

TRANSITION COMMITTEE DRAFT OF RECOMMENDATIONS

TRANSITION TO REVISED STANDARDS 4.0 AND 5.0

The effective dates for the revised Standards for Treatment with Court Ordered Domestic Violence Offenders (*Standards*) Section 4.0 and Section 5.0 are July 1, 2010 and September 1, 2010 respectively.

This document offers guidance and suggestions to facilitate your understanding of the transition issues that may occur with court ordered offenders who are already in treatment prior to the September 1, 2010 implementation date.

I. Transition of Court Ordered Offenders Currently in Treatment

A. Sentencing

Domestic violence offenders sentenced **on or after** September 1, 2010 will be required to complete domestic violence offender treatment according to the **revised** DVOMB *Standards for Treatment with Court Ordered Domestic Violence Offenders, September 1, 2010 (Revised Standards)*.

Offenders currently in treatment as of September 1, 2010 and whose sentence specified 36 weeks of treatment, shall complete 36 weeks of treatment as required by court order.

Offenders currently in treatment as of September 1, 2010 and whose sentence did not specifically address the length of treatment will complete treatment at the discretion of the Multi-disciplinary Treatment Team (MTT). The MTT may decide whether completion criteria for treatment will be determined by the *Standards* or the *Revised Standards*; whichever is most appropriate to facilitate the best treatment outcome. Treatment may be more or less than 36 weeks. If it's determined that an offender who was court ordered to 36 weeks of domestic violence offender treatment is recommended to do less than the 36 weeks by the MTT, probation will determine if a request for modification needs to be submitted to the court.

If the MTT is recommending treatment other than what the court order intended or specified and the offender objects, probation may consider issuing a special report for the court for a determination. The MTT should also consider advising the district attorney's office regarding the impact on a deferred case to determine if the district attorney's office is in agreement. If the MTT and the district attorney's office are not in agreement, a hearing may be an alternative to resolve the issue.

Treatment Providers, probation officers, prosecuting attorneys, defense attorneys and judges are encouraged to advise offenders now that revisions to the treatment standards will be effective September 1, 2010. Victim advocates are encouraged to advise victims that these revisions are soon to be in effect as well.

B. Suggestions and Options related to transitioning Curriculum Programming

1. Treatment Providers may begin using and transitioning to Section 5.0 - Offender Competencies in the *Revised Standards* prior to September 1, 2010 if the competency is similar to an existing curriculum topic. New offenders beginning treatment may have Offender Competencies incorporated into their Treatment Plan prior to September 1, 2010 as long as they are commensurate with the current curriculum in *Standard* Section 5.0.
2. Suggestions for Treatment Providers for Treatment Planning

Treatment Providers should begin advising offenders about the transition to the *Revised Standards* and the potential impact on them regarding offender expectations in treatment planning. This conversation may be used as a motivational tool.

It is acceptable for Treatment Providers to establish educationally focused groups for offenders prior to September 1, 2010.

Treatment planning and Treatment Plans and Reviews as identified in Revised Section 5.0 can begin at any time prior to September 1, 2010 because they comply with the current *Standards*. Treatment Plan Reviews can address offender resistance and may be utilized to demonstrate an offender's degree of progress.

Offenders cannot be classified officially in Level A, B or C until September 1, 2010.

C. Suggestions for Multi-disciplinary Treatment Teams for Transitioning Existing Offenders in Treatment on September 1, 2010

The following factors regarding implementation of the *Revised Standards* (on September 1, 2010) should be considered by the MTT with existing clients.

1. How long has the offender been in treatment and how close is the offender to meeting existing treatment goals?
2. Has the offender had regular or irregular attendance?

3. What is the offender's overall progress?
4. What does the court order state ("36 weeks" or "complete treatment")? It may be necessary for the MTT to require that the offender produce a copy of the court order. If the court order states 36 weeks, the offender must complete 36 weeks unless probation issues a special report requesting a modification from the court. Once the court has made a determination, this will be reflected in the offenders' treatment plan.
5. **Beginning, September 1, 2010, the MTT may determine** whether to follow the *Standards* or the *Revised Standards* with offenders sentenced prior to September 1, 2010 and whose court order did not specify a specific length of time for treatment (only says "complete treatment"). The *Revised Standards*, including discharge criteria, may be applied to offenders if the offender meets all the discharge requirements identified in the *Revised Standards*.
6. Victim considerations: the MTT will continue to maintain confidentiality. The MTT needs to consider victim impact and victim safety prior to making major modifications to the offender treatment plan. If victim safety may be compromised by changes to the treatment plan, the MTT will consider not making modifications as outlined in 5.0. Victims need to be notified of any changes to the treatment plan.
7. When transitioning to the *Revised Standards* the MTT will always consider victim safety, and community safety.

II. Ideas for Communities/Stakeholders to Discuss That Will Assist with the Implementation of the Revised Standards.

Communities would include District Attorneys, Public Defenders, Judges, Probation Services, Victims Services, and Approved Treatment Providers.

- A. The Domestic Violence Offender Management Board and staff are available to facilitate dialogue regarding the transition in various communities statewide, if communities need assistance. Factors to consider in preparation for the transition may include: (1) overview of the new model (2) MTT communication (3) sharing of DVRNA information, criminal history, levels of treatment, court orders etc.
- B. MTTs may decide to meet prior to September 1, 2010 to discuss ways to implement the revisions to 5.0 Offender Treatment. It is important to ensure that all persons impacted by these changes are informed of upcoming changes.

- C. Communities may meet and design how the MTT and the revisions can be implemented in their area.
- D. Communities may discuss information needed by Approved Providers (Refer to Section 4.08) for an effective offender evaluation and how this information may be made available.