06, continued)

certification submitted to the Domestic Violence State Coordinating Council under Rule 0490-1-.08 material that demonstrates to the Council that they have the trained expertise to understand the dynamics of such categories of batterers or have established an effective procedure for consulting with battered women advocates, gay or lesbian advocates, or other appropriate persons with specific expertise in domestic violence in such populations.

- (2) Each curriculum shall include, but not be limited to, the following materials:
- (a) The statutory definitions of “domestic abuse” and “victim” found in Tennessee Code Annotated § 36-3-601 (1998 Supp.);
 - (b) Specific acts of abuse that batterers may use that are crimes under the Tennessee or Federal criminal codes;
 - (c) Other acts of abuse that may or may not be criminal offenses, including the following:
 - 1. Physical abuse.
 - 2. Sexual abuse.
 - 3. Emotional abuse.
 - 4. Intimidation.
 - 5. Coercion and threats.
 - 6. Isolation.
 - 7. Economic abuse.
 - 8. Abusive behavior based on notions of gender superiority or privileges based on gender.
 - 9. Denial, minimizing, and blaming the victim.
 - 10. Abuse of children.
 - 11. Abuse of animals.
 - 12. Destruction of property.
 - 13. Use of children to control the victim.
 - 14. Any other acts that jeopardize the well being and safety of the batterer’s victim, current partner, children, other family members, friends, employees, or others.
 - (d) Materials that guide the batterer in taking responsibility for violent, abusive, and controlling behavior;
 - (e) Materials that teach about the patterns of violence and that help the batterer to identify their own histories and patterns of violence;
 - (f) Materials that teach ways to engage in interpersonal relationships on the basis of equality;

(Rule 0490-1-.06, continued)

- (g) Materials that identify the effects of domestic violence on the batterer, the batterer's victim, the batterer's current partner, the batterer's children, other people, and society generally;
 - (h) Materials that facilitate understanding of adverse legal and social consequences of battering; and
 - (i) Materials that facilitate the development of personal accountability, self-respect, and social responsibility.
- (3) Alternatives to abuse. A Certified Program curriculum shall be designed to accomplish the following goals:
- (a) Educate batterers about cognitive, emotional, and physical cues that precede the batterer's choice to use violence;
 - (b) Educate batterers about patterns of irrational or distorted thinking;
 - (c) Educate batterers about the effects of irrational or distorted thinking on emotions and behavior;
 - (d) Improve the batterers' ability to identify and articulate feelings;
 - (e) Improve the batterers' empathic listening and communication skills;
 - (f) Improve the batterers' cooperative decision making and problem solving skills;
 - (g) Improve the batterers' negotiation and conflict resolution skills;
 - (h) Teach batterers stress management techniques;
 - (i) Teach batterers parenting skills, when applicable;
 - (j) Teach batterers the importance of sharing family responsibilities;
 - (k) Teach batterers the importance of, and the skills required to attend to all legal, social, and financial obligations of the family and community;
 - (l) Teach batterers ways to become responsible citizens and give back to the community; and
 - (m) Teach batterers about power dynamics and the misuse of power, including forms of power based on physical strength, financial control, gender prerogatives and other forms of power dynamics.
- (4) The responsibility plan. A Certified Program curriculum shall require the batterer to complete a written responsibility plan designed to facilitate the safety of the batterer's victim or current partner.
- (a) The responsibility plan shall include, but not be limited to, teaching batterers how to do the following:
 - 1. Relinquish power and control over their victim or their current partner;
 - 2. Strengthen their commitment to being non-abusive; and
 - 3. Become progressively more accountable as the plan is reviewed and revised.

(Rule 0490-1-.06, continued)

- (b) The responsibility plan shall also include strategies for the batterer that are designed to keep the batterer's victim or current partner safe.
- (5) Cultural context of abuse. Certified Program curricula shall include materials that address the cultural aspects of domestic abuse and cultural and broader societal influences that may support abusive behavior, including, at a minimum, materials in the following general areas:
- (a) With respect to Certified Programs that include men who have battered women, in addition to topics addressed in all types of Certified Programs, materials should address the importance of learning respect for women, by presenting and exploring topics that will assist such batterers to understand the need for such respect. Such topics could include the following --
 - 1. Inappropriateness of stereotyping gender role expectations,
 - 2. Connection between much domestic abuse and attitudes and beliefs such as misogyny, sexism, gender bias, belief in male privilege, and beliefs about entitlement and ownership of women, and
 - 3. The use of negative images of women by some batterers to justify and facilitate abuse;
 - (b) With respect to all types of Certified Programs, materials that accomplish the following --
 - 1. Teach respect for all people,
 - 2. Teach equality and self-determination in all types of relationships,
 - 3. Provide tools that facilitate the development of self respect, including,
 - (i) Personal accountability and responsibility, and
 - (ii) Positive self-sufficiency in relationships,
 - 4. Explore societal myths and beliefs that contribute to domestic abuse,
 - 5. Teach how domestic abuse and other forms of abuse may be passed from generation to generation,
 - 6. Teach batterers about the incompatibility of domestic abuse and responsible parenting, and
 - 7. Discuss the relationship of alcohol and drug abuse to domestic abuse.
- (6) Inappropriate approaches. Certified Programs should develop curricula that are effective in stopping batterers from engaging in acts of abuse. It is acknowledged that such curricula will be diverse in nature, and these minimum standards for Certified Programs cannot anticipate which approaches in curricula will work in specific settings. Nonetheless, the following principles shall apply.
- (a) Approaches that compromise the safety and security of victims shall not be used in Certified Programs, including, without limitation, the following:
 - 1. Approaches that require or invite participation by the victim; and

(Rule 0490-1-.06, continued)

2. Teaching materials or teaching techniques that include or promote victim blaming, belief in the appropriateness of dominance over others, or that in any way deny the batterer's personal responsibility for abusive behavior.
- (b) Approaches that have a high risk of compromising victim safety because of the batterer's skill at coercing the victim to participate or manipulating the victim while participating, shall not be used in Certified Programs, including, without limitation, the following:
1. Couples therapy; and
 2. Family therapy.
- (c) Because substance abuse treatment and batterers intervention are based on different assumptions about the cause of their respective problems and require inconsonant treatment programs, batterers who are also substance abusers shall be referred to substance abuse treatment either prior to or concurrent with participation in a Certified Program. Substance abuse treatment and batterers intervention may be offered by the same organization provided the following conditions are met:
1. The batterers intervention component and the substance abuse component must be clearly separate;
 2. Substance abuse counseling may not be used in lieu of batterers intervention;
 3. The batterers intervention component may not use a substance abuse model such as approaches that view battering as a disease or physiological condition; and
 4. The batterers intervention component must last a minimum of one and a half hours per class.
- (d) Certified Programs may include anger management components but shall not be based solely on anger management models.

Authority: T.C.A. §38-12-110. **Administrative History:** Original rule filed September 30, 1999; effective December 9, 1999.

0490-1-.07 PERSONNEL AND TRAINING STANDARDS

- (1) Requirements for all personnel. All Certified Program personnel shall comply with the following:
 - (a) Must not engage in domestic abuse in their own lives.
 - (b) Former batterers must not have committed acts of domestic abuse for a minimum of two years prior to employment and must have completed successfully a batterers intervention program.
 - (c) Must not abuse alcohol or drugs.
- (2) Characteristics of direct service providers. Personnel of Certified Programs who provide direct services to batterers should exhibit the following characteristics:
 - (a) Demonstrate awareness of power and control issues;

(Rule 0490-1-.07, continued)

- (b) Communicate and act in ways that provide batterers with a positive role model for behavior that is consistent with gender equality and mutual respect between men and women;
 - (c) Demonstrate an interest in working toward the elimination of domestic abuse and other forms of abuse both as a worker in the Certified Program and as a member of the wider community;
 - (d) Demonstrate sensitivity to the racial, ethnic and linguistic diversity within the community served;
- (3) Diversity. Certified Programs should attempt to attract and retain personnel who reflect the racial, ethnic, and linguistic diversity within the community served.
- (4) Credentials and Qualifications.
- (a) Instructors and supervisors shall, at a minimum, have a baccalaureate degree, except as provided in item (b) below.
 - (b) Instructors who do not have a college degree may serve as instructors provided that:
 - 1. They are paired in a batterers intervention class with an instructor who does have the required college degree; and
 - 2. They have at least two (2) years experience,
 - (i) working with batterers or domestic abuse victims, or
 - (ii) working within the criminal justice system with other types of violent perpetrators.
- (5) Program Supervisors.
- (a) Each Certified Program shall have at least one person in a supervisory position with at least two years of experience working with batterers or victims of domestic violence.
 - (b) Each Certified Program shall have at least one person in a supervisory position with training in group facilitation.
- (6) Supervision Structure.
- (a) Supervision shall ensure instructors' ability to conduct safe and effective interventions with batterers.
 - (b) Certified Programs shall maintain clear records of dates, times, and content of supervisory contacts.
 - (c) Internal Program Supervision. Each Certified Program shall designate one person who shall have supervisory responsibility for the following:
 - 1. Supervision of Certified Program instructors and other staff;
 - 2. Instructor training;
 - 3. Compliance by the Certified Program with these rules; and

(Rule 0490-1-.07, continued)

4. Compliance by the Certified Program with applicable laws.
- (7) Consultation with Victim Advocates.
- (a) Certified Programs shall require that instructors consult with Victim Advocates associated with local battered women's programs or, if there are no such programs in the local area, then Victim Advocates associated with nearby or statewide battered women programs. This consultation shall, at a minimum, include discussion of the following:
 1. Problem solving techniques;
 2. Information sharing;
 3. Victim safety issues;
 4. Program suggestions; and
 5. Collaboration on efforts to eliminate domestic abuse.
 - (b) The Certified Program supervisor and Victim Advocate shall maintain contact on a periodic schedule or as needed.
- (8) Training.
- (a) All Certified Program instructors and supervisors shall receive annual training in domestic abuse and batterers intervention. Such training shall include:
 1. Training in these rules;
 2. Group process and intervention techniques;
 3. Safety training directed to ensuring victim safety, the safety of the Certified Program, and the safety of the participating batterers; and
 4. Current knowledge about the dynamics of domestic abuse.
 - (b) Number of hours of training.
 1. All instructors and supervisors shall receive a minimum of forty (40) hours of training within the first twelve (12) months after a Certified Program has received its initial certification, except that if an instructor or supervisor has worked in a batterers intervention program for two years, or has received other domestic violence training, such instructor or supervisor may request a waiver, in whole or in part, of this requirement from the Domestic Violence State Coordinating Council.
 2. Newly employed instructors and supervisors shall receive a minimum of forty (40) hours of training within the first twelve (12) months of their employment.
 3. After instructors and supervisors have received their initial forty (40) hours of training, they shall receive a minimum of eight (8) hours of training annually.
 - (c) Providers of training. Training sessions may be conducted by any of the following:

(Rule 0490-1-.07, continued)

1. The Certified Program that employs the instructors and supervisors, other Certified Programs, or battered women shelters, provided training offered by such organizations is approved by the Domestic Violence State Coordinating Council, if such training meets the standards set forth in Rule 0490-1-.07(8)(a);
 2. The Tennessee Task Force on Domestic Violence or other organization or individual or group designated by the Domestic Violence State Coordinating Council to provide training for batterers intervention programs; or
 3. Other providers approved by the Domestic Violence State Coordinating Council, if such training meets the standards set forth in Rule 0490-1-.07(8)(a).
- (d) The forty (40) hour requirement during the first year of a Certified Program's certification and during the first year of employment of instructors and supervisors, shall include attendance at the batterers intervention training conducted by the Tennessee Task Force Against Domestic Violence, or such other similar training for batterers intervention programs designated by the Domestic Violence State Coordinating Council.
- (9) Mental health personnel. Certified Programs in Tennessee are not required to employ mental health professionals. Certified Programs, however, may employ, retain, or consult with mental health professionals as needed.

Authority: T.C.A. §38-12-110. **Administrative History:** Original rule filed September 30, 1999; effective December 9, 1999.

0490-1-.08 CERTIFICATION AND MONITORING OF BATTERERS INTERVENTION PROGRAMS

- (1) The Domestic Violence State Coordinating Council may appoint one or more monitoring committees to assist the Council in the monitoring and certification of batterers intervention programs.
 - (a) Each such monitoring committee shall serve at the pleasure of the Domestic Violence State Coordinating Council and shall operate and perform its functions in accordance with the instructions of the Council.
 - (b) The Domestic Violence State Coordinating Council may refer all, or any part of, its certification and monitoring functions to a monitoring committee, except as follows:
 1. All decisions concerning certification of batterers intervention programs shall be made by the Domestic Violence State Coordinating Council; and
 2. Any and all policy related decisions, including any decision to share information obtained in the certification or monitoring of batterers intervention programs with the courts or to release such information to any other person or entity, or to the public generally, shall be made by the Council, or its staff.
- (2) Procedures for certification of batterers intervention programs.
 - (a) Any individual or organization wishing to apply for certification under these rules shall submit a written request for certification and include with its request letter the following information:
 1. Its program philosophy;

(Rule 0490-1-.08, continued)

2. Its organizational structure;
 3. Policies and procedures that it has in place;
 4. The curriculum it will use, including any handouts;
 5. Copies of all relevant forms it will use, including,
 - (i) Intake form,
 - (ii) Screening forms,
 - (iii) Fee schedule,
 - (iv) Form of contract,
 - (v) Attendance forms,
 - (vi) Form of contact notes,
 - (vii) Form of group notes,
 - (viii) Termination notice,
 - (ix) Compliance notice, and
 - (x) Other forms needed for program functions;
 6. A schedule of group meeting times and locations; and
 7. Documentation on all program staff and instructors, including the following,
 - (i) Credentials,
 - (ii) Documentation of training,
 - (iii) Documentation of relevant expertise, and
 - (iv) Signed statements certifying that they have not committed acts of domestic abuse for two (2) years.
- (c) Certification review.
1. The Domestic Violence State Coordinating Council shall review the request for certification, along with attachments and may make such investigations or inquiries as it deems appropriate.
 2. The Domestic Violence State Coordinating Council may conduct an on-site review of the applicant.
- (d) Approval or denial of certification.

(Rule 0490-1-.08, continued)

1. The Domestic Violence State Coordinating Council shall make the decision to certify or to deny certification to a batterers intervention program, and shall provide the batterers intervention program with a letter stating its decision.
 2. If the program has been denied certification, the letter shall state the specific reasons for denial, the steps necessary to gain certification, and appeal procedures available to the program.
 3. The program may reapply as soon as the reasons for denial stated in the letter have been corrected or otherwise addressed to the satisfaction of the Domestic Violence State Coordinating Council.
- (e) Term of certification and re-certification.
1. Certification of a batterers intervention program shall be for a period of two (2) years.
 2. Within sixty (60) days of the expiration of the two year period a Certified Program desiring to be re-certified under these rules, shall submit a written request, labeled "request for re-certification," to the Domestic Violence State Coordinating Council in substantially the same form as required of an original certification under Rule 0490-1-.08(2). The request for re-certification shall be reviewed by the Domestic Violence State Coordinating Council in accordance with the procedures for original requests for certification.
- (3) Reconsideration and appeals.
- (a) Request for reconsideration.
1. A batterers intervention program that is denied certification, or re-certification, may file a written request for reconsideration with the Domestic Violence State Coordinating Council. The request for reconsideration shall state the specific reasons why the Domestic Violence State Coordinating Council should reconsider its decision, including any materials that may help the Council in its reconsideration.
 2. The Domestic Violence State Coordinating Council, or a subcommittee of the Council, will review the request for reconsideration and may also review any materials submitted with the request and make such additional inquiries or investigations as it deems appropriate.
 3. The Domestic Violence State Coordinating Council shall mail its decision to the applicant within forty-five (45) calendar days of the Council's receipt of the request for reconsideration. If the Domestic Violence State Coordinating Council's decision is negative, the Council shall provide the applicant with information on its appeal rights.
- (b) Administrative Appeal. A batterers intervention program denied certification, and then denied reconsideration, if requested, may appeal the decision by following the Rules of Procedure for Hearing Contested Cases Before State Administrative Agencies, Tennessee Department of State, Rule Chapter 1360-4-1.
- (4) Monitoring.
- (a) The Domestic Violence State Coordinating Council shall monitor Certified Programs during the period that they are certified.

(Rule 0490-1-.08, continued)

- (b) In carrying out its monitoring duties, the Domestic Violence State Coordinating Council may conduct scheduled, or unannounced on-site visits to Certified Programs and may make such investigations or inquiries as it deems appropriate.
- (c) In monitoring Certified Programs the Domestic Violence State Coordinating Council shall consider, among other matters, the following:
 - 1. The effectiveness of the Certified Program with respect to victim safety and batterer recidivism;
 - 2. The Certified Program's compliance with these rules;
 - 3. The Certified Program's training of instructors and supervisors; and
 - 4. The participation of the Certified Program in community wide efforts to eliminate domestic abuse.
- (d) The information obtained by the Domestic Violence State Coordinating Council in the monitoring of a Certified Program may be shared with the local courts and the Administrative Office of the Courts. Such information may also be included as a factor in the Council's consideration of a Certified Program's request for re-certification.

Authority: T.C.A. §§38-12-110 and 4-5-219. **Administrative History:** Original rule filed September 30, 1999; effective December 9, 1999.

0490-1-.09 RULES OF PROCEDURE

For Rules of Procedure see Rules for Procedure for hearing contested cases before State Administrative Agencies, Tennessee Department of State Rule 1360-4-1.

Authority: T.C.A. §§38-12-105, 38-12-110, and 4-5-219. **Administrative History:** Original rule filed September 30, 1999; effective December 9, 1999.