

**\*\*PLEASE NOTE: This document is current as of 7/9/2009 and serves as an unofficial copy of the changes to the DVP rules. The official document will be distributed on or before August 1, 2009.\*\***

Tracking #2009-00297  
FA/P 6/5/09, eff. 8/1/09

I:/08091201.rtf  
[I:/08091201.doc]

## **(12 CCR 2512-2)**

[Instructions: insert the following paragraph before line \_\_\_\_\_.]

Re-write of Sections 12.200 through 12.203.6 were final adoption following publication at the 6/5/2009 State Board meeting, with an effective date of 8/1/2009 (Rule-making# 08-9-12-1). Statement of Basis and Purpose and specific statutory authority for these revisions were incorporated by reference into the rule. These materials are available for review by the public during normal working hours at the Colorado Department of Human Services, Division of Boards and Commissions, State Board Administration.

\*\*\*\*\*

[Instructions: replace lines \_\_\_\_\_.]

### **12.200 DOMESTIC VIOLENCE PROGRAM (DVP)**

#### **12.200.1 MISSION [Rev. eff. 8/1/09]**

The Colorado Department of Human Services (CDHS), Domestic Violence Program (DVP), is the lead authority for issues pertaining to domestic violence, as defined in Section 18-6- 800.3(1), C.R.S. Within CDHS, the DVP administers funding designated to intervene, prevent, and respond to domestic violence.

#### **12.200.2 DVP ADVISORY AND FUNDING RECOMMENDATION COMMITTEES [Eff. 8/1/09]**

- A. All members of the committees shall be persons knowledgeable in the field of domestic violence and approved by the CDHS Executive Director or designee.
- B. No more than half of the membership of each committee shall be representatives of CDHS.
- C. Membership of the DVP Advisory Committee shall consist of at least one representative from the Colorado Coalition Against Domestic Violence and two funded entities, as defined in Section 12.200.4.
- D. Membership of the DVP Funding Recommendation Committee shall consist of at least one representative from the Colorado Coalition Against Domestic Violence.
- E. Advisory Committee will provide insight, direction, and monitoring to the DVP. Toward this end, the Advisory Committee shall:

1. Guide the overall functioning of the DVP;
  2. Advise the DVP regarding domestic violence policy development or legislative initiatives;
  3. Advise the DVP on the composition of the Funding Recommendation Committee;
  4. Develop processes to review Requests for Applications for funding requests;
  5. Review grievances related to funding and contracts as outlined in Section 12.200.4;
  6. Review appeals related to findings of non-compliance with DVP rules as outlined in Section 12.200.6 and give recommendations to the DVP;
  7. Review formal complaints from concerned citizens regarding services delivered by funded entities as outlined in Section 12.200.7; and,
  8. Approve programmatic and administrative standards for funded entities.
- F. The Advisory Committee shall develop and adopt written policies and procedures to minimally include the:
1. Purpose, as outlined above;
  2. Committee structure;
  3. Structure, membership, and duties for a DVP Funding Recommendation Committee.
- G. The Funding Recommendation Committee shall review responses to the Request for Applications and make recommendations for disbursement of funds.

**12.200.3 ELIGIBILITY [Rev. eff. 8/1/09]**

- A. Governmental and non-governmental entities, as follows, may be eligible for DVP funding:
1. Counties;
  2. Cities and counties;
  3. Cities;
  4. Towns;
  5. Municipalities;
  6. Special districts;
  7. Private nonprofit organizations or corporations; or,
  8. Other community-based or community-oriented entities with a social service mission created for exclusive public use and providing services to victims of domestic violence and their dependants.
- B. Eligible entities shall:

1. Develop a mission statement that declares a commitment to work toward the elimination of domestic violence, the provision of domestic violence intervention and prevention services, or educating the community regarding the issue of domestic violence;
2. Comply with the rules in Section 12.201;
3. Offer free and confidential emergency and crisis response services to victims of domestic violence and their dependants on a continuous basis, which shall minimally include one or more of the following:
  - a. Operation of a crisis telephone number accessible to the local community twenty-four (24) hours per day, seven days per week;
  - b. Availability of paid staff or volunteers who are able to respond to emergency crisis situations twenty-four (24) hours per day, seven days per week; or,
  - c. Coordination of a or b, above, through a formal memorandum of understanding with one or more entities that also meet all DVP eligibility criteria and rules herein.
4. Develop policies to ensure that victims and their dependants are not required to attend a religious activity or instruction as a requirement to receive domestic violence services;
5. Document appropriate legal status or standing as a nonprofit or nongovernmental agency or corporation as required by Federal or Colorado law;
6. Develop written articles of incorporation and by-laws, as appropriate, to include a functioning board of directors or advisory committee, which provides oversight and governance; and,
7. Document evidence of compliance with applicable Federal, State, and local laws and regulations.

**12.200.4 REQUEST FOR APPLICATION (RFA) REQUIREMENTS AND FUNDING AWARDS [Eff. 8/1/09]**

The DVP administers and distributes funds designated to the Colorado Department of Human Services for community-based programs that intervene, respond, and prevent domestic violence. These funds include, and are not limited to, the Federal Family Violence Prevention and Services Act formula grant, Temporary Assistance to Needy Families block grant, Colorado Domestic Abuse Fund individual state income tax contributions, and may also include other funds received by the Department for purposes of distribution to eligible entities.

- A. The DVP will announce availability of funding through a Request for Application (RFA) and solicit responses to an RFA as required by the state.
- B. Eligible entities that request funding from the DVP shall complete the RFA in its entirety.
- C. The RFA and announcement shall state the following:
  1. Amount of funding available;
  2. Purpose of funding;
  3. Sources of funding;
  4. Allowable and disallowable expenses;

5. State contracting requirements;
  6. Timelines for RFA review process, funding determinations, and contract period;
  7. Technical assistance available for the RFA instructions;
  8. Funding grievance policy and procedures;
  9. Instructions for completing the RFA; and,
  10. Criteria used in evaluating RFAs.
- D. In distributing funding, no less than seventy-five percent (75%) of funding available through the DVP shall be allocated to non-governmental entities.
- E. The DVP staff and the Funding Recommendation Committee shall review all completed RFAs and recommend funding awards using the following criteria:
1. Ability to demonstrate eligibility for DVP funding;
  2. Ability to abide by the RFA requirements and instructions; and,
  3. Ability to comply with the rules outlined in Section 12.201.
- F. The DVP reserves the right to deny funding to any entity for failure to complete the RFA and/or adhere to all procedures and timeframes outlined in the RFA instructions.
- G. Funding award approvals are determined through the following process:
1. The Funding Recommendation Committee provides the recommendations to the DVP Director;
  2. The DVP Director reviews and provides preliminary approval;
  3. The Executive Director of CDHS or designee provides final review and approval; and,
  4. The advisory committee is notified of final awards.
- H. The Funding Recommendation Committee, the DVP Director, and the Executive Director of CDHS may reduce award requests based on dollars available.
- I. Funding grievances
1. For purposes of these rules, a DVP funding grievance shall be defined as action taken by the DVP, which the griever believes to be unfair and warrants a formal grievance.
  2. If an applicant feels that he/she has been incorrectly denied or reduced funding based on the requirements in Section 12.200.4, E, the applicant may file a grievance directly with the DVP director using the process outlined below.
  3. Reductions in funding awards based on less available dollars are not grievance circumstances.
  4. All grievances shall be submitted in writing within fifteen (15) business days after applicant knows, or should have known, of the facts giving rise thereto.

5. The DVP director shall conduct a preliminary review of the grievance and within ten (10) business days of receipt will issue a formal written response.
6. The preliminary review shall determine whether the alleged grievance meets the requirements for review: a denial or reduction in funding for not meeting one of the requirements in Section 12.200.4, E.
7. If the DVP director determines that the grievance meets the requirements for review, the supervisor for the DVP director, or designee, shall conduct a formal review and issue a formal written response within thirty (30) business days of the preliminary review. A copy of the written formal review shall also be sent to the DVP Advisory Committee.
8. The applicant may request a further review upon receipt of the formal review. The applicant may submit such a request in writing to the DVP Advisory Committee within fourteen (14) business days of the mailing of the formal review by mailing the request to the DVP director.
9. The DVP advisory committee shall review the grievance, the formal review, and any other materials provided by the applicant or the DVP director within sixty (60) business days of the request being received by the department and issue a response.
10. The DVP Advisory Committee shall issue a written opinion on the grievance. The opinion shall be submitted to the Executive Director of the Department or designee for review and approval. If no action is taken, the opinion becomes final within thirty (30) business days of submission to the Executive Director or designee, or the Executive Director or designee may modify, review or overturn the DVP Advisory Committee decision.

#### **12.200.5 CONTRACT AND FUNDING [Rev. eff. 8/1/09]**

- A. CDHS may enter into contracts or agreements for services with any entity eligible that meets the rules in Section 12.201.
- B. All contracts shall be in the form prescribed by State Fiscal Rules 2-2 and 3-1 (1 CCR 101-1).
- C. Entities awarded a contract shall:
  1. Agree to all terms and conditions as prescribed by the State Department;
  2. Comply with contingencies associated with the contract;
  3. Not sub-grant or sub-contract funds;
  4. Collect and submit required statistical data and reports; and,
  5. Invoice for allowable and approved expenses incurred; preferably monthly, but at least quarterly.
- D. The DVP shall reimburse for expenses previously incurred by the funded program in accordance with the terms of the contract.

#### **12.200.6 FUNDED PROGRAM MONITORING [Rev. eff. 8/1/09]**

- A. Funded programs shall agree to comply and cooperate with DVP monitoring including, but not limited to, audits and on-site visits not less than once every four years to minimally include review of compliance with rules in Section 12.201.

- B. Funded programs may be subjected to an emergency audit and/or on-site visit should conditions warrant such measures.
- C. The DVP shall document all results of audits and on-site visits in a formal report made available to the funded program.
- D. The DVP may take one or more of the following actions after an audit or on-site visit:
  - 1. Develop a list of recommendations for programming or administrative improvements; and,
  - 2. Require funded programs to provide updates regarding progress toward reaching recommendations.
- E. The DVP may take one or more of the following actions after an audit or on-site visit where the funded program is found to be non-compliant with DVP rules in Section 12.201:
  - 1. Place non-compliant programs on a corrective action plan, which is defined as a written document that establishes steps that a funded program must take to achieve compliance;
  - 2. Temporarily restrict access to funding until compliance issues are remedied; or,
  - 3. Deny further funding including current contract obligations if compliance is not reached, the corrective action plan fails, or DVP receives evidence of criminal wrongdoing.
- F. Appeals of decisions regarding corrective action plans, restrictions placed upon funding, or denial of funding:
  - 1. For the purposes of these rules, an appeal is defined as an action that a funded program may take if the funded program disagrees with the terms of the corrective action plan.
  - 2. All appeals shall be made in writing within thirty (30) business days of issuance of corrective plan or notification of funding restrictions or denials to the DVP director.
  - 3. The DVP director shall issue a written decision to the program within sixty (60) days of notice of appeal.
  - 4. Funded programs may appeal the DVP director's decision to the DVP advisory committee within fifteen (15) days of notice of the decision.
  - 5. The DVP Advisory Committee's written decision shall be submitted to the Executive Director of the Department or designee for review and approval. If no action is taken, the written decision becomes final agency action within thirty (30) business days of submission to the Executive Director or designee, or the Executive Director or designee may modify, revise or overturn the DVP Advisory Committee decision.

#### **12.200.7 REVIEW OF FORMAL COMPLAINTS [Eff. 8/1/09]**

The DVP shall review formal complaints from concerned citizens regarding the delivery of services from funded entities using the following process:

- A. For purposes of these rules, formal complaints are defined as dissatisfaction with services performed by a funded program.
- B. All formal complaints shall be made in writing and submitted to the DVP staff no later than sixty (60) days after the incident leading to the complaint arose.

- C. DVP staff shall review complaints within forty-five (45) days of receipt of the written complaint and develop a written response to the program impacted to include a summary of the complaint and request for the impacted program to respond to the complaint.
- D. The identity of the concerned citizen bringing forth the complaint shall remain confidential, unless the citizen signs a confidentiality waiver.
- E. The impacted program has thirty (30) business days to respond to the DVP staff.
- F. The DVP Advisory Committee shall review the documentation and issue a written response letter to the complainant within sixty (60) business days of receipt of impacted program's response, indicating their recommendation to the DVP director. Recommendations could include, but are not limited to, action by the DVP, no action, development of requirements or recommendations to remedy the complaint, a corrective action plan, further investigation, or deem it to be an unfounded allegation.

## **12.201 PROGRAMMATIC AND ADMINISTRATIVE RULES FOR FUNDED ENTITIES**

### **12.201.1 PURPOSE OF PROGRAMMATIC AND ADMINISTRATIVE RULES [Rev. eff. 8/1/09]**

These rules, in accordance with Section 26-7.5-104, C.R.S., shall serve as minimum requirements for delivery of free and confidential services to victims of domestic violence and their dependants. Domestic violence programs, as defined in Section 26-7.5-103, C.R.S., that currently do not receive DVP funding should use these rules to begin the process of establishing programs. Programs that currently receive DVP funding shall adhere to these rules to maintain funding from the DVP.

### **12.201.2 CONFIDENTIALITY REQUIREMENTS [Rev. eff. 8/1/09]**

- A. All staff and volunteers of programs funded wholly or in part by the DVP that provide direct services to victims of domestic violence and their dependants must receive fifteen (15) or more hours of domestic violence-related training, per Section 13-90-107 C.R.S. Training shall minimally address the following topics:
  - 1. Crisis intervention skills;
  - 2. Community resources available to victims of domestic violence and their dependants;
  - 3. The dynamics of abusive relationships;
  - 4. Advocacy and safety planning skills;
  - 5. Domestic violence-related laws;
  - 6. Child abuse reporting; and,
  - 7. Cultural competency.
- B. All information pertaining to victims of domestic violence and their dependants shall be confidential, as is prescribed by Section 13-90-107, C.R.S., including, but not limited to, the following types of communications:
  - 1. Client and case file records;
  - 2. Data collection systems;

3. Client meeting notes;
  4. Communication logs;
  5. Counseling notes;
  6. Communications through a translator; or,
  7. Any other documents or materials produced by the program containing personally identifying victim information.
- C. Funded programs shall develop a written policy regarding confidential communications. The written policy shall minimally include:
1. Use of written, dated, time-limited releases of information to include informed consent;
  2. General record keeping policies and procedures including document retention and destruction policies;
  3. Victims' rights to access their individual case records;
  4. Staff and volunteer access to client files;
  5. Staff, volunteer, and board member confidentiality agreements; and,
  6. Notifications of limitations on confidentiality to minimally include reporting of known or suspected child abuse or neglect, or danger to self or others.

### **12.201.3 STATISTICAL DATA AND RECORD KEEPING REQUIREMENTS [Rev. eff. 8/1/09]**

All programs funded wholly or in part by the DVP shall:

- A. Submit reports using the DVP statistical reporting tool(s) and forms;
- B. Submit narrative reports, including data regarding goals and objectives, outcome measurements and other required information according to the schedule set forth by the DVP;
- C. Submit data and narrative reports within all timeframes set forth by the DVP; and,
- D. Keep copies of all reports for a minimum of three (3) years after the end of the grant period.

### **12.201.4 FISCAL REQUIREMENTS [Rev. eff. 8/1/09]**

- A. Funded programs shall demonstrate sound fiscal management as evidenced by:
1. Implementation of an accounting system in accordance with generally accepted accounting principles;
  2. Written fiscal policies and procedures;
  3. A board of directors that reviews financial reports on a regular basis (see Section 12.201.5);
  4. A board of directors that has oversight of the program's audit or financial review;
  5. Separation of staff and board of directors fiscal responsibilities and duties as appropriate;



6. Staff and board oversight of fiscal matters;
7. Sufficient assurances to protect against theft or embezzlement;
8. A surety bond for employees or contractual services charged with receiving, disbursing, or handling currency or documents with cash value totaling more than twenty-five percent (25%) of the annual revenue of the funded program. A surety bond shall be ten percent (10%) of the maximum value of cash or cash-like items the employee or contractual services has access to during a year;
9. An annual operating budget approved by the board of directors;
10. Monthly financial statements that include actual expenses and income; and,
11. Profit and loss statements.

**B. Audits and Financial Reviews**

1. Funded programs with an annual operating budget of \$500,000.00 or more and/or a contract for funding with the DVP \$100,000.00 or greater shall conduct an annual audit by a qualified independent Certified Public Accountant and submit audit results to the DVP as requested.
2. Funded programs with an annual operating budget of \$250,000.00 - \$499,999.00 shall conduct an annual financial review by a qualified independent Certified Public Accountant and submit review results to the DVP as requested.
3. Funded programs with an annual operating budget of less than \$250,000.00 shall conduct a financial review no less than once every two years by a qualified independent Certified Public Accountant and submit review results to the DVP as requested.

C. Funded programs shall make fiscal documentation available to the state as requested.

**12.201.5 BOARD OF DIRECTORS REQUIREMENTS [Eff. 8/1/09]**

- A. Funded programs that operate directly under the authority of a Board of Directors shall have the following:
1. Written job descriptions for all Board of Directors members and officers;
  2. Written policies pertaining to the Board of Directors regarding fiduciary responsibilities;
  3. Training for Board members to minimally include how members perform their duties; and,
  4. Assurances that the Board of Directors makes every effort to recruit and maintain membership that reflects the racial, ethnic, economic, and social composition of the community or region to be served, including efforts to recruit and maintain participation of former clients of the program and/or persons who have experienced domestic violence.
- B. Funded programs that operate as part of an umbrella or larger organization with its own Board of Directors shall form an Advisory Board with interests focused only on the funding program component that reflects the racial, ethnic, economic, and social composition of the community or region to be served, including former clients of the program and/or persons who have experienced domestic violence.

#### **12.201.6 ADMINISTRATIVE REQUIREMENTS [Rev. eff. 8/1/09]**

Funded programs shall demonstrate administrative capacity through the following to minimally include:

- A. Compliance with all legal requirements pertaining to nonprofit management, reporting, and governance, as prescribed by State and Federal law;
- B. Written by-laws;
- C. Written mission statement;
- D. Written strategic plan;
- E. Written plan pertaining to disaster management to minimally include public health emergencies and natural or environmental disasters including documentation of performance of emergency drills;
- F. Written policy regarding participation in lobbying, political activity, and public demonstrations;
- G. Procurement of insurance as required by the DVP contract for funding;
- H. Compliance with health, safety, fire and zoning regulations including posting of approvals/permits in necessary areas; and,
- I. Written policy regarding actions taken by the funded program to enhance the safety of facilities used by staff, Board members, volunteers, and victims and their dependants.

#### **12.201.7 PERSONNEL REQUIREMENTS [Rev. eff. 8/1/09]**

Funded programs shall have the following duties and responsibilities related to personnel requirements:

- A. Written personnel policies;
- B. Written volunteer policies;
- C. Written job descriptions for employees funded through DVP;
- D. Written job descriptions for volunteers;
- E. Ensure adequate staff coverage during hours of operation to minimally include staffing of the twenty-four (24) hour crisis line;
- F. Ensure training is received by paid staff and volunteers prior to the provision of direct services to clients of at least fifteen (15) hours, or as prescribed by Section 13-90-107, C.R.S.;
- G. Ensure training is received by paid staff and volunteers to include orientation regarding personnel rules, job duties, and agency operational policies and procedures exclusive of the fifteen (15) hours required by Section 13-90-107, C.R.S., and rule Section 12.201.2;
- H. Ensure that all training provided to staff is documented in staff personnel files;
- I. Provision of ongoing staff development opportunities;
- J. Written ethics statement regarding staff relationships with victims and professional conduct; and,
- K. Written Equal Employment Opportunity or Affirmative Action employment hiring statement.

### **12.201.8 PROGRAM SERVICES [Rev. eff. 8/1/09]**

- A. Funded programs shall provide all services on a voluntary basis free of charge to victims of domestic violence and their dependants.
- B. Funded programs shall establish clearly defined intake policies and procedures that identify who is eligible for services and how those services are accessed.
- C. Funded programs shall minimally provide the following services by trained staff and volunteers to victims of domestic violence and their dependants:
  - 1. Crisis response to domestic violence twenty-four (24) hours per day, seven days per week as outlined in Section 12.200.4;
  - 2. Referrals and information to minimally include a current up-to-date list of community resources;
  - 3. Individual advocacy services either in-person or via telephone;
  - 4. Group counseling upon request or as feasible;
  - 5. Safety planning;
  - 6. Transportation upon request or as feasible;
  - 7. Community education programs to include prevention activities as feasible;
  - 8. Court advocacy or assistance as feasible; and,
  - 9. Training and technical assistance.
- D. Funded programs shall use translators and/or bilingual staff to provide services to victims with limited English proficiency.
- E. Funded programs shall develop written policies that state that services shall not discriminate on the basis of age, handicap, sex, race, color, national origin or religion.
- F. Funded programs may not deny individuals an equal opportunity to receive program benefits for services through the establishment of criteria for receipt of services or participation in programs or activities that screen out or tend to screen out individuals with disabilities including drug and alcohol addiction and mental illness.
- G. Funded programs shall not impose an income eligibility standard on individuals receiving assistance or services.
- H. Funded programs shall develop formal grievance policies and procedures that afford victims and their dependants an opportunity to resolve grievances with funded programs.
- I. Funded programs shall establish written protocols for coordination of services for victims and their dependants with other community service providers.

### **12.201.9 RESIDENTIAL PROGRAM SERVICES [Rev. eff. 8/1/09]**

“Funded residential programs” are defined as programs that provide short-term or long-term overnight accommodations, to include transitional housing in a facility maintained and operated by the funded program to victims and their dependants. Residential programs shall minimally provide:

- A. Notification to the DVP of intent to open a new residential facility;
- B. Shelter and sleeping accommodations for victims and their dependants;
- C. Clean living conditions free from hazards to health and safety;
- D. Assessment and intake to evaluate the needs of victims and their dependants;
- E. Unrestricted functioning telephone access for the purposes of reaching emergency assistance, securing resources, and maintaining social support;
- F. ADA compliant accessible accommodations or other arrangements;
- G. Food, clothing, and other basic needs as feasible or by referral;
- H. Developmentally appropriate services for children who are exposed to domestic violence to minimally include counseling and recreational opportunities for play;
- I. Safe accommodations to minimally include:
  - 1. Locking doors and windows;
  - 2. Appropriate lighting; and,
  - 3. Mechanisms or devices for contacting emergency assistance.
- J. Sheltering or alternative accommodations, or referrals to male dependants of victims, male victims, victims in same sex relationships, transgendered victims, and victims living with disability.
- K. Written policies made available to victims and their dependants to minimally include:
  - 1. Control of violence in residential facilities;
  - 2. Use of alcohol and non-prescribed drugs;
  - 3. Conduct while residing in the facility;
  - 4. Victim grievance policies and procedures; and,
  - 5. Policies regarding removing victims from the facility.