

# **Battering Intervention and Prevention Project**

## **GUIDELINES**

Effective December 1, 1999



TEXAS DEPARTMENT OF CRIMINAL JUSTICE -  
COMMUNITY JUSTICE ASSISTANCE DIVISION AND  
TEXAS COUNCIL ON FAMILY VIOLENCE

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# TABLE OF CONTENTS

## **Section I: Introduction**

|                               |   |
|-------------------------------|---|
| History and Development ..... | 1 |
| Purpose.....                  | 1 |

## **Section II: BIPP Program Principles**

|                         |   |
|-------------------------|---|
| Mission Statement.....  | 3 |
| Program Principles..... | 3 |

## **Section III: Funding Process**

|                              |   |
|------------------------------|---|
| Application for Funding..... | 6 |
| Funding Process .....        | 6 |

## **Section IV: Guidelines**

|   |   |
|---|---|
| Purpose for Implementing Guidelines ..... | 7 |
| Request for Guideline Extension .....     | 7 |

### **Administrative Guidelines**

|                               |   |
|-------------------------------|---|
| Policies and Procedures ..... | 8 |
|-------------------------------|---|

### **Program Operations**

|   |    |
|---|----|
| Employee Policies and Procedures .....        | 8  |
| Staff Qualifications .....                    | 8  |
| Orientation and Initial Training .....        | 9  |
| Staff Development .....                       | 10 |
| Case Records.....                             | 11 |
| Confidentiality .....                         | 11 |
| Fee and Payment Scales and Procedures .....   | 12 |
| Program Duration.....                         | 12 |
| Program Format .....                          | 12 |
| Program Curriculum .....                      | 14 |
| Intake Procedures.....                        | 17 |
| Written Participant Agreements.....           | 18 |
| Victim/Partner Contact and Notification ..... | 19 |
| Exits .....                                   | 20 |

### **Internal Program Assessment and Evaluation**

|                         |    |
|-------------------------|----|
| Program Assessment..... | 21 |
| Research.....           | 21 |

### **Coordination and Education/Advocacy Activities**

|  |    |
|--|----|
| Coordination of Activities.....            | 22 |
| Community Education/Advocacy.....          | 24 |
| Community Education and Media Contact..... | 25 |

## **Section V: Appendices**

|   |    |
|---|----|
| A. Glossary .....   | 26 |
| B. Texas Code of Criminal Procedure, Article 42.141 ..... | 29 |
| C. Health and Safety Code, Chapter 611.004 (a) .....      | 33 |

# *Section I: Introduction*

## **History and Development**

This handbook, including the Texas Battering Intervention and Prevention Project (BIPP) Guidelines, was originally developed for the Community Justice Assistance Division (CJAD) of the Texas Department of Criminal Justice (TDCJ) by the BIPP Strategic Planning Work Group of the Texas Council on Family Violence (TCFV) in 1993-1994. The Work Group consisted of statewide battering intervention and prevention program staff, battered women's advocates, national battering intervention and prevention program experts, and TCFV and TDCJ staff. The group convened in Austin over a one-year period to consider research and evaluations in the field, review standards from other states, and discuss the needs and opportunities for program development in Texas. The resulting Guidelines were also reviewed by domestic violence and battering intervention and prevention programs throughout Texas. This extensive process helped formulate a document reflecting current practices in the battering intervention and prevention field.

In early 1998, TCFV and CJAD formed a committee to examine the BIPP Guidelines and propose revisions, additions, and deletions. The full committee met for four all-day meetings. In addition, a significant amount of work was accomplished in sub-committees. Following the recommendations of the committee, TCFV and TDCJ/CJAD staff submitted a draft to BIPP programs for their review and comments. The current document reflects changes integrated into the draft based on those field comments.

The revised BIPP Guidelines will become effective as of December 1, 1999.

## **Purpose**

The objective of this Handbook is to clarify the program and administrative standards under which BIPP programs must operate if they are to receive TDCJ/CJAD funds. The Handbook is designed to promote:

1. The safety of battered women
2. Program knowledge of effective strategies for battering intervention
3. Program accountability to women, funders, other agencies, and the community
4. Community awareness of the nature of family violence

This Handbook, especially the Guidelines portions of the Handbook (Section IV), follows a national trend to consolidate the expanding knowledge base in the battering intervention field with the experience of battered women's shelters and advocates. Model curricula, research articles, program evaluations, and national conferences have established program formats that are increasingly acknowledged around the country in the family violence movement. The Handbook is also a response to the expectation for accountability and quality control in the social services field.

The Texas Code of Criminal Procedure, Article 42.141 (See appendix B) defines the nature and consequences of domestic violence and establishes the parameters of BIPP programs. Because the preponderance of domestic violence is male to female battering, it is important for battering intervention and prevention programs to acknowledge the gender-specific nature of that violence. While we acknowledge that female to male violence does occur, this Handbook very specifically addresses male to female violence. However, it is equally important to recognize that same sex violence and female to male violence also occurs. TCFV acknowledges that female to male violence as well as same sex violence will require modifications to the program curriculum to address the specific needs in these situations.

The adoption of this Handbook does not preclude or prohibit local program variation or experimentation. BIPP programs may still introduce alternative formats and innovations. However, those formats and innovations not complying with the Handbook will not be eligible for CJAD funding. If new formats and innovations are accepted as effective, they may be included in future revisions of the handbook. TCFV recognizes that the field of battering intervention is still evolving and will periodically convene a work group to revise the Handbook to accommodate accepted changes and advances.

## ***Section II: BIPP Program Principles***

### **Mission Statement**

The mission of battering intervention and prevention programs in Texas is to eliminate male to female battering by providing services to batterers, promoting safety for victims, and bringing about social change necessary to end battering and all other forms of relationship abuse.

### **Program Principles**

#### ***A. Nature and Scope of Domestic Violence***

Battering within an intimate relationship is a systematic pattern of physical, sexual, economic, emotional and/or psychological abuse primarily utilized by men against women. Rather than a series of independent acts or events, it is most often part of a process by which the batterer establishes and maintains control and domination over the victim/partner.

Batterers must be held accountable for their abusive behavior. All abuse is intolerable and some forms are illegal. The community is responsible for providing consequences for those engaging in violent behavior, such as being arrested, convicted, and punished for a criminal act.

Battering occurs in all races, ethnic groups, educational levels, social and economic classes, sexual orientations, religions, and without regard to physical and mental abilities. Battering causes fear and may result in profound psychological damage, permanent physical injury, or death. It has adverse, long term psychological, emotional, physical, and economic effects on all family members and damaging effects on the community at large.

Children who grow up in violent homes have higher risks for behavioral problems, including suicide, substance abuse, dating violence and other criminal activities. Boys who witness battering are more likely to batter their female partners as adults. Likewise, children raised in violent homes are more likely to abuse their children as adults.

Battering tends to escalate over time, increasing in frequency and severity. Danger particularly escalates when the batterer perceives that his victim/partner may leave him.

Battering contributes to the overwhelming state of violence in our society, in which physical force is viewed by many as legitimate and acceptable behavior.

#### ***B. Causes and Dynamics of Domestic Violence***

Violence is part of an effective strategy for creating and maintaining power and control. Battering is part of a continuum of violence against women that includes sexism, sexual molestation, sexual assault, incest, pornography, prostitution, sexual harassment, and stalking. The community must make batterers accountable for the full emotional, social, and economic costs of their behavior.

Domestic violence is embedded in our social customs and institutions and consequently has been generally viewed as normal and acceptable behavior. Battering is a method some men use to exert power and control over their partner. Many men believe they are entitled to use physical, verbal, emotional, or sexual violence. To the extent that communities fail to challenge this belief, battering will continue.

Personality disorders, mental illness, substance abuse, poor impulse control, generational violence, other family of origin issues, and/or communication deficits are frequently associated with and may compound the problem of domestic violence. Treatment for these problems should neither replace nor interfere with addressing the abusive behavior, accepting responsibility for it, and addressing the unequal power of women in society.

Alcohol and drugs are not the cause of battering. However, violence cannot be successfully addressed without also treating any substance abuse.

Batterers strongly defend their violence by denying, minimizing, blaming, justifying, and rationalizing their behavior. They may blame the specific interactions of a dysfunctional relationship, current stress factors, or previous trauma. As a result, they often appear logical and rational and can be convincing about their innocence. Battering involves choices by batterers, although it may appear to be a habitual reaction committed without thought. Batterers must choose to be non-violent and non-abusive in order to ensure the safety of their victims/partners.

### ***C. Responsibilities of Battering Intervention and Prevention Project (BIPP) Programs***

BIPP programs represent one link in the chain of a comprehensive, community response to end domestic violence and are most effective as a collaboration within the larger intervention system.

BIPP programs shall be committed to the safety of battered women and their children. Program components, including, but not limited to materials and curriculum, shall avoid victim blaming. In addition, such components shall be structured so as not to jeopardize the victims/partners and children of program participants. BIPP programs shall be initiated only in a county that provides shelter services including safe housing, advocacy, and safety planning for victims.

Programs shall:

1. Establish cooperative relationships with local battered women's shelters to ensure support, information, and advocacy for victims
2. Provide training, help develop policy, and work to increase public awareness in the community
3. Develop funding sources not designated for services to victims

BIPP programs shall develop relationships with the judicial system to increase court referrals and enhance court response to noncompliance, as well as minimize lenient sentencing, diversion, or dismissal that suggest a tolerance for domestic violence or complicity on the part of the victim.

BIPP programs shall be involved in activities to promote a climate of change that fosters non-violent attitudes and behaviors. This includes, but is not limited to, contributing to community violence task groups, community anti-violence work, and broader anti-crime campaigns.

Since BIPP programs are not the primary resource to victims of domestic violence, BIPP programs shall refer victims seeking services to appropriate resources. If services to victims/partners are provided within the same agency, they shall be in a separate program designed specifically for battered women.

When there is victim/partner contact, programs shall neither persuade nor coerce victims to waive confidentiality and shall inform them of the limits to confidentiality.

BIPP programs shall contribute to victim/partners' self determination by informing them of program limitations, potential dangers and risks, program content, and available victim/partner services and support from domestic violence agencies. In working with batterers, programs shall promote the rights, safety, and autonomy of the women with whom they interact and those within the community. BIPP programs shall collaborate with other agencies concerning client referrals, technical assistance, information sharing, public policy, and public awareness to evoke the necessary changes for eliminating violence in our society.

Batterers are a separate category of violent offenders requiring specialized intervention. BIPP programs shall focus on ending violence and abuse, and on the batterer's capacity to change. Programs with groups with men who batter format are more effective because they:

1. Provide a greater opportunity for confrontation and accountability than does individual work
2. Are more successful in decreasing the batterer's isolation and dependence on his partner
3. Are more cost effective

Marriage, couples, and/or pastoral counseling, as well as anger management may increase the danger to the victim and therefore, are deemed inappropriate as the primary intervention for batterers. Approaches that see the batterer and victim/partner together are considered detrimental for the following reasons:

1. They avoid fixing responsibility on the batterer and imply that the victim/partner and/or the relationship is also to blame for the abuse
2. They perpetuate abuse by giving batterers a sense of support for their actions and placing the victim/partner in the position of self disclosing information that the batterer may subsequently use against her
3. They underestimate the real power imbalance between family members and leave victims/partners at a disadvantage

BIPP programs shall establish ways to respectfully account for the cultural, racial, and class differences of participants while focusing on participants' personal responsibility and the unacceptability of domestic violence.

Volunteers, interns, and staff of battering intervention and prevention programs are encouraged to be aware of, and address their own power and control issues on an ongoing basis.

# ***Section III: Funding Process***

## **Application for Funding**

Battering Intervention and Prevention Project (BIPP) programs, are required by CJAD to submit applications for funding on forms, and in a manner, prescribed by CJAD. Prior to each legislative biennium, CJAD will inform current contractors of the funding application process and timeline. TCFV will notify any non-CJAD funded programs with whom they have had contact. Upon request, TCFV will assist qualified applicants, whether currently CJAD funded or not, in preparing their applications.

CJAD and TCFV will develop funding priorities for the BIPP programs. CJAD may also set aside funding for programs specifically designed for special needs or experiences. For example, CJAD and TCFV may encourage special community-based programs that serve traditionally under-served populations to apply for this specialized funding. The priorities may include statements about the importance of more accessibility to BIPP programs statewide or the need to stabilize current CJAD-funded programs. Applications will be reviewed by representatives of CJAD and TCFV, on the following criteria:

1. Agency qualifications
2. Program content and format
3. Letters of support from key community agencies
4. Previous performance, if applicable
5. Rankings in any designated priorities
6. Program budget

## **Funding Process**

Supplemental information may be required if requested by CJAD and TCFV staff. CJAD retains final decision making responsibility and will notify programs of funding decisions.

The documentation process for implementing the Guidelines for CJAD funding as described in the Handbook will be made available each biennium. TCFV and CJAD will provide technical assistance to help programs comply with the Battering Intervention and Prevention Project Guidelines. Programs applying for CJAD funds should refer to Article 42.141 of the Texas Code of Criminal Procedure (See appendix B) for the statutory Guidelines of the Battering Intervention and Prevention Project. All BIPP programs that receive CJAD funding will undergo periodic fiscal and programmatic monitoring by TCFV and/or CJAD.

# ***Section IV: Guidelines***

## **Purpose for Implementing Guidelines**

The purposes of implementing Guidelines for Battering Intervention and Prevention Project (BIPP) programs are to:

1. Ensure that batterers are held accountable for their abusive behavior
2. Establish intervention programming for batterers that is designed to bring about changes in their violent and abusive behavior
3. Establish a minimum level of responsibilities and services expected from service providers that allows for monitoring and evaluating programs, as well as a basis for future program improvements
4. Encourage statewide communication and interaction among service providers and interrelated agencies toward the goal of ending domestic violence
5. Inform the public about Guidelines for and services of batterers' programs
6. Encourage community-wide collaboration and communication among social service providers and the criminal justice system, especially with battered women's advocates who provide guidance for these programs

In order to be eligible for state funding, BIPP programs must comply with all guidelines herein. Some Guidelines are mandated by Article 42.141 of the Texas Code of Criminal Procedure (Appendix B), the law establishing the Battering Intervention and Prevention Project. Others have been determined to be essential for the effective management of a BIPP program. In addition, programs must comply with all applicable federal and state laws, whether or not they are specifically listed in this Handbook. For more information, programs should consult TCFV or CJAD staff, or their local agency attorney.

## **Request for Guideline Extension**

The Texas Department of Criminal Justice Community Justice Assistance Division (TDCJ/CJAD), in conjunction with the Texas Council on Family Violence (TCFV), may approve a Request for Guideline Extension when a BIPP provider is unable to comply with a Guideline. The Request for Guideline Extension must be submitted to TCFV and must include a plan to come into compliance with the Guideline within 30 days and an explanation as to why the agency is not currently in compliance with the Guidelines. When a program becomes out of compliance with any Guideline, the BIPP provider must immediately notify TCFV in writing. TCFV will review all Requests for Guideline Extensions and forward them to TDCJ/CJAD with a recommendation. The Request for Guideline Extension is granted by TDCJ/CJAD and TCFV.

## *Administrative Guidelines*

### **Policies and Procedures**

#### **GUIDELINE # 1**

A BIPP program applying for funding to serve a county where there is no battered women's shelter center shall document the level of shelter center services available for victims/partners in that county as a part of the application process.

#### **GUIDELINE # 2**

BIPP programs shall submit annually a cooperative working agreement with the family violence shelter center in their county. If there is more than one family violence shelter center in a county, the program must have a working agreement with at least one family violence shelter from that county.

## *Program Operations*

### **Employee Policies and Procedures**

#### **GUIDELINE # 3**

BIPP programs shall have available for all employees the following required organizational policies and procedures:

1. Program approved code of ethics
2. BIPP Program Guidelines adopted by CJAD

RECOMMENDATION: It is recommended that each program develop an organizational or administrative manual or notebook that incorporates all written policies and procedures.

### **Staff Qualifications**

#### **GUIDELINE # 4**

BIPP program staff shall have a minimum of one year of combined paid and/or volunteer experience in a domestic violence program or a related social services agency; a minimum of one year relevant community activism; or a degree in a related discipline.

# **Orientation and Initial Training**

## **GUIDELINE # 5**

All employees (full-time, part-time, or contract), interns, and volunteers who work directly with batterers and/or supervise employees who work directly with batterers, shall complete 40 hours of orientation and initial training within 6 months of the date of employment and before they work unmonitored with batterers. Training received within the last two years of employment in a battering intervention program can be substituted for up to 30 hours as approved and documented by the Program Director. All orientation and initial training hours shall be documented as required by Guidelines # 6 and # 7.

## **GUIDELINE # 6**

All BIPP program employees (full-time, part-time, or contract), shall receive an orientation that includes, but is not limited to the following:

1. Agency mission, philosophy, program curriculum, and organizational structure
2. Agency policies and procedures, including personnel policies and client rights
3. Battered women's programs' relationships to the BIPP program
4. Safety planning for victims/partners

## **GUIDELINE # 7**

BIPP program employees (full-time, part-time, or contract) who work directly with batterers and/or supervise employees who work directly with batterers, shall receive initial training that includes information on state domestic violence laws; protective orders; and their community's law enforcement, prosecution, and court policies regarding domestic violence.

RECOMMENDATION: It is recommended that initial training include:

1. Observing groups and individual sessions and pairing new employees with experienced staff
2. Reviewing books, videotapes, and articles on domestic violence
3. Communicating with various agencies with which the BIPP program interacts

RECOMMENDATION: It is recommended that orientation and initial training also include attending volunteer training at the local battered women's shelter, observing their hotline, and viewing videos with battered women as the primary subject.

RECOMMENDATION: Paid or volunteer administrative support staff should, at a minimum, have an understanding of program mission, policies, and the BIPP Program Principles.

## **Staff Development**

### **GUIDELINE # 8**

Employees (full-time, part-time, or contract) who work directly with batterers and/or supervise employees who work directly with batterers shall receive a minimum of twenty hours of staff development in the area of domestic violence per calendar year.

RECOMMENDATION: It is recommended that staff development topics include:

1. Violence as a form of oppression, including racism, sexism, and homophobia
2. Basic defense mechanisms of batterers that promote deception, distortion, and misrepresentation of the facts of the abuse and the experience of the victim/partner
3. Relevant legal issues
4. Substance abuse, psychopathology, and family of origin issues and their relationship to domestic violence
5. Women's safety
6. BIPP program skill enhancement
7. Male privilege
8. Methods of collaboration with shelters and battered women's advocates and the BIPP program's accountability to them
9. New trends in battering intervention programming
10. Current domestic violence research available from subscriptions and circulation of newsletters and bulletins, and information from technical assistance conferences

RECOMMENDATION: It is recommended that BIPP program staff attend TCFV's trainings, access TCFV resources (including the library), and attend other training opportunities within and outside of the community.

### **GUIDELINE # 9**

BIPP programs shall continually supervise program employees (full-time, part-time, or contract) who work directly with batterers, for adherence to BIPP Program Principles. Employee supervision shall include, at a minimum, bi-monthly documented assessments of the employee's adherence to BIPP Program Principles.

RECOMMENDATION: It is recommended that internal supervision include audio/video taping of actual sessions with batterers. Feedback on sessions with batterers should not account for more than 50% of the training Guideline.

## **Case Records**

### **GUIDELINE # 10**

Each BIPP program shall develop and maintain a centralized case record management system on batterers receiving BIPP services. A case records management system shall include, but is not limited to:

1. Assessments
2. Written agreements
3. Confidentiality and limits of confidentiality
4. Group rules
5. Progress/attendance reports to referring agencies
6. Services rendered
7. Name, address, and phone number of victim/partner, if provided by the batterer
8. Attendance records
9. Referrals to other services and agencies

RECOMMENDATION: It is recommended that any information provided by, or about the victim/partner, not be documented in the batterer's file.

### **GUIDELINE # 11**

BIPP programs shall develop record keeping policies and procedures that ensure victim/partner safety and confidentiality. This policy must include, at a minimum, that separate files be maintained for batterers and victims.

## **Confidentiality**

### **GUIDELINE # 12**

All BIPP programs shall develop a policy regarding the program's confidentiality and notify all participants, observers of direct services, and those with access to client records of this policy. They shall sign a written agreement of confidentiality, and that agreement shall be kept on file.

### **GUIDELINE # 13**

BIPP programs shall inform batterers of the following limits to the program's confidentiality:

1. Batterers are required to sign a Consent for Release of Information, which permits information to be released to the victim/partner and/or her designated representative, law enforcement, the courts, correction agencies, and any others in accordance with agency policy.
2. Where the staff determines that there is probability of imminent physical injury to the batterer himself or to others, staff will take safety initiatives and may, if appropriate, notify medical or law enforcement personnel and/or the victim/partner (Section 611.004 (a) of the Texas Health and Safety Code). Chapter 611 of the Texas Health and Safety Code defines both the scope of and exceptions to the privilege of confidentiality. (See appendix C.)
3. Case records are subject to subpoena.

4. If the intake evaluation or subsequent contact reveals the possibility of incidents of child abuse or neglect, or abuse of the elderly or disabled, it must be reported to the Texas Department of Protective and Regulatory Services (TDPRS).

#### **GUIDELINE # 14**

Any information given by the victim/partner, including verification of progress or continued abuse, shall not be disclosed to the batterer without documentation of the victim's permission. Victims/partners shall be informed of the limits to confidentiality.

### **Fee and Payment Scales and Procedures**

#### **GUIDELINE# 15**

BIPP programs shall develop a written fee schedule to generate income for their programs, as well as policy that communicates to batterers that financial consequences are one method of being held accountable for their behavior.

### **Program Duration**

#### **GUIDELINE # 16**

A BIPP program shall consist of intake/orientation, evaluation, and 36 hours of group sessions over a minimum of 18 weekly sessions. Individual sessions with batterers shall not be included in the required 36 hours, except in special circumstances as documented in the case file.

RECOMMENDATION: Under special circumstances, individual sessions may be allowed, for hearing impaired, language barriers, or other conditions covered by Americans with Disabilities Act.

### **Program Format**

#### **GUIDELINE # 17**

Females mandated by a court order into a BIPP program shall not be placed in men's groups.

#### **GUIDELINE # 18**

A female victim/partner choosing to participate in the BIPP program shall not be placed in the men's group as a participant, or in the female court-mandated group.

#### **GUIDELINE # 19**

A BIPP program shall offer services in which the primary approach is direct intervention with the batterer in a men-who-batter group format.

#### **GUIDELINE # 20**

BIPP program components such as Orientation, Intake, Curriculum, and Group Sessions, shall focus on ending violence and abuse, and on the batterer's capacity to change.

## **GUIDELINE # 21**

BIPP program components such as Orientation, Intake, Curriculum, and Group Sessions, shall avoid victim blaming. During group, the facilitators shall confront instances of victim blaming, avoid colluding with the batterers, and focus on holding batterers accountable for their violence.

## **GUIDELINE # 22**

During group sessions, facilitators shall confront instances of denying, blaming, minimizing, justifying, and rationalizing their behavior, regardless of dysfunctional relationship, current stress factor, or previous trauma of the participant. The facilitator shall inform participants that battering involves choices.

RECOMMENDATION: It is recommended that each group session include:

1. A "check-in" at the beginning of each session in which members report on recent behavior, homework assignments, and problem areas
2. Role plays, group exercises, or written work promoting the participation of batterers and the application of program principles
3. A wrap-up concluding each session providing closure to de-escalate heightened emotions and affirm the focal points and/or program principles
4. Assigned homework extending the application and practice of the session's focal points and program principles. Some form of community service may be required as part of the homework

RECOMMENDATION: Groups should ideally have no more than 15 participants.

RECOMMENDATION: It is recommended that co-leaders of groups include both genders, for the purpose of modeling equality in a relationship.

RECOMMENDATION: It is recommended for programs to incorporate and document an element of community service or community restitution designed to expand participants' understanding of family violence and involvement in its prevention beyond the content of their weekly sessions.

RECOMMENDATION: Follow-up programs promoting violence prevention, self-help and social support should be encouraged beyond the program duration. These programs should reinforce the maintenance of non-violence, continue community service begun during the discussion sessions, and address men's issues that go beyond the violence (e.g., parenting, job stress, intimacy, etc.).

# **Program Curriculum**

## **GUIDELINE # 23**

BIPP programs shall provide an orientation session for each new participant.

RECOMMENDATION: It is recommended that this orientation:

1. Establish BIPP program Guidelines, procedures, and policies
2. Address the first and second components of the curriculum (the nature of domestic violence and non-violence planning)
3. Gather information as to the batterer's suitability for program participation and the possible need for referral

## **GUIDELINE # 24**

The BIPP program shall use a written educational curriculum that has been approved by TCFV and is designed to deter batterers from violence, abuse, and controlling behavior while teaching the elements of a non-violent lifestyle. The curriculum shall include:

### **1. The Nature of Domestic Violence**

BIPP programs shall ensure that the following items be included in the portion of the curriculum pertaining to the nature of domestic violence:

- a. Definitions of abuse, battering, and domestic violence as described in the BIPP Program Principles and by state law
- b. The responsibility of batterers for their actions and the need to avoid victim blaming and other justifications and excuses
- c. Forms of abuse, including: assault; emotional/psychological abuse; verbal abuse; sexual abuse; economic domination; property destruction; stalking; terroristic threats; intimidation; isolation; and acts jeopardizing the well-being and safety of the victim, children, other family members, friends, and pets

RECOMMENDATION: It is recommended that the following items be included in the portion of the curriculum pertaining to the nature of domestic violence:

- a. State law and practice regarding domestic violence, and legal and social consequences for batterers
- b. The impact of abuse and battering on children and the incompatibility of violence and abuse with responsible parenting
- c. The necessity of meeting financial and legal obligations to family members

## **2. Non-Violence Planning**

BIPP programs shall ensure that the following items be included in the portion of the curriculum pertaining to non-violence planning:

- a. Awareness of abusive/violent behavior and patterns (e.g., the power and control wheel)
- b. Violence avoidance techniques (e.g., time-out procedures that inform the victim/ partner appropriately and are not used to control her)
- c. Controlling-behavior logs

RECOMMENDATION: It is recommended that the following items be included in the portion of the curriculum pertaining to non-violence planning:

- a. Non-violence maintenance (e.g., "buddy" phone calls, additional support groups, relaxation, and exercise).

## **3. Attitude and Belief Changes**

BIPP programs shall ensure that the following items be included in the portion of the curriculum pertaining to attitude and belief changes:

- a. Attitudes and beliefs to promote:
  - (i) Taking responsibility for one's abusive behavior and taking action to stop it
  - (ii) Men's awareness of the nature, impact, and intent of abusive behavior
  - (iii) Belief in egalitarian partnerships and the balance of power in a relationship
  - (iv) Appropriate expression of a full range of emotions
- b. Attitudes and beliefs to challenge:
  - (i) Belief in male entitlement to control women
  - (ii) Violent attitudes that are found in sociocultural perspectives, such as oppression, domination, sexism, racism, and homophobia
  - (iii) Aggression as a legitimate conflict resolution tool

RECOMMENDATION: It is recommended that the following items be included in the portion of the curriculum pertaining to attitude and belief changes:

- a. Attitudes and beliefs to promote:
  - (i) Men's empathy for their victims'/ partners' experiences and the negative effects their abuse has caused the victims/partners and their families
  - (ii) Awareness of how pornography supports oppression, and harms women and children
- b. Attitudes and beliefs to challenge:
  - (i) Rigid sex-role stereotypes
  - (ii) Belief that men are victims of the legal system

#### **4. Maintaining Non-Abusive Behavior**

BIPP programs shall ensure that the following topics be included in the portion of the curriculum pertaining to maintaining non-abusive behavior:

- a. Non-threatening behavior
- b. Respect
- c. Trust and support
- d. Honesty and accountability
- e. Responsible parenting
- f. Shared responsibility
- g. Economic partnership
- h. Negotiation and fairness

#### **5. Effects of Domestic Violence on Children**

BIPP programs shall ensure that the following items be included in the portion of the curriculum pertaining to the effects of domestic violence on children:

- a. Discussion and exercises designed to make participants aware of the effects of their violence toward their partners on children
- b. Non-violent parenting techniques

**RECOMMENDATION:** It is recommended that BIPP programs should refer only to parenting classes and other resources that demonstrate knowledge, understanding, and sensitivity to domestic violence issues.

**RECOMMENDATION:** It is recommended that the following items be included in the portion of the curriculum pertaining to the effects of domestic violence on children:

- a. Discussion and exercises designed to help participants recall any family violence during their own childhood including witnessing, hearing, or observing the results of abuse of adults in their home or physical or psychological abuse of themselves or other children. (CAUTION: programs should guard against these activities becoming venues for batterers to indulge in self-pity or diversionary storytelling while at the same time realizing that often connecting one's own abuse to abuse that one perpetrates is a crucial learning experience)
- b. Basic information on child development and realistic and unrealistic expectations of children at various ages
- c. Programs not possessing the expertise to present this information themselves should seek partnerships with local experts in parent education, child abuse, and child development. Though these persons may be experts in their fields, it is possible, that they lack vital information about domestic violence and batterers. BIPP programs should coordinate thoroughly or co-present on this topic with local experts so that deficits in their knowledge about domestic violence will not leave batterers with an inaccurate impression about the effects of domestic violence on children

## **Intake Procedures**

### **GUIDELINE# 25**

BIPP programs shall obtain information directly from the batterer about his current and past use of violence, including child abuse and neglect, substance abuse, and other abusive behaviors.

RECOMMENDATION: BIPP programs should gather information directly from the batterer on:

1. History of threats, assaults, ideation of homicide or suicide, homicidal or suicidal attempts
2. Possession of, access to, or a history of using weapons
3. Degree of persistent focus on partner actions, whereabouts, friends
4. History of closed head injuries
5. History of episodes of blackouts
6. History of mental health conditions, current mental health status
7. History of abuse of drugs, alcohol, or other substances
8. History of sexual abuse of the victim/ partner and others
9. Nature of current relationship with the victim/partner
10. Criminal history, protective order narratives, and police reports
11. Accurate and detailed description of the most recent violent incident
12. Referral source

If a program chooses to substantiate this information from the victim/partner, it should be done voluntarily by the victim/partner and with her safety in mind.

### **GUIDELINE# 26**

BIPP programs shall document efforts to provide services to batterers whose primary language is not English.

### **GUIDELINE# 27**

The program shall establish criteria for satisfactory completion of the BIPP program. These criteria must be provided to the referral source.

### **GUIDELINE # 28**

Programs shall notify the referral source of participants eliminated from the BIPP program during and after the intake process. Referral to other resources shall be made when appropriate and as available, and documentation of such referral must be kept in the file.

RECOMMENDATION: Batterers with severe mental health problems (chronic depression, personality disorders, or suicidal or homicidal ideation), disruptive behavior, substance abuse problems, and/or generalized violence, may not be appropriate for a batterer's program and should be referred back to the referral source.

### **GUIDELINE # 29**

An individualized plan for each batterer shall be completed within four weeks of intake and shall address the particular needs of the batterer (e.g., substance abuse, psychiatric disorders, and specialized intervention for perpetration of child abuse and/or sexual assault).

RECOMMENDATION: These individualized plans may include individual sessions or recommendations to the referral source for additional interventions in response to intake information or observed participation in groups.

## **Written Participant Agreements**

### **GUIDELINE # 30**

BIPP programs shall establish a written agreement signed by the batterer that clearly delineates his obligations to the program and consequences for non-compliance with the agreement. The program shall review the agreement with the batterer and furnish him with a copy. This agreement for services shall include the following participant obligations:

1. Cooperation with group rules
2. Compliance with the written attendance policy
3. Cessation of violent, abusive, threatening, and controlling behaviors, including stalking
4. Non-abusive and non-controlling behavior toward other group members and group facilitators
5. Development of and adherence to a non-violence plan as outlined in the curriculum
6. Compliance with all court orders, including payment of child support if applicable
7. Agreement to be drug and alcohol free while participating in program services
8. Compliance with financial agreements made with the program

### **GUIDELINE # 31**

BIPP programs shall also establish and provide a copy of a written agreement that clearly delineates the obligations of the program to the batterer. The content of the written agreement shall include the program's obligation to:

1. Provide services in a manner that the batterer can understand
2. Provide a copy of all written agreements
3. Notify the batterer of changes in group time and schedules
4. Comply with anti-discrimination laws
5. Report bimonthly to the Community Supervision and Corrections Department (CSCD) or other referral source regarding his progress or lack of progress
6. Report to the batterer regarding his status and participation
7. Provide fair and humane treatment

## **Victim/Partner Contact and Notification**

Victim/Partner contact and notification includes:

1. notification upon entry and exit from the BIPP program
2. victim initiated contact with the BIPP program
3. periodic contact with the victim/partner initiated by the BIPP program.

Periodic victim/partner contact is not required, but notification as per Guideline #34, is required. Victim/partner contact is appropriate for the purposes of providing battered women with information about the BIPP program and the importance of safety planning. Contact should not be made primarily for the purpose of promoting rehabilitation of batterers.

### **GUIDELINE # 32**

BIPP programs shall develop and implement written procedures for initial contact, that addresses the following:

1. Access to information regarding a safety plan upon initial contact
2. Safety issues and potential consequences for the victim/partner that may arise from disclosure
3. Options available to her, such as protective orders and referrals to a domestic violence program for shelter, legal advocacy, and other services
4. Her safety risk in continued communication with the program
5. The victim/partner's choice to initiate or terminate contact with the program at will

### **GUIDELINE # 33**

BIPP programs shall neither persuade nor coerce victims to waive confidentiality, and shall inform them of the limits to confidentiality.

### **GUIDELINE # 34**

BIPP programs shall notify victims/partners when a batterer enters and exits from the program.

### **GUIDELINE # 35**

BIPP programs shall refer victims/partners seeking services to appropriate resources. A BIPP program shall not require the victim/partner to participate in individual, couples, and/or group counseling.

**RECOMMENDATION:** With a new offense committed by the batterer, the victim/partner should be advised of resources available from the appropriate law enforcement agency and the local domestic violence program.

## **Exits**

Participants exit BIPP programs in two ways:

1. Satisfactory completion of program requirements
2. Termination before program completion (as a result of dropping out or being expelled from the program)

A satisfactory program completion is defined as:

1. completion of intake and assessment
2. completion of the prescribed number of sessions as directed by the program
3. payment of fees
4. compliance with program rules governing appropriate participation

### **GUIDELINE # 36**

The BIPP program shall ensure that all decisions regarding “program completion” are consistent, objective, and predictable. (Refer to Guideline #27)

**RECOMMENDATION:** Communication with the participant, the victim/partner, and the court should specify only that the participant completed the program and has adequately complied with the contract and any court order. They should be advised that completion is not predictive of the absence of future violence and that any evaluation of the success of the batterer's participation in the program can not be made.

### **GUIDELINE # 37**

BIPP programs shall outline the circumstances under which a batterer may be terminated before completing the program. Program shall ensure that termination decisions are consistent, objective, and predictable.

**RECOMMENDATION:** It is recommended that programs address the following issues when outlining circumstances justifying termination.

1. Continued abuse, particularly physical violence
2. Attendance
3. Inappropriate use of the intervention program in accordance with the BIPP Program Principles
4. Non-compliance with other intervention conditions or provisions that are part of the participant's written agreement, such as involvement in a recovery program
5. Fee payment
6. Violation of group rules
7. Violation of any provisions of a court order, including child support, particularly when the participant is court-mandated to intervention.

### **GUIDELINE # 38**

An exit report shall be provided to the referral source, as well as to the victim/partner (refer to Guideline #34). The exit report shall only include information that can be verified.

## ***Internal Program Assessment and Evaluation***

### **Program Assessment**

#### **GUIDELINE # 39**

BIPP programs shall document annual program assessments regarding their services from other domestic violence programs and networks, other related agencies, and criminal justice administrators, including at least a bi-annual evaluation by TCFV.

RECOMMENDATION: It is recommended that BIPP programs arrange to have group sessions observed by battered women's shelter staff or battered women's advocates, or have audio/video tapes of group sessions reviewed, in order to obtain feedback, comments, and suggestions for keeping programs accountable to battered women.

#### **GUIDELINE # 40**

BIPP programs shall develop a policy regarding their agency's participation in program evaluation.

RECOMMENDATION: It is recommended that all feedback obtained through an evaluation process, while potentially informative, be interpreted and made public with appropriate cautions about the validity of the data.

### **Research**

Research in the field of domestic violence is an objective process of inquiry that advances the knowledge of male violence against women.

#### **GUIDELINE # 41**

BIPP programs participating in formal research shall develop a written research policy that includes:

1. Conforming with human subjects criteria for informed consent and protection, including victim/partner consent and protection
2. Allowing the BIPP program to review and comment on findings
3. Adherence to laws and standards regarding confidentiality
4. Consistency with the mission statement and BIPP Program Principles in this Handbook
5. Acknowledgment of the program's support and participation
6. Compensation for the use of program resources and time
7. A written agreement that the research does not manipulate, disrupt, or impose on BIPP program procedures

RECOMMENDATION: It is recommended that BIPP programs participate in research projects designed to explore the etiology of domestic violence, evaluate responses to the problems, and expand the body of literature serving as a resource in the field.

## *Coordination and Education/Advocacy Activities*

### **Coordination of Activities**

#### **A. Coordination of Activities with Battered Women's Programs**

Coordination of activities with the established local battered women's networks and programs includes recognizing and using their knowledge and expertise, as well as actively using their services for victims/partners of batterers.

#### **GUIDELINE # 42**

BIPP programs shall establish and document coordination of activities with local battered women's shelters and/or programs, including information for battered women about BIPP program services, philosophy, and program content and limitations.

RECOMMENDATION: It is recommended that this coordination of activities include:

1. Methods of assuring that battered women are offered outreach, advocacy, safety planning, and other assistance while men who batter are in BIPP programs
2. Efficient referral mechanisms between battered women's programs and BIPP programs

Some examples of how to coordinate activities with battered women's programs include asking battered women, their advocates, and shelter staff to:

1. Consult on the development of advertising and public information campaigns relating to battering intervention services
2. Participate in screening and hiring of program staff
3. Review tapes of groups or observe groups directly
4. Assist with group sessions or serve as co-facilitators
5. Give feedback on specific components of curriculum and program implementation

It may be appropriate to compensate battered women's programs and battered women for performing these services.

#### **B. Collaboration with the Justice System**

Collaboration with the justice system is establishing working relationships with the courts, criminal and civil justice agencies, the local District and/or County Attorney's office, local law enforcement, and corrections agencies.

### **GUIDELINE # 43**

BIPP programs shall document:

1. Training offered to law enforcement, prosecutors, judges, community supervision officers, and others on the dynamics of family violence, treatment options, and program activities
2. A system for receiving referrals from the courts and the reporting of violations of protective orders, bail bond conditions, CSCD conditions, and/or parole conditions to the supervising agency or court
3. Progress reports to the courts and/or CSCDs, at a minimum every six weeks after initial intake

RECOMMENDATION: It is recommended that required training for members of the justice system include information about domestic violence, battering, its effects on victims, and appropriate intervention strategies to eliminate violence against women and children.

RECOMMENDATION: It is recommended that justice system personnel be provided with:

1. Information regarding program length, fees, client eligibility, program employees role in hearings, how the justice agencies can access services, and BIPP program discharge procedures
2. Written information and reporting procedures, including:
  - a. The BIPP program's right to accept, reject, or discharge batterers mandated or referred to the program
  - b. The reporting of violations of protective orders, bail bond conditions, and community supervision and parole conditions to the supervising agency or court
  - c. Procedures for reporting of any known violations of any provision of a court order mandating battering intervention services to the appropriate agency or court
  - d. Procedures for reporting of further incidents of violence, including dates, brief descriptions, and outcomes
  - e. Procedure for submitting participant reports to the court

### **C. Collaboration with the Substance Abuse Treatment Community**

Collaboration with the substance abuse treatment community includes recognizing and using their knowledge and expertise in the field of substance abuse, as well as coordinating services for batterers.

### **GUIDELINE # 44**

BIPP programs shall collaborate with the substance abuse treatment community.

RECOMMENDATION: It is recommended that this collaboration include:

1. Offering training on the dynamics of domestic violence and receiving training on substance abuse
2. Providing information for victims/ partners and batterers on the relationship between substance abuse and domestic violence
3. Educating the substance abuse treatment community that treatment for substance abuse may not be substituted for participation in a BIPP program

## **D. Collaboration with the Community at Large**

### **GUIDELINE # 45**

BIPP programs shall collaborate with other community groups.

**RECOMMENDATION:** It is recommended that collaboration of activities with the community at large includes:

1. Training community groups (e.g., medical institutions, schools, mental health agencies, religious institutions, child protective services, service clubs and neighborhood associations) in conjunction with battered women's programs about domestic violence, domestic violence laws, services for victims/partners and batterers, safety strategies for battered women and children, and accountability of men who batter
2. Initiating or supporting public policy and community-wide initiatives related to safety for battered women and children and intervention with men who batter

## **Community Education/Advocacy**

Community education is information presented to heighten public awareness of family violence. It may include information about:

1. The criminality of some acts of violence toward family members
2. The moral indefensibility of all acts of family violence
3. The consequences of acts of family violence
4. The dynamics of family violence

BIPP advocacy seeks to:

1. Enhance the safety of family violence victims
2. Ensure the effectiveness of community responses
3. Hold abusers accountable
4. End family violence

### **GUIDELINE # 46**

BIPP programs shall develop a policy consistent with the BIPP Program Principles to outline their community education and advocacy efforts to end violence and abuse against women.

**RECOMMENDATION:** It is recommended that the policy include:

1. Primary prevention information, including the connection between woman abuse and child abuse
2. Information about the process and effectiveness of BIPP programs
3. Participation in local coalitions that enhance interagency communication and systems coordination. These efforts should support the creation of policies, practices, and procedures that are both responsive to the needs of battered women and children, and hold perpetrators accountable

4. Plans for forming geographically, culturally, and racially diverse coalitions. Community representatives, including formerly battered women, the local domestic violence program, relevant legal systems, victim/partner advocacy groups, and related service providers, should be involved
5. Clear information that BIPP programs are directed at eliminating the batterers' violence and abuse, not salvaging relationships and marriages. The information should not mislead or overstate the positive outcomes of BIPP programs
6. Individual change depends on the genuine commitment of the batterer to end his violence and correct his abusive and controlling attitudes and behaviors

**GUIDELINE # 47**

BIPP programs shall coordinate community education and advocacy activities with local domestic violence programs and TCFV.

**GUIDELINE # 48**

BIPP programs shall develop an annual work plan that specifies their education and advocacy goals for the coming fiscal year and a strategy for meeting those goals.

## **Community Education and Media Contact**

**GUIDELINE # 49**

BIPP programs shall develop a policy that protects the confidentiality and safety of the victim/partner when her batterer is in contact with the media or participating in community education activities.

**GUIDELINE # 50**

BIPP programs shall obtain a written consent from the batterer and his victim and/or partner before participating in any activity which could result in public disclosure of the identity and status of the batterer and/or his victim and/or partner.

**RECOMMENDATION:** Any media contact should be undertaken with the consultation of a person familiar with the local media.

# *Section V: Appendices*

## **Appendix A: GLOSSARY**

**Assess:** Gather information in order to make decisions and establish a basis for a batterer's participation in the BIPP program.

**Bimonthly:** Every other month.

**BIPP Advocacy:** Advocating with systems (e.g., criminal justice system, public school system) for changes in their policies and procedures which will enhance the safety of battered women and provide for the maximum accountability of batterers.

**BIPP program:** Battering Intervention and Prevention Project program.

**Centralized Case Record Management System:** All records related to a BIPP program participant which are stored in a central location.

**Check-In:** Reports by the group participants of instances of violence or potential violence toward their victim/partner or others.

**Collaboration:** Working closely with one or more agencies to ensure that policies and procedures of all parties are congruent and maximize victim safety and batterer accountability.

**Collude:** To take sides with a batterer by condoning his abusive behavior including condoning the behavior by not confronting it.

**Community Education:** Information presented to heighten public awareness of family violence.

**Completion Report:** A report to the referral source, the victim/partner, and the participant stating that the participant has completed the requirements of the BIPP program.

**Compliance:** Conformity with the BIPP program's requirements as mandated by the program in accordance with BIPP Guidelines.

**Confidentiality:** Not revealing the information learned through the BIPP program to an outside source.

**Confront:** To challenge an inappropriate statement or action by a batterer.

**Cooperative Working Agreement:** A mutual agreement of two or more agencies to work together in offering services to batterers and their victim/partners.

**Coordination:** Synchronizing events and services so as not to conflict or compete and to maximize effectiveness.

**Degree In Related Discipline:** Human Services, Psychology, Social Work, Sociology, Counseling, or Criminal Justice.

**Exit:** When a participant leaves the BIPP program for any reason.

**Exit Report:** A report to the referral source, the victim/partner, and the participant stating that the participant has exited from the BIPP program.

**Female Court Mandated Group:** A BIPP group established for women who have been identified by the criminal justice system as domestic violence offenders.

**Individualized Plan:** Goals, objectives, and plan of action for intervention with an individual during their participation in a BIPP program.

**Initial Training:** Supervised instruction and training activities that may take place while working with batterers.

**Intake:** Activities designed to determine the appropriateness of the batterer for Battering Intervention and Prevention Project program.

**Male Privilege:** Advantages and “rights” that men have available to them because they are male.

**Men Who Batter Group Format:** A group format designed for men whose commonality is battering their female partners.

**Monitor:** To supervise BIPP program staff, either in person, or through audio or video taping.

**Non-Compliance:** Not meeting the BIPP program’s requirements as mandated by the program in accordance with BIPP Guidelines.

**Non-Violence Planning:** A batterer’s plan of action designed to ensure his non-violence and the safety of his victim/partner and family.

**Non-violence:** Absence of physical, psychological, economic, sexual, and verbal abuse, as well as threats and stalking.

**Orientation:** General instruction and review designed to prepare new program staff for work with batterers.

**Participant:** A batterer that has been accepted for participation in a BIPP program, and has agreed to participate by signing program documents.

**Program Approved Code of Ethics:** Collection of ethical principles and requirements adopted by the BIPP program for prescribed and prohibited conduct of BIPP program employees. This code of ethics may be identical to codes for professionals employed as facilitators (e.g., code of ethics for License Professional Counselors or social workers), however, non-professionals facilitating BIPP groups must also be held accountable by a code of ethics adopted by the BIPP program.

**Program Assessment:** Ongoing external feedback and review of the BIPP program. Feedback and review by the parent organization is considered, it is internal assessment

**Program Completion:** When a participant meets the minimum criteria for completion of the BIPP program as required by these Guidelines as well as any additional criteria required by the program itself.

**Program Employee:** A BIPP staff person who works with participants directly as opposed to clerical and administrative staff.

**Program Evaluation:** Review of internal data that offers an indication of program effectiveness for funders and the public, especially about participant referral, dropout, and completion rates. Evaluation can include efforts to obtain feedback from former program participants and, with sufficient protection, from their victims/partners.

**Program Services:** Intake, Assessment, Orientation, Group, and Individual counseling.

**Progress Reports:** Documentation of objective events that have occurred during a batterer's participation in a BIPP program.

**Relevant Community Activism:** Public service activities in the area of human needs or violence intervention and prevention.

**Research** (in the field of domestic violence): Objective process of inquiry that advances the knowledge of male violence against women.

**Safety Planning:** A plan for the victim/partner to use in the case of danger or threat from her partner.

**Satisfactory:** Meeting the minimum standards.

**Separate Files:** Maintaining files in a separate file cabinet or other physical location.

**Shelter Center:** A facility that offers services, such as temporary shelter, legal advocacy or non-residential services for victims of domestic violence and their children.

**Social Change:** Changing social norms.

**Special Population:** People that have special needs and cannot be mainstreamed into the BIPP program, for example, a person that does not speak or understand the English language.

**Staff Development:** Training in addition to orientation and initial training that addresses issues arising as a result of working in the domestic violence field.

**Supervised:** Oversight of BIPP program staff to ensure their functioning in accordance with BIPP guidelines and other policies and procedures.

**Termination:** When a participant leaves the BIPP program by any means other than completion of the program.

**Unsupervised:** A BIPP program employee whose job activities are not monitored by other BIPP staff.

**Victim / Partner:** A person who has been harmed by violence from a BIPP program participant with whom they cohabit, or have cohabited with in the past. Can also be a person harmed in a dating relationship or past dating relationship.

**Victim/Partner Contact:** Periodic contact between the victim/partner and the BIPP program during the time the her batterer is involved with the BIPP program.

**Victim/Partner Notification:** Notifying the victim/partner when her batterer enters and exits the BIPP program.

**Violence:** Physical, psychological, economic, sexual, and verbal abuse, as well as threats and stalking.

**Workers in BIPP Programs:** Anyone who works for a BIPP program, whether or not they work directly with the batterers.

## **Appendix B: Texas Code of Criminal Procedure, Article 42.141**

Art. 42.141. Battering intervention and prevention program.

Sec. 1. Definitions.

In this article:

- (1) "Batterer" means a person who commits repeated acts of violence or who repeatedly threatens violence against another who is:
  - (A) related to the actor by affinity or consanguinity, as determined under Chapter 573, Government Code;
  - (B) is a former spouse of the actor; or
  - (C) resides or has resided in the same household with the actor.
- (2) "Division" means the community justice assistance division of the Texas Department of Criminal Justice.
- (3) "Family" has the meaning assigned by Section 71.01, Family Code.
- (4) "Family violence" has the meaning assigned by Section 71.01, Family Code.
- (5) "Shelter center" has the meaning assigned by Section 51.002, Human Resources Code.
- (6) "Household" has the meaning assigned by Section 71.01, Family Code.
- (7) "Program" means a battering intervention and prevention program operated by a nonprofit organization that provides, on a local basis to batterers referred by the courts for treatment, treatment and educational services designed to help the batterers stop their abusive behavior.
- (8) "Project" means the statewide activities for the funding of battering intervention and prevention programs, the related community educational campaign, and education and research regarding such programs.
- (9) "Responsive law enforcement climate" means an area where, in cases of family violence:
  - (A) the local law enforcement agency has a policy or record of arresting batterers; and
  - (B) the local criminal justice system:
    - (i) cooperates with the victim in filing protective orders; and
    - (ii) takes appropriate action against a person who violates protective orders.

Sec. 2. Establishment.

The battering intervention and prevention program is established in the division.

Sec. 3. Duties of the Division.

The division shall:

- (1) contract with a nonprofit organization that for the five-year period before the date on which a contract is to be signed has been involved in providing to shelter centers, law enforcement

agencies, and the legal community statewide advocacy and technical assistance relating to family violence, with the contract requiring the nonprofit organization to perform the duties described in Section (4) of this article;

(2) seek the input of the statewide nonprofit organization described in Subdivision (1) of this section in the development of standards for selection of programs and the review of proposals submitted by programs;

(3) issue requests for proposals for the programs and an educational campaign not later than January 1, 1990;

(4) award contracts for programs that take into consideration:

(A) a balanced geographical distribution of urban, rural, and suburban models; and

(B) the presence of a responsive law enforcement climate in the community;

(5) develop and monitor the project in cooperation with the nonprofit organization;

(6) monitor the development of a community educational campaign in cooperation with the nonprofit organization;

(7) assist the nonprofit organization in designing program evaluations and research activities; and

(8) facilitate training of probation officers and other criminal justice professionals by the nonprofit organization and by programs.

#### Sec. 4. Duties of the Nonprofit Organization.

The nonprofit organization with which the division contracts shall:

(1) assist the division in developing and issuing requests for proposals for the programs and the educational campaign;

(2) assist the division in reviewing the submitted proposals and making recommendations for proposals to be selected for funding;

(3) develop and monitor the project in cooperation with the division;

(4) provide technical assistance to programs to:

(A) develop appropriate services for batterers;

(B) train staff;

(C) improve coordination with shelter centers, the criminal justice system, the judiciary, law enforcement agencies, prosecutors, and other appropriate officials and support services;

(D) implement the community educational campaign; and

(E) participate in project administered program evaluation and research activities;

(5) provide technical assistance to the division to:

(A) develop and implement standards for selection of programs for inclusion in the project; and

(B) develop standards for selection of the community educational campaign described in Section 6 of this article;

(6) submit an annual written report to the division and to the legislature with recommendations for continuation, elimination, or changes in the project; and

(7) evaluate the programs and the community educational campaign, including an analysis of the effectiveness of the project and the level of public awareness relating to family violence.

#### Sec. 5. Programs.

(a) A program proposal must:

(1) describe the counseling or treatment the program will offer;

(2) include letters from a local law enforcement agency or agencies, courts, probation officers, and other community resources describing the community's commitment to improve the criminal justice system's response to victims and batterers and to cooperate with and interact in the programs' activities;

(3) include a letter from the local shelter center describing the support services available to victims of family violence in the community and the shelter's commitment to cooperate and work with the program; and

(4) describe the public education and local community outreach activities relating to family violence currently available in the community and a statement of commitment to participate on the local level in the public educational campaign described in Section 6 of this article.

(b) A program must:

(1) be situated in a county in which a shelter center is located;

(2) offer counseling or treatment in which the primary approach is direct intervention with the batterer, on an individual or group basis, but that does not require the victim of the family violence to participate in the counseling or treatment;

(3) offer training to law enforcement prosecutors, judges, probation officers, and others on the dynamics of family violence, treatment options, and program activities; and

(4) have a system for receiving referrals from the courts and for reporting to the court regarding batterers' compliance with the treatment program.

(c) This section does not preclude a program from serving a batterer other than one who was ordered by a court to participate in the program established under this subchapter.

#### Sec. 6. Community Educational Campaign.

(a) The division, with assistance from the nonprofit organization, shall select the community educational campaign relating to family violence after the commission has selected the programs. The campaign is to be implemented in the areas covered by the programs.

(b) The campaign shall use a variety of media, including newspapers, radio, television, and billboards, and shall focus on:

- (1) the criminality of acts of violence toward family members;
- (2) the consequences of family violence crimes to the batterer; and
- (3) eradicating public misconceptions of family violence.

Sec. 7. Use of Legislative Appropriation.

Of a legislative appropriation for the project established under this article:

- (1) not more than six percent may be used by the division for management and administration of the project;
- (2) not more than 14 percent may be applied to the contract between the division and the nonprofit organization; and
- (3) not more than three percent may be applied to the contract for the community educational campaign.

Sec. 8. Contract Date.

The contract required under Section 3(a) of this article shall be signed not later than November 1, 1989.

Added by Acts 1989, 71st Leg., ch. 785, Sec. 3.05, eff. Sept. 1, 1989. Sec. 1(1) amended by Acts 1991, 72nd Leg., ch. 561, Sec.11, eff. Aug. 26, 1991; Sec. 1(1)(A) amended by Acts 1995, 74<sup>th</sup> Leg., ch. 76, Sec. 5.95(27), eff. Sept. 1, 1995.

## **APPENDIX C: Health and Safety Code, Chapter 611.004 (a) Mental Health Records**

In this chapter:

(1) "Patient" means a person who consults or is interviewed by a professional for diagnosis, evaluation, or treatment of any mental or emotional condition or disorder, including alcoholism or drug addiction.

(2) "Professional" means:

(A) a person authorized to practice medicine in any state or nation;

(B) a person licensed or certified by this state to diagnose, evaluate, or treat any mental or emotional condition or disorder; or

(C) a person the patient reasonably believes is authorized, licensed, or certified as provided by this subsection.

Sec. 611.004. Authorized Disclosure of Confidential Information Other than in Judicial or Administrative Proceeding.

(a) A professional may disclose confidential information only:

(1) to a governmental agency if the disclosure is required or authorized by law;

(2) to medical or law enforcement personnel if the professional determines that there is a probability of imminent physical injury by the patient to the patient or others or there is a probability of immediate mental or emotional injury to the patient;

(3) to qualified personnel for management audits, financial audits, program evaluations, or research, in accordance with Subsection (b);

(4) to a person who has the written consent of the patient, or a parent if the patient is a minor, or a guardian if the patient has been adjudicated as incompetent to manage the patient's personal affairs;

(5) to the patient's personal representative if the patient is deceased;

(6) to individuals, corporations, or governmental agencies involved in paying or collecting fees for mental or emotional health services provided by a professional;

(7) to other professionals and personnel under the professionals' direction who participate in the diagnosis, valuation, or treatment of the patient;

(8) in an official legislative inquiry relating to a state ospital or state school as provided by Subsection (c);

(9) to health care personnel of a penal or other custodial institution in which the patient is detained if the disclosure is for the sole purpose of providing health care to the patient;

(10) to an employee or agent of the professional who requires mental health care information to provide mental health care services or in complying with statutory, licensing, or accreditation requirements, if the professional has taken appropriate action to ensure that the employee or agent:

(A) will not use or disclose the information for any other purposes; and

(B) will take appropriate steps to protect the information; or

(11) to satisfy a request for medical records of a deceased or incompetent person pursuant to Section 4.01(e), Medical Liability and Insurance Improvement Act of Texas (Article 4590i, Vernon's Texas Civil Statutes).