

(The House considered SB 44 by Nelson, the Senate companion bill, in lieu of HB 197, the identical House version of the bill, which had been set on the daily calendar and was analyzed by the House Research Organization. The bill subsequently was enacted as SB 44.)

HOUSE
RESEARCH
ORGANIZATION bill analysis

4/30/2007

HB 197
Gonzalez Toureilles, et al.
(CSHB 197 by Farrar)

SUBJECT: Accrediting battering intervention and prevention programs

COMMITTEE: Juvenile Justice and Family Issues — committee substitute recommended

VOTE: 5 ayes — Dutton, Bolton, Farias, Farrar, Strama

0 nays

4 absent — Eiland, Gonzalez Toureilles, Hernandez, Vaught

WITNESSES: For — Sherri Kendall and Jacqueline Pontello, Aid to Victims of Domestic Abuse (ADVA); Laura Wolf, Texas Council on Family Violence; (*Registered, but did not testify*: Torie Camp, Texas Association Against Sexual Assault; David M. Cobos, Justices of the Peace and Constables Association of Texas; Susan McDowell, Self and Executive Director of Lifeworks; Michelle Romero, Texas Medical Association)

Against — None

On — Jan Friese, Texas Counseling Association; Carol Miller, National Association of Social Workers/Texas Chapter; (*Registered, but did not testify*: Liz Kromrei, CPS Director of Staff Services, Department of Family and Protective Services)

BACKGROUND: Code of Criminal Procedure, art. 42.12, sec. 14 governs people placed on community supervision (probation) for family violence offenses. Family violence, defined by Family Code, sec. 71.004, includes an act by a family or household member against another family or household member that is intended to cause physical harm, bodily injury, assault, or sexual assault. It also includes dating violence and child abuse and neglect.

Under art. 42.12, sec. 14(c), a court can require a family violence offender on probation to attend counseling for the elimination of violent behavior with a licensed counselor, social worker, or other professional who has

been trained in family violence intervention. The probationer also may be ordered to attend, if available, a battering intervention and prevention program that meets guidelines adopted by the community justice assistance division of the Texas Department of Criminal Justice (TDCJ).

Code of Criminal Procedure, art 42.141 governs battering intervention and prevention programs. Each program is operated by a non-profit organization that provides, on a local basis, treatment and educational services designed to help batterers referred by the courts to stop their abusive behavior.

Art 42.141, secs. 3 and 4 require the community justice assistance division to contract with a non-profit organization to jointly develop and monitor the statewide “project” — statewide activities for the funding of battering intervention and prevention programs, the related community educational campaign, and education and research regarding such programs.

DIGEST:

CSHB 197 would require that all battering intervention and prevention programs under Code of Criminal Procedure, art 42.141 meet guidelines set by the community justice assistance division in conjunction with a statewide non-profit organization, in addition to any other criteria set by TDCJ. A program would provide educational services and *intervention*, rather than treatment, designed to help batterers referred by the courts to stop their abusive behavior.

The division would be required to seek the assistance of the non-profit organization in developing program guidelines and accrediting programs and providers, and the non-profit organization would be required to assist. The division would have to adopt the guidelines by April 1, 2008. Afterwards, the division, in conjunction with the statewide non-profit organization, would be required to accredit programs and providers in accordance with those guidelines. The division would collect from each program or provider applying for accreditation a one-time application fee set by TDCJ.

The bill would amend art. 42.12(c) to change the requirements for a judge who decided to order a family violence offender to attend an intervention program. Rather than allowing the offender to obtain “counseling” under current law, CSHB 197 would require the offender to attend an accredited battering intervention and prevention program.

Beginning September 1, 2008, if no battering intervention and prevention program was available, the offender could attend a program or counsel with a provider that had begun the new accreditation process. If there were no other options, an offender could attend counseling sessions for the elimination of violent behavior with a licensed counselor, social worker, or other professional who had completed:

- 40 hours of family violence intervention training approved by the community justice assistance division; and
- an annual 12 hours of continuing education approved by the division.

Beginning September 1, 2009, CSHB 197 would require the accreditation of all battering intervention and prevention programs and providers.

The bill would set the same requirements for protective orders applying to family violence offenders under Family Code, ch. 85. A family violence offender required by the court to perform acts necessary or appropriate to prevent or reduce the likelihood of family violence would have to complete an accredited battering intervention and prevention program. The transitional conditions described in Code of Criminal Procedure, art. 42.12(c) would apply until September 1, 2009, when all battering intervention and prevention programs and providers would have to be fully accredited.

This bill would take effect September 1, 2007, and would apply only to probation and protective orders issued on or after that date.

**SUPPORTERS
SAY:**

CSHB 197 would address the vital need for TDCJ accreditation of battering intervention and prevention programs to protect the safety of victims and accountability for batterer rehabilitation. The bill would assure the development of consistent guidelines and standards for battering intervention and prevention programs.

There are a wide variety of domestic violence-related programs in Texas. While some are licensed and accredited by TDCJ, others operate under inconsistent and uncertain quality standards. Some unscrupulous programs, for example, allow batterers essentially to buy their certificates of completion without attending the programs. Currently, judges can refer batterers to any program at all, regardless of whether it meets TDCJ

standards. CSHB 197 would create much needed statewide standards for all programs to assure that such abuses did not happen in the future.

Batterers on probation who are served poorly by inferior domestic violence intervention programs present a danger to society. In addition, the opportunity for rehabilitation afforded by community supervision may be squandered. Judges, prosecutors, law enforcement personnel, and licensed professionals who regularly work with batterers want to see quality standards for these referral programs for the benefit of victims and offenders alike.

It is important that battering intervention and prevention providers be properly accredited through TDCJ. The batterer offender population is violent and highly manipulative. If the professionals dealing with batterers are not well trained, the prospects for successful rehabilitation are poor. By contrast, data collected between 2000 and 2003 show that men who successfully completed an accredited battering intervention and prevention course were 50 percent less likely to be arrested again for family violence than men who did not complete such courses.

Battering intervention is a highly specialized area that is different from general domestic violence training. Such training is not part of the current curriculum and the continuing education requirements for licensed professional counseling and social work programs. CSHB 197 would require such professionals who served the court-ordered batterer population to receive TDCJ provider accreditation by September 1, 2009.

**OPPONENTS
SAY:**

The requirements in CSHB 197 would require some professionals to receive “double certification” to serve the court-ordered batterer population. Counselors and social workers would have to meet TDCJ standards in addition to their own professional licensing requirements. Not only would this be burdensome and inefficient for the professionals, it could reduce the number of providers available to serve the court-ordered batterer population in underserved and rural parts of Texas.

While bill would require TDCJ to consult with the designated non-profit organization in developing guidelines and standards, this process would not include any mental health licensing boards, which would provide valuable expertise in clinical practices to deal with this challenging population.

NOTES:

The committee substitute removed the reference to a non-profit organization in the definition of “program” and would require the

community justice assistance division to award contracts for programs that were operated by non-profit organizations.

The companion bill, SB 44 by Nelson, passed the Senate by 30-0 on April 4 and was reported favorably, without amendment, by the House Juvenile Justice and Family Issues Committee on April 25, making it eligible to be considered in lieu of HB 197.

Rider 76 in Art. 5 of House-passed version of the general appropriations bill, HB 1 by Chisum, would appropriate \$2.5 million in fiscal 2008-09 to TDCJ for the state battering intervention and prevention program.