

*As Amended by Senate Committee*

Session of 2012

**SENATE BILL No. 304**

By Joint Committee on Administrative Rules and Regulations

1-19

1 AN ACT concerning domestic violence; enacting the batterer intervention  
2 program certification act; amending K.S.A. 2011 Supp. 12-4509, 21-  
3 5414, 21-6604 and 22-4616 and repealing the existing sections.  
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 New Section 1. (a) There is hereby created in the office of the  
7 attorney general a batterer intervention program certification unit.

8 (b) Except as otherwise provided by law, the books, documents,  
9 papers, records or other sources of information obtained and the  
10 investigations conducted by the unit shall be confidential as required by  
11 state or federal law.

12 (c) The purpose of the batterer intervention program certification unit  
13 is to certify and inspect batterer intervention programs in Kansas. To  
14 accomplish this purpose, upon request of the unit, the unit shall have  
15 access to all records of reports, investigation documents and written  
16 reports of findings related to confirmed cases of domestic violence or  
17 exploitation of persons or cases in which there is reasonable suspicion to  
18 believe domestic violence has occurred which are received or generated by  
19 the department of social and rehabilitation services, department on aging,  
20 department of health and environment; ~~or~~ Kansas bureau of investigation  
21 ~~or the behavioral sciences regulatory board.~~

22 (d) The attorney general shall develop a set of tools, methodologies,  
23 requirements and forms for the domestic violence offender assessment  
24 required by subsection (p) of K.S.A. 2011 Supp. 21-6604, and  
25 amendments thereto. The batterer intervention program tools,  
26 methodologies, requirements and forms shall be developed in consultation  
27 with the agency certified by the centers for disease control and prevention  
28 and the department of health and human services as the domestic violence  
29 coalition for the state and with local domestic violence victims' services  
30 organizations.

31 (e) The attorney general may appoint a panel to assist the attorney  
32 general by making recommendations regarding the:

33 (1) Content and development of a batterer intervention certification  
34 program; and

35 (2) rules and regulations.

36 (f) The attorney general may appoint such advisory committees as the

1 attorney general deems necessary to carry out the purposes of this act.  
2 Except as provided in K.S.A. 75-3212, and amendments thereto, no  
3 member of any such advisory committee shall receive any compensation,  
4 subsistence, mileage or other allowance for serving on an advisory  
5 committee or attending any meeting thereof.

6 New Sec. 2. (a) No person shall operate or provide services as a  
7 batterer intervention program unless such program has been certified as  
8 required by this section.

9 (b) *Except as provided in subsection (i)*, any program desiring to be  
10 certified in Kansas as a batterer intervention program shall submit an  
11 application thereof to the attorney general. All completed applications for  
12 initial, renewal, or reinstatement certification shall be verified and on a  
13 form approved by the attorney general. The completed application shall  
14 include:

15 (1) The full name and resident address of the applicant;

16 (2) the name under which the applicant intends to do business and the  
17 business address;

18 (3) a statement as to the general nature of the business in which the  
19 applicant intends to engage;

20 (4) a statement of the educational and work experience qualifications  
21 of each individual, including any employee or agent of applicant, who will  
22 be directly providing intervention services to clients of a batterer  
23 intervention program;

24 (5) *a statement that the applicant has complied with such other*  
25 *qualifications as may be established by the attorney general by rules and*  
26 *regulations;*

27 (5) (6) payment of the application fee; and

28 (6) (7) such other information, evidence, statements or documents as  
29 may be required by the attorney general.

30 (e) ~~Before an application for a certification may be approved and~~  
31 ~~granted, the applicant shall:~~

32 (1) ~~Have attained the age of 21;~~

33 (2) ~~have satisfied the attorney general that the applicant is a person~~  
34 ~~who merits the public trust;~~

35 (3) ~~have paid the certification fee; and~~

36 (4) ~~complied with such other qualifications as may be established by~~  
37 ~~the attorney general by rules and regulations.~~

38 (d) (c) If in evaluating an applicant's application the attorney general  
39 finds any deficiency in the applicant's qualifications, the attorney general  
40 may require such applicant to fulfill such remedial or other requirements  
41 as the attorney general may prescribe.

42 (e) (d) Certification as a batterer intervention program shall expire on  
43 the second anniversary of the date of certification.

1    ~~(f)~~ (e) Certification as a batterer intervention program may be  
2 renewed every two years upon submission of a completed renewal  
3 application to the attorney general on or before the expiration date of such  
4 certification, payment of the renewal fee and verification of continuing  
5 compliance with the requirements of this act and the rules and regulations  
6 adopted thereunder by the attorney general.

7    ~~(g)~~ (f) Any batterer intervention program that fails to secure a  
8 renewal certification within the time specified in subsection (f) may  
9 request reinstatement of such lapsed certification by submitting to the  
10 attorney general a completed application on a form approved by the  
11 attorney general, furnishing proof that the applicant is qualified to act as a  
12 certified batterer intervention program and satisfying all of the  
13 requirements for reinstatement including payment of a reinstatement fee to  
14 the attorney general.

15    ~~(h)~~ (g) The attorney general may issue a temporary permit to act as a  
16 certified batterer intervention program for a period not to exceed 180 days  
17 to an applicant requesting initial certification if the attorney general  
18 determines the applicant qualifies under subsections (b) and (c), except for  
19 program requirements regarding agency structure, personnel  
20 qualifications, education requirements or training requirements established  
21 in rules and regulations, and such deficiencies can be remedied within  
22 such time period. The temporary permit shall expire upon the applicant  
23 meeting all of the program requirements and the applicant's program being  
24 certified as required by this section, or upon the expiration date of the  
25 temporary permit, whichever occurs first.

26    ~~(i)~~ (h) No certification as a batterer intervention program or  
27 temporary permit to act as a certified batterer intervention program shall  
28 be assignable or transferable.

29    (i) *A batterer intervention program may be exempted from the*  
30 *initial application for certification as a certified batterer intervention*  
31 *program if such program had been previously certified or certified by*  
32 *the attorney general as a batterer intervention program on the day*  
33 *preceding the effective date of this act.*

34    (j) (1) *Except as provided further, the program director, program*  
35 *supervisor or program coordinator of any batterer intervention program*  
36 *shall be licensed to practice in Kansas as a licensed psychologist,*  
37 *licensed baccalaureate social worker, licensed master social worker,*  
38 *licensed specialist clinical social worker, licensed marriage and family*  
39 *therapist, licensed clinical marriage and family therapist, licensed*  
40 *professional counselor, licensed clinical professional counselor, licensed*  
41 *master level psychologist or licensed clinical psychotherapist.*

42    (2) *Any person not licensed as required in subsection (j)(1) who is a*  
43 *program director, program supervisor or program coordinator*

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1 immediately prior to the effective date of this act may continue to be a  
2 program director, program supervisor or program coordinator on and  
3 after the effective date of this act if such person remains employed or  
4 contracted by the same program, and such program remains a certified  
5 batterer intervention program. When such person is no longer employed  
6 or contracted by the program in which they were a program director,  
7 program supervisor or program coordinator immediately prior to the  
8 effective date of this act, such person shall not be a program director,  
9 program supervisor or program coordinator for any certified batterer  
10 intervention program without meeting the license requirements  
11 prescribed in subsection (j)(1).

12 New Sec. 3. Each applicant, certified batterer intervention program or  
13 holder of a temporary permit shall notify the attorney general in writing of:  
14 (a) A change in name or address, both residential and business, within  
15 30 days of the change; or

16 (b) a conviction of or entering into a diversion agreement in lieu of  
17 further criminal proceedings alleging a violation of:

18 (1) A felony offense in the Kansas Statutes Annotated, and  
19 amendments thereto, or similar conviction in another jurisdiction:

20 (A) Involving dishonesty or false statement;

21 (B) involving alcohol or a controlled substance; or

22 (C) designated as a person offense in article 54 of chapter 21 of the  
23 Kansas Statutes Annotated, and amendments thereto; or

24 (2) a misdemeanor offense in the Kansas Statutes Annotated, and  
25 amendments thereto, or similar conviction in another jurisdiction or an  
26 ordinance of any city of this state, or resolution of any county of this state:

27 (A) Involving dishonesty or false statement;

28 (B) involving alcohol or a controlled substance; or

29 (C) designated as a person offense in article 54 of chapter 21 of the  
30 Kansas Statutes Annotated, and amendments thereto.

31 New Sec. 4. The fee for an initial application, renewal application or  
32 reinstatement application for a batterer intervention program certification  
33 shall be \$100. The fee for an initial application, renewal application or  
34 reinstatement fee for temporary permit shall be \$50. The attorney general  
35 may increase the amount of fee for an initial application, renewal  
36 application or reinstatement application for a batterer intervention program  
37 certification by rules and regulations, except that the fee for a batterer  
38 intervention program certification shall not exceed \$250. The attorney  
39 general may increase the amount of fee for an initial application renewal,  
40 application or reinstatement application for temporary permit by rules and  
41 regulations, except that the fee for a temporary permit shall not exceed  
42 \$250.

43 New Sec. 5. (a) The attorney general shall establish by rules and

1 regulations the requirements for a batterer intervention certification  
2 program. These requirements may include, but not be limited to:

- 3 (1) Standards;
- 4 (2) program elements and goals;
- 5 (3) the role of the certified batterer intervention program in the  
6 community;

7 (4) technical considerations which may include, but not be limited to,  
8 consideration of any combination of:

- 9 (A) Expectations of batterers;
- 10 (B) group composition;
- 11 (C) facilitation;
- 12 (D) curriculum;
- 13 (E) prohibited and restricted practices;
- 14 (F) batterer confidentiality, victim confidentiality and safety checks;
- 15 (G) program length;
- 16 (H) victim notification;
- 17 (I) victim involvement;
- 18 (J) public relations;
- 19 (K) research;
- 20 (L) agency structure; and
- 21 (M) personnel qualifications *policies and procedures*;
- 22 (5) the assessment of batterer participants and the utilization of the  
23 Kansas domestic violence offender assessment;
- 24 ~~training and education requirements, continuing or otherwise,~~  
25 *orientation training and continuing education requirements* for program  
26 facilitators, program supervisors and program coordinators, *and any agent*  
27 *or employee of a certified batterer intervention program who directly*  
28 *provides intervention services to clients of such program*; and
- 29 (7) any other requirements or conditions as may be required by the  
30 attorney general.

31 ~~(b) A batterer intervention program may be exempted from the initial~~  
32 ~~application for certification as a certified batterer intervention program if~~  
33 ~~such program had been previously certified or certified by the attorney~~  
34 ~~general as a batterer intervention program on the day preceding the~~  
35 ~~effective date of this act.~~

36 *(b) Such rules and regulations shall require the following:*

- 37 (1) *The Kansas domestic violence offender assessment shall be*  
38 *completed by: (A) An individual who is licensed to practice in Kansas as*  
39 *a licensed psychologist, licensed baccalaureate social worker, licensed*  
40 *master social worker, licensed specialist clinical social worker, licensed*  
41 *marriage and family therapist, licensed clinical marriage and family*  
42 *therapist, licensed professional counselor, licensed clinical professional*  
43 *counselor, licensed master level psychologist or licensed clinical*

1 *psychotherapist; or (B) an individual who meets the requirements of*  
2 *subsection (b)(2).*

3 (2) Any person who is not licensed as required in subsection (b)(1)  
4 (A) who is completing domestic violence offender assessments as an  
5 employee of or volunteer for a batterer intervention program  
6 immediately prior to the ~~effective date of this act~~ may continue to  
7 complete such assessments on and after the ~~effective date of this act~~ if  
8 such person remains an employee of or volunteer for the same program,  
9 and such program remains a certified batterer intervention program.  
10 When such person is no longer an employee of or volunteer for the  
11 program in which they were employed or volunteering immediately prior  
12 to the ~~effective date of this act~~, such person shall not be allowed to  
13 complete the Kansas domestic violence offender assessment for any  
14 certified batterer intervention program without meeting the license  
15 requirements prescribed in subsection (b)(1)(A).

16 New Sec. 6. (a) The attorney general may suspend, limit, condition,  
17 deny, revoke or refuse renewal or reinstatement of any certification or  
18 permit issued under this act if the attorney general determines that an  
19 applicant, a person operating or providing services as a certified batterer  
20 intervention program or holder of a temporary permit has:

- 21 (1) Made any false statement or given any false information in
- 22 connection with an application for an initial, renewal or reinstatement of a
- 23 certification or temporary permit issued under this act;
- 24 (2) failed to meet or maintain compliance with program requirements;
- 25 (3) been found guilty or convicted of fraud or deceit in connection
- 26 with services rendered;

27 (4) been found guilty of negligence or wrongful actions in the  
28 performance of services rendered;

29 (5) allowed the use of the attorney general's domestic violence  
30 offender assessment by any person who is not an employee or agent of  
31 either a current certified batterer intervention program or a holder of a  
32 temporary permit issued under this act;

33 (6) committed an act of unprofessional conduct as defined by rules  
34 and regulations adopted by the attorney general;

35 (7) been convicted of any offense as defined in section 3, and  
36 amendment *amendments* thereto; or

37 (8) failed or refused to allow inspection of records pursuant to section  
38 8, and amendments thereto.

39 (b) (1) For purposes of this section, "conviction" means:

40 (A) The entry of a plea or verdict of guilty or a conviction following a  
41 plea of nolo contendere and without regard to whether the sentence was  
42 suspended or probation granted after such conviction;

43 (B) a forfeiture of bail, bond or collateral deposited to secure a

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