

## **Batterer Intervention Program Certification Unit; SB 304**

**SB 304** creates a Batterer Intervention Program Certification Unit (Unit) in the Attorney General's Office for the purpose of certifying and inspecting batterer intervention programs in Kansas. The Unit is given access to records, investigation documents, and written reports related to domestic violence cases received or generated by the Department of Social and Rehabilitation Services, Department on Aging, Department of Health and Environment, or Kansas Bureau of Investigation.

The Attorney General is required to develop tools, methodologies, requirements, and forms for the domestic violence offender assessment (DVOA) in consultation with the certified state domestic violence coalition and with local domestic violence victims' services organizations.

The Attorney General is permitted to appoint an advisory panel to assist in the development of the certification program and rules and regulations, as well as advisory committees to carry out the purposes of the Batterer Intervention Program Certification Act (Act).

The Act prohibits operation of a batterer intervention program without certification pursuant to the Act. Programs seeking certification are required to complete an application containing the information required by the Act and submit it to the Attorney General with an application fee of \$100 and any additional information required by the Attorney General. The Attorney General is allowed to require an applicant to fulfill remedial requirements if there is a deficiency in the application.

Certification expires after two years and may be renewed by submission of a renewal application by the expiration date, payment of a renewal fee of \$100, and verification of continuing compliance with the Act and applicable rules and regulations. A procedure for reinstatement of a lapsed certification is provided. Certification is not assignable or transferable.

The Attorney General is permitted to issue a temporary permit for a period of 180 days or less to an applicant requesting initial certification if the applicant met all conditions except for agency structure, personnel qualifications, education requirements, or training requirements, if such deficiencies can be remedied within that time period. The application fee for a temporary permit is \$50.

The Attorney General is given rules and regulations authority to raise the fee for any of the application processes to an amount not more than \$250.

A grandfather clause exempts programs certified prior to the effective date of the Act from the initial application for certification.

The Act requires the program director, supervisor, or coordinator of a batterer intervention program to be licensed to practice in Kansas as a licensed psychologist, licensed baccalaureate social worker, licensed master social worker, licensed specialist clinical social worker, licensed marriage and family therapist, licensed clinical marriage and family therapist, licensed professional counselor, licensed clinical professional counselor, licensed master level psychologist, licensed clinical psychotherapist, licensed addiction counselor, or licensed clinical addiction counselor. This requirement is waived for a person who is a program director,

supervisor, or coordinator prior to January 1, 2013, as long as the person remains employed or contracted by the same certified batterer intervention program.

An applicant, certified batterer intervention program, or temporary permit holder is required to notify the Attorney General in writing of name and address changes and certain criminal convictions or diversions.

The Attorney General is required to establish the requirements for the certification program, which may include certain elements and considerations listed in the Act, and must include a requirement that the DVOA be completed by an individual licensed to practice in Kansas as a licensed psychologist, licensed baccalaureate social worker, licensed master social worker, licensed specialist clinical social worker, licensed marriage and family therapist, licensed clinical marriage and family therapist, licensed professional counselor, licensed clinical professional counselor, licensed master level psychologist, licensed clinical psychotherapist, licensed addiction counselor, or licensed clinical addiction counselor. This requirement is waived for a person who is completing a DVOA as an employee of or volunteer for a batterer intervention program prior to January 1, 2013, as long as the person remains employed by or a volunteer for the same certified batterer intervention program. The Attorney General is given authority to adopt, amend, and revoke rules and regulations governing the administration and enforcement of the Act.

The use of a DVOA by anyone other than a certified batterer intervention program or temporary permit holder is prohibited. Certified batterer intervention programs and temporary permit holders are required to maintain records related to their services for a period of two years, to be inspected at least once every certification period by the Attorney General.

The Attorney General is allowed to suspend, limit, condition, deny, revoke, or refuse renewal or reinstatement of a certification or permit if the holder makes a false statement in the application process; fails to comply with program requirements; is found guilty of fraud, negligence, deceit, or wrongful actions in connection with services rendered; allows the use of the DVOA by an unauthorized person; commits unprofessional conduct; fails to allow inspection of records as provided in the Act; or is convicted of any offense as specified in the Act. Further, any applicant, any person who operates a batterer intervention program, or any temporary permit holder who violates the Act or rules and regulations adopted under it is subject to a civil penalty imposed by the Attorney General of an amount between \$100 and \$5,000 for each violation, subject to appeal under the Kansas Judicial Review Act. The Attorney General is authorized to bring a restraining action for violations of the Act or applicable rules and regulations.

The Act establishes, in the State Treasury, the Kansas Attorney General Batterer Intervention Program Certification Fund for the deposit of amounts received under the Act, which may be expended only for the administration of the Act.

The Act defines certain words and phrases used therein.

Statutes related to municipal courts and domestic violence offenses are amended to require municipal judges, on and after July 1, 2013, to determine whether defendants have committed a domestic violence offense and to sentence such defendants accordingly, including requiring the completion of a DVOA by a certified batterer intervention program. The statute governing domestic battery is amended to clarify that an offender must undergo a DVOA conducted by a certified batterer intervention program and follow all recommendations made by the program.

The statute governing domestic battery is amended to clarify that an offender must undergo a DVOA conducted by a certified batterer intervention program and follow all recommendations made by the program, unless otherwise ordered by the court or the Kansas Department of Corrections.

The bill adds requirements regarding appointed case managers for child custody or parenting time issues under the revised Kansas Family Law Code. As of September 1, 2012, any case manager appointed prior to, on, or after July 1, 2012, will be required to currently hold one of several licenses specified in the statute, be licensed to practice law with five years' experience in domestic relations or family law, or be a court services officer and have training in domestic relations cases as prescribed by the district court in which the case is filed. The case manager also will be required to have experience as a mediator; have attended one or more workshops on case management, as approved and ordered by the district court; and have completed a minimum number of continuing education hours regarding case management issues or abuse and control dynamics issues, as established and approved by the Supreme Court.

Finally, the bill fixes non-substantive errors and omissions in 2011 SB 24, which recodified several domestic relations statutes.