Chapter 388-61A WAC

DOMESTIC VIOLENCE VICTIM SERVICES AND PREVENTION EFFORTS

(Formerly chapter 248-554 WAC)

WAC

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388-61A-0005 What is the legal basis for the domestic violence shelter program? [Statutory Authority: Chapter 70.123 RCW. WSR 01-07-053, § 388-61A-0005, filed 3/16/01, effective 4/16/01.] Repealed by WSR 10-22-040, filed 10/27/10, effective 11/27/10. Statutory Authority: Chapter 70.123 RCW.

388-61A-0010 What is the purpose of having minimum standards for domestic violence shelters and services? [Statutory Authority: Chapter 70.123 RCW. WSR 01-07-053, § 388-61A-0010, filed 3/16/01, effective 4/16/01.] Repealed by WSR 10-22-040, filed 10/27/10, effective 11/27/10. Statutory Authority: Chapter 70.123 RCW.

388-61A-0015 Is DSHS required to provide funding to any domestic violence service that requests funding? [Statutory Authority: Chapter 70.123 RCW. WSR 01-07-053, § 388-61A-0015, filed 3/16/01, effective 4/16/01.] Repealed by WSR 10-22-040, filed 10/27/10, effective 11/27/10. Statutory Authority: Chapter 70.123 RCW.

388-61A-0020 What are the facility and service requirements for domestic violence services? [Statutory Authority: Chapter 70.123 RCW. WSR 01-07-053, § 388-61A-0020, filed 3/16/01, effective 4/16/01.] Repealed by WSR 10-22-040, filed 10/27/10, effective 11/27/10. Statutory Authority: Chapter 70.123 RCW.

388-61A-0025 What definitions apply to domestic violence shelters and services? [Statutory Authority: Chapter 70.123 RCW, 2006 c 259, and federal PL 109-162. WSR 07-04-098, § 388-61A-0025, filed 2/6/07, effective 3/9/07. Statutory Authority: Chapter 70.123 RCW. WSR 01-07-053, § 388-61A-0025, filed 3/16/01, effective 4/16/01.] Repealed by WSR 10-22-040, filed 10/27/10, effective 11/27/10. Statutory Authority: Chapter 70.123 RCW.

388-61A-0030 What safety requirements is the shelter required to meet? [Statutory Authority: Chapter 70.123 RCW. WSR 01-07-053, § 388-61A-0030, filed 3/16/01, effective 4/16/01.] Repealed by WSR 10-22-040, filed 10/27/10, effective 11/27/10. Statutory Authority: Chapter 70.123 RCW.

388-61A-0035 What are the general requirements for bedrooms? [Statutory Authority: Chapter 70.123 RCW. WSR 01-07-053, § 388-61A-0035, filed 3/16/01, effective 4/16/01.] Repealed by WSR 10-22-040, filed 10/27/10, effective 11/27/10. Statutory Authority: Chapter 70.123 RCW.

388-61A-0040 What kind of diaper changing area must I provide? [Statutory Authority: Chapter 70.123 RCW. WSR 01-07-053, § 388-61A-0040, filed 3/16/01, effective 4/16/01.] Repealed by WSR 10-22-040, filed 10/27/10, effective 11/27/10. Statutory Authority: Chapter 70.123 RCW.

388-61A-0045 What are the kitchen requirements? [Statutory Authority: Chapter 70.123 RCW. WSR 01-07-053, § 388-61A-0045, filed 3/16/01, effective 4/16/01.] Repealed by WSR 10-22-040, filed 10/27/10, effective 11/27/10. Statutory Authority: Chapter 70.123 RCW.

388-61A-0050 Are there any restrictions on food preparation? [Statutory Authority: Chapter 70.123 RCW. WSR 01-07-053, § 388-61A-0050, filed 3/16/01, effective 4/16/01.] Repealed by WSR 10-22-040, filed 10/27/10, effective 11/27/10. Statutory Authority: Chapter 70.123 RCW.

388-61A-0055 What are the requirements for providing food and clothing to shelter residents? [Statutory Authority: Chapter 70.123 RCW. WSR 01-07-053, § 388-61A-0055, filed 3/16/01, effective 4/16/01.] Repealed by WSR 10-22-040, filed 10/27/10, effective 11/27/10. Statutory Authority: Chapter 70.123 RCW.

388-61A-0060 What are the requirements for toilets, sinks, and bathing facilities? [Statutory Authority: Chapter 70.123 RCW. WSR 01-07-053, § 388-61A-0060, filed 3/16/01, effective 4/16/01.] Repealed by WSR 10-22-040, filed 10/27/10, effective 11/27/10. Statutory Authority: Chapter 70.123 RCW.

388-61A-0065 What types of linen do I need to provide to clients? [Statutory Authority: Chapter 70.123 RCW. WSR 01-07-053, § 388-61A-0065, filed 3/16/01, effective 4/16/01.] Repealed by WSR 10-22-040, filed 10/27/10, effective 11/27/10. Statutory Authority: Chapter 70.123 RCW.

388-61A-0070 What are the requirements for laundry facilities? [Statutory Authority: Chapter 70.123 RCW. WSR 01-07-053, § 388-61A-0070, filed 3/16/01, effective 4/16/01.] Repealed by WSR 10-22-040, filed 10/27/10, effective 11/27/10. Statutory Authority: Chapter 70.123 RCW.

388-61A-0075 Are there requirements for drinking water? [Statutory Authority: Chapter 70.123 RCW. WSR 01-07-053, § 388-61A-0075, filed 3/16/01, effective 4/16/01.] Repealed by WSR 10-22-040, filed 10/27/10, effective 11/27/10. Statutory Authority: Chapter 70.123 RCW.

388-61A-0080 What are the requirements for sewage and liquid wastes? [Statutory Authority: Chapter 70.123 RCW. WSR 01-07-053, § 388-61A-0080, filed 3/16/01, effective 4/16/01.] Repealed by WSR 10-22-040, filed 10/27/10, effective 11/27/10. Statutory Authority: Chapter 70.123 RCW.

388-61A-0085 What kind of heating system is required? [Statutory Authority: Chapter 70.123 RCW. WSR 01-07-053, § 388-61A-0085, filed 3/16/01, effective 4/16/01.] Repealed by WSR 10-22-040, filed 10/27/10, effective 11/27/10. Statutory Authority: Chapter 70.123 RCW.

388-61A-0090 How must I ventilate the shelter? [Statutory Authority: Chapter 70.123 RCW. WSR 01-07-053, § 388-61A-0090, filed 3/16/01, effective 4/16/01.] Repealed by WSR 10-22-040, filed 10/27/10, effective 11/27/10. Statutory Authority: Chapter 70.123 RCW.

388-61A-0095 How much lighting is required in the shelter? [Statutory Authority: Chapter 70.123 RCW. WSR 01-07-053, § 388-61A-0095, filed 3/16/01, effective 4/16/01.] Repealed by WSR 10-22-040, filed 10/27/10, effective 11/27/10. Statutory Authority: Chapter 70.123 RCW.

388-61A-0100 Are there any requirements about pets in the shelter? [Statutory Authority: Chapter 70.123 RCW. WSR 01-07-053, § 388-61A-0100, filed 3/16/01, effective 4/16/01.] Repealed by WSR 10-22-040, filed 10/27/10, effective 11/27/10. Statutory Authority: Chapter 70.123 RCW.

388-61A-0105 What first-aid supplies must I provide? [Statutory Authority: Chapter 70.123 RCW. WSR 01-07-053, § 388-61A-0105, filed 3/16/01, effective 4/16/01.] Repealed by WSR 10-22-040, filed 10/27/10, effective 11/27/10. Statutory Authority: Chapter 70.123 RCW.

388-61A-0110 What are the requirements for storing medications? [Statutory Authority: Chapter 70.123 RCW. WSR 01-07-053, § 388-61A-0110, filed 3/16/01, effective 4/16/01.] Repealed by WSR 10-22-040, filed 10/27/10, effective 11/27/10. Statutory Authority: Chapter 70.123 RCW.

388-61A-0115 What measures must I take for pest control? [Statutory Authority: Chapter 70.123 RCW. WSR 01-07-053, § 388-61A-0115, filed 3/16/01, effective 4/16/01.] Repealed by WSR 10-22-040, filed 10/27/10, effective 11/27/10. Statutory Authority: Chapter 70.123 RCW.

388-61A-0120 What are the requirements for labeling and storing chemicals and toxic materials? [Statutory Authority: Chapter 70.123 RCW. WSR 01-07-053, § 388-61A-0120, filed 3/16/01, effective 4/16/01.] Repealed by WSR 10-22-040, filed 10/27/10, effective 11/27/10. Statutory Authority: Chapter 70.123 RCW.

388-61A-0125 Where do I keep firearms and other dangerous weapons? [Statutory Authority: Chapter 70.123 RCW. WSR 01-07-053, § 388-61A-0125, filed 3/16/01, effective 4/16/01.] Repealed by WSR 10-22-040, filed 10/27/10, effective 11/27/10. Statutory Authority: Chapter 70.123 RCW.

388-61A-0130 What are the additional requirements for a safe home? [Statutory Authority: Chapter 70.123 RCW. WSR 01-07-053, § 388-61A-0130, filed 3/16/01, effective 4/16/01.] Repealed by WSR 10-22-040, filed 10/27/10, effective 11/27/10. Statutory Authority: Chapter 70.123 RCW.

388-61A-0135 What are the additional requirements for a shelter home? [Statutory Authority: Chapter 70.123 RCW, 2006 c 259, and federal PL 109-162. WSR 07-04-098, § 388-61A-0135, filed 2/6/07, effective 3/9/07. Statutory Authority: Chapter 70.123 RCW. WSR 01-07-053, § 388-61A-0135, filed 3/16/01, effective 4/16/01.] Repealed by WSR 10-22-040, filed 10/27/10, effective 11/27/10. Statutory Authority: Chapter 70.123 RCW.

388-61A-0140 What supportive services am I required to provide to clients? [Statutory Authority: Chapter 70.123 RCW. WSR 01-07-053, § 388-61A-0140, filed 3/16/01, effective 4/16/01.] Repealed by WSR 10-22-040, filed 10/27/10, effective 11/27/10. Statutory Authority: Chapter 70.123 RCW.

388-61A-0145 What is advocacy-based counseling? [Statutory Authority: Chapter 70.123 RCW. WSR 01-07-053, § 388-61A-0145, filed 3/16/01, effective 4/16/01.] Repealed by WSR 10-22-040, filed 10/27/10, effective 11/27/10. Statutory Authority: Chapter 70.123 RCW.

388-61A-0146 What information must the domestic violence service keep confidential? [Statutory Authority: Chapter 70.123 RCW, 2006 c 259, and federal PL 109-162. WSR 07-04-098, § 388-61A-0146, filed 2/6/07, effective 3/9/07.] Repealed by WSR 10-22-040, filed 10/27/10, effective 11/27/10. Statutory Authority: Chapter 70.123 RCW.

388-61A-0147 What information can be disclosed? [Statutory Authority: Chapter 70.123 RCW, 2006 c 259, and federal PL 109-162. WSR 07-04-098, § 388-61A-0147, filed 2/6/07, effective 3/9/07.] Repealed by WSR 10-22-040, filed 10/27/10, effective 11/27/10. Statutory Authority: Chapter 70.123 RCW.

388-61A-0148 What information needs to be included in a written waiver of confidentiality? [Statutory Authority: Chapter 70.123 RCW, 2006 c 259, and federal PL 109-162. WSR 07-04-098, § 388-61A-0148, filed 2/6/07, effective 3/9/07.] Repealed by WSR 10-22-040, filed 10/27/10, effective 11/27/10. Statutory Authority: Chapter 70.123 RCW.

388-61A-0149 What information must be provided to clients about their right to confidentiality? [Statutory Authority: Chapter 70.123 RCW, 2006 c 259, and federal PL 109-162. WSR 07-04-098, § 388-61A-0149, filed 2/6/07, effective 3/9/07.] Repealed by WSR 10-22-040, filed 10/27/10, effective 11/27/10. Statutory Authority: Chapter 70.123 RCW.

388-61A-0150 What type of training is required for staff of the domestic violence service? [Statutory Authority: Chapter 70.123 RCW. WSR 01-07-053, § 388-61A-0150, filed 3/16/01, effective 4/16/01.] Repealed by WSR 10-22-040, filed 10/27/10, effective 11/27/10. Statutory Authority: Chapter 70.123 RCW.

388-61A-0155 Must supervisors of domestic violence service staff have specific experience and training? [Statutory Authority: Chapter 70.123 RCW. WSR 01-07-053, § 388-61A-0155, filed 3/16/01, effective 4/16/01.] Repealed by WSR 10-22-040, filed 10/27/10, effective 11/27/10. Statutory Authority: Chapter 70.123 RCW.

388-61A-0160 What written policies and procedures do you need to have? [Statutory Authority: Chapter 70.123 RCW. WSR 01-07-053, § 388-61A-0160, filed 3/16/01, effective 4/16/01.] Repealed by WSR 10-22-040, filed 10/27/10, effective 11/27/10. Statutory Authority: Chapter 70.123 RCW.

388-61A-0165 Will DSHS do an evaluation of the domestic violence service? [Statutory Authority: Chapter 70.123 RCW. WSR 01-07-053, § 388-61A-0165, filed 3/16/01, effective 4/16/01.] Repealed by WSR 10-22-040, filed 10/27/10, effective 11/27/10. Statutory Authority: Chapter 70.123 RCW.

388-61A-0170 What will happen if I am out of compliance with my contract? [Statutory Authority: Chapter 70.123 RCW. WSR 01-07-053, § 388-61A-0170, filed 3/16/01, effective 4/16/01.] Repealed by WSR 10-22-040, filed 10/27/10, effective 11/27/10. Statutory Authority: Chapter 70.123 RCW.

388-61A-0175 What will happen if there is a complaint to DSHS about the domestic violence service? [Statutory Authority: Chapter 70.123 RCW. WSR 01-07-053, § 388-61A-0175, filed 3/16/01, effective 4/16/01.] Repealed by WSR 10-22-040, filed 10/27/10, effective 11/27/10. Statutory Authority: Chapter 70.123 RCW.

388-61A-0180 Can DSHS waive any of the minimum standards of this chapter? [Statutory Authority: Chapter 70.123 RCW. WSR 01-07-053, § 388-61A-0180, filed 3/16/01, effective 4/16/01.] Repealed by WSR 10-22-040, filed 10/27/10, effective 11/27/10. Statutory Authority: Chapter 70.123 RCW.

388-61A-0185 What are my rights if DSHS suspends, revokes, or denies funding? [Statutory Authority: Chapter 70.123 RCW. WSR 01-07-053, § 388-61A-0185, filed 3/16/01, effective 4/16/01.] Repealed by WSR 07-04-098, filed 2/6/07, effective 3/9/07. Statutory Authority: Chapter 70.123 RCW, 2006 c 259, and federal PL 109-162.

388-61A-0190 Will I be notified if my funding has been suspended, revoked, or denied? [Statutory Authority: Chapter 70.123 RCW. WSR 01-07-053, § 388-61A-0190, filed 3/16/01, effective 4/16/01.] Repealed by WSR 07-04-098, filed 2/6/07, effective 3/9/07. Statutory Authority: Chapter 70.123 RCW, 2006 c 259, and federal PL 109-162.

388-61A-0195 How do I request an agency hearing? [Statutory Authority: Chapter 70.123 RCW. WSR 01-07-053, § 388-61A-0195, filed 3/16/01, effective 4/16/01.] Repealed by WSR 07-04-098, filed 2/6/07, effective 3/9/07. Statutory Authority: Chapter 70.123 RCW, 2006 c 259, and federal PL 109-162.

BACKGROUND

WAC 388-61A-0200 What is the legal basis for the domestic violence shelter program? Chapter 70.123 RCW authorizes us to establish minimum standards for agencies that receive funding from the department of social and health services (DSHS) to provide domestic violence shelter and supportive services.

[Statutory Authority: Chapter 70.123 RCW. WSR 10-22-040, § 388-61A-0200, filed 10/27/10, effective 11/27/10.]

WAC 388-61A-0210 What is the purpose of having minimum standards for domestic violence shelters and supportive services? The purpose of these rules is to have uniform statewide standards for domestic violence shelters and supportive services funded by DSHS. Minimum standards are necessary to provide rules for agencies that contract with us to provide shelter and supportive services for domestic violence victims. These standards address issues such as food, clothing, emergency housing, safety, security, and advocacy.

[Statutory Authority: Chapter 70.123 RCW. WSR 10-22-040, § 388-61A-0210, filed 10/27/10, effective 11/27/10.]

WAC 388-61A-0220 What definitions apply to this chapter?

"Advocacy" means that the client is involved with an advocate in individual or group sessions with a primary focus of safety planning, empowerment, and education of the client through reinforcement of the client's autonomy and self-determination. Advocacy also means speaking and acting for change or justice with, or on behalf of, another person or cause. Advocacy is survivor-centered and uses nonvictim blaming methods that include:

• Identifying barriers to, and strategies to enhance, safety, including safety planning.

• Clarifying and increasing awareness of the power and control associated with domestic violence and the options one may have to obtain resources while staying safe.

• Supporting independent decision-making based on the unique needs and circumstances of each individual.

"Advocate" means a trained staff person who works in a domestic violence agency and provides advocacy to clients.

"Child care" means the temporary care of a client's child or children by staff of the domestic violence agency at the agency's location or another location where the client is receiving confidential or individual services from the domestic violence agency or is participating in activities sponsored by the domestic violence agency, other than employment, and so long as the client remains on the premises.

"Children/youth activities" means activities other than children/youth advocacy, such as recreational and educational activities.

"Children/youth advocacy" means an age-appropriate intervention service that strives to assist children/youth to express feelings about their exposure to domestic violence. It is an educational, rather than a therapeutic intervention, and is focused on providing education about domestic violence, safety planning, and developing or enhancing problem-solving skills. Advocacy can be provided on an individual basis and in group settings.

"Client" means a victim of domestic violence who is accessing services at a domestic violence agency. Client can also be referred to as a survivor, service recipient, or resident.

"Cohabitant" means a person who is or was married, in a state registered domestic partnership, or cohabiting with another person in an intimate or dating relationship at the present time or at some time in the past. Any person who has one or more children in common with another person, regardless of whether they have been married, were/are in a domestic partnership with each other, or have lived together at any time, must be treated as a cohabitant. Any person who is or was in a dating relationship with another person at the present or at some time in the past, regardless of whether they lived together at any time, must be treated as a cohabitant.

"Community education" refers to information that is provided in community settings about domestic violence and services related to victims of domestic violence. Community education activities include: Training, presentations, outreach to specific communities or geographic areas, community events, and media events.

"Confidential communication" means all information, oral, written or nonverbal, that is transmitted between a victim of domestic violence and an employee or supervised volunteer of a domestic violence agency in the course of their relationship and in confidence by means which, so far as the victim is aware, does not disclose the information to a third person.

"Confidential information" includes, but is not limited to, any information, advice, notes, reports, statistical data, memoranda, working papers, records or the like, made or given during the relationship between a victim of domestic violence and a domestic violence agency, however maintained. Confidential information includes the name, address, telephone number, social security number, date of birth, nine-digit postal (ZIP) code, physical appearance of, case file or history of, and other information that would personally identify a victim of domestic violence who seeks or has received services from a domestic violence agency.

"Crisis hotline or helpline" means a designated telephone line of the domestic violence agency that operates twenty-four hours a day, three hundred sixty-five days a year. A hotline/helpline provides crisis intervention, safety planning, information, and referral services.

"Crisis intervention" means services provided to an individual in crisis to stabilize an individual's emotions, clarify issues, and provide support and assistance to help explore options for resolution of the individual's immediate crisis and needs.

"Department" means the department of social and health services (DSHS).

"Domestic violence" is a pattern of assaultive and coercive behaviors that an adult or adolescent uses to maintain power and control over their intimate partner. Abusive tactics may include, but are not limited to the following: Physical abuse, sexual abuse, intimidating tactics, physical and/or psychological isolation of the victim, repeated attacks against the victim's competence, alternating use of indulgences, control of family funds and resources, stalking, and the use of children and systems to control the victim. The abuser's use of physical force against persons or property or the use of conduct that establishes credible threat of physical harm (i.e. terrorizing tactics) combined with other controlling tactics are key elements of domestic violence. The effect of the overall pattern of assaultive and coercive behavior is to increase the abuser's power and control in the relationship. It includes, but is not limited to, the categorization of offenses defined in RCW 10.99.020(3) when committed by one cohabitant against another.

"Domestic violence agency" means an agency that provides shelter and advocacy for domestic violence clients in a safe and supportive environment.

"Intimate partner violence" focuses on the most common form of domestic violence, which is between adult or adolescent intimate partners or cohabitants, rather than on violence between nonintimate adult or adolescent household members.

"Job-shadowing" means a work experience where an individual observes and learns about a job, activity, or activities by walking through the work day as a shadow to a skilled and competent employee. The experience must be planned for and structured with the goal of observing behavior and situations, engaging in interactive questions and answers, and experiencing the link between learning and practice. Job-shadowing can be anywhere from a few hours, to a day, to a week or more, depending on the job or activity to be experienced.

"Legal advocacy" means personal support and assistance with victims of domestic violence to ensure their interests are represented and their rights upheld within the civil and criminal justice systems, including administrative hearings. It includes educating and assisting victims in navigating the justice systems; assisting victims in evaluating advantages and disadvantages of participating in the legal processes; facilitating victims' access and participation in the legal systems; and promoting victims' choices and rights to individuals within the legal systems.

"Live training" means events that are held at a specific time and not prerecorded, where participants have the opportunity to ask questions and hear the questions of others in real-time. Examples of live training include events that are in-person, teleconferences, interactive webinars and web casts.

"Lodging unit" means one or more rooms used for a victim of domestic violence including rooms used for sleeping or sitting.

"Marginalized populations" includes, but is not limited to, populations that have been historically underserved and oppressed in society because of ethnicity, race, culture or language diversity, age, sexual orientation, or disability.

"Personally identifying information" includes, but is not limited to, first and last name, home or other physical address, telephone number, Social Security number, date of birth, nine-digit postal (ZIP) code, physical appearance of, case file or history of, and other information that would personally identify a victim of domestic violence who seeks or has received services from a domestic violence agency, or such other information which, taken individually or together with other identifying information, could identify a particular individual.

"Program" means the DSHS domestic violence program.

"Resident" means a client of the domestic violence agency who is residing in a shelter as defined in this chapter.

"Safe home" means a shelter that has two or fewer lodging units and has a written working agreement with a domestic violence agency.

"Safety plan" is a process of thinking through with the victim how to increase safety for both the victim of domestic violence and any dependent children of the victim. Safety planning addresses both immediate and long term risks, barriers, or concerns regarding the victim and any dependent children. It is based on knowledge about the specific pattern of the domestic violence perpetrator's tactics and the protective factors of the victim and any dependent children. Safety planning can be done formally, informally, in writing or orally, or in any other conversational process between the victim and advocate.

"Secretary" means the DSHS secretary or the secretary's designee.

"Self-study" is a form of study in which one is, to a large extent, responsible for one's own instruction. Examples of self-study include reading articles, books, academic journals, training materials, engaging in on-line learning opportunities, and prerecorded webinars. Self-study content must be current or have historical relevance to the domestic violence advocacy field.

"Shelter" means a safe home or shelter home that provides temporary refuge and food and clothing offered on a twenty-four hour, seven-day-per-week basis to victims of

domestic violence and their dependent children. Domestic violence agencies may use hotels and motels for victims who need safe shelter, but the domestic violence agency must also have a shelter home and/or safe home(s) that meet the requirements of this chapter.

"Shelter home" means a shelter that has three or more lodging units and is either a component of, or has a written working agreement with, a domestic violence agency.

"Staff" means persons who are paid or who volunteer to provide services to clients and are a part of a domestic violence agency.

"Support group" means interactive group sessions of two or more victims of domestic violence that is facilitated by trained staff on a regular basis. Participants share experiences, offer mutual support, and receive information and education around a specific topic of common interest. Support groups validate the experiences of victims, explore options, build on strengths, and respect participants' rights to make their own decisions. A shelter or house meeting where, for example, chores are discussed, and there is no advocacy provided, is not a support group.

"Victim" means a cohabitant who has been subjected to domestic violence.

"We, us and our" refers to the department of social and health services and its employees.

"You, I and your" refers to the domestic violence agency.

[Statutory Authority: Chapter 70.123 RCW. WSR 15-14-033, § 388-61A-0220, filed 6/23/15, effective 7/24/15. Statutory Authority: Chapter 70.123 RCW and 16 C.F.R. Part 1219. WSR 13-10-028, § 388-61A-0220, filed 4/24/13, effective 5/25/13. Statutory Authority: Chapter 70.123 RCW. WSR 10-22-040, § 388-61A-0220, filed 10/27/10, effective 11/27/10.]

WAC 388-61A-0230 What service model must be used to provide the services required by these rules? Shelters and supportive services for victims of domestic violence are essential to provide protection to victims from further abuse and physical harm. Research demonstrates that access to supportive services that increase a survivor's knowledge of safety planning and awareness of community resources leads to increased safety and well being over time. Consequently, the model for providing services must incorporate the following practices:

(1) Services provided to victims must include access to safety, advocacy, information about options, and referrals to helping resources.

(2) Services that blame the victim for the abuse and do not hold the abuser accountable for the violence, are ineffective and will likely result in further harm to the victim, up to and including death. Therefore, minimum standards for the services and practices governed by these rules must use an empowerment model that:

(a) Promotes safety for all victims of intimate partner violence and their dependent children.

(b) Are survivor-centered and treat victims with dignity and respect.

(c) Builds on the strengths and resources of individuals and families, respecting their autonomy and self-determination.

(d) Supports the relationship between victims and their dependent children.

(e) Offers options and support for autonomous decision-making that is based on the needs and circumstances of each victim and their family.

(f) Assists individuals and families in accessing protection and services that are respectful and inclusive of cultural and community characteristics.

(g) Ensures agency accountability by involving victims in evaluating the services they receive from the domestic violence agency.

(h) Supports and engages in collaboration with other community agencies and systems for the purpose of developing a comprehensive response system for victims and their dependent children.

[Statutory Authority: Chapter 70.123 RCW. WSR 10-22-040, § 388-61A-0230, filed 10/27/10, effective 11/27/10.]

WAC 388-61A-0240 Is DSHS required to provide funding to any domestic violence agency that requests funding? (1) We are not obligated to disburse funds to all domestic violence agencies that comply with the minimum standards set forth in this chapter. The goal of this program is to provide funding and support for the statewide development, stability, and expansion of emergency shelter and supportive services for victims of domestic violence. Funding for this program is intended to be used to develop and maintain domestic violence agencies statewide that are:

(a) Focused on victim advocacy, safety, empowerment, maintaining confidentiality, and safety planning.

(b) Inclusive and responsive to the ethnic, cultural, racial and socioeconomic diversity of the state.

(c) Flexible and designed to meet the needs of domestic violence victims at the local level.

(2) In support of the program goal, if an agency applies to receive funding we will consider such things as:

(a) Geographic location.

(b) Population ratios.

(c) Population need for services.

(d) An agency's experience in providing domestic violence services and its ability to provide services that comply with these minimum standards.

(e) The availability of other domestic violence agencies in a community and the level of collaboration between and among existing agencies.

(f) The amount of funding we have available to maintain stability and support for existing domestic violence agencies funded by DSHS.

[Statutory Authority: Chapter 70.123 RCW. WSR 10-22-040, § 388-61A-0240, filed 10/27/10, effective 11/27/10.]

WAC 388-61A-0250 What are the requirements for domestic violence agencies? In order for us to contract with an agency for domestic violence services, the agency must provide emergency shelter and supportive services to victims of domestic violence. The agency must comply with the:

(1) Supportive service and administrative standards for domestic violence agencies; and

(2) General facility standards for shelter homes and safe homes; and

(3) Additional standards for shelter homes; or

(4) Additional standards for safe homes.

[Statutory Authority: Chapter 70.123 RCW. WSR 10-22-040, § 388-61A-0250, filed 10/27/10, effective 11/27/10.]

SUPPORTIVE SERVICES AND ADMINISTRATIVE STANDARDS FOR DOMESTIC VIOLENCE AGENCIES

WAC 388-61A-0260 What supportive services must a domestic violence agency provide? (1) Domestic violence agencies must utilize a survivor-centered and empowerment service model as described in this chapter. Such a model:

(a) Promotes safety for all victims and their dependent children.

(b) Builds on the strengths and resources of individuals and families, respecting their autonomy and self-determination.

(c) Supports the relationship between victims and their dependent children.

(d) Offers options and support for autonomous decision making based on the needs and circumstances of each victim and their family.

(e) Assists individuals and families in accessing protection and services that are respectful of cultural and community characteristics.

(f) Ensures agency accountability by involving victims in evaluating the services they receive from the domestic violence agency.

(2) The manner in which supportive services are provided by the domestic violence agency must be in alignment with the empowerment service model described in this chapter, and must also:

(a) Include a discussion of safety and options with each victim of domestic violence seeking assistance.

(b) Be respectful and respond to each client's life situation, and respect each person's right to self-determination.

(c) Be provided in a safe and supportive environment that offers the client the opportunity to examine the events that led to the need for domestic violence services.

(d) Be provided in a private setting for the comfort of the client and to protect confidentiality of conversations.

(3) Domestic violence agencies that contract with us must provide the following supportive services:

(a) Crisis hotline or helpline.

(b) Crisis intervention.

(c) Safety planning.

(d) Emergency domestic violence shelter.

(e) A day program or drop-in service for victims who have found other shelter but who have a need for supportive services.

(f) Individual advocacy including legal advocacy.

(g) Support groups.

(h) Child care assistance during individual advocacy sessions and support groups for the adult victim.

(i) Supportive services and resources for children/youth residing in emergency domestic violence shelter.

(j) Transportation assistance or access to transportation.

(k) Information and referral.

(l) Community education activities.

(4) For clients residing in emergency domestic violence shelter you:

(a) Must provide clients with access to a trained staff person twenty-four hours a day, three hundred sixty-five days a year.

(b) Must give clients the opportunity to receive and participate in supportive services during their stay in shelter.

(c) Cannot require that clients participate in supportive services as a condition of residing in the shelter.

[Statutory Authority: Chapter 70.123 RCW. WSR 10-22-040, § 388-61A-0260, filed 10/27/10, effective 11/27/10.]

WAC 388-61A-0270 What services and resources must be available to children/youth residing in emergency domestic violence shelter? (1) With the permission of a parent/guardian, children/youth must be offered the opportunity to receive and participate in the following age-appropriate supportive services during their shelter residency:

(a) Orientation to the shelter.

(b) Information about domestic violence.

(c) Individual and/or group advocacy and support.

(d) Information and referral to other supportive services.

(2) The domestic violence agency must provide a safe and secure play area for children/youth residing in the emergency domestic violence shelter.

(3) The domestic violence agency must provide information to the client about resources for indoor and outdoor recreational activities in the community for children/youth residing in emergency shelter, such as outings to parks, playgrounds, movies, libraries, sports activities, youth clubs and other similar activities.

[Statutory Authority: Chapter 70.123 RCW. WSR 10-22-040, § 388-61A-0270, filed 10/27/10, effective 11/27/10.]

WAC 388-61A-0280 What are the requirements for the crisis hotline or helpline? (1) You must provide a crisis hotline/helpline telephone number to access services of the domestic violence agency. The telephone number must be widely distributed throughout the service area covered by the domestic violence agency and be identified as the crisis hotline/helpline of the agency.

(2) The crisis hotline/helpline service must comply with the following minimum requirements:

(a) It must operate twenty-four hours a day, three hundred sixty-five days a year.

(b) It must be a dedicated telephone line that serves as the crisis hotline or helpline.

(c) Staff that answer the hotline/helpline must be trained in, and familiar with, all referral and intake practices of the domestic violence agency.

(d) In most cases, callers to the hotline/helpline must be able to speak, within fifteen minutes, to a trained staff person from whom the caller can obtain services, including access to emergency shelter.

(e) Staff must have access to TTY or similar technology, and they must be trained on its use.

(f) Safety must be addressed in every call.

(3) You must have written procedures that address the following:

(a) How crisis hotline staff will meet the needs of non-English speaking and hearing impaired callers.

(b) Steps that must be taken when a caller requests emergency shelter.

(c) If you use an answering service, or any other similar system, how you will provide training to the staff of the answering service, and how you will monitor the services provided to your agency.

(4) If you use a call-forwarding system for your domestic violence agency's hotline/helpline, answering service, or any other similar system, you must guarantee that the caller's first contact is supportive.

(5) You may use an answering machine, voice mail, or similar recording device as a back-up means of responding to calls to your agency's crisis hotline/helpline. However, these devices cannot be used as your agency's primary method of answering crisis hotline/helpline calls. Messages left on your agency's answering machine, voice mail, or similar recording device must be returned within the time frame described in subsection (2)(d) of this section.

[Statutory Authority: Chapter 70.123 RCW and 16 C.F.R. Part 1219. WSR 13-10-028, § 388-61A-0280, filed 4/24/13, effective 5/25/13. Statutory Authority: Chapter 70.123 RCW. WSR 10-22-040, § 388-61A-0280, filed 10/27/10, effective 11/27/10.]

WAC 388-61A-0290 What are the requirements for accessing emergency domestic violence shelter? Domestic violence agencies must meet the following requirements in providing emergency domestic violence shelter:

(1) Your agency must have written procedures regarding your shelter intake process.

(2) You must have a staff person available twenty-four hours a day, three hundred sixty-five days a year, who is able to assess requests for emergency domestic violence shelter and arrange for immediate intake into your shelter or a hotel/motel.

(3) Where an individual is eligible for emergency domestic violence shelter:

(a) A staff person must be present to admit a service recipient into the shelter home.

(b) Reasonable efforts must be made by the domestic violence agency to have a staff person present to admit a service recipient into a safe home or hotel/motel.

(4) Referrals to other services or domestic violence agencies must be provided to an individual when:

(a) Your shelter home or safe home(s) are full.

(b) A client residing in shelter must be transferred to another domestic violence agency for reasons of safety of the client.

(c) The person seeking shelter is ineligible for your services.

(d) An inappropriate referral was made to your domestic violence agency.

(e) The person seeking shelter has problems that require services of another agency or agencies before receiving domestic violence services.

[Statutory Authority: Chapter 70.123 RCW. WSR 10-22-040, § 388-61A-0290, filed 10/27/10, effective 11/27/10.]

WAC 388-61A-0300 What information must be in a client's file? (1) You must have a written file for clients who are served by your domestic violence agency. Client files must:

(a) Include an intake that clearly documents each client's eligibility for domestic violence services.

(b) Be brief in documenting the services provided to the client.

(c) Document only sufficient information to identify the service provided, and must not include any references to service recipient feelings, emotional or psychological assessments, diagnoses, or similar subjective observations or judgments. Documentation must not include any direct quotes from the client.

(d) Include copies of all required releases and client notices.

(2) Where supportive services are provided to child/youth of clients, the domestic violence agency must:

(a) Maintain separate documentation for each child/youth that receives supportive services. Written documentation must not be included in the file of the parent/guardian.

(b) Be brief in documenting the supportive services provided to the child/youth.

(c) Document only sufficient information to identify the service provided, and must not include any references to the child/youth's feelings, emotional or psychological assessments, diagnoses, or similar subjective observations or judgments. Documentation must not include any direct quotes from the child/youth.

[Statutory Authority: Chapter 70.123 RCW. WSR 10-22-040, § 388-61A-0300, filed 10/27/10, effective 11/27/10.]

WAC 388-61A-0310 What information must the domestic violence agency keep confidential? (1) Agents, employees, and volunteers of a domestic violence agency must maintain the confidentiality of all personally identifying information, confidential communications, and all confidential information as defined in this chapter. Information that individually or together with other information could identify a particular victim of domestic violence must also be kept confidential.

(2) Any reports, records, working papers, or other documentation, including electronic files that are maintained by the domestic violence agency and information provided to the domestic violence agency on behalf of the client, must be kept confidential. Any information considered privileged by statute, rule, regulation or policy that is shared with the domestic violence agency on behalf of the client must not be divulged without a valid written waiver of the privilege that is based on informed consent, or as otherwise required by law.

(3) You must comply with the provisions of this section regarding confidential communications concerning clients regardless of when the client received the services of the domestic violence agency.

[Statutory Authority: Chapter 70.123 RCW. WSR 10-22-040, § 388-61A-0310, filed 10/27/10, effective 11/27/10.]

WAC 388-61A-0320 What information can be disclosed? (1) You can disclose confidential information only when:

(a) The client provides informed, written consent to the waiver of confidentiality that relates only to the client or the client's dependent children.

(b) Failure to disclose is likely to result in a clear, imminent risk of serious physical injury or death of the client or other person.

(c) Disclosure is required under chapter 26.44 RCW, Abuse of children.

(d) Release of information is otherwise required by law or court order, or following in-camera review pursuant to RCW 70.123.075, with the following additional requirements:

(i) The domestic violence agency must make reasonable attempts to provide notice to the person affected by the disclosure of the information.

(ii) If personally identifying information is or will be disclosed, the domestic violence agency must take steps necessary to protect the privacy and safety of the persons affected by the disclosure of information.

(2) Any release of information subject to any of the exceptions set forth above must be limited to the minimum necessary to meet the requirement of the exception, and such release does not void the client's right to confidentiality and privilege on any other confidential communication between the client and the domestic violence agency.

(3) In the case of an unemancipated minor, the minor and the parent or guardian must provide the written consent. Consent for release may not be given by a parent who has abused the minor or the minor's other parent. In the case of a disabled adult who has been appointed a guardian, the guardian must consent to release unless the guardian is the abuser of the disabled adult.

(4) To comply with federal, state, tribal, or territorial reporting, evaluation, or data collection requirements, a domestic violence agency may disclose aggregated nonpersonally identifying data about services provided to their clients and nonpersonally identifying demographic information.

(5) A copy of the disclosed information must be provided to the client, if requested by the client.

[Statutory Authority: Chapter 70.123 RCW. WSR 10-22-040, § 388-61A-0320, filed 10/27/10, effective 11/27/10.]

WAC 388-61A-0330 What information must be included in a written waiver of confidentiality? (1) To be valid, a written waiver of confidentiality must:

(a) Be voluntary.

(b) Relate only to the client or the client's dependent children.

(c) Clearly describe the scope and any limitations of the information to be released.

(d) Include an expiration date for the release.

(e) Inform the client that consent can be withdrawn at any time whether it is made orally or in writing.

(2) If the written waiver of confidentiality does not include an expiration date, it must expire ninety days after the date it was signed.

[Statutory Authority: Chapter 70.123 RCW. WSR 10-22-040, § 388-61A-0330, filed 10/27/10, effective 11/27/10.]

WAC 388-61A-0340 What information must be provided to clients about their right to confidentiality? (1) You must provide each client with a written "notice of rights" at the time of initial and any subsequent intake into the domestic violence agency. At a minimum, the notice of rights must inform clients of the following:

(a) The client's right to privacy and confidentiality of the information shared with the domestic violence agency.

(b) Exceptions to confidentiality as described in this chapter.

(c) That if the client signs a written waiver of confidentiality that allows their information to be shared with others, the client does not give up their right to have that information protected under other statutes, rules or laws.

(d) That the client has the right to withdraw a written waiver of confidentiality at any time.

(e) That the domestic violence agency will not condition the provision of services to the client based on a requirement that the client sign one or more releases of confidential information.

(2) Information on the "notice of rights" must be explained to the client at the time of intake into the domestic violence agency and then again, at the time the client is considering whether to sign a written waiver of confidentiality.

[Statutory Authority: Chapter 70.123 RCW. WSR 10-22-040, § 388-61A-0340, filed 10/27/10, effective 11/27/10.]

WAC 388-61A-0350 What type of training is required for staff of the domestic violence agency? Initial and continuing education training of domestic violence agency staff is critically important. In addition, quality supervision is an integral component for the provision of excellent advocacy and in supporting staff. Advocates and advocate supervisors must be able to demonstrate an understanding of the nature and scope of domestic violence as defined by this chapter, as well as the historical and societal attitudes in which domestic violence is rooted. Training must be current and relevant to the provision of empowerment-based advocacy. Domestic violence agencies should also strive to ensure that staff incorporate training on services to marginalized populations as part of each advocate's annual continuing education hours. In furtherance of these goals, domestic violence agency staff must meet the following minimum training requirements.

Initial training

(1) Staff providing supportive services and supervisors of staff shall obtain a minimum of twenty hours of initial basic training that covers the following topics and skills:

(a) Theory and implementation of empowerment-based advocacy.

(b) The history of the domestic violence movement.

(c) Active listening skills.

(d) Legal, medical, social service and systems advocacy.

(e) Anti-oppression and cultural competency theory and practice.

(f) Confidentiality and ethics.

(g) Safety planning skills and barriers to safety.

(h) Planning, clarifying issues and options, and crisis intervention.

(i) Providing services and advocacy to individuals from marginalized populations.

(j) Policies and procedures of the domestic violence agency.

(2) Initial training shall be completed prior to providing supportive services to clients and/or their dependent children.

(3) The recommended format for initial trainings is live and in-person group sessions. Structured job-shadowing and self-study may be included as part of the overall initial training. All domestic violence agency in-house training must be

based on a training plan that covers one or more of the required initial training topics.

Continuing education and supervisor training

(4) Based on their date of hire with the domestic violence agency, staff providing supportive services and staff supervisors must obtain an annual minimum of twenty hours of continuing education training beginning in their second year with the domestic violence agency, and in every year thereafter.

(5) A minimum of ten hours must be live training on topics specifically focused on serving victims of domestic violence and their children.

(6) The remaining ten hours of training may be satisfied through self-study on topics specifically focused on serving victims of domestic violence and their children.

(7) Within six months of being hired as an advocate supervisor and for each year thereafter, the supervisor must obtain a minimum of five hours of training on supervision. Supervision training can be counted toward the twenty hours of annual continuing education training hours required by this chapter. Examples of supervision training topics include leadership skills, job coaching and staff evaluation, personnel management, effective communication and managing conflict, multicultural supervision, and how to foster professional development of, and self-care with, advocates. While live, in-person training is the preferred method for supervision training, all methods of live and self-study training are acceptable.

Training for staff not providing supportive services

(8) Domestic violence agency staff who do not provide supportive services to clients or their dependent children are not required to obtain initial and continuing education training as described in this section. Examples of staff that are included in this category are shelter housekeeping staff, individuals providing child care assistance as defined in this chapter, and bookkeeping and accounting staff. It is recommended, however, that staff who may come into contact with clients of the domestic violence agency and their dependent children, but who do not provide supportive services, receive training on the following:

(a) Confidentiality.

(b) Relevant policies and procedures of the domestic violence agency.

(c) Mandated reporting of child abuse/neglect as required by chapter 26.44 RCW, Abuse of children.

[Statutory Authority: Chapter 70.123 RCW. WSR 15-14-033, § 388-61A-0350, filed 6/23/15, effective 7/24/15; WSR 10-22-040, § 388-61A-0350, filed 10/27/10, effective 11/27/10.]

WAC 388-61A-0360 How should training be documented? Initial, continuing education, and supervisor training must be documented as required by DSHS.

[Statutory Authority: Chapter 70.123 RCW. WSR 15-14-033, § 388-61A-0360, filed 6/23/15, effective 7/24/15; WSR 10-22-040, § 388-61A-0360, filed 10/27/10, effective 11/27/10.]

WAC 388-61A-0370 Must supervisors of domestic violence agency staff have specific experience and training? Supervisors of staff providing supportive services to domestic violence clients must have the following minimum experience and training requirements prior to being hired as a supervisor.

(1) At least two years of experience providing advocacy to victims of domestic violence within a domestic violence agency.

(2) A minimum of fifty hours of training on domestic violence issues and advocacy within three years prior to being hired as a supervisor.

[Statutory Authority: Chapter 70.123 RCW. WSR 10-22-040, § 388-61A-0370, filed 10/27/10, effective 11/27/10.]

WAC 388-61A-0380 What written policies or procedures do you need to have? The domestic violence agency must have written policies or procedures that cover the following issues:

(1) Procedures for the emergency shelter intake process, including that victims in immediate danger or immediate risk of harm will receive first priority for shelter.

(2) Confidentiality and protection of client records and communication.

(3) Nondiscrimination relating to staff, clients, and provision of services.

(4) The provision of bilingual and interpreter services to clients.

(5) Procedures for responding to calls on the crisis hotline/helpline from non-English speaking and hearing impaired callers.

(6) If you use an answering service, or any other similar system to answer your crisis hotline/helpline calls, procedures for providing training to the staff of the answering service, and how you will monitor the services provided to your agency.

(7) Procedures for responding to subpoenas and warrants.

(8) Reporting of child abuse as legally mandated.

(9) Client access to their files.

(10) Grievance procedure for clients.

(11) Emergency procedures for fire, disaster, first aid, medical and police intervention.

(12) Procedures and periods for records retention.

(13) Accounting procedures.

(14) Personnel policies and procedures that include the following:

(a) Recruitment for staff and volunteers - agencies must recruit, to the extent feasible, persons who are former victims of domestic violence to work as paid or volunteer staff.

(b) Hiring.

(c) Promotion and termination of staff.

(d) Performance evaluation.

(e) Grievance procedure for staff.

(f) Maintenance of personnel and training files, to include job descriptions for paid staff and volunteers.

[Statutory Authority: Chapter 70.123 RCW. WSR 10-22-040, § 388-61A-0380, filed 10/27/10, effective 11/27/10.]

GENERAL FACILITY STANDARDS FOR SHELTER HOMES AND SAFE HOMES

WAC 388-61A-0390 What safety requirements are shelters required to meet? You must keep your equipment and the physical structures in the shelter, including furniture and appliances, safe and clean for the clients you serve. You must:

(1) Maintain the shelter, premises, equipment, and supplies in a clean, safe and sanitary condition, free of hazards, and in good repair.

(2) Provide guard or handrails, as necessary, for stairways, porches and balconies.

(3) Maintain swimming pools, wading pools, bathtubs, hot tubs, spas, and bathing beaches in a safe manner and in such a way that does not present a health hazard, safety problem, or nuisance.

(4) Have a method for securing all windows, doors, and other building accesses to prevent the entry of intruders.

(5) Make sure that clients residing in shelter are able to immediately enter the shelter if they do not have the ability to independently access the facility with their own key, keycard, door code, or other device.

(6) Provide adequate lighting of exterior areas to ensure the safety of clients residing in shelter and staff during the night.

(7) Provide a way for staff to enter any area occupied by clients should there be an emergency.

(8) Secure all unused refrigerators and freezers accessible to children in such a way that prevents them from climbing in and becoming trapped.

[Statutory Authority: Chapter 70.123 RCW and 16 C.F.R. Part 1219. WSR 13-10-028, § 388-61A-0390, filed 4/24/13, effective 5/25/13. Statutory Authority: Chapter 70.123 RCW. WSR 10-22-040, § 388-61A-0390, filed 10/27/10, effective 11/27/10.]

WAC 388-61A-0400 What are the requirements for bedrooms? You must provide a bed in good condition, with a clean and comfortable mattress.

[Statutory Authority: Chapter 70.123 RCW. WSR 10-22-040, § 388-61A-0400, filed 10/27/10, effective 11/27/10.]

WAC 388-61A-0410 What are requirements for cribs or bassinets? If the shelter provides cribs or bassinets, the shelter must comply with crib safety standards issued by the United States Consumer Product Safety Commission.

[Statutory Authority: Chapter 70.123 RCW and 16 C.F.R. Part 1219. WSR 13-10-028, § 388-61A-0410, filed 4/24/13, effective 5/25/13. Statutory Authority: Chapter 70.123 RCW. WSR 10-22-040, § 388-61A-0410, filed 10/27/10, effective 11/27/10.]

WAC 388-61A-0420 What kind of diaper changing area must I provide? You must provide a sanitary diaper changing area. In addition, you must develop and post in view of the changing area, hygienic procedures for handling and storing diapers and sanitizing the changing area.

[Statutory Authority: Chapter 70.123 RCW. WSR 10-22-040, § 388-61A-0420, filed 10/27/10, effective 11/27/10.]

WAC 388-61A-0430 What are kitchen requirements? The following are the minimum general requirements for kitchen facilities:

(1) A sink for washing dishes.

(2) A refrigerator or other storage equipment capable of maintaining a consistent temperature of forty-five degrees Fahrenheit or lower.

(3) A range or stove.

(4) Covered garbage container.

(5) Eating and cooking utensils that are clean and in good repair.

(6) Counter surfaces that are clean and resistant to moisture.

[Statutory Authority: Chapter 70.123 RCW. WSR 10-22-040, § 388-61A-0430, filed 10/27/10, effective 11/27/10.]

WAC 388-61A-0440 What are the requirements for providing food to clients residing in shelter? (1) Your domestic violence agency must provide food and beverages for the basic sustenance of clients residing in shelter, unless other resources are immediately available.

(2) You must store food and beverages, including infant formula, at the shelter to provide to clients residing in shelter when other resources are not immediately available, and for shelter residents who are unable to safely access other food resources.

(3) Milk and infant formula must be available at all times for children residing in the shelter.

(4) You must purchase and provide only food and beverages that are of safe quality to clients residing in shelter. Storage, preparation, and serving techniques must ensure that nutrients are retained and spoilage is prevented.

(5) Food and beverages prepared for clients residing in shelter must be prepared, served and stored safely and in a sanitary manner.

(6) Food must be available to prepare school lunches, if lunch is not otherwise available to the children of shelter residents.

(7) Clients residing in shelter must be provided, or have immediate access to, food that is in accordance with their religious or cultural beliefs and personal practices.

[Statutory Authority: Chapter 70.123 RCW. WSR 10-22-040, § 388-61A-0440, filed 10/27/10, effective 11/27/10.]

WAC 388-61A-0450 What are the requirements for providing clothing to clients residing in shelter? (1) If an adult or child comes into shelter without adequate clothing, you must assist them with accessing clean, well-fitting clothing appropriate to the season, and the individual's age, gender and particular needs.

(2) Clothing that you provide must be clean and have been stored in a sanitary manner.

(3) Clothing that is provided to an individual becomes that person's personal property and must not be shared or retrieved from the client when they leave the shelter.

[Statutory Authority: Chapter 70.123 RCW. WSR 10-22-040, § 388-61A-0450, filed 10/27/10, effective 11/27/10.]

WAC 388-61A-0460 What personal hygiene items do I need to provide to clients residing in shelter? All clients residing in shelter must be provided with personal hygiene products during their residency, such as soap, hair care products, toothbrush and paste, and deodorant. Particular attention must be paid to providing items for individuals that have special needs because of their ethnicity, disability, or medical condition.

[Statutory Authority: Chapter 70.123 RCW. WSR 10-22-040, § 388-61A-0460, filed 10/27/10, effective 11/27/10.]

WAC 388-61A-0470 What are the requirements for toilets, sinks, and bathing facilities? You must meet these requirements for toilets, sinks, and bathing facilities.

(1) You must provide at least one indoor flush-type toilet, one nearby sink for hand washing, and a bathtub or shower facility. These facilities must be located within the shelter building premises.

(2) You must comply with all of the following requirements for toilet and bathing facilities:

(a) Toilet and bathing facilities must allow for privacy of shelter residents.

(b) Toilets, urinals, and hand washing sinks must be the appropriate height for the children served, or have a safe and easily cleaned step stool or platform that is water resistant.

(c) Facilities for hand washing and bathing must be provided with hot and cold running water. Hot water must not exceed one hundred and twenty degrees Fahrenheit.

(d) Potty chairs and toilet training equipment for toddlers must be regularly maintained, disinfected, and kept in a sanitary condition. When in use, you must put potty chairs on washable, water resistant surfaces.

(e) You must provide soap and clean washcloths and towels, disposable towels or other hand-drying devices to shelter residents.

[Statutory Authority: Chapter 70.123 RCW. WSR 10-22-040, § 388-61A-0470, filed 10/27/10, effective 11/27/10.]

WAC 388-61A-0480 What types of linen do I need to provide to clients? (1) You must provide the following to clients residing in shelter:

(a) Bed linen, towels and washcloths that are clean and in good repair. After use by a client, bed linen, towels and washcloths must be laundered prior to use by another client.

(b) A clean liner for a sleeping bag unless the bag is cleaned between uses by different clients.

(2) Clients residing in shelter must be provided with changes of clean bed linen, towels and washcloths upon their request.

[Statutory Authority: Chapter 70.123 RCW. WSR 10-22-040, § 388-61A-0480, filed 10/27/10, effective 11/27/10.]

WAC 388-61A-0490 What are the requirements for laundry facilities? The requirements for laundry facilities at your shelter include the following:

(1) You must provide adequate laundry and drying equipment, or make other arrangements for getting laundry done on a regular basis. Laundry facilities in the shelter must be provided free to shelter residents.

(2) You must handle and store laundry in a sanitary manner.

[Statutory Authority: Chapter 70.123 RCW. WSR 10-22-040, § 388-61A-0490, filed 10/27/10, effective 11/27/10.]

WAC 388-61A-0500 Are there requirements for drinking water? Water supplies that are used for human consumption must be from a water system that has been approved by the local health authority or department as safe for human consumption. This refers to both public water systems and individual systems.

[Statutory Authority: Chapter 70.123 RCW. WSR 10-22-040, § 388-61A-0500, filed 10/27/10, effective 11/27/10.]

WAC 388-61A-0510 What are the requirements for sewage and liquid wastes? You must discharge sewage and liquid wastes into a public sewer system or septic system that has been approved by the local health authority or department.

[Statutory Authority: Chapter 70.123 RCW. WSR 10-22-040, § 388-61A-0510, filed 10/27/10, effective 11/27/10.]

WAC 388-61A-0520 What kind of heating system is required? (1) Rooms used by clients in a shelter must be equipped with a safe and adequate source of heat that can keep the room at a healthful temperature during the time the room is occupied.

(2) The use of gas or oil-fired space heaters is prohibited.

[Statutory Authority: Chapter 70.123 RCW. WSR 10-22-040, § 388-61A-0520, filed 10/27/10, effective 11/27/10.]

WAC 388-61A-0530 How must I ventilate the shelter? You must ensure that your shelter is ventilated for the health and comfort of the clients residing in shelter, by meeting the following requirements:

(1) A mechanical exhaust to the outside must ventilate toilets and bathrooms that do not have windows opening to the outside.

(2) Bedrooms and communal living areas must have a window or opening to the outdoors that can be locked or secured from the inside.

(3) Gas or oil-fired water heaters and forced-air systems must be safely vented to the outside.

[Statutory Authority: Chapter 70.123 RCW. WSR 10-22-040, § 388-61A-0530, filed 10/27/10, effective 11/27/10.]

WAC 388-61A-0540 How much lighting is required in the shelter? You must locate light fixtures and provide lighting that promotes good visibility and comfort for clients residing in shelter.

[Statutory Authority: Chapter 70.123 RCW. WSR 10-22-040, § 388-61A-0540, filed 10/27/10, effective 11/27/10.]

WAC 388-61A-0550 Are there any requirements about pets in the shelter? Pets are prohibited from the kitchen during food preparation.

[Statutory Authority: Chapter 70.123 RCW. WSR 10-22-040, § 388-61A-0550, filed 10/27/10, effective 11/27/10.]

WAC 388-61A-0560 What first-aid supplies must I provide? You must keep first-aid supplies on hand and accessible to clients residing in shelter for immediate use. First-aid supplies must include at a minimum the following: First-aid instruction booklet, band-aids, sterile gauze, adhesive tape, antibiotic ointment single use packets, antiseptic wipe single use packets, hydrocortisone ointment single use packets, roller bandage, thermometer (nonmercury/nonglass), and nonlatex gloves. In instances where an adult or child has ingested a potentially poisonous chemical or substance, you must call the Washington Poison Center for further instruction.

[Statutory Authority: Chapter 70.123 RCW and 16 C.F.R. Part 1219. WSR 13-10-028, § 388-61A-0560, filed 4/24/13, effective 5/25/13. Statutory Authority: Chapter 70.123 RCW. WSR 10-22-040, § 388-61A-0560, filed 10/27/10, effective 11/27/10.]

WAC 388-61A-0570 What are the requirements for storing medications? (1) Clients residing in shelter must be provided with a means to safely and securely store, and have direct and immediate access to, their medications such as individual lock boxes, lockers with a key or combination lock, or a similar type of secure storage.

(2) All medications, including pet medications and herbal remedies, must be stored in a way that is inaccessible to children.

[Statutory Authority: Chapter 70.123 RCW. WSR 10-22-040, § 388-61A-0570, filed 10/27/10, effective 11/27/10.]

WAC 388-61A-0580 What measures must I take for pest control? You must make reasonable attempts to keep the shelter free from pests, such as rodents, flies, cockroaches, fleas and other insects.

[Statutory Authority: Chapter 70.123 RCW. WSR 10-22-040, § 388-61A-0580, filed 10/27/10, effective 11/27/10.]

WAC 388-61A-0590 What are the requirements for labeling and storing chemicals and toxic materials? (1) Containers of chemical cleaning agents and other toxic materials must:

(a) Be clearly labeled with the contents.

(b) Bear the manufacturer's instructions and precautions for use.

(2) You must store the following items in a place that is not accessible to children:

(a) Chemical cleaning supplies.

(b) Toxic substances.

(c) Poisons.

(d) Aerosols.

(e) Items with warning labels.

(3) You must store chemical cleaning supplies, toxic substances, and poisons separately from food items, clothing, and bedding in order to prevent contamination.

[Statutory Authority: Chapter 70.123 RCW. WSR 10-22-040, § 388-61A-0590, filed 10/27/10, effective 11/27/10.]

WAC 388-61A-0600 Where do I keep firearms and other dangerous weapons? (1) You must keep firearms and other dangerous weapons in a locked storage container, gun safe, or another storage area made of strong, unbreakable material. Stored firearms must be unloaded.

(2) If the storage cabinet has a glass or another breakable front, you must secure the firearms with a locked cable or chain placed through the trigger guards.

(3) You must store ammunition in a place that is separate from the firearms or locked in a gun safe.

(4) You must allow access to firearms, weapons and ammunition only to authorized persons.

[Statutory Authority: Chapter 70.123 RCW. WSR 10-22-040, § 388-61A-0600, filed 10/27/10, effective 11/27/10.]

ADDITIONAL STANDARDS FOR SHELTER HOMES

WAC 388-61A-0620 What are the additional standards for shelter homes? Shelter homes must meet the following additional standards in order for a domestic violence agency to contract with us:

(1) Shelter homes must provide at least one toilet, sink, and bathing facility for each fifteen clients or fraction of this number. The floors of all toilet and bathing facilities must be resistant to moisture.

(2) You must have at least one telephone at the shelter for incoming and outgoing calls. Next to the telephone in shelter homes you must post in English and other languages predominantly served by the domestic violence agency:

(a) Emergency telephone numbers.

(b) Instructions on how shelter residents can access domestic violence agency staff.

(3) In shelter homes all bathrooms, toilet rooms, laundry rooms, and janitor closets containing wet mops and brushes must have natural or mechanical ventilation in order to prevent objectionable odors and condensation.

(4) When staff serve food to clients in shelter homes, the staff must prepare the food in compliance with chapter 246-215 WAC, Temporary food service establishment.

(5) Shelter homes must request an annual fire and life safety inspection from their local fire department or fire marshal. The domestic violence agency must maintain documentation of the request as well as any report issued as a result of the inspection. Any violations noted by the inspector must be immediately corrected by the domestic violence agency.

(6) Shelter homes must meet the following requirements for bedrooms:

(a) Bedrooms must have a minimum ceiling height of seven and one-half feet.

(b) Bedrooms must provide at least fifty square feet of usable floor area per bed.

(c) Floor area where the ceiling height is less than five feet cannot be considered as usable floor area.

(7) When clients are residing in a shelter home at least one domestic violence agency staff member must be present or on-call to go to the shelter home twenty-four hours a day, seven days per week.

(8) When a shelter home is not a component of a domestic violence agency, the shelter home and domestic violence agency must have a written working agreement before the shelter home receives clients from the domestic violence agency. At a minimum, the written working agreement must include:

(a) Confirmation that the domestic violence agency has inspected the shelter home and that the shelter home complies with the general facility and additional standards for shelter homes.

(b) How supportive services will be provided to clients residing in shelter, and who will provide the supportive services.

(c) Verification that the staff providing supportive services, and staff supervisors, meet the training and experience requirements outlined in this rule.

[Statutory Authority: Chapter 70.123 RCW. WSR 10-22-040, § 388-61A-0620, filed 10/27/10, effective 11/27/10.]

ADDITIONAL STANDARDS FOR SAFE HOMES

WAC 388-61A-0630 What are the additional standards for safe homes? Safe homes must meet the following additional standards in order for a domestic violence agency to contract with us:

(1) A prospective safe home must complete a written application to a domestic violence agency. The domestic violence agency must approve the application and provide training to the safe home staff before the home may receive clients.

(2) The domestic violence agency must maintain a written record of all safe homes. The record must include:

(a) The name and address of the person operating the safe home or an identification code for the safe home.

(b) A written safe home application.

(c) Documentation that the safe home complies with the general facility and additional standards for safe homes.

(d) Verification that safe home staff received initial basic training as outlined in this WAC by the domestic violence agency.

(3) You must have at least one telephone at the safe home for incoming and outgoing calls. You must provide the following information to clients residing in a safe home:

(a) Emergency telephone numbers.

(b) Instructions on how clients can access domestic violence agency staff.

(4) When clients are residing in a safe home at least one domestic violence agency staff member must be on-call to go to the safe home twenty-four hours a day, three hundred sixty-five days a year.

(5) Safe homes must comply with the following general fire safety requirements:

(a) Every room used by children in the safe home must have easy entry and exit, including one of these features:

(i) Two separate doors.

(ii) One door leading directly to the outside, or a window that opens to the outside and is large enough for emergency escape or rescue.

(b) Every occupied area must have access to at least one exit that does not pass through rooms or spaces that can be locked or blocked from the opposite side.

(c) No space may be lived in by a client that is accessible only by a ladder, folding stairs, or a trap door.

(d) Every bathroom door used by clients must be designed to permit the opening of the locked door from the outside.

(e) Every closet door latch must be designed to be opened from the inside.

(f) Escape and exit routes must be kept clear and must not be blocked by appliances, furniture, or other heavy objects.

(g) Flammable, combustible, or poisonous material must be stored away from exits and away from areas that are accessible to children.

(h) Open-flame devices and fireplaces, heating and cooking appliances, and products capable of igniting clothing must not be left unattended or used incorrectly.

(i) Fireplaces, wood stoves and other heating systems that have a surface hot enough to cause harm must have gates or protectors around them when in use.

(j) Multilevel dwellings must have a means of escape from an upper floor. If a fire ladder is needed to escape from an upper story window, it must be stored in a location that is easily accessible to the clients who may need it.

(k) You must place a smoke detector in good working condition in each bedroom or in areas close to where children sleep, such as a hallway. If the smoke detector is mounted on the wall, it must be twelve inches from the ceiling and a corner.

(l) If questions arise concerning fire danger, the local fire protection authority must be consulted.

[Statutory Authority: Chapter 70.123 RCW. WSR 10-22-040, § 388-61A-0630, filed 10/27/10, effective 11/27/10.]

COMPLIANCE WITH STANDARDS

WAC 388-61A-0640 Will DSHS do an evaluation of the domestic violence agency? (1) To measure compliance with our requirements we will conduct a biennial evaluation of each agency under contract with us to provide domestic violence services.

(2) We will inspect a random number of safe homes during on-site evaluations of domestic violence agencies to measure compliance with our requirements.

(3) If a lodging unit is occupied at the time of an on-site evaluation, the domestic violence agency must give the client an opportunity to leave the unit prior to the arrival of the evaluator.

[Statutory Authority: Chapter 70.123 RCW. WSR 10-22-040, § 388-61A-0640, filed 10/27/10, effective 11/27/10.]

WAC 388-61A-0650 What will happen if I am out of compliance with the minimum standards or my contract? (1) If we find that the domestic violence agency is out of compliance with the standards specified in this chapter or the terms of the DSHS contract, we will give you written notice of the deficiencies. You must correct the deficiencies according to a plan of correction we approve.

(2) We may suspend or revoke the funding of a domestic violence agency if it is out of compliance with this chapter or the DSHS contract.

[Statutory Authority: Chapter 70.123 RCW and 16 C.F.R. Part 1219. WSR 13-10-028, § 388-61A-0650, filed 4/24/13, effective 5/25/13. Statutory Authority: Chapter 70.123 RCW. WSR 10-22-040, § 388-61A-0650, filed 10/27/10, effective 11/27/10.]

WAC 388-61A-0660 What will happen if there is a complaint to DSHS about the domestic violence agency? (1) If we receive a complaint that your domestic violence agency is out of compliance with this chapter or the DSHS contract, we will notify you and we will initiate an investigation.

(2) If the investigation requires that we be on-site at your domestic violence agency, you must give clients residing in lodging units an opportunity to leave the unit during the inspection.

(3) If we find that the domestic violence agency is out of compliance with the standards specified in this chapter or the terms of the DSHS contract, we will give you written notice of the deficiencies. You must correct the deficiencies according to a plan of correction we approve.

(4) We may suspend or revoke the funding of a domestic violence agency if it is out of compliance with this chapter or the DSHS contract.

[Statutory Authority: Chapter 70.123 RCW. WSR 10-22-040, § 388-61A-0660, filed 10/27/10, effective 11/27/10.]

WAC 388-61A-0670 Can DSHS waive any of the minimum standards of this chapter? Under certain conditions we may waive some of the rules contained in this chapter.

(1) To request a waiver you must submit a written request that:

(a) Clearly describes the minimum standards(s) for which the waiver is requested.

(b) Describes why the domestic violence agency is unable to meet the requirements of this chapter without the waiver.

(c) Demonstrates that granting of the waiver will not jeopardize the safety or health of clients.

(d) Shows that the absence of granting the waiver will have a detrimental effect on the provision of services.

(2) If the written waiver request proposes any substitutions of procedures, materials, service, or equipment from those specified in this chapter, the substitutions must be at least equivalent to those required.

[Statutory Authority: Chapter 70.123 RCW. WSR 10-22-040, § 388-61A-0670, filed 10/27/10, effective 11/27/10.]