

**Chapter 15: DOMESTIC VIOLENCE INTERVENTION PROGRAM CERTIFICATION
(Revised 10/1/24)**

Summary: This rule outlines the procedures and standards governing the certification and monitoring of Domestic Violence Intervention Programs pursuant to 19-A M.R.S.A. §4116.

1. Procedures and Standards for Domestic Violence Intervention Programs (relating to psychological, physical, verbal and sexual abuse)

1.1 Definitions

A. Domestic Abuse

In the context of this rule, the definition of the term “domestic abuse” refers to the definition of “abuse” in 19-A M.R.S.A. §4102 and also includes behaviors considered to be “stalking” as described in 17-A M.R.S.A. §210-A and crimes of violence described in Title 17-A, Chapter 9.

“Domestic abuse” means the occurrence of the following acts between family or household members or dating partners:

1. Attempting to cause or causing bodily injury or offensive physical contact, including sexual assaults under Title 17-A, Chapter 11, except that contact as described in 17-A M.R.S.A. §106, sub-§1 (reasonable degree of force used by a parent, guardian, etc. in response to a child’s misconduct) is excluded from this definition;
2. Attempting to place or placing another in fear of bodily injury through any course of conduct including, but not limited to, threatening, harassing, or tormenting behavior;
3. Compelling a person by force, threat of force or intimidation to engage in conduct from which the person has a right or privilege to abstain or to abstain from conduct in which the person has a right to engage;
4. Knowingly restricting substantially the movements of another person without that person's consent or other lawful authority by: removing that person from that person's residence, place of business or school; moving that person a substantial distance from the vicinity where that person was found; or confining that person for a substantial period either in the place where the restriction commences or in a place to which that person has been moved;
5. Communicating to a person a threat to commit, or to cause to be committed, a crime of violence dangerous to human life against the person to whom the communication is made or another, and the natural

and probable consequence of the threat, whether or not that consequence in fact occurs, is to place the person to whom the threat is communicated, or the person against whom the threat is made, in reasonable fear that the crime will be committed;

6. Engaging in stalking as described in 17-A M.R.S.A. §210-A, including but not limited to, repeatedly and without reasonable cause following the victim, or being at or in the vicinity of the victim's home, school, business or place of employment;
 7. Engaging in the unauthorized dissemination of certain private images as prohibited pursuant to 17-A M.R.S.A. §511-A;
 8. Engaging in aggravated sex trafficking or sex trafficking as described in 17-A M.R.S.A. §852 or §853, respectively; or
 9. Committing a crime under Title 17-A, Chapter 9, whether the crime is denominated a domestic violence crime or not.
- B. "Family or household members" means:
1. Present or former spouses or domestic partners;
 2. Individuals presently or formerly living together as spouses;
 3. Parents of the same child;
 4. Adult household members related by consanguinity or affinity;
 5. Minor children of a parent or guardian when the defendant is an adult household member of that parent or guardian;
 6. Individuals presently or formerly living together; and
 7. Individuals who are or were sexual partners.
- Holding oneself out to be a spouse is not necessary to constitute "living together as spouses." "Domestic partners" means 2 unmarried adults who are domiciled together under long-term arrangements that evidence a commitment to remain responsible indefinitely for each other's welfare.
- C. "Dating partners" means individuals currently or formerly involved in dating each other, whether or not the individuals are or were sexual partners.
- D. "Intimate partners" means dating partners or family or household members who are present or former spouses or domestic partners; individuals presently or formerly living together as spouses; parents of the same child; and individuals who are or were sexual partners.
- E. "Domestic abuse offender" means a person who has committed domestic abuse.

- F. “Domestic abuse victim” means a person who has experienced domestic abuse and includes a victim of a domestic violence crime as defined by 17-A M.R.S.A. §2101(2). Note: Individuals who have experienced domestic abuse may identify themselves in a variety of ways, including using the terms “victim” or “survivor.” Domestic violence intervention programs may use the term “affected party” and may include others impacted by domestic abuse who do not meet the statutory definition of “victim,” including children or other family or household members.
- G. **Coordinated Community Response**
1. Coordinated community response (“CCR”) refers to when individuals, private agencies, government agencies, and courts work together to: keep domestic abuse victims safe in the community; hold domestic abuse offenders accountable; and change the culture in the community to end domestic abuse.
- H. **Domestic Violence Intervention Program**
1. The term “domestic violence intervention program” (“DVIPprogram”) refers to a community-based educational program for adults which is one component of a coordinated community response to domestic abuse where the main goals are:
 - a. working toward the safety of victims;
 - b. holding domestic abuse offenders accountable for their actions; and
 - c. ending domestic abuse.
- I. **Domestic Violence Center**
1. The term “domestic violence center” (“DVC”) refers to a network of programs and services for victims of domestic abuse. There are two coalitions of domestic violence centers in Maine.

The Maine Coalition to End Domestic Violence (“MCEDV”) is comprised of ten member organizations, including eight of Maine’s local domestic violence centers. Each domestic violence center is a private, independent, nonprofit agency which provides individual crisis intervention, legal information, and advocacy for individuals affected by domestic abuse, as well as support groups and shelter options for victims of domestic abuse and their children. These services are confidential, free of charge, and trauma responsive. In addition, domestic violence centers provide training, education, and consultation to community groups, schools, public officials, and services providers to improve the community’s response to domestic abuse.

The Wabanaki Women’s Coalition (“WWC”) is comprised of the five tribal domestic violence centers that serve the Wabanki tribes in Maine

(Penobscot Nation, Indian Township, Passamaquoddy, Malisset, and Micmac Domestic and Sexual Violence Advocacy Centers). Each of these tribal domestic violence centers is a nonprofit agency which provides individual crisis intervention, legal information, and advocacy for individuals affected by domestic abuse, as well as support groups and shelter options for victims of domestic abuse and their children. These services are culturally specific, confidential, free of charge, and trauma responsive. In addition, they provide training, education, and consultation to community groups, schools, public officials, and service providers to improve the tribal community's response to domestic abuse.

- J. **Monitoring** consists of observation of and consultation about the performance/operation of a DVIP program in order to promote the safety of victims of domestic abuse. Monitoring must be provided by staff of a DVC or by a third party monitor as outlined in section 5.8.
- K. **Supervision** is the internal oversight of the process and content of a DVIP program by staff consisting of a qualified primary supervisor as described in section 4.5.
- L. **Staff** means both paid and unpaid staff.

2. Certification

2.1 Oversight of the Maine Standards for Domestic Violence Intervention Programs

- A. The Department of Corrections (“DOC”) shall be the lead agency responsible for implementation of these standards, pursuant to 19-A M.R.S.A §4116, coordinated through its Director of Victim Services.
- B. The DOC, in consultation with the Maine Commission on Domestic and Sexual Abuse, shall develop and, on a biannual basis, review a certification process for DVIP programs. The review process may include input from representatives of the following agencies and organizations and any others deemed appropriate by the DOC:
 - 1. domestic violence centers;
 - 2. domestic violence intervention programs;
 - 3. the judicial system;
 - 4. local, county, and State law enforcement agencies;
 - 5. victims of domestic abuse;
 - 6. health and human service agencies;
 - 7. schools;

8. hospital emergency departments;
 9. community corrections;
 10. groups working with victims of child abuse;
 11. groups working with victims of sexual abuse;
 12. organizations coordinating supervised visitation; and/or
 13. organizations providing services to diverse populations.
- C. Only DVIP programs that hold a current certification granted by the DOC shall be utilized for court referrals, since, as provided by 17-A M.R.S.A. §1807(2)(D-1), a court may not order and the State may not pay for a person to attend a domestic violence intervention program, as a condition of probation, unless the program is certified under Title 19-A M.R.S.A. §4116. While most participants are court referred, DVIP programs are not limited to court referrals.

2.2 Application for Certification

- A. Each DVIP program requesting certification or renewal of certification shall submit a completed application to the DOC containing all of the information requested, to include, but not be limited to:
1. demonstration of the DVIP program's ability to meet these standards;
 2. an overview of the DVIP program's content;
 3. proof of successful completion for all DVIP program educators of a national domestic violence intervention training or similar training recommended by MCEdV or WWC and approved by the DOC;
 4. documentation of a working agreement with the local DVC in each county the DVIP program may operate in or request for waiver of this requirement providing specific reasons for the request;
 5. documentation of a working agreement with the DOC Regional Correctional Administrator for each adult community corrections region the DVIP program may operate in;
 6. demonstration of the need for a DVIP program, or another DVIP program, in the geographic area (initial certification only);
 7. name, address, and telephone number of the DVIP program and all sites;
 8. a statement of ownership of the DVIP program that discloses the names, addresses, and telephone numbers of all owners, directors, and officers of the corporation, and any members of any governing or advisory boards;

9. identification of the DVIProgram's intended participant population, the curriculum to be used, and how the DVIProgram will serve that population; and
 10. detailed outline of program format for both in-person and videoconferencing attendance which complies with Section 4.1.A, including eligibility, coordination, collaboration, and notification. (DVIPrograms are not required to offer videoconferencing, and the provision of videoconferencing is at the discretion of the DVIProgram, unless required due to a state of emergency as outlined in Section 11.)
- B. A DVIProgram shall be assessed an application fee for initial certification or renewal of certification.
- C. Certification of a DVIProgram shall be for a period of two years unless revoked or suspended as outlined in these standards.

2.3 Denial of, Refusal to Renew, or Suspension and/or Revocation of Certification

A. Definitions

1. **Denial:** action taken by DOC to not initially certify a DVIProgram.
2. **Refusal to Renew:** action taken by DOC at the end of a two year certification period rejecting a DVIProgram's application for renewal.
3. **Suspension:** action taken by DOC in lieu of revoking or refusing renewal of certification that stipulates the DVIProgram must correct the noted deficiencies within the time specified.
4. **Revocation:** action taken by DOC removing a DVIProgram's certification after the DOC has certified the Program, but before the DVIProgram's two year certification has expired.

Any of these actions make the affected DVIProgram ineligible to receive any court referrals unless and until the program is certified, its certification is renewed, or the suspension is lifted, whichever is applicable.

- B. Each of the following, in and of itself, may constitute full and adequate grounds on which to deny, refuse to renew, suspend, or revoke certification to operate a DVIProgram:
1. failure to submit information required for certification;
 2. failure to meet any of these standards for DVIPrograms;
 3. denial of entry to DOC staff to conduct site visits or inspections or any other attempt to impede the work of staff of the DOC;

4. obtaining or attempting to obtain certification by fraud, misrepresentation, or by the submission of incorrect, false, and/or misleading information;
5. criminal conduct by the owners, administrators, or staff as set out in Section 4.5;
6. operation of a DVIP program after the expiration of certification;
7. operation of a DVIP program in a manner which fails to fulfill the terms of the DVIP program – domestic abuse offender agreement; or
8. operation of a DVIP program in a manner which endangers the health or safety of domestic abuse offenders and/or domestic abuse victims or current intimate partners of domestic abuse offenders.

2.4 Recourse of Program when Certification has been Denied, Refused Renewal, Suspended, and/or Revoked

- A. A DVIP program the certification of which has been denied, refused renewal, suspended, or revoked by DOC shall receive in writing, by certified mail, a program compliance letter outlining the standards that the Program is not in compliance with and the time frames allowed to bring the DVIP program into compliance.
- B. The DVIP program has 60 days from the date of notification of denial, refusal of renewal, suspension, or revocation of certification, whichever is applicable, to resubmit an application or provide additional information, as applicable, indicating that the DVIP program has complied with the standards. The DOC Director of Victim Services, or designee, shall respond to this information within 60 days of receipt. If the response is to continue with the initial decision, it shall be by certified mail.
- C. The DVIP program may appeal that response by sending an appeal by certified mail to the DOC Commissioner of Corrections within fifteen days of receipt of the response.
- D. The DOC Commissioner, or designee, has 60 days from receipt of a timely appeal to make a final decision, after consultation with the Maine Commission on Domestic and Sexual Abuse. There is no other administrative appeal allowed.

3. Coordinated Community Response to Domestic Abuse

3.1 Goals

- A. To end domestic abuse through meaningful reciprocal collaboration that focuses on victim safety and offender accountability.

3.2 Coordinated Community Response to Domestic Abuse

- A. DVIPProgram staff shall consult, cooperate, and coordinate with representatives of the following agencies and organizations which are responsible for referral, oversight, monitoring, and/or accountability services:
1. domestic violence centers;
 2. criminal legal system, including prosecutor's offices;
 3. community corrections;
 4. health and human service agencies; and
 5. any other referral sources.
- B. An effective response to domestic abuse relies upon a coordinated community response (CCR) in which community partners respond with consistent messages and interventions that prioritize victim safety and autonomy along with accountability for offenders. DVIPPrograms with appropriate oversight and monitoring are an essential part of the CCR but cannot solve the problem of domestic abuse alone. As members of a CCR, DVIPProgram staff are encouraged to consult, cooperate, and coordinate with representatives of the following agencies and organizations in addition to those listed in Section A:
1. other certified DVIPPrograms;
 2. groups working with victims of domestic abuse, including victim led groups;
 3. schools, including community adult education programs;
 4. hospital emergency departments;
 5. groups working with victims of child abuse;
 6. groups working with victims of sexual violence;
 7. organizations coordinating supervised visitation;
 8. organizations providing services to marginalized populations; and
 9. other related services.

3.3 DVIPProgram – Domestic Violence Center Collaboration

- A. The DVIPProgram shall acknowledge the experience of victims, who are experts on their own safety, and the important role of the local DVC in responding to domestic abuse through:

1. consulting with the local DVC on all written curricula, publications, program format decisions, and public relations materials of the DVIProgram;
2. publicly acknowledging the contributions of the battered women's movement to their efforts and that DVIPrograms exist in support of the goals of the DVCs;
3. consulting with the local DVC when seeking funds in a way that competes with funding for the DVC;
4. always encouraging victims to contact their local DVC;
5. inviting the local DVC's advocates to attend DVIProgram groups;
6. participating in a community response to domestic abuse; and
7. negotiating an ongoing working relationship with the local DVC and integrating feedback in order to hold the DVIProgram responsible to the principles of victim safety and offender accountability, which are central to the movement to end domestic abuse, acknowledging that a working relationship may go beyond these standards.

3.4 Victim/Partner Contacts

- A. A victim/partner contact is the exchange of information between a victim or a current intimate partner of a domestic abuse offender and a designated representative of the local DVC and/or the DVIProgram as allowed in this standard.
- B. The purpose of a victim/partner contact initiated by a DVC is to provide the victim or partner, as applicable, with:
 1. support and validation;
 2. information about the DVIProgram;
 3. information about local resources for victims;
 4. assistance in developing a safety plan; and
 5. information about the DVC as an ongoing resource for victims.
- C. Within seven days of enrollment of a domestic abuse offender in a DVIProgram, unless the time frame is modified by a working agreement with the local DVC, the DVIProgram shall provide the local DVC with the names of and all known contact information for:
 1. the domestic abuse offender;

2. any adult or child victim identified in available police reports, during court proceedings, and/or by the referral source; and
 3. any current intimate partner of the domestic abuse offender.
- D. A DVIP program shall initiate contact with a domestic abuse victim and/or current intimate partner, as applicable, in the following situations unless contact information is not available or as otherwise specified below:
1. as provided in Section 8 when a DVIP program educator has a reasonable belief that a domestic abuse offender enrolled in the DVIP program is likely to engage in physical violence that poses a serious risk of harm to the victim or partner;
 2. to provide notification of the domestic abuse offender's admission into the DVIP program, including start date and program format (by written communication only);
 3. to provide notification of when the domestic abuse offender is discharged or is approved for a leave of absence from the DVIP program (by written communication only); and
 4. to provide notification of when a change in the format of DVIP program classes occurs or when a change in format is made for the specific domestic abuse offender.
- Note: If the victim is a child, depending on their age and circumstances, contact may be made indirectly by contacting a parent, guardian, or legal custodian.
- E. Safety and applicable confidentiality laws must be considered in all contact made by DVIP programs with victims and/or current intimate partners of domestic abuse offenders.
- A DVIP program must not initiate contact with a domestic abuse victim or current intimate partner if such contact would jeopardize the safety of the victim or partner, the domestic abuse offender, or DVIP program staff, or would violate federal or state confidentiality laws.
- F. Should a domestic abuse victim or current intimate partner initiate contact with a DVIP program:
1. the victim or current partner, as applicable, must always be provided information about the local DVC for supportive services; and
 2. when applicable:
 - a. the victim or partner must be advised about how to report a domestic abuse offender's conduct, including violations of probation conditions or bail or other court orders; and

- b. the victim or partner must be informed about confidentiality policies that apply to disclosures made by domestic abuse victims or current intimate partners to DVIP program staff.

3.5 Financial Responsibility for DVIP program - DVC Collaboration

Any costs incurred as the result of supervision, training, and/or monitoring by a DVC or a third party monitor of a DVIP program shall be reimbursed by the DVIP program, except for costs incurred by the DVC for providing services to partners in the context of their outreach efforts.

4. DVIP program Model

4.1 DVIP program Format

A. DVIP programs must:

1. be held in an in-person group format unless the DVIP program permits videoconferencing as noted in its application for certification or renewal of certification under Section 2.2.A.10. or the program is granted a waiver by DOC;
2. consist of one or more groups with no more than 17 participants nor fewer than 3 participants enrolled per group, unless the program is granted a waiver by DOC;
3. be educationally oriented;
4. be restricted to domestic abuse offenders;
5. have same gender group(s) only;
6. have rolling or open admission;
7. be held in real time only (synchronous); and
8. if the format is videoconferencing, have participation be on camera for the full duration of each class except as otherwise approved by the educator(s).

B. DVIP program Educators

1. Except as set out below, a group must be co-educated by both a male and a female co-educator, unless the program is granted a waiver by DOC. "Co-educated" means that each co-educator contributes substantially equally in the facilitation process.
2. A group serving female domestic abuse offenders may be co-educated by two female co-educators.

3. At the discretion of the DVIProgram Director, an exception to the co-education requirement may be made for an individual class or classes to accommodate special circumstances, including, but not limited to, illness, vacation, weather, etc.
 4. All co-educators must be appropriately trained in a national domestic violence intervention training or similar training recommended by MCEDV or WWC and approved by the DOC.
- C. There shall be no recording of any program activity except for quality assurance purposes by educators and/or monitors only. Recordings shall not be disseminated. Each DVIProgram shall have a protocol in place to ensure that any recording is destroyed within 30 days after the recording is made.

4.2 Inappropriate DVIProgram Format

- A. The following formats and methods must not be used by DVIPrograms:
1. individual counseling;
 2. couples or conjoint counseling;
 3. anger management;
 4. systems therapy;
 5. addiction counseling (identifying violence as an addiction);
 6. family therapy;
 7. medication management; or
 8. asynchronous classes.
- B. Unless specifically authorized in these standards or approved by the DVIProgram and local DVC, educators must not knowingly provide or maintain concurrent ongoing services to a domestic abuse offender and the offender's victim, current intimate partner, or minor child.

4.3 Participant Population

- A. These standards are specifically designed for adults who abuse their intimate partners, although other domestic abuse offenders may participate in DVIPrograms at program discretion.
- B. DVIPrograms shall implement models that address the participant population served.

4.4 Length of the DVIP Program

- A. A DVIP Program must be a minimum of 48 classes over a minimum of 48 weeks in duration.
- B. Each weekly session must be at least 90 minutes long, and the bulk of the session must focus on curriculum content.
- C. Each participant's attendance must occur at a rate of one class per week.
- D. The DVIP Program intake must not be considered one of the 48 weeks.
- E. Domestic abuse offenders who have completed a minimum 48 week DVIP Program may be given the opportunity of voluntarily continuing their participation or returning to the DVIP Program at a later date.

4.5 DVIP Program Staff Selection, Training, and Supervision

- A. DVIP Program staff must not have been subject to any final PFA or PFH order for which the petitioning party was a family or household member or dating partner within the last ten years and must not be the defendant in a pending PFA or PFH proceeding for which the petitioning party is a family or household member or dating partner.
- B. Staff must not have had any criminal conviction within the last ten years for any crime listed in Title 17-A, chapters 9, 11, 12, or 13 or sections 506, 506-A, 506-B, 511, 511-A, 554, 555, or 758 or substantially similar conduct in another jurisdiction.
- C. Staff must not be on administrative release, probation, parole, supervised release for sex offenders, or other supervision post-conviction, bail conditions, or deferred disposition for any crime listed in Title 17-A, chapters 9, 11, 12, or 13 or sections 506, 506-A, 506-B, 511, 511-A, 554, 555, or 758 or substantially similar conduct in another jurisdiction.
- D. A DVIP Program shall develop and maintain additional hiring criteria.
- E. All DVIP Program staff having direct contact with domestic abuse offenders must:
 - 1. receive training in a curriculum used by the DVIP Program that is based upon, and adheres to, models developed by nationally recognized programs or similar training in a curriculum determined to be sufficient by the DOC and that is consistent with these standards;
 - 2. provide certification of completion of this training prior to or within 6 months of being hired to co-educate groups, unless the program is granted a waiver by DOC;

3. be provided with on the job training with an experienced supervisor, to include a minimum of observation of six sessions of a group, followed by co-educating an additional six sessions of a group with a trained experienced educator, prior to assuming responsibility for a group; and
4. attend a minimum of 6 hours per year continuing education on topics agreed upon by MCEDV, WWC, and DOC.

It is the responsibility of the primary supervisor of the DVIP program to maintain all training records.

- F. Any individual identified as the Program Director or a “primary supervisor” must have at least two years documented experience in the following areas:
1. direct work with victims;
 2. direct work with domestic abuse offenders;
 3. work with individuals in a group setting; and
 4. supervision of employees.

4.6 DVIP Program Curriculum

- A. The DVIP program must include at a minimum in its curriculum that:
1. stress, a life crisis, and substance use disorder are not causes of domestic abuse, but ongoing substance abuse increases the risk of re-offense;
 2. domestic abuse is a choice a domestic abuse offender makes to exercise power and control over an intimate partner;
 3. domestic abuse offenders are solely and exclusively responsible for their controlling and abusive behavior;
 4. the effect of domestic abuse on victims, including children who witness abuse, is harmful; and
 5. abuse is never justified.

4.7 DVIP Program Fee

- A. A DVIP program may charge a fee for participation.
- B. Except for federal, state, or charitable organization funding (which must not include insurance), a domestic abuse offender is solely responsible for paying any fee for participation in a DVIP program.

5. Administrative Standards

5.1 DVIP Program Intake Process

- A. The DVIP Program shall schedule an intake into the DVIP Program within two weeks from the time the domestic abuse offender contacts the DVIP Program, absent good cause for a later intake.
- B. At the intake, the domestic abuse offender shall be required to enter into a written agreement with the DVIP Program, which must include the following:
 - 1. the responsibilities of the domestic abuse offender;
 - 2. the responsibilities of the DVIP Program;
 - 3. an agreement to stop all forms of abuse;
 - 4. the minimum length of the DVIP Program;
 - 5. signed information sharing agreements and/or appropriate releases that acknowledge the limitations of participant confidentiality;
 - 6. the fee structure and the fee due from the offender, if any;
 - 7. the criteria for discharge;
 - 8. a copy of the complaint procedure;
 - 9. the readmission criteria; and
 - 10. the program format.
- C. During intake, the DVIP Program must obtain the following information from the domestic abuse offender, unless already provided by the referral source:
 - 1. full legal name of the domestic abuse offender;
 - 2. current physical address;
 - 3. current mailing address (if different from physical address);
 - 4. current home telephone number, cell phone number, or telephone number of contact if the domestic abuse offender does not have a telephone;
 - 5. date of birth;
 - 6. name of employer and current work address and telephone number of employer;

7. victim name(s) and all known contact information;
(Note: if the offender has been ordered by a criminal court to attend a certified DVIP program and the police incident report and victim contact information have not been provided by the prosecuting attorney within 7 days of the issuance of the court order as required by 19-A M.R.S.A. §4116, the DVIP program must contact the prosecuting attorney requesting the information.)
 8. current intimate partner name and all known contact information (if different from victim);
 9. current driver's license or State-issued ID number or other photo ID card number if the domestic abuse offender does not have a driver's license or State-issued ID;
 10. make, model, year and license plate number of any vehicles used by the domestic abuse offender;
 11. history of any substance abuse;
 12. any psychiatric history, including homicidal and suicidal ideation;
 13. any history of any weapons possession or usage; and
 14. history of abusive behaviors.
- D. Within six weeks after the domestic abuse offender begins the DVIP program, the offender must provide the DVIP program with the following independent descriptions of the domestic abuse offender's abusive behavior, including, but not limited to:
1. police reports (if applicable);
 2. administrative release, probation, parole, supervised release for sex offenders, or other post-conviction supervision or deferred disposition conditions (if applicable);
 3. legal pleadings, including, but not limited to, civil petitions and civil and criminal complaints (if applicable);
 4. court orders, including, but not limited to, protective orders, and court-approved consent agreements (if applicable); and
 5. previous child protective service reports (if applicable and available).
- E. Within seven days of acceptance into the DVIP program, the DVIP program must notify the following in writing of the domestic abuse offender's acceptance into the program and the program format, unless the time frame is modified by the working agreement with the local DVC:
1. the domestic abuse offender;

2. the victim and/or current intimate partner, as applicable, unless notification would jeopardize the safety of the victim, the partner, the domestic abuse offender, or DVIP program staff, or would violate federal or state confidentiality laws;
 3. the domestic abuse offender's Probation Officer (if applicable);
 4. the local DVC; and
 5. the referral source, including, but not limited to, the prosecuting attorney's office, pre-trial agency, or Department of Health and Human Services (DHHS).
- F. At minimum, the information to be contained in the communication referred to in section 5.1 E must include:
1. the date the domestic abuse offender begins the DVIP program;
 2. limitations of the DVIP program; and
 3. that victims and/or current intimate partners are not required to have any contact with the DVC and/or DVIP program.
- G. A copy of the participant agreement must be provided to the referral source and pre-trial agency (if applicable). A copy of the agreement must be made available upon request by the victim or local DVC.
- H. A DVIP program may only accept referrals of persons residing in a county in which the DVIP program has a working agreement with the local DVC, unless the program is granted a waiver by DOC.

5.2 DVIP Program Discharge or Leave

- A. Reasons for discharge from a DVIP program must include that:
1. the domestic abuse offender has five absences during the 48-week DVIP program, not including any absences occurring during an approved leave of absence; or
 2. the domestic abuse offender has failed to pay the weekly fee determined by the DVIP program for four sessions.
- B. Reasons for discharge from a DVIP program may include that:
1. the domestic abuse offender has completed the 48 week program to the satisfaction of the DVIP program staff, based upon the criteria contained in the participant agreement;
 2. the offender has committed additional domestic abuse; or

3. the offender has not complied with the rules of the DVIProgram.
- C. A domestic abuse offender may receive a medical or other leave of absence for good cause with the approval of the Program Director, who must consult with the referral source before deciding whether to grant approval. If the leave is approved, upon their return to the program, the offender is allowed to continue the DVIProgram from the last class prior to the approved leave.
- D. The following must be notified in writing within seven days of the domestic abuse offender's discharge or leave of absence from the DVIProgram:
1. the domestic abuse offender;
 2. the victim and/or current intimate partner, as applicable, unless notification would jeopardize the safety of the victim, the partner, the domestic abuse offender, or DVIProgram staff, or would violate federal or state confidentiality laws;
 3. the domestic abuse offender's Probation Officer (if applicable) (the Probation Officer must also be immediately notified verbally of a discharge, unless the discharge was due to the offender's completion of the program);
 4. the local DVC;
 5. the prosecuting attorney's office if a Probation Officer is not involved;
 6. DHHS if involved; and
 7. the presiding judge of the Domestic Violence Monitoring Docket, if the domestic abuse offender is enrolled in a Domestic Violence Monitoring Docket.
- E. At minimum, the information to be contained in the communication referenced in section 5.2 E must include:
1. the date the domestic abuse offender was discharged or given leave from the DVIProgram;
 2. the reason for discharge or leave (Note: if the reason is medical, the details of the situation must not be revealed, only that the reason is a medical one); and
 3. any recommendations, which may include, but are not limited to, assessment for additional services or further action by the Probation Officer, which may include revocation.

5.3 Re-Admission to DVIProgram after Discharge

- A. Except as set out below, a domestic abuse offender who has not successfully completed 48 weeks and is allowed to return after being discharged must start at

intake unless the domestic abuse offender is allowed to start at week one by the Program Director.

- B. If the discharge was based upon absences, it is the first discharge based upon absences, and the offender is re-enrolled within three months of discharge, the offender may be allowed by the Program Director to start at five classes before the last class prior to discharge.
- C. If the offender is re-enrolled more than three months after discharge or if the re-enrollment occurs after a second or subsequent discharge based upon absences, the offender must start at intake unless the domestic abuse offender is allowed to start at week one by the Program Director.
- D. If the discharge was for non-payment of fees, after consultation with the referral source, the Program Director may allow the offender to receive credit for all classes attended and paid in full as long as the offender continues to pay the fee on schedule after the offender's return.
- E. Notwithstanding the above, any domestic abuse offender who has not successfully completed 48 weeks and is allowed to return after being discharged and who was discharged due to committing additional domestic abuse or who committed additional domestic abuse after discharge must start at intake.

5.4 Transfer of Credits

- A. A certified DVIP program must accept transfer of credits for weeks satisfactorily completed at another DVIP program certified by the DOC provided the domestic abuse offender was in good standing with the other program at the time of transfer and no more than three months has elapsed since the last class attended at the previous DVIP program. Absent good cause, no transfer of credit may occur if more than three months has elapsed since the last class attended at the previous DVIP program.
- B. Each participant requesting transfer of credit must obtain a letter of referral from the previous program, setting forth the number of weekly credits that the domestic abuse offender has earned, the number of absences, and that the participant is in good standing, and present it to the new program prior to receiving any credit(s) for weeks completed.

5.5 Complaint Procedure

- A. Before filing any complaint against a DVIP program, the domestic abuse offender shall make an attempt to resolve the complaint in an informal manner by talking with the educator(s).
- B. If unable to come to an agreement with the educator(s), the offender shall contact the Program Director, who shall attempt, as soon as possible, to resolve the complaint.
- C. If the complaint remains unresolved, a formal written complaint may be made to the Department of Corrections, 111 State House Station, Augusta, Maine

04333-0111, Attention: Director of Victim Services. A copy of the complaint must be provided by the offender to the DVIP Program Director, local DVC, and referral source.

- D. A victim may file a formal written complaint to the Department of Corrections, 111 State House Station, Augusta, Maine 04333-0111, Attention: Director of Victim Services. A copy of the complaint must be provided by the Director of Victim Services to the DVIP Program Director and the local DVC.
- E. Upon receipt of a complaint, the Director of Victim Services shall investigate to determine if there has been a violation of these standards and, if so, shall determine what corrective or other action to take.
- F. The Director of Victim Services shall respond to a written complaint within 60 days of its receipt.

5.6 Confidentiality

- A. All written and/or oral communications, including electronic communications, between the DVIP Program and victims and current intimate partners must be kept confidential by the DVIP Program, except in order to comply with mandatory reporting requirements or duty to warn, or as necessary to respond to a complaint filed by a victim with the DOC Director of Victim Services.
- B. Notwithstanding the above, the DVIP Program may provide information to a DVC so that the DVC may offer safety planning resources.

5.7 Record Keeping

- A. Domestic abuse offender and victim and/or current intimate partner records (if any) must be maintained in separate files with no record or reference of victim/partner contact in the offender's file beyond the initial letter to the victim and/or partner about the domestic abuse offender's admission into the DVIP Program.
- B. There must be at least minimal documentation for each group session attended by a domestic abuse offender, which must include:
 - 1. date;
 - 2. topic; and
 - 3. amount of time spent in group.
- C. Monthly status reports must be provided by the DVIP Program to the domestic abuse offender's Probation Officer or other referral source. Reports must include, but are not limited to, the following information:
 - 1. attendance;
 - 2. current payment status; and

3. compliance with other DVIProgram rules.

5.8 Approval and Monitoring Process

- A. The DVIProgram must arrange for monitors to attend a DVIProgram class at least quarterly per educator pair. Monitoring may occur more frequently upon agreement between the DVIProgram and the local DVC or third party monitor, as applicable.
- B. The DVIProgram must arrange for monitors to provide verbal communication to the DVIProgram regarding the performance/operation of each observed class immediately after the class and written communication within 30 days. The DVIProgram is required to provide the documentation of monitoring to the DOC Director of Victim Services. It shall also be provided to the local DVC (unless the monitoring was by the local DVC).
- C. Third party monitors must be utilized when the local DVC is unable, unwilling, or fails to monitor the DVIProgram or is operating the DVIProgram.
 1. Selection of third party monitors must be made pursuant to criteria developed by the DOC, MCEDV, and WWC.
 2. When a new third party monitor is used, the DVIProgram is required to provide the monitor's name and qualifications to the DOC Director of Victim Services, the local DVC, WWC, and MCEDV.
 3. Documentation of monitoring sessions must be sent to the local DVC.

6. Waiver

- A. The DOC may waive the requirements of these standards if and only if a waiver is specifically allowed in these rules.
- B. All requests for waivers must be directed to the DOC's Director of Victims Services, who has sole discretion regarding the final decision on the waiver request.

7. Other Programs

- A. Programs offered in a jail or DOC correctional facility do not meet the definition of a certified DVIProgram. Credit toward attending a certified DVIProgram must not be given or transferred for any participation in any jail or DOC correctional facility program.
- B. Programs operating outside of the State of Maine do not meet the definition of a certified DVIProgram. Credit toward attending a certified DVIProgram must not be given or transferred for any participation in an out of state program.

- C. On-line/videoconferencing/phone programs, other than videoconferencing/phone programs provided by a DOC certified DVIP program as set forth in these standards, do not meet the definition of a certified DVIP program. Credit toward attending a certified DVIP program must not be given or transferred for any participation in such an on-line/videoconferencing/phone program.

8. Duty to Warn

- A. When DVIP program staff has a reasonable belief based on statements by a domestic abuse offender enrolled in a DVIP program or information from the victim/current intimate partner or another person that the domestic abuse offender is likely to engage in physical violence that poses a serious risk of harm to self or others, the staff must promptly warn the following persons or agencies that would best promote the safety of the person at risk and the DVIP program staff:
 - 1. appropriate local, county, and/or state law enforcement agency(ies);
 - 2. the person at risk, if current contact information is available;
 - 3. the offender's Probation Officer, if applicable; and/or
 - 3. appropriate DVC(s).
- B. The duty imposed under this subsection may not be interpreted to require DVIP program staff to take any action that in the reasonable professional judgment of the DVIP program staff would endanger the DVIP program staff or increase the risk to the safety of a victim or current intimate partner or the domestic abuse offender.
- C. Nothing in these standards may be construed to imply that any information shared by a domestic abuse offender in class or with DVIP program staff is privileged, protected, or otherwise confidential information. This includes observations of the offender by program staff. Program staff may share any information about a person's participation in the program with the referral source, victim, current intimate partner, or local DVC at their discretion.

9. Mandatory Reporting

A. Required report of child abuse or neglect to DHHS

DVIP program staff must immediately report or cause a report to be made to the DHHS Child Protective Services and/or Indian Child Welfare Act caseworker when the staff knows or has reasonable cause to suspect that a child has been or is likely to be abused or neglected by a person responsible for the child or that a suspicious child death has been caused by a person responsible for the child.

B. Required report of child abuse or neglect to Prosecutor's Office

DVIP program staff must immediately report or cause a report to be made to the appropriate prosecutor's office when the staff knows or has reasonable cause to suspect that a child has been or is likely to be abused or neglected by a person not responsible

for the child or that a suspicious child death has been caused by a person not responsible for the child.

C. Required report of incapacitated or dependent adult abuse, neglect or exploitation to DHHS

DVProgram staff must immediately report or cause a report to be made to DHHS when the person knows or has reasonable cause to suspect that an incapacitated or dependent adult has been or is likely to be abused, neglected, or exploited.

10. Ethics

- A. DVProgram staff shall not discriminate against a domestic abuse offender, victim, current intimate partner, or other person based on age, race, ethnicity, religion, gender, gender identity, sexual orientation, disability, national origin, or socioeconomic status.
- B. A domestic abuse offender should be treated with dignity and respect by program staff regardless of the nature of the offender's crimes or conduct.

11. Declaration of State of Emergency

- A. This section may be invoked by the DOC in the event that the Governor has declared a State of Emergency or at the discretion of the DOC, in consultation with the Maine Commission on Domestic and Sexual Abuse, in order to respond to serious health and safety risks.
 - 1. A DVProgram shall, if possible, be held in an in-person group format that complies with all guidelines relating to the State of Emergency or as determined by the DOC, as applicable.
 - 2. If it is not possible for a DVProgram to hold an in-person group that complies with all such guidelines, the DVProgram shall offer a video conferencing group.
 - 3. If a domestic abuse offender or the DVProgram has reasonable and articulable health and safety related concerns related to another specific offender, the DVProgram shall inform the referral source, and the domestic abuse offender shall be given the option to participate with an in-person group via video conferencing or to participate in a video conferencing group, as applicable.
 - 4. Participation in a group via video conferencing must be on camera for the full duration of the class, except as outlined in section 11.A.6, or as otherwise approved by the educator(s).
 - 5. Participation via video conferencing must be in real time only. There shall be no recording of a video conferencing class except for quality assurance purposes by educators and/or monitors only. Recordings must not be disseminated. Each DVProgram shall have a protocol in place to ensure that any recording is destroyed within 30 days after the recording is made.

6. If a domestic abuse offender for whom there are health and safety related concerns does not have access to video conferencing technology, the domestic abuse offender may be given the option to participate via a phone call to an in-person group or video conferencing group. The use of this option to deliver the program must occur only in consultation with the referral source and must be limited to only that period of time necessary to allow the domestic abuse offender to gain access to video conferencing technology.
7. A DVIP program must notify victims, current intimate partners, the local DVC, MCEDV, and DOC about any changes to the DVIP program format, unless notification would jeopardize the safety of a victim, a current intimate partner, the domestic abuse offender, or DVIP program staff, or would violate federal or state confidentiality laws.
8. Notification must include information about local victim advocacy services. The DVIP program shall provide all known victim and current intimate partner contact information to the DVC so that a victim advocate may contact the victim and/or current intimate partner, unless the contact would jeopardize the safety of the victim, the partner, the domestic abuse offender, or a victim advocate, or would violate federal or state confidentiality laws;

B. These standards must be followed in all other respects.

STATUTORY AUTHORITY:

19-A M.R.S.A. §4014; Resolve 2013 ch. 3

EFFECTIVE DATE:

April 29, 1998 (Major Substantive)

STATUTORY AUTHORITY:

19-A M.R.S.A. §4014(1). The Maine Department of Corrections is adopting a proposal to revise the existing standards for the certification of batterer intervention programs pursuant to 19-A M.R.S.A. §4014 (1) to revise the Standards as a result of the 2002 biannual review. The Maine Department of Corrections developed the proposed rules in consultation with the Maine Commission on Domestic and Sexual Abuse in accordance with the provisions of 19-A M.R.S.A. §4014(1). The proposed revisions to the Batterer Intervention standards will result in improved operation of the Batterer Intervention Programs.

EFFECTIVE DATE:

June 26, 2003 - filing 2003-167 (Major Substantive)

STATUTORY AUTHORITY: 19-A M.R.S.A. §4014(1). The Maine Department of Corrections is adopting a proposal to revise the existing standards for the certification of batterer intervention programs pursuant to 19-A M.R.S.A. §4014 (1) to revise the Standards as a result of the 2004 biannual review. The Maine Department of Corrections developed the proposed rules in consultation with the Maine Commission on Domestic and Sexual Abuse in accordance with the provisions of 19A M.R.S.A. §4014(1). The proposed revisions to the Batterer Intervention standards will result in improved operation of the Batterer Intervention Programs.

EFFECTIVE DATE:

July 23, 2005 - filing 2005-247 (Major Substantive)

REPEALED AND REPLACED:

June 20, 2008 – filing 2009-211 (Major Substantive)

April 4, 2013 – filing 2013-074 (EMERGENCY, Routine Technical)

August 11, 2013 – filing 2013-198 (Routine Technical)

November 13, 2017 – filing 2017-172 (Routine Technical)

CORRECTED:

May 17, 2018 – Section 5.5, reinserted paragraph D.

May 18, 2018 – Section 5.5, changed the Section heading by removing the word
“Participant”.

AMENDED:

January 15, 2021 – filing 2021-002 (Routine Technical)