

Chapter 90. Domestic Violence and Sexual Assault Program Standards.

13 AAC 90.010 is amended to read:

13 AAC 90.010. Scope. This [EXCEPT AS PROVIDED IN 13 AAC 90.140 - 13 AAC 90.160,] chapter applies to all **domestic violence and sexual assault service provider** grantees.
(Eff. 9/22/84, Register 91; am ___/___/___, Register ___)

Authority: AS 18.66.050

13 AAC 90.020 is repealed:

13 AAC 90.020. Governing body. Repealed. (Eff. 9/22/82, Register 91; repealed ___/___/___, Register ___)

An editor's note is added following 13 AAC 90.020:

Editor's Note: As of Register ____, text from 13 AAC 90.020 is relocated from this chapter and adopted as 13 AAC 95.105.

13 AAC 90.030(a)(1) is amended to read:

(1) communication and coordination [OF THE PLANNING PROCESS] with the council, [AND] other domestic violence or sexual assault programs **or coalitions, tribal organizations or coalitions, and culturally specific organizations** that serve the same populations;

13 AAC 90.030(a)(3) is amended to read:

(3) assessment of the service needs of the populations to be served, **including marginalized and underserved populations in the service area; and**

13 AAC 90.030(a)(4) is repealed:

(4) repealed ___/___/___; [CONSIDERATION OF THE CHARACTERISTICS, NEEDS, AND DISTRIBUTION OF THE POPULATIONS TO BE SERVED; AND]

13 AAC 90.030(a)(5) is amended to read:

(5) a written description of each service provided by the program [AND A STATEMENT OF HOW EACH SERVICE RELATES TO IDENTIFIED NEEDS OF THE POPULATIONS TO BE SERVED].

13 AAC 90.030(b) is amended to read:

(b) Consideration under (a)**(3)** ([4]) of this section of the [CHARACTERISTICS AND] needs of the populations to be served includes consideration of a group's culture, heritage, traditions, and language and must be documented.

13 AAC 90.030 is amended by adding a new subsection to read:

(d) A grantee shall review the program's planning processes annually. (Eff. 9/22/84, Register 91; am 7/1/91, Register 118; am ___/___/___, Register _____)

Authority: AS 18.66.050

13 AAC 90.040 is repealed and readopted to read:

13 AAC 90.040. Personnel management and training. (a) A grantee shall adopt and implement policies to recruit employees or volunteers who are representative of populations utilizing program services, including Alaska Native and other marginalized and underrepresented populations.

(b) A grantee shall adopt and implement a policy to provide a drug-free workplace in accordance with 41 U.S.C. 701-707 (Drug-Free Workplace Act of 1988).

(c) A grantee shall ensure that employees or volunteers who have direct contact with survivors or survivors' dependent children have complied with either the state or federal background check requirements, whichever are more stringent.

(d) A grantee shall not disclose the personal information of any program employee or volunteer to any outside agency or person unless the employee or volunteer requests disclosure of the information in a written release of information. In this subsection, "personal information" includes

- (1) employment or volunteer status;
- (2) residence or family address; and
- (3) phone number.

(e) A grantee shall have a personnel management system that includes, for each position, a written job description that

- (1) identifies the position's supervisor;
- (2) identifies the position's qualifications; and
- (3) includes a current organizational chart that identifies positions and lines of authority within the program.

(f) A grantee shall maintain, for each employee, a personnel record that includes education and training completed, wage or salary information, and performance appraisals. Performance appraisals must be completed annually and in accordance with documented procedures. The records must be stored, maintained, and used in a manner that ensures confidentiality. A grantee shall ensure employee background checks are stored in accordance with federal law.

(g) A program employee must be designated to serve as supervisor of volunteer services.

(h) A program shall have a procedure for reviewing volunteer performance and providing feedback to volunteers.

(i) Prior to independently providing services, all employees, volunteers, and supervisors who provide direct services shall complete training that includes the following information and skills necessary to work in domestic violence and sexual assault program areas:

(1) confidentiality and ethics;

(2) recognition and mandatory reporting of suspected abuse or neglect of a minor child under AS 41.17.020 or vulnerable adult under AS 47.24.010;

(3) policies and procedures of the agency, including position responsibilities and emergency procedures;

(4) lethality assessments and safety planning; and

(5) current certification in CPR and First Aid.

(j) A grantee shall have a documented training program for employees/volunteers who provide indirect services that provides information on

(1) confidentiality;

(2) mandatory reporting under (i)(2) of this section;

- (3) clients' rights;
- (4) program procedures; and
- (5) emergency procedures.

(k) A grantee shall retain documentation of completed training by employees or volunteers. (Eff. 9/22/84, Register 91; am 7/1/95, Register 134; am ___/___/___, Register ___)

Authority: AS 18.66.050

An editor's note is added following 13 AAC 90.040:

Editor's note: The mandatory training for reporting of suspected abuse or neglect of a child required under 13 AAC 90.040 is available at <http://dhss.alaska.gov/ocs/Pages/childrensjustice/mandatoryreporting.aspx> or from the Child Advocacy Center, Child Justice Act Task Force, DFCS Office of Children's Services, (907) 465-3207. Employees and volunteers that are required to complete this training may obtain a certificate by successfully passing the quiz at the end of the training.

The mandatory training for reporting of suspected abuse or neglect of a vulnerable adult required under 13 AAC 90.040 is available at: <http://dhss.alaska.gov/dsds/Pages/aps/default.aspx> or from Adult Protective Services, 550 West 8th Avenue, Anchorage, AK 99501; Phone: (907) 269-3666 or 1-800-478-9996 (in state only).

13 AAC 90.050 is repealed:

13 AAC 90.050. Fiscal management. Repealed ___/___/___ . (Eff. 9/22/84, Register 91; repealed ___/___/___, Register ___)

An editor's note is added following 13 AAC 90.020:

Editor's Note: As of Register ____, text from 13 AAC 90.020 is relocated from this chapter and adopted as 13 AAC 95.135.

13 AAC 90.060 is repealed:

13 AAC 90.060. Reporting. Repealed ___/___/____. (Eff. 9/22/84, Register 84; repealed ___/___/____, Register ____)

[A GRANTEE SHALL HAVE WRITTEN PROCEDURES THAT ENSURE FULFILLMENT OF REPORTING REQUIREMENTS IMPOSED BY LICENSING OR FUNDING SOURCES.]

13 AAC 90.070 is repealed:

13 AAC 90.070. Facilities. Repealed ___/___/____. (Eff. 9/22/84, Register 91; repealed ___/___/____, Register ____)

An editor's note is added following 13 AAC 90.070:

Editor's Note: As of Register ____, text from 13 AAC 90.070 is relocated from this chapter and adopted as 13 AAC 95.125.

13 AAC 90.080(a) is repealed:

(a) Repealed ___/___/____.

13 AAC 90.080(b) is repealed:

(b) Repealed ___/___/___.

13 AAC 90.080(c) is repealed:

(c) Repealed ___/___/___.

13 AAC 90.080(d) is repealed:

(d) Repealed ___/___/___.

13 AAC 90.080(e) is repealed:

(e) Repealed ___/___/___.

13 AAC 90.080(f) is repealed:

(f) Repealed ___/___/___.

13 AAC 90.080(j) is repealed:

(j) Repealed ___/___/___.

13 AAC 90.080(k) is repealed:

(k) Repealed ___/___/___ (Eff. 9/22/84, Register 91; am 7/1/91, Register 118; am 7/1/95, Register 134; am ___/___/___, Register _____)

Authority: 18.66.050

An editor's note is added following 13 AAC 90.080:

Editor's Note: As of Register _____, text from 13 AAC 90.080(a) - (f) and 14 AAC 90.080(j) - (k) is relocated from this chapter and adopted as 13 AAC 95.115.

13 AAC 90.090 is repealed and readopted to read:

13 AAC 90.090. Crisis line. (a) A grantee providing crisis intervention services to victims or survivors of domestic violence and sexual assault shall

(1) have or contract with a crisis line service that

(A) operates 24 hours per day, 7 days per week;

(B) is staffed by a service provider that is trained in, and familiar with, the grantee's referral and intake practices;

(C) provides access to TTY or similar technology and ensures staff have been trained on its use; and

(D) addresses safety in every call;

(2) have written policies and procedures that

(A) address the needs of non-English speaking and hearing-impaired callers;

(B) explain the response protocol when a caller requests emergency shelter; and

(C) describe answering service staff training requirements and how services provided by the answering service are monitored, if an answering service or similar system is used. (Eff. 9/22/84, Register 91; am ___/___/____, Register _____)

Authority: AS 18.66.050

13 AAC 90.100 is repealed:

13 AAC 90.100. Reporting of suspected abuse of vulnerable adults. Repealed ___/___/___/. (Eff. 9/22/84, Register 91; am 12/3/88, Register 108; am 7/1/91, Register 118; am 7/1/95, Register 134; repealed ___/___/___, Register ____)

An editor's note is added following 13 AAC 90.100:

Editor's Note: As of Register ____, text from 13 AAC 90.100 is relocated from this chapter and adopted as 13 AAC 95.116.

13 AAC 90.105 is repealed:

13 AAC 90.105. Training on reporting suspected abuse of children and vulnerable adults. Repealed ___/___/___/. (Eff. 7/1/91, Register 118; am 7/1/95, Register 134; repealed ___/___/___, Register ____)

An editor's note is added following 13 AAC 90.105:

Editor's Note: As of Register ____, text from 13 AAC 90.105 is relocated from this chapter and adopted as 13 AAC 95.117.

13 AAC 90.110 is repealed:

13 AAC 90.110. Volunteers. Repealed ___/___/___/. (Eff. 9/22/84, Register 91; repealed ___/___/___, Register ____)

13 AAC 90.120 is repealed and readopted to read:

13 AAC 90.120. Coordination and referral. (a) A grantee shall have policies and procedures for developing written agreements for coordination with agencies that serve as primary referral sources, including

- (1) agencies providing services for behavioral health concerns, including substance use;
- (2) the Office of Children’s Services; and
- (3) other domestic violence and sexual assault programs serving the same area.

(b) The policies and procedures under this section must delineate means to

- (1) identify clients' unique needs, including cultural and accessibility needs;
- (2) assist clients in obtaining services;
- (3) avoid duplication of services provided by other agencies; and
- (4) specify conditions under which referrals are made, including a list of the specific steps for referral. (Eff. 9/22/84, Register 91; am 2/5/2000, Register 153; am ___/___/___, Register ___)

Authority: AS 18.66.050

13 AAC 90.130 is amended to read:

13 AAC 90.130. Program self-evaluation. A grantee shall have a written evaluation plan that includes

- (1) **a listing of the program’s outcome measures** [AN ASSESSMENT OF THE ATTAINMENT OF GOALS AND OBJECTIVES];

(2) designation of persons responsible for conducting the evaluation, including the governing body's role;

(3) a description of the types of data collected, including the frequency and method of data collection;

(4) identification of factors that contribute [WHICH ARE IMPORTANT IN CONTRIBUTING] to the success of the program;

(5) an assessment of [HOW] the grantee's impact on [GRANTEE AFFECTS] the community and clients it serves; [AND]

(6) a means for the evaluation findings to be used in the planning process described in 13 AAC 90.030; and

(7) a description of the manner in which stakeholders, including survivors, were engaged during the evaluation process. (Eff. 9/22/84, Register 91; am ___/___/___, Register ___)

Authority: AS 18.66.050

An editor's note is added following 13 AAC 90.130:

Editor's note: For best practices in developing a program monitoring and evaluation plan, the CDVSA Best Practices Guide may be viewed at <https://dps.alaska.gov/CDVSA/Resources> or you may request a copy from CDVSA, PO Box 111200, Juneau, AK, 99811-1200; phone: (907) 465-5503.

13 AAC 90.140 is repealed and readopted to read:

13 AAC 90.140. Shelters and service provision. (a) A grantee shall provide access to safety and protection to clients and clients' dependent children who are exposed to domestic or dating violence, sexual assault, or stalking. This may include access to a shelter, safe home, or alternative accommodations that provide safe housing.

(b) A grantee shall not require clients to provide identification to receive grant-funded services.

(c) A grantee shall not accept payment for grant-funded services.

(d) A grantee shall provide access to voluntary services regardless of a client's level of participation in program activities.

(e) A grantee shall provide the following services, at minimum:

- (1) advocacy;
- (2) coordination and referral;
- (3) crisis intervention; and
- (4) access to supportive groups.

(f) A grantee may provide additional services, including

- (1) behavioral health services;
- (2) community education;
- (3) residential services; and
- (4) services for youth.

(g) A grantee offering residential shelter services shall have and follow written policies and procedures regarding

(1) meeting potential emergencies such as fire, natural disasters, physical illness, and threats of physical injury; the emergency procedures must include assignments of tasks and responsibilities, including

(A) instructions for the use of alarm systems, emergency equipment, and notification of authorities;

(B) specification of escape routes in case of fire or natural disaster; and

(C) coordination with law enforcement agencies for emergency plans regarding intruders and with fire departments for emergency plans for fire or natural disasters;

(2) the shelter intake process, including the client orientation;

(3) the safe and sanitary storage, preparation, and serving of food products;

(4) the locked storage of medications belonging to residents of the shelter that assure

(A) the medications are accessible to residents independent of staff;

(B) the medications are not accessible to children or unauthorized adults;

and

(C) medications abandoned by clients are disposed of properly;

(5) the storage of firearms and other dangerous weapons belonging to residents of the shelter that assure that the weapons are not accessible to children or unauthorized adults, for shelters that allow weapons on the premises;

(6) services for children residing in the shelter, including coordination with schools to minimize disruption; and

(7) emergency or temporary closure of the shelter.

(h) The procedures set out in (g) of this section and local emergency telephone numbers must be posted in prominent places in the shelter, and the procedures made known to staff, volunteers, clients, and if applicable, law enforcement officers.

(i) A shelter must provide each resident with access to

(1) a trained employee or volunteer 24 hours per day, seven days per week;

(2) shelter services, whether the client chooses to utilize services offered;

(3) minimum necessities for youth and adults, including

(A) a bed in good condition with clean bedding;

(B) clean clothing that has been stored in a sanitary manner;

(C) personal hygiene items;

(D) safe, nutritional food and beverages, including water, milk, and infant formula if needed;

(E) a kitchen that is clean and in good repair;

(F) a functional bathroom that meets community standards; these facilities must allow for the privacy of shelter residents;

(G) a telephone that promotes the confidentiality and safety of all residents;

(H) a locked cabinet or container in a secure location for client medication storage that allows clients to have direct, immediate access and prevents access by unauthorized individuals; and

(I) a safe and secure play area for youth residing in the shelter.

(j) A shelter shall have at least one cellular telephone available for use at all times in the event of power or telephone line outages.

(k) A grantee shall ensure that any alternative accommodations utilized

- (1) are safe;
- (2) provide clients access to a telephone or another form of communication;
- (3) include bathroom facilities that meet community standards; and
- (4) have locks on all external doors.

(l) A grantee providing services for youth shall

(1) offer youth the opportunity to receive the following age-appropriate services, with the permission of a parent or guardian

- (A) orientation to the program;
- (B) education about domestic violence and sexual assault;
- (C) individual or group advocacy and support; and
- (D) information about and referral to other supportive services, including

counseling services;

(2) ensure staff providing services to youth are trained to provide youth-specific services.

(m) A grantee shall provide support group services, as defined in 13 AAC 90.190, to clients. (Eff. 9/22/84, Register 91; am ___/___/___, Register ___)

Authority: AS 18.66.050

An editor's note is added following 13 AAC 90.140:

Editor's note: For best practices in services a grantee must and may provide, the CDVSA Best Practices Guide may be viewed at <https://dps.alaska.gov/CDVSA/Resources> or

you may request a copy from CDVSA, PO Box 111200, Juneau, AK, 99811-1200; phone: (907) 465-5503.

13 AAC 90.150 is repealed and readopted to read:

13 AAC 90.150. Safe home programs. (a) A safe home must provide each resident with access to minimum necessities for youth and adults, including

(1) a bed in good condition with clean bedding;

(2) personal hygiene items;

(3) safe, nutritious food and beverages, including water, milk, and infant formula if needed;

(4) a kitchen that is clean and in good repair;

(5) a functional bathroom that meets community standards; these facilities must allow for the privacy of safe home residents;

(6) a telephone that promotes the confidentiality and safety of all residents;

(7) a safe and secure play area for youth residing in the safe home; and

(8) a locked cabinet or container in a secure location for client medication storage that allows clients to have direct, immediate access and prevents access by unauthorized individuals.

(b) Safe home staff shall not dispense, administer, nor monitor a client's access to medication.

(c) Safe home staff shall provide access to refrigerated storage space as needed by residents in a manner that provides the maximum possible privacy and autonomy.

(d) For safe homes that allow firearms and other dangerous weapons on the premises, the safe home shall provide access to a locked storage container, gun safe, or other storage area made of strong, unbreakable material the for storage of firearms and other dangerous weapons. Stored firearms must be unloaded, and ammunition must be stored separately from the firearms or locked in a gun safe. If the storage container has a glass or other breakable front, the firearms must be secured with a locked cable or chain placed through the trigger guards.

(e) Within 24 hours of a resident's arrival, safe home staff shall provide an orientation in accordance with 13 AAC 90.080(n). This orientation must also inform the resident of the requirement for nonviolent behavior by youth and adults while in the safe home and the safe home's policies on the storage of firearms and other dangerous weapons.

(f) A grantee offering safe home program services shall have written policies and procedures regarding

(1) criteria for who may use safe homes, rules for safe home operators and residents, and security measures;

(2) monitoring of safe homes to ensure that the safe homes meet community standards for cleanliness, safety and security, and sanitary conditions;

(3) the storage of medicines belonging to residents of the safe home that assure that the medicines are not accessible to children or unauthorized adults, including disposal of medications abandoned by clients;

(4) the storage of firearms and other dangerous weapons belonging to residents of the safe home that assure the weapons are not accessible to children or unauthorized adults; and

(5) emergency or temporary closure of the safe home.

(g) A grantee shall disseminate the policies and procedures in (f) of this section to safe home operators and residents.

(h) Safe home operators must receive the following trainings:

(1) confidentiality and ethics;

(2) recognition and mandatory reporting of suspected abuse or neglect of a minor child under AS 41.17.020 or vulnerable adult under AS 47.24.010;

(3) policies and procedures of the agency, including position responsibilities and emergency procedures;

(4) lethality assessments and safety planning; and

(5) current certification in CPR and First Aid. (Eff. 9/22/84, Register 91; am ___/___/___, Register ___)

Authority: AS 18.66.050

13 AAC 90.160 is repealed:

13 AAC 90.160. Services for perpetrators. Repealed ___/___/___/. (Eff. 9/22/84, Register 91; repealed ___/___/___, Register ___)

[A PROGRAM OR COMPONENT OF A PROGRAM WHOSE PRIMARY FOCUS IS ON PROVIDING SERVICES TO PERPETRATORS OF DOMESTIC VIOLENCE MUST

(1) COORDINATE PLANS FOR SERVICES WITH OTHER AGENCIES SERVING THE PERPETRATOR'S FAMILY TO AVOID CONFLICT AND ENCOURAGE COOPERATION WITH OTHER SERVICES PROVIDED TO THE AFFECTED FAMILY;
AND

(2) CONTAIN MECHANISMS TO MAINTAIN REGULAR CONTACT WITH THE VICTIM OF A PERPETRATOR WHO IS A CLIENT TO ENSURE THE VICTIM'S SAFETY.]

The introductory language of 13 AAC 90.170 is amended to read:

13 AAC 90.170. Waiver. (a) The council may[WILL, IN ITS DISCRETION,] waive compliance with a requirement in **this chapter** [13 AAC 90.010 - 13 AAC 90.060] upon written application, if the council determines:

(Eff. 9/22/84, Register 91; am ___/___/___, Register ___)

Authority: AS 18.66.050

13 AAC 90.180 is amended to read:

13 AAC 90.180. Compliance. Newly funded grantees shall [GRANTEES SHALL COMPLY WITH THIS CHAPTER WITHIN TWO YEARS AFTER 9/22/84. PROGRAMS NEWLY FUNDED AFTER 9/22/84 HAVE TWO YEARS TO] come into compliance with this chapter

within two years of receiving initial funding. (Eff. 9/22/84, Register 91; am ___/___/___, Register ___)

Authority: AS 18.66.050

13 AAC 90.190 is repealed and readopted to read:

13 AAC 90.190. Definitions. (a) In this chapter

(1) "advocacy" means individual or group sessions with a primary focus of safety planning, empowerment, and education of the client through reinforcement of the client's autonomy, dignity, and self-determination;

(2) "agency" means an agency, organization, or coalition that provides shelter, advocacy services, and referrals for victims of domestic violence or sexual assault in a safe and supportive environment;

(4) "client" means a person who receives services from a domestic violence or sexual assault program for a problem that the person is directly experiencing;

(5) "community education" refers to information that is provided to individuals and organizations in community settings, including shelters, about domestic violence, sexual assault, and the services available to victims through trainings; presentations; outreach to specific communities, schools, or geographic areas; community events; and media events;

(6) "council" means the Council on Domestic Violence and Sexual Assault;

(7) "crisis line" means the designated telephone line of an agency that operates twenty-four hours a day, three hundred sixty-five days a year which provides crisis intervention, safety planning, information, and referral services to survivors;

(8) "crisis intervention" means services provided to an individual or their family members in crisis, with an emphasis on increasing safety;

(9) "domestic violence" means a pattern of assaultive and coercive behaviors, including those defined in AS 18.66.990, that a person uses to gain or maintain power and control over their intimate partner;

(10) "grantee" means the legally accountable entity that receives a grant; in this paragraph, "grant" means an award of financial assistance by the council to an eligible recipient;

(12) "lethality assessment" means determination of the degree of danger of serious injury or death to any member of a client's family unit;

(15) "marginalized and underserved populations" includes populations who have been historically or are currently underserved and oppressed in society because of factors that are recognized under the following federal and state provisions, adopted by reference as amended from time to time:

- (A) 42 U.S.C. 10604(e) (Victims of Crime Act of 1984);
- (B) 42 U.S.C. 10406 (Family Violence Prevention and Services Act);
- (C) Sec. 3 Violence Against Women Reauthorization Act of 2013;
- (D) 42 U.S.C. 12101 (Americans with Disabilities Act of 1990); and
- (E) AK Const. art 1 (Declaration of Rights);

(16) "program" means the services provided by a grantee for the community or region it serves;

(22) "resident" means a person who is residing in a shelter or safe home, as defined in this section;

(23) "safe home" means a private residence whose occupants provide a safe environment for victims and their dependent children, on a short-term basis;

(24) "safe home program" means a legally accountable entity that receives a grant to provide safe home services;

(25) "safety check" means the process of determining if a victim's situation is dangerous, and, if so, developing a safety plan;

(26) "safety plan" means a scheme or method by which a victim may escape or be protected from a violent situation;

(27) "sexual assault" is a legal term that means any type of sexual contact or behavior that occurs by force or without consent of the recipient of the unwanted sexual activity, including

(A) forced sexual intercourse or sodomy;

(B) child molestation;

(C) incest;

(D) fondling;

(E) attempted rape;

(F) sexual acts against persons unable to consent due to age or lack of capacity; and

(G) other offenses defined in AS 11.41.410 – 11.41.470;

(27) "sexual violence" is a broad, non-legal term that refers to a variety of unwanted sexual acts that include sexual assault, rape, and sexual abuse;

(28) "shelter" means a safe home or shelter home that provides temporary refuge and food and clothing offered on a twenty-four hour, seven-day-per-week basis to survivors and survivors' dependent children, including hotels, motels, and other temporary safe housing for survivors and any dependent children in need;

(29) "staff" means persons who are paid by or volunteer for an agency or provide services to clients through an agency, including staff, relief workers, volunteers, advocacy workers, counselors, and student interns;

(30) "stalking" means a pattern of repeated and unwanted attention, harassment, contact or any other course of conduct that is directed at a specific person and would cause a

reasonable person to feel fear, including frightening communications, direct or indirect threats, and harassing an individual through the internet;

(31) "support group" means confidential, interactive group sessions facilitated by trained staff where two or more victims receive advocacy, information, and education around a specific topic of common interest;

(32) "victim" means a person who has experienced domestic or dating violence, sexual assault, or stalking and may be admitted into a program;

(33) "volunteer" means a person who provides an agency with unpaid services, which may include telephone support, referral and information, office support, shelter support, community presentations and public relations, fund-raising, court liaison, legal aid, safe home services, and direct services to clients.