

# CYFD Domestic Violence Survivor Services Project Standards

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## I. Purpose

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The purpose of the Children, Youth and Families Department, Behavioral Health Services Division Domestic Violence Unit (CYFD BHS DV Unit) is to utilize State and Federal funds to:

- Increase public awareness and prevent domestic and dating violence;
- Provide for immediate shelter and supportive services for survivors of domestic and dating violence and their dependents;
- Provide for intervention programs for perpetrators of domestic and dating violence and support the development of effective offender treatment and intervention systems;
- Provide for technical assistance and training relating to domestic and dating violence programs in partnership with New Mexico's State and Tribal domestic violence coalitions;
- Provide for specialized services for abused parents and their children; and
- Collect and present relevant data to inform state policymakers and residents of New Mexico about domestic and dating violence.

The purpose of these Survivor Services Project Standards is to define funding eligibility and direct project development for programs that serve survivors of domestic and dating violence and their dependents. The most recent version of these Standards will be available at [cyfd.org](http://cyfd.org).

## II. Problem Statement

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Domestic violence is the systematic use of coercive behavior to achieve and sustain power over an intimate partner or other people with whom a perpetrator has a continuing personal relationship (Moultry, 2015). An intimate partner is a person with whom one has a close personal relationship, characterized by ongoing physical contact and sexual behavior, identity as a couple, and familiarity and knowledge about each other's lives (Breiding, Basile, Smith, Black, & Mahendra, 2015, p. 11). Domestic violence can include physical violence, sexual violence, stalking, and psychological aggression.

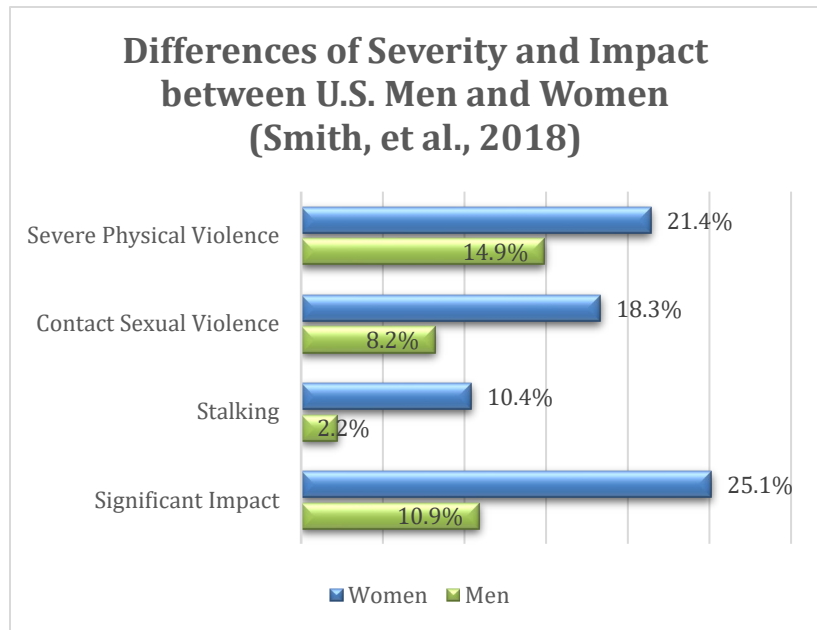
### Lifetime Incidence

According to data from the Centers for Disease Control and Prevention, approximately 1 in 3 women and men experience some form of domestic violence in their lifetime (36.4% of women and 33.6% of men). Men and women experience significant disparity in terms of the severity and impact of domestic violence, with 1 in 4 women compared to 1 in 10 men experiencing some combination of fear, concern for safety, injury, loss of work, missing school, post-traumatic stress disorder symptoms, or need for medical help, law enforcement intervention, housing, legal services, crisis hotlines, or specialized advocacy (Smith, et al., 2018).

## Perpetrators

Perpetrators of Domestic violence are predominantly male, with men representing 72% of incidents reported by law enforcement and 82% of incidents reported by domestic violence victim service providers (Caponera, 2019). The Department of Justice reports that nationally, 95.7% of female victims of domestic violence were victimized by men (Catalano, 2007).

The New Mexico Sentencing Commission data shows that approximately three-quarters (79.6%) of domestic violence charges are dropped by prosecutors or dismissed by courts in New Mexico. In 2014, conviction rates for domestic violence charges - which require domestic violence intervention classes - ranged from 12.2% (McKinley County) to 66.7% (De Baca), with a statewide average of 23.4% (Binder, 2019). There is not yet an accounting of the types and effectiveness of perpetrator monitoring; however, a 3-month study of domestic violence cases in Santa Fe in 2010 showed that most perpetrators received unsupervised probation and that more dangerous perpetrators were more likely to escape conviction (River, 2010).



## Underserved Populations

### Tribal Members

The rates of domestic violence are significantly higher for Native American populations nationally and in New Mexico. In 2010 approximately 50% of Native American women and 43.0% of American Indian men experienced domestic violence, more than twice the national average (Black, et al., 2011). New Mexico had the highest number of missing murdered indigenous women in the United States, as detailed in a report by the Urban Indian Health Institute in 2018 (Lucchesi & Echo-Hawk, 2018). The Central Data Repository notes that identifying as a Native American correlates with higher rates of injury (Caponera, 2019). The New Mexico Intimate Partner Death Review Team (IPDRT) notes a need for increased collaboration between tribally affiliated people and many agencies, including CYFD (New Mexico Intimate Partner Violence Death Review Team, 2019). The State Implementation Plan and annual incidence report note the need for culturally-appropriate services for survivors with tribal affiliations (Caponera, 2019; New Mexico Crime Victims Reparations Commission, 2017).

### LGBTQ

Nationally, the lifetime prevalence of domestic violence was higher for lesbian women (43.8%) and slightly lower for gay men (26.0%) than the heterosexual population. Most violence was perpetrated by same-sex partners, though women face greater perpetration by men (67.4% of lesbian women had female perpetrators, and 90.7% of gay men had male perpetrators). Bisexual women and men

experienced the most significant severity and impact of domestic violence, with 57.4% of bisexual women and 33.5% of bisexual men reporting significant effects of domestic violence, with most of the violence perpetrated by men (89.5% for bisexual women and 78.5% of bisexual men) (Walters & Breiding, 2013). The State Implementation Plan survey included 123 respondents, including victim service providers and other community-based agencies. 48% of these respondents reported that members of the LGBTQ community were underserved, 23% said they were inadequately served, and 7% reported that they were unserved in their respective communities.

## Children

The Interpersonal Violence Data Central Repository report indicates that children were present at a third of reported domestic violence incidents and that 77% of these children were under the age of 12. It further notes that these at-risk children typically experience more than one type of abuse (62%) and have poorer health outcomes than other children in their cohort (Caponera, 2019). Approximately 36% of people served by CYFD-funded service providers are children. The State Implementation Plan calls for increased support and services to children who witness domestic violence (New Mexico Crime Victims Reparations Commission, 2017). The Safe & Together Systems Assessment found that:

- Information on domestic violence was not being collected within Protective Services information systems,
- Domestic violence was not adequately identified as a safety risk within CYFD's decision trees,
- Protective Services did not train staff to accurately identify domestic violence or effectively intervene in domestic violence cases, and
- The training of advocates in terms of working with Protective Services was uncoordinated and inadequate (Safe & Together Institute, 2018).

## Behavioral Health Conditions and Substance Use

The current Victims of Crime Act (VOCA) and Violence Against Women Act (VAWA) state plan, the conclusions of the Intimate Partner Death Review Team (IPVDRT), and the Intimate Partner Violence Central Data Repository all recommend coordination of services for victims of intimate partner violence who have physical, mental, or behavioral health conditions, including substance use disorders (New Mexico Crime Victims Reparations Commission, 2017; Caponera, 2019; New Mexico Intimate Partner Violence Death Review Team, 2017). The IPVDRT Report cites that of reviewed victims, 59% had a history of substance use disorders, and 11% had a history of mental health problems.

## III. Values Statement

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CYFD supports the continuing evolution of services by funding domestic violence services providers to implement survivor-driven, trauma-informed advocacy, community engagement, and prevention that results in the social and emotional well-being of survivors and their dependents (Sullivan C. M., 2012, updated 2016; Sullivan & Olsen, 2017). CYFD recognizes that the well-being of survivors and dependents requires the enhancement of community responses that intervene in, contain, and prevent future violent behavior of perpetrators and will work to build domestic violence-informed systems in New Mexico and throughout New Mexico's governmental systems.

## IV. Principles Underlying Standards, Policies, and Funding

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### Tribal Collaboration

CYFD promotes effective communication and collaboration with Indian nations, tribes, and pueblos and promote values and practices that respect tribal sovereignty and support the well-being of all residents of the State of New Mexico<sup>1</sup>.

### Equitable Distribution

The CYFD BHS DV Unit will work to ensure an equitable distribution of funds and resources between urban and rural areas of New Mexico.

### Privacy and Confidentiality

CYFD recognizes that maintaining the privacy of domestic violence survivors and their dependents is critical to their safety, well-being, and trust in services. CYFD-funded domestic violence service providers will make every effort to gather only the personally-identifying information required to determine eligibility for services and promote each program participant's service outcomes. They will ensure that client files contain minimal information about each program participant's history, current challenges, and future plans. CYFD will limit information requests from providers to non-identifying information in the aggregate and only information that gives critical information for federal funders and state policymakers. CYFD-funded service providers will hold any personally-identifying information of survivors and their dependents confidential unless they have informed, written, and reasonably time-limited consent from the survivor. In the event of a court order, breach, or other involuntary or unintentional release of personally-identifying information, CYFD and the provider will work to minimize the harm of such disclosure or breach.

### Accessibility

CYFD will work to ensure that people with all kinds of abilities and intersecting identities have complete and easy access to CYFD-funded domestic violence agencies, including information and resources, environments and spaces, and services and support (Warshaw, Tinnon, & Cave, 2018). These abilities and identities include mental health conditions, substance use and recovery status, income, race, class, age, language, sexual orientation, gender, gender expression, culture, ethnicity, religion, spirituality, employment, housing stability, family relationships, military involvement, immigration or documentation status, education, and history with the criminal justice system.

Providers are required to take reasonable steps to provide services to persons with limited English proficiency<sup>2</sup>. Agencies must have a language plan that follows the U.S. Department of Health and Human Services guidelines.

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<sup>1</sup> State-Tribal Collaboration Act of 2009, Section 11-18-1 through 5 NMSA 1978.

<sup>2</sup> Includes individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English, including deaf and hard of hearing persons.

As per 45 CFR § 1370.5(d), providers must offer all services without requiring documentation of immigration status since services do not fall within the definition of federal public benefit that would require verification of immigration status.

## Equal Access

Service providers must provide comparable services to survivors/victims regardless of actual or perceived sex, including gender identity. This includes providing access to services for all survivors, including male survivors of domestic and dating violence and their dependents, and not limiting services for survivors/victims with adolescent children (under 18). Survivors/Victims and their minor children must be sheltered or housed together unless requested otherwise by the survivor (45 CFR § 1370.5(a)(1)). If sex segregation or sex-specific programming is essential to the standard or safe operation of the program, service providers must provide comparable services to individuals who cannot be provided with the sex-segregated or sex-specific programming, including access to a comparable length of stay, supportive services, and transportation as needed to access services.

## Minimal Conditions on Services

CYFD encourages the development of services and programs that respect survivors' decisions, offer options, and build off the strengths of each survivor and their children. CYFD-Funded Projects may not impose any requirements or conditions for the receipt of emergency shelter or supportive services, including inappropriate screening mechanisms, except for behaviors or circumstances that present a significant danger to the safety of others or create an undue hardship on the program (45 CFR § 1370.10(b)(10)).

## Cultural Responsiveness

CYFD-Funded programs will proactively integrate meaningful attention to the cultural identities of participants and staff and how culture can shape people's experiences of trauma and healing. Cultural responsiveness requires integrating awareness of culture into services, policies, structures, and environments. It requires being interested in, learning about, and acknowledging the vast number of ways people express their cultural identities, values, connections, and experiences to provide meaningful and relevant services. It means seeking out and understanding the strengths, resources, and inherent resilience of individuals, families, and communities (Warshaw, Tinnon, & Cave, 2018).

## Trauma-Informed Services

CYFD recognizes the pervasiveness and impact of trauma on survivors, staff, organizations, and communities and works to ensure that funded providers incorporate this understanding into every aspect of each funded organization's administration, culture, environment, and service delivery. CYFD recognizes the ongoing and historical experiences of discrimination and oppression and is committed to changing the conditions that contribute to abuse and violence in people's lives (Warshaw, Tinnon, & Cave, 2018).

## Advocate Support and Supervision

CYFD recognizes that domestic and dating violence are pervasive social issues that are difficult to witness and respond to for any individual. CYFD believes it is critical to support advocates and staff in



doing this work. CYFD encourages adequate compensation and significant supervisory structures to acknowledge, support, and empower employees and volunteers in their efforts.

## Innovation

CYFD will honor creative innovations discovered and implemented by domestic violence service providers and endeavor to support and empower promising practices.

## V. Definitions

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### Advocacy

Advocacy for domestic or dating violence survivors is focused on safety and supporting survivors to rebuild control over their lives. Advocacy includes actions designed to help the survivor obtain needed resources or services, including employment, housing, shelter, health care, courts, victim compensation, counseling, and education. Advocacy is survivor-centered and begins with an understanding of the needs, resources, perspectives, and culture of each survivor; building a working relationship between the advocate and survivor to enhance the survivor's options and safety strategies; and implementing those strategies as the survivor's circumstances change (Davies, 2009).

### Advocate

An advocate is an employee or volunteer who provides advocacy services for an organization or program with a mission to respond to and prevent domestic violence.

### Allocation

A CYFD allocation is the amount of State and Federal funds designated to each Funded Project for the state fiscal year for a specific project. The amount of funding is subject to availability. CYFD may change the allocation with reasonable notice to the Funded Project.

### Scope of Work

The Scope of Work describes the agreed-upon terms of work to be completed by the Funded Project.

### Crisis Intervention

Crisis Intervention is a process by which a person identifies, assesses, and intervenes with an established program participant in crisis to restore balance and reduce the effects of crisis in their life. Crisis Intervention includes intervention over the phone, in person, or by other mobile technologies.

### Crisis/Hotline Call

A Crisis or Hotline Call is a call received by a domestic violence agency that relates to an individual or family in need of services.

## Dating Violence

Dating Violence is committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. Dating violence also includes but is not limited to the physical, sexual, psychological, or emotional violence within a dating relationship, including stalking. It can happen in person or electronically and may involve financial abuse or other forms of manipulation between a current or former dating partner regardless of actual or perceived sexual orientation or gender identity.

## Direct Civil Legal Services

Direct Civil Legal Services provide formal legal representation by staff attorneys or court-recognized tribal advocates to participants of domestic violence to assure their rights are preserved and that issues are decided with the participant's best interest and safety, especially when the perpetrator has secured legal counsel. This service aims to improve the participant's functioning in safety and permanency through formal legal representation in as many cases as possible.

## Domestic Violence

Domestic violence is the systematic use of coercive behavior or tactics to achieve and sustain power over a current or former intimate partner, co-parent, a person who is related by blood or marriage, or other persons as defined the Family Violence Protection Act (NMSA §40-13-2 1978) or the Crimes Against Household Members Act (NMSA §30-3-11 1978). As used in these Standards, "Domestic Violence" includes the term "Domestic Abuse" as used in New Mexico statute and the definition of "Family Violence" in the federal Family Violence Prevention and Services Act (45 CFR Part 1370.2)<sup>3</sup>. Domestic violence includes physical violence, sexual violence, stalking, and psychological aggression (Breiding, Basile, Smith, Black, & Mahendra, 2015). It also includes the term "Intimate Partner Violence," commonly used in research<sup>4</sup>.

## Domestic Violence Counseling

Domestic violence counseling encompasses a broad range of best practice behavioral health principles, methods, and modalities. The focus of counseling is intended to support healing, assist people to live a life free of domestic violence, and prevent and reduce the effects of intergenerational domestic violence.

## Domestic Violence Service Provider

A Domestic Violence Service Provider is a local public agency or a nonprofit private organization (including faith-based and charitable organizations, community-based organizations, tribal organizations, and voluntary associations) that assists victims of family violence, domestic violence, or dating violence, and their dependents, and has a documented history of effective work concerning family violence, domestic violence, or dating violence.

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<sup>3</sup> "Family violence means any act or threatened act of violence, including any forceful detention of an individual, that results or threatens to result in physical injury and is committed by a person against another individual, to or with whom such person is related by blood or marriage, or is or was otherwise legally related, or is or was lawfully residing."

<sup>4</sup> E.g. Centers for Disease Control and Prevention, <https://www.cdc.gov/violenceprevention/intimatepartnerviolence/index.html>

## Personally-Identifying Information

Personally-Identifying Information, or "PII," is individually identifying information for or about an individual, including information likely to disclose the location of a survivor of domestic violence or dating violence, sexual assault, or stalking, regardless of whether the information is encoded, encrypted, hashed, or otherwise protected. Personally-identifying information includes a first and last name; a home or other physical address; contact information (including a postal, email, or Internet protocol address, or telephone or facsimile number); a social security number, driver license number, passport number, or student identification number; and any other information or combination of information, including date of birth, racial or ethnic background, or religious affiliation, that would serve to identify any individual.

## Primary Prevention

Primary Prevention includes strategies, policies, and programs to stop first-time perpetration and victimization. Primary prevention aims to stop domestic and dating violence before they occur. Primary prevention includes but is not limited to school-based violence prevention curricula, programs aimed at mitigating the effects on children of witnessing domestic or dating violence, community campaigns designed to alter norms and values conducive to domestic or dating violence, worksite prevention programs, and training and education in parenting skills and self-esteem enhancement.

## Program Participant

As used in these guidelines, a Program Participant is a victim/survivor of domestic or dating violence and their dependent(s), whether reported to law enforcement or not, receiving services from a CYFD-funded domestic violence agency/program/service as a survivor of domestic or dating violence.

## Secondary Prevention

Secondary Prevention identifies risk factors or problems that may lead to future domestic or dating violence and takes the necessary actions to eliminate the risk factors and the potential problem. Secondary Prevention may include healing services for children and youth who have been exposed to domestic or dating violence, home visiting programs for high-risk families, and screening programs in health care settings.

## Residential Services

Residential Services include emergency and immediate shelter to domestic and dating violence survivors. Residential Services include residential shelter, safe homes, rental subsidies, temporary refuge, or lodging in off-site properties, which could be individual units for families and individuals (such as apartments) in multiple locations around a local jurisdiction, Tribe/reservation, or the State. Such properties are not required to be owned, operated, or leased by the program. The provision of shelter must include comprehensive supportive services and does not include mere referral to shelter or housing. Domestic violence service providers must ensure that shelter complies with zoning, fire safety, food safety, and other regulatory standards.

## Supportive Services

Supportive Services are designed to meet the needs of survivors/victims and their dependents for short-term, transitional, or long-term safety and recovery. Supportive services include, but are not limited to direct and referral-based advocacy on behalf of survivors/victims and their dependents, counseling, case management, employment services, referrals, transportation services, legal advocacy or assistance, child care services, health, behavioral health, and preventive health services, culturally and linguistically appropriate services, and other services that assist victims or their dependents in recovering from the effects of the violence.

## Underserved Populations

Underserved Populations face barriers in accessing and using domestic violence services. Underserved Populations include populations underserved because of geographic location, religion, sexual orientation, gender identity, underserved racial and ethnic populations, and populations underserved because of special needs, including language barriers, disabilities, immigration status, and age. Individuals with criminal histories due to victimization and individuals with substance use disorders and mental health issues are also included in this definition.

## VI. Funding Determinations

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- A. The CYFD BHS will consult with the New Mexico State and Tribal coalitions and community-based organizations that primarily serve underserved populations to establish annual funding priorities, including training and technical assistance needs to accomplish strategic goals<sup>5</sup>. Funding priorities and goals will be based on statewide needs assessment, conducted in partnership with the State's domestic violence coalitions.
- B. CYFD BHS will verify eligibility for providers to receive state and federal funding for Survivor Services through an annual application, which will be released no later than December first each year. The application will collect a wide range of information, including but not limited to:
  1. The legal standing of the provider organization, including compliance with state and federal entities,
  2. Service locations and recent service numbers,
  3. Service coordination with other providers in the service area,
  4. The current governing body and administrative leadership,
  5. Fiscal management, including recent audits,
  6. Proposed services, including services that focus on specific unserved or underserved populations,
  7. Project leadership, staff, and recent training,

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<sup>5</sup> 45 CFR 1370.10(a)

8. Any potential conflicts of interest within the organization.
- C. To support the stability of critical services within New Mexico, CYFD BHS will maintain a preference for continued funding for previously funded domestic violence service providers in good standing. New providers that propose to meet a significant need, particularly unserved and underserved populations, may be eligible for new or developmental funding to establish a history of effective service delivery.
- D. Providers will be notified of funding eligibility by February first of each year.
- E. Funding determinations are made annually, within forty-five (45) days of state budget approval.
- F. CYFD BHS will include the following factors when determining funding allocations, subject to available state and federal funding:
  1. Need for services in a specific geographic location as identified by needs assessment and any current state plans for domestic violence services funding;
  2. Demonstration of ability to meet the unmet need for services in a community, including specific services for unserved or underserved populations;
  3. The capacity of the organization, measured in part by levels of community financial support and ability to secure grant funding beyond CYFD BHS;
  4. The nature of the domestic violence service provider organization and the strength and representative nature of the governing body to the local community;
  5. The qualifications and experience of administrative staff, supervisory staff, and frontline staff;
  6. Supervisory practices and staff training and support within the provider organization;
  7. The service delivery history of the provider, including the amount, types, and quality of services delivered;
  8. The domestic violence service provider's history of participation with state or national domestic violence coalitions or Health and Human Services-funded domestic violence resource centers (Domestic Violence Resource Network).
- G. The CYFD BHS DV Unit will propose the annual funding allocation to the Behavior Health Service Division director, who will approve the funding allocation.
- H. Upon approval of the funding allocation plan, Survivor Service providers will be notified of their initial allocation and must provide a budget plan for the fiscal year.
- I. Programs have the right to appeal funding decisions of the CYFD BHS DV Unit per policy and procedures of the Behavioral Health Division of CYFD.

## VII. Funded Project Monitoring and Compliance

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- A. CYFD-funded Domestic Violence Service Providers [Funded Projects] shall cooperate with monitoring to ensure the quality of funded services and stewardship of public investments. Monitoring may include:
  1. On-site or virtual site visits and site reviews;

2. CYFD-led financial audits;
  3. Reviews of organizational policies and procedures;
  4. Reviews of the minutes of meetings of the governing body;
  5. Meetings with executive leadership, boards or other governing bodies, and other staff;
  6. Quality assurance reviews, including:
    - a. Reviews performance measures or outcomes data,
    - b. Review and analysis of survey responses from program participants, and
    - c. Survey/interview of staff and directors; and
  7. Assessment of compliance with federal or state requirements.
- B. The CYFD BHS DV Unit will notify Funded Projects of planned monitoring efforts. Monitoring may occur at regular intervals or random periods if the CYFD BHS DV Unit is aware of programmatic or operational changes at a Funded Project that may impact performance, effectiveness, or compliance.
- C. Upon conclusion of a monitoring effort, the CYFD BHS DV Unit will provide Funded Projects with a written report containing the following items:
1. The areas the CYFD BHS DV Unit reviewed during the monitoring activity;
  2. Recommendations for the Funded Project to make improvements to programmatic services or operations;
  3. Areas of non-compliance with CYFD standards, the contract for funding, or state or federal requirements; and,
  4. A required timeline for attaining compliance with areas of non-compliance.
- D. Funded programs may request an extension of the timeline for attaining compliance by submitting a written request to the CYFD BHS DV Unit Manager along with a justification for the extension.
- E. If a Funded Project cannot attain full compliance within 180 days of the date CYFD BHS issued the report, the CYFD BHS may temporarily restrict access to contract funding until the Funded Provider gains full compliance.
- F. If a Funded Project cannot attain full compliance within 365 days of issuance of the report, the CYFD BHS may cancel the contract.
- G. CYFD BHS may immediately suspend funding for egregious violations of law or policy and notify the Board of Directors of any such actions, using, at a minimum, correspondence to the organization's legal mailing address published by the Secretary of State. Notification will include any available remedies to resume funding.
- H. Programs have the right to appeal decisions of the CYFD BHS per policy and procedures of the Behavioral Health Division of CYFD.

## VIII. Reporting Requirements

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- A. All Funded Projects shall submit regular reports to the CYFD BHS DV Unit according to contract requirements to minimally include, but not be limited to, data required for federal funding and state performance measure assessment.
- B. The CYFD BHS DV Unit uses the state fiscal year (July to June) to report state and federal annual service numbers. Each Program Participant served by the Funded Project each month must be counted once in each data report.
  - 1. Any Program Participant the Funded Project serves in July must be reported as a “New” in July, regardless of previous services.
  - 2. Any Program Participant previously counted during the fiscal year must be reported as a “Continuing” participant in subsequent months, irrespective of any gap in services.
  - 3. Any Program Participant who does not receive assistance during the reporting period may not be counted in the report, even if they have an open file with the Funded Project.
- C. Data requested by CYFD will be limited to non-personally-identifying information in the aggregate regarding Program Participants and their dependents.
- D. If aggregate data has the potential to identify an individual Program Participant, the Funded Project may alter such data and notify the CYFD BHS DV Unit of such alteration at the time the Funded Project submits a report.
- E. Funded Projects are required to offer anonymous CYFD-approved feedback surveys to all Program Participants as outlined in each Funded Project’s Scope of Work. Program participants are not required to complete surveys to receive services. Funded Projects are encouraged to allow Program Participants private access to a tablet or computer terminal to participate in surveys. If direct survey entry is not available, the Funded Project will submit a description of procedures that ensure privacy and anonymity in the collection and submission of paper surveys into CYFD's survey system.

## IX. Complaints

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### Service Complaints

- A. The CYFD BHS DV Unit will hear and record complaints from concerned citizens, survivors of domestic or dating violence, participants of Funded Projects, employees or volunteers of Funded Projects, and other concerned parties regarding potential violations of Survivor Services Project Standards. Complaints can be made by contacting any staff member of the CYFD BHS DV Unit by phone or email or submitting a complaint through the Domestic Violence pages at [cyfd.org](http://cyfd.org).
- B. The CYFD BHS DV Unit will use the following process to follow up on a complaint:
  - 1. The CYFD BHS DV Unit will contact the person making a complaint to gather and record information about the complaint, including whether they (the complainant) would like the CYFD BHS DV Unit to share their identity or consider it an anonymous complaint.

2. The CYFD BHS DV Unit may schedule a meeting with additional involved parties in person or over the phone.
3. If the CYFD BHS DV Unit Manager determines that the complaint warrants further action, the CYFD BHS DV Unit will notify the Funded Project's chief executive/top manager and representative of the Funded Project's board of directors, advisory board, or other governing body of the complaint and any pertinent details.
4. The CYFD BHS DV Unit may request that the Funded Project's chief executive or manager investigate the concerns/complaint. If the complaint is about the chief executive or manager, the CYFD BHS DV Unit may request that the board of directors, advisory board, or other governing body initiate an investigation.
5. The Funded Project shall submit a written response upon a deadline set by the CYFD BHS DV Unit explaining the results of any internal investigation and how they addressed or intend to address the complaint.
6. Depending on the nature of the complaint, the CYFD BHS DV Unit may investigate further, including but not limited to requesting redacted files, conducting interviews with related parties, reviewing the agency's policies and procedures, and requesting alternative dispute resolution.
7. The CYFD BHS DV Unit will issue a final letter or report with the results of any investigation, issues of non-compliance with minimum project standards, and suggested steps to remedy the complaint. The letter will include timelines for compliance. CYFD BHS DV Unit will share a copy of the letter with the complainant.

## Funded Project Complaints

- A. The CYFD BHS DV Unit will hear and record complaints from Funded Projects concerning CYFD BHS's administrative duties and activities as follows:
  1. The provider should first contact their CYFD BHS DV Unit Program Specialist to address the complaint. If the complaint concerns the Program Specialist, the provider may contact the CYFD BHS DV Unit Manager or designee. If the complaint concerns the DV Unit Manager, the provider may contact the next-appropriate manager in the CYFD BHS Division.
  2. The CYFD BHS manager may schedule a meeting with involved parties in person or virtually by phone or other technology.
  3. Once the appropriate CYFD BHS manager has sufficient relevant information, they will determine a course of action and notify the Funded Project.
  4. Depending on the nature of the complaint, CYFD may be required to investigate, conduct interviews with related parties, and review CYFD policies and procedures.
  5. If the complaint warrants further action, the CYFD Behavioral Health Manager will forward the complaint to the CYFD Behavioral Health Leadership Team.
  6. CYFD Behavioral Health Division will issue a final letter or report with the results of any investigation to the Funded Provider, along with any steps taken or intended to remedy the complaint.



## X. Operations and Administrative Standards

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### Purpose of Operations and Administrative Standards

- A. These standards serve as minimum operations and administrative requirements for programs funded wholly or in part by CYFD. Programs that currently receive CYFD funding shall adhere to these standards to maintain the CYFD BHS funding.
- B. Domestic violence service providers that do not receive CYFD funding may use these standards to establish compliant programs.
- C. All Funded Project policies shall be written and approved according to the Funded Project's internal policy approval process.
- D. If a portion of these standards conflicts with the contract signed by the Funded Project and CYFD's Administrative Services Organization (ASO), the ASO contract will establish the rule.

### Board of Directors, Advisory Board, or Governing Body Requirements

- A. Funded Project boards of directors, advisory boards, or other governing bodies such as a Tribal Council shall ensure that the Funded Project exercises sound ethical and legal governance and financial management.
- B. Governing bodies of corporate organizations shall ensure they have current bylaws that include:
  - 1. Membership (types, qualification, rights, duties);
  - 2. Size of Board of Directors;
  - 3. Method of selection and removal;
  - 4. Duties and Responsibilities of Officers;
  - 5. Committees;
  - 6. Quorums;
  - 7. Recording of minutes;
  - 8. Procedure for amending bylaws.
- C. Governing bodies shall keep a permanent record of all governing body meetings. Minutes of the governing body meetings must record the decisions made and actions taken accurately. These minutes shall include, but not be limited to, meeting date, names of members attending and not attending, topics discussed, decisions reached, actions taken, and attachment of any documents referenced. Board minutes shall be signed and approved by an officer of the governing body.
- D. Governing bodies shall make every effort to recruit and maintain a membership that:
  - 1. Resides in the community or region to be served;
  - 2. Reflects the racial, ethnic, economic, and social composition of the community or region to be served, including former clients of the program and persons who have experienced domestic violence;
  - 3. Includes skills and knowledge sufficient to provide competent oversight of a domestic violence survivor services organization; and

4. Is sufficiently trained regarding the roles and responsibilities of board membership.
- E. The governing body's fiduciary responsibilities include:
1. Keeping financial records of the organization;
  2. Preparing accurate and meaningful financial statements;
  3. Preparing budgets and anticipating financial problems;
  4. Safeguarding and managing the organization's financial assets;
  5. Complying with federal and state reporting requirements.
- F. Governing bodies shall ensure that the funded entity maintains all the legal requirements of the governmental jurisdiction in which the organization is located<sup>6</sup>.
- G. The governing body shall ensure that the organization complies with applicable legal requirements and regulations of all governmental and legally authorized agencies under whose authorities it operates. These include but are not limited to nondiscrimination<sup>7</sup>, lobbying<sup>8</sup>, unemployment insurance, and the Americans with Disabilities Act.
- H. The governing body shall ensure that the organization is headed by a director, who is responsible for the daily operation of the Funded Program through decision-making, authorization of expenditures, and the implementation of board-approved policies and procedures.
- I. The organization shall not employ a person related to a governing body member by consanguinity or affinity within the third degree. This includes, but is not limited to, spouse, mother, father, brother, sister, grandparents, aunt, uncle, niece, nephew, first cousins, mother-in-law, father-in-law, brother-in-law, or sister-in-law.
- J. The governing body will ensure that the following written operations and administrative policies are approved, dated, and implemented:
1. **Code of Conduct policy** that includes annual review and disclosure of any employee, board member, or subcontractor that may have a conflict of interest or conviction of a misdemeanor or felony, had a judgment withheld or deferred, or are presently charged with committing a misdemeanor or felony.
  2. **Fiscal policies and procedures** following generally accepted accounting principles that are sufficient assurances to protect against theft or embezzlement, including:
    - a Handling of cash/checks;
    - b Handling of voided checks;
    - c Authorized check signatures;

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<sup>6</sup> For example, a nonprofit corporation's board shall file articles of incorporation and all other required documentation with the Secretary of State, update the Registered Agent upon any change, file annual and supplemental reports with the Secretary of State and Attorney General as required, and file annual returns with the Internal Revenue Service.

<sup>7</sup> Including but not limited to 5 CFR part 80, 45 CFR part 84, 45 CFR part 86, 45 CFR part 91

<sup>8</sup> Including but not limited to 45 CFR part 93

- d Bank reconciliations;
  - e Separation of duties;
  - f Accounting system;
  - g Travel;
  - h Accounting policies for donations.
  - i Conflict of Interest Policy.
3. Written **personnel policies** for employees and volunteers that are reviewed annually to include minimally:
- a Ethics policy regarding employee-client relationships and professional conduct;
  - b Equal employment opportunity hiring policy;
  - c Compliance with the Fair Labor Standards Act;
  - d Whistleblower policy;
  - e Harassment-free workplace policy;
  - f Employee grievance policy;
  - g Background check policy that complies with §8.8.3.1 through §8.8.3.17 NMAC;
  - h Drug-free workplace; and,
  - i Annual performance reviews of employees
  - j A policy that the time needed for required new advocate and continuing advocate training is compensated for as part of each employee's salary/wages.
  - k Compliance with the Victim Counselor Confidentiality Act (§31-25 NMSA 1978) for any employee or volunteer who meets the definition of a victim counselor;
4. **Confidentiality policies** to safeguard the confidentiality of communications, records, and personally-identifying information of adult, youth, and child victims of family violence, domestic violence, or dating violence and their families<sup>9</sup>. Confidentiality policies should include procedures for:
- a Responding to subpoenas that direct an employee or volunteer to testify or otherwise access confidential client communications.
  - b Making mandatory reports of known or suspected child maltreatment per 32A-4-3 NMSA<sup>10</sup>.
  - c Responding to a client request for release of information to a third party;

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<sup>9</sup> [42 USC 10401 § 1370.4](#)

<sup>10</sup> Funded Projects are encouraged to consult “Maintaining Safe and Trustworthy Services for People Endangered by Domestic Violence”, published by the New Mexico Coalition Against Domestic Violence in crafting a child reporting policy for their agency.

- d Responding to client medical emergencies when the client is unable to give consent for summoning emergency medical services;
  - e Addressing a situation where a client is determined to pose a danger to self or others;
  - f Addressing known or suspected client criminal activity or behavior;
  - g Responding to law enforcement request for residential facility access to serve a warrant or subpoena on a client, including procedures to help ensure the requirement under NMSA §30-22-2.1 for law enforcement to present a valid search warrant before entry;
  - h Working with county and court officials, such as guardian ad litem, when a family is involved with child protection or custody matters; and
  - i Working with state officials, such as CYFD investigators, when a family is involved with Protective Services.
5. **Policies to direct the safeguarding and safe destruction of program participant records** that ensure minimization of risk to program participants<sup>11</sup>, including:
- a Client and case file records;
  - b Electronic data collection systems;
  - c Electronic client communications such as email and text messages;
  - d Communication logs domestic violence advocates use to communicate among each other;
  - e Domestic violence advocacy or counseling meeting notes;
  - f Client communications through an interpreter or translator; or,
  - g Any other documents or materials produced by the program containing personally identifying client information.
6. **Low barrier and equal access policies**, including:
- a Adult, youth, and child victims of family violence, domestic violence, or dating violence and their families will have access to services regardless of perceived sex, gender identity, religion, religious belief, participation or non-participation in religious activities, or sexual orientation<sup>12</sup>;
  - b Equal access to services for those with limited English proficiency<sup>13</sup>;
  - c Services are voluntary, and emergency shelter and supportive services for adult, youth, and child victims of family violence, domestic violence, or dating violence and their families are not conditioned on participation in any specific service offered by the organization;<sup>14</sup>
7. Additional policies to meet the minimum standards for specific services, as detailed below.

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<sup>11</sup> See <https://www.techsafety.org/retention>

<sup>12</sup> [42 USC 10401 § 1370.5](#)

<sup>13</sup> [42 USC 10401 § 1370.5](#)

<sup>14</sup> [42 USC 10401 § 1370.10\(b\)\(10\)](#)

## General Operations and Administrative Requirements

- A. The Funded Project will have a director responsible for the daily operation of the Funded Program through decision-making, authorization of expenditures, and the implementation of board-approved policies and procedures.
- B. The Funded Project shall have a current and dated organization chart that accurately reflects the organization's staff structure of authority, responsibility, and accountability. The organizational chart must illustrate the relationship of each position or department to all other positions or departments within the organization.
- C. Physical facilities should be located, constructed, equipped, and operated to promote the efficient and effective conduct of the Funded Project's programs. Physical facilities must protect the health and safety of the staff and persons served, promote the integration of those served into the community, be accessible to persons served, staff and the community, comply with the Americans with Disabilities Act (ADA), and comply with the Drug-Free Workplace Act of 1988.
- D. Physical facilities utilized for shelter or supportive services must have:
  1. Satisfactory fire safety inspection report completed annually by the local fire authority for all residential shelter facilities operated by the Funded Project that conforms to the fire safety standards as determined by each city, town, municipality, county, or special district;
  2. Documentation of a certificate of occupancy under local zoning, if applicable; and,
  3. Water safety inspection documentation if water at a residential facility is not from a public water source.
- E. Survivor Service providers must have a detailed plan to minimize risk to clients, employees, volunteers, and property to minimally include responses to potential breaches of safety at each service location.
- F. Survivor Service providers must have a detailed plan regarding disaster management, to minimally include assurances to maintain emergency services in the event of a public health emergency or natural or environmental disasters;
- G. Critical Incident Reporting:
  1. Funded Projects shall inform the CYFD BHS DV Unit of **critical incidents** impacting the Funded Project's ability to:
    - a Meet contractual obligations,
    - b Comply with minimum program standards,
    - c Provide safe services for clients,
    - d Maintain safe operations of the program<sup>15</sup>, or
    - e Sustain prudent financial stewardship of resources.

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<sup>15</sup> During the COVID-19 Public Health Emergency, positive identification of COVID-19 infection of staff or residents is considered a critical incident. CYFD BHS requests but does not require immediate notification of infections.

2. If the Funded Project is unsure whether an incident requires making a critical incident report, they are strongly encouraged to consult with their CYFD BHS DV Program Specialist or the CYFD BHS DV Unit Manager.
3. Critical Incident reports shall be made within 72 hours of the incident to their CYFD BHS DV Specialist and include actions taken or planned to verify or resolve the issue.

## Fiscal Administration

- A. Funded programs shall submit an annual independent financial audit or review to CYFD or CYFD's designated Administrative Services Organization within six (6) months of the Funded Project's fiscal year-end.
- B. The Funded Project shall complete State and Federal payroll tax forms in full and ensure payroll taxes are paid within the required time frame.
- C. The Funded Project must maintain the following books of record:
  1. Chart of Accounts
  2. General Ledger
  3. Cash Receipts and Cash Disbursements Journals
  4. General Journal of adjusting entries, correcting entries, accrual entries, and cost allocation entries if not provided for in cash journals.
  5. Subsidiary ledgers, if applicable to the organization.
  6. Payroll journals and employee earnings records.
  7. Any capitalized equipment purchased in whole or in part with CYFD funding must include:
    - a Description of the property;
    - b Serial number or other ID numbers;
    - c Date of purchase;
    - d Acquisition cost by funding source(s) and updated depreciated value;
    - e Location and use of property;
    - f Disposition data, including date and price, if any.
- B. The Funded Project shall have a **cost allocation plan** for expenses that are not directly related or assignable to a single activity ("indirect costs"), which ensures consistent allocation between reporting periods and prevents CYFD reimbursement of fundraising or lobbying expenses.
- D. The Funded Project shall maintain for three (3) years (in addition to current year records) detailed accounting and billing records, which indicate the date, time, and nature of services rendered, documents relating to the CYFD BHS Scope of Work, and all operating financial documentation which shall be subject to inspection by CYFD BHS and if applicable, the New Mexico State Auditor or their designee.
- E. The Funded Project shall maintain the funds from the CYFD BHS separately with accurate financial records, books, files, and reports according to generally accepted accounting principles, state and

federal laws and regulation, and the requirements CYFD BHS as described in these program standards.

- F. The financial management systems established by the Funded Project shall ensure it provides fiscal and budgetary controls and sound accounting procedures.

## Insurance

- A. The Funded Project shall obtain and maintain an Employee Dishonesty Policy covering the activities of the Funded Project under a CYFD BHS Scope of Work in the amount of no less than 25% of the total (cumulative) dollar amount of the CYFD Allocation.
- B. The Funded Project shall obtain and maintain a general and professional liability insurance policy issued by an insurance company licensed to do business in the State of New Mexico. The policy shall include liability insurance coverage provided in the amount of at least one hundred thousand dollars (\$100,000) for damage to or destruction of property arising out of a single occurrence; three hundred thousand dollars (\$300,000) to any person for any number of claims arising out of a single event for all damages other than property damage; or five hundred thousand dollars (\$500,000) for all claims arising out of a single occurrence. The Funded Project shall secure the policy within thirty (30) days of the effective date CYFD BHS Scope of Work.
- C. The Funded Project shall secure and maintain sufficient fire and extended hazard insurance on all property in the custody of the Funded Project in which CYFD BHS has a financial interest within thirty (30) days of the effective date of the current Agreement. For the purposes of this paragraph, sufficient insurance means enough to cover the CYFD BHS' loss, if any, to such property, in the event of a fire or other hazard.
- D. The Funded Project shall name the Children, Youth and Families Department as an "Additional Insured" with the Funded Project's liability insurance carrier. A copy of the Contractor's "Certificate of Liability Insurance" proving compliance with all the above insurance requirements must be available upon request.

## Personnel Administration

All programs funded wholly or in part by CYFD shall have the following duties and responsibilities related to personnel and volunteer requirements:

- A. Written job descriptions for employees to minimally include:
  1. Job title;
  2. Salary range;
  3. Duties;
  4. Duties of the positions;
  5. Required minimum experience;
  6. Required minimum training;
  7. Required minimum education.

- B. Staff serving as licensed or unlicensed counselors or social workers shall maintain appropriate licensure as required by law and registration with the New Mexico regulatory agencies;
- C. The director shall ensure a current, accurate, and confidential personnel record for each paid and direct service volunteer or employee. All employee and volunteer records must be kept in a locked file to ensure confidentiality. A personnel record on each volunteer or employee shall contain, at a minimum;
  - 1. Job description;
  - 2. Resume and application of employment;
  - 3. Documentation of reference letters or reference checks;
  - 4. Verification of legal status to be eligible to work in the United States;
  - 5. Result of employment investigation;
  - 6. Completion of a CYFD Background Check before the commencement of employment for any employee who has direct care responsibilities or potential unsupervised physical access to program participants or their dependents (§8.8.3.10 NMAC) OR records of the submission of a complete CYFD background check request, including a fingerprint submission receipt, before the commencement of employment, as long as the applicant is under the direct physical supervision of an employee who has been found eligible by a CYFD background check during periods when the applicant is in immediate physical proximity to program participants (§8.8.3.7 and §8.8.3.11 NMAC). Volunteers who spend less than six (6) hours per week at the program and are under an employee's direct physical supervision are exempt from the CYFD Background Check Requirement.
  - 7. Completion of performance reviews by direct supervisor;
  - 8. Current wage rate and benefits;
  - 9. Job performance evaluation;
  - 10. Incident reports;
  - 11. Commendations or disciplinary actions (if any).
  - 12. Current, valid driver's license and proof of insurance if using a personal or Funded Project-owned vehicle to conduct business; and,
  - 13. Complete training records during employment.
- D. Employee Advocate Training Requirements
  - 1. For any employee or volunteer who provides advocacy services to Program Participants:
    - a Complete CYFD-approved foundational advocate training within six (6) months of employment or provide a certificate of completion of a CYFD-approved foundational advocate training within six (6) years before hiring;
    - b Receive training and demonstrate proficiency on the agency's policies and procedures to meet the needs of Program Participants who have limited English proficiency or who are deaf or hard of hearing; and



- c Complete at least twenty (20) hours of domestic or dating violence-specific training each year following hire.
- E. The Funded Project shall complete in full and submit the required forms of the New Mexico State Department of Labor.

## XI. Community Services Standards

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- A. Funded programs shall make every effort to provide or make available the following services to the community:
  - 1. Community education to inform the service region of the availability of domestic and dating violence services;
  - 2. Awareness and education to make known the impact of domestic and dating violence;
  - 3. Prevention activities to reduce the incidence of domestic and dating violence;
  - 4. Cooperative efforts to increase coordination and avoid duplication of services.
  - 5. Training and technical assistance to offer subject-matter expertise; and,
  - 6. Collaborative efforts to improve coordination among community partners.
  - 7. Policy development and networking on behalf of the target population through formal systems, including:
    - a Consultation with other community service providers to promote domestic violence informed practice within other service delivery areas.
    - b Participation in Multidisciplinary teams in the community.

## XII. Survivor Services Standards

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### Purpose of Survivor Services Standards

- A. These standards serve as minimum survivor services project requirements for programs funded wholly or in part by CYFD. Programs that currently receive CYFD funding shall adhere to these standards to maintain the CYFD BHS DV Unit funding.
- B. Domestic violence service providers that currently do not receive CYFD funding may use these standards to begin the process of establishing programs.
- C. All policies shall be written and approved according to the Funded Project's internal policy approval process.
- D. If a portion of these standards conflicts with the contract signed by the Funded Project with CYFD's Administrative Services Organization (ASO), the ASO contract will establish the rule.

## Crisis Intervention Services Requirements

- A. All programs funded by CYFD shall offer and provide free and confidential emergency and crisis intervention domestic violence advocacy services by employees and volunteers, which shall minimally include:
1. Operating a crisis telephone number for the local community twenty-four (24) hours per day, seven (7) days per week. The crisis line shall be accessible to all callers, including those:
    - a Using a "blocked line" where their phone number reads on caller ID as "Unavailable";
    - b With limited spoken English language proficiency through the provision of interpreters or another communication method; and,
    - c Who are hard of hearing or deaf and use a third party telecommunication relay service (such as an IP relay service or a video relay service, teletypewriter (TTY) device) per the requirements of the Americans with Disabilities Act (ADA).
  2. Availability of trained employees or volunteers trained who can respond to emergency crises twenty-four (24) hours per day, seven days per week; or,
  3. Above, coordination of requirements 1 and 2 above, through a formal memorandum of understanding with a CYFD-Funded Project in good standing serving the same region that operates crisis intervention services.
  4. Training for staff or volunteers who are available on a crisis intervention number includes:
    - a Completion of a CYFD-approved foundational advocacy training;
    - b Completion of a CYFD-approved crisis intervention training;
    - c Provider-specific crisis intervention policies and procedures; and
    - d Local community resources.
  5. The Funded Provider must provide supervisory backup to employees or volunteers staffing the crisis telephone number.

## Domestic Violence Advocacy Services Requirements

- A. All programs funded by CYFD shall provide domestic violence advocacy to survivors of domestic or dating violence in the following manner:
1. Free of charge to clients;
  2. Without income qualifications placed on receipt of services;
  3. Without requirements that clients attend a religious activity or instruction as a prerequisite to receiving services;
  4. Without requirements for clients to show proof of residency in New Mexico or the United States;
  5. Without requirements for clients to submit to criminal background checks, credit checks, drug testing, or a release of information as a condition of services;
  6. Voluntarily without any conditions;

7. Following a voluntary intake and assessment of needs and safety; and,
  8. With referrals when requested services are not available or denied by the Funded Project.
- B. All programs funded by CYFD shall establish a written document for Program Participants outlining their rights. Written rights shall minimally include the following notices:
1. Identification of criteria for eligibility of domestic violence advocacy services;
  2. Service accommodations for the following clients:
    - a Those who are deaf or hard of hearing or have limited English proficiency; and,
    - b Those with disabilities, including behavioral health conditions and substance use disorders.
  3. Availability of free, voluntary services to be provided without condition or prerequisites;
  4. Program adherence to confidential communications policies and a disclaimer for the exception to confidentiality of mandatory reporting of known or suspected child maltreatment;
  5. Opportunity to provide feedback regarding experience with provision of or denial of services at the Funded Project;
  6. Procedure to file a grievance or complaint to minimally include the Funded Project's internal grievance or complaint policy and procedure, and the right to complain to CYFD and other applicable regulating agencies regarding services provided or denied, including contact information; and,
  7. Program Participants have a right to a complete copy of their client file or record, including electronic documentation services provided.
- C. All programs funded by CYFD shall establish written policies or procedures regarding:
1. Identification of criteria for eligibility of domestic violence advocacy services;
  2. Language accessibility plan to minimally include the use of interpreters, translators, bilingual employees, and written materials to provide services to clients who are deaf or hard of hearing and those with limited English proficiency;
  3. Service accommodation plans to minimally include nondiscrimination based on clients' age, disability, behavioral health conditions, substance use, criminal history, sex, sexual orientation, race, color, national origin, religion, ethnicity, or gender identity or expression, as well as accompanying protocols to ensure an environment that is accessible, culturally relevant, and trauma-informed for all clients;
  4. Transportation of clients by employees or volunteers of the Funded Project, if an available service;
  5. Collection of anonymous feedback through CYFD's feedback survey system<sup>16</sup> and,

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<sup>16</sup> Collection policies and procedures need to ensure anonymity, regular and meaningful collection and be in line with trauma-informed service principles. Please refer to the Scope of Work for guidelines.

6. Childcare by employees or volunteers of the Funded Project, if available, while a parent is on-site.
- D. Programs funded by CYFD shall ensure full compliance with the Federal Department of Health and Human Services Administration for Children and Families requirements detailed in 45 CFR part 1370 (2017). No later editions or amendments are incorporated. These regulations are available at no cost from the U.S Health Resources and Services Administration, Office of Communications 5600 Fishers Lane, Rockville, MD 20857 or at <https://www.ecfr.gov/>. If a Funded Project wishes to provide sex-segregated or sex-specific programming, they shall submit a written plan to be approved by CYFD BHS, which outlines the following:
1. Why the sex-segregated or sex-specific programming is necessary for the essential, safe operations of the program or service;
  2. How they will provide comparable services to individuals who cannot participate in the sex-segregated or sex-specific programming or service; and,
  3. An analysis of research-supported best practices that justify the need for sex-segregated or sex-specific programming or service.

## Residential Domestic Violence Advocacy Services Requirements

- A. In addition to the Advocacy Service Requirements above, all programs funded by CYFD that offer residential domestic violence advocacy programs services shall:
1. Notify CYFD of intent to open a new or relocate a residential facility to include documentation of compliance with this section;
  2. Notify CYFD of the permanent or temporary closure of a residential facility at least one month before the closing;
  3. Offer to develop a safety plan to minimally include the client's safe contact with formal and informal support systems while in shelter receiving residential services;
  4. Encourage but not mandate participation in supportive services, advocacy, or counseling as a condition of residency receiving residential services;
  5. Maintain quality living conditions to address normal wear and tear to the residential facility, equipment, and furnishings; and,
  6. Maintain safe living conditions of the residential facility to minimally include:
    - a Locking doors and windows;
    - b Appropriate lighting;
    - c Mechanisms or devices for contacting emergency assistance; and,
    - d Compliance with applicable fire and safety codes.
- B. All programs funded by CYFD shall have minimal residential services staffing by employees or volunteers, to include:

1. An adequate number of employees or volunteers to ensure the health and safety of residential services clients, including those at a residential facility or staying in other accommodations such as a motel or safe house;
  2. Residential services intake availability twenty-four (24) hours per day;
  3. Twenty-four (24) hour access for residential services clients to trained employees or volunteers to offer safety planning, advocacy services, support, or assistance, consistent with residents' schedules and needs in-person whenever feasible; and,
  4. If not providing in-person twenty-four (24) hour staffing at a residential facility, a CYFD-approved, written plan to respond to residential program clients' needs. This plan must minimally include employee or volunteer coverage and how clients can access emergency services in the event employees or volunteers are not physically present.
  5. At least one employee or volunteer who is certified in CPR and First Aid during each shift.
- C. All Programs funded by CYFD that offer residential services shall have the following:
1. Separate bedrooms for each family, whenever feasible;
  2. Private space for bathing and personal hygiene needs;
  3. Space or rooms designated for quiet time, whenever practicable;
  4. Free food, clothing, toiletries, hygiene products, and other basic needs whenever feasible;
  5. Unrestricted functioning telephone access to reach emergency assistance, secure resources, and maintain social support;
  6. Laundry facilities;
  7. Access to residential services for victims with service animals;
  8. Assistance with facilitating access to safe housing accommodations for victims with pets or other domesticated animals;
  9. Marked and posted evacuation routes and exits, posting of fire extinguisher locations, and documentation of performance of regular fire drills; and,
  10. Functioning heating, cooling, and ventilation systems.
- D. Programs funded by CYFD that offer residential services shall have the following written policies and procedures to include minimally:
1. Admission and eligibility criteria for residential services including provisions for referrals when unable to accommodate an individual or family;
  2. Residents' voluntary participation in supportive services such as support groups<sup>17</sup>;

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<sup>17</sup> “. . .no requirement for participating in supportive services offered by FVPSA-funded programs may be imposed by grantees or subgrantees for the receipt of emergency shelter and receipt of all supportive services shall be voluntary. Similarly, the receipt of shelter cannot be conditioned on participation in other services, such as, but not limited to counseling, parenting classes, mental health or substance use disorders treatment, pursuit of specific legal remedies, or life skill classes. Additionally, programs cannot impose

3. Established involuntary exit criteria for residents;<sup>18</sup>
  4. Provision of locked storage of personal valuables and legally prescribed medication, which allows residents unrestricted access to personal valuables and the prescribed medicine. Employees or volunteers must refrain from possessing or dispensing medication to residents unless they are licensed healthcare professionals.
  5. Client use of legal substances including tobacco products and alcohol while on the residential facility property;
  6. Food safety;
  7. Safety protocol and procedures to minimally include a response to safety threats, availability of a First Aid kit, and documentation of performance of regular safety drills;
  8. Universal precautions for infectious disease; and
  9. Use of surveillance cameras, including encryption and timely destruction of recordings<sup>19</sup>;
  10. Disaster response plans to help ensure the continuation of safe housing in the event of a public health emergency or natural or environmental disasters
- E. CYFD will review any guidelines for residents to follow for shelter stays in terms of their effect on the requirement to provide voluntary services and the degree to which the guidelines impact the provision of trauma-informed services.

## Domestic Violence Victim Advocacy Services for Children and Youth Requirements

- A. In addition to the Advocacy Service Requirements above, all programs funded by CYFD that offer advocacy services for Children and youth shall have written policies and procedures that ensure the following:
1. Employees and volunteers receive training specific to the dynamics of the impact of domestic violence on children and youth;
  2. Trained advocates offer to conduct a voluntary intake and assessment of children and youth's needs independent from that of the parent's;

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conditions for admission to shelter by applying inappropriate screening mechanisms, such as criminal background checks, sobriety requirements, requirements to obtain specific legal remedies, or mental health or substance use disorder screenings." 45 CFR §1370.10(b)(10)

<sup>18</sup> "Nothing in these requirements prohibits a shelter operator from adopting reasonable policies and procedures reflecting field-based best practices, to ensure that persons receiving services are not currently engaging in illegal drug use, if that drug use presents a danger to the safety of others, creates an undue hardship for the shelter operator, or causes a fundamental alteration to the operator's services." 45 CFR §1370(b)(10)

<sup>19</sup> CYFD Considers best practice to exclude internal video cameras. If used, cameras should only be used as a security measure on the outside of a shelter building to monitor for trespassers on the property. Surveillance can be a traumatic reminder for survivors of domestic violence and even secured footage has the risk of being surveilled or obtained by outside parties.

3. Trained advocates inform children and youth of their right to confidential communications and legal exceptions to confidentiality, including mandatory reporting of known or suspected child maltreatment;
  4. Accommodate any dependent adult children who have a developmental or physical disability for whom the adult victim is the primary caretaker;
  5. Accommodate teenage children regardless of gender together with their victim parent; and,
  6. Provide access to indoor and outdoor play spaces and recreational opportunities if feasible.
- B. All programs funded by CYFD that offer non-residential domestic violence advocacy to children and youth shall have written policies and procedures that ensure the following:
1. Employees and volunteers receive training specific to the dynamics of the impact of domestic violence on children and youth;
  2. Trained advocates offer to conduct a voluntary intake and assessment of children and youth's needs independent from that of the parent's; and,
  3. Trained advocates inform children and youth of their right to confidential communications and legal exceptions to confidentiality, including mandatory reporting of known or suspected child maltreatment.
- C. All programs funded by CYFD that offer domestic violence advocacy for teens and youth impacted by violence in a dating or intimate relationship shall have written policies and procedures that ensure the following:
1. Employees and volunteers receive training specific to the dynamics of domestic violence that occurs within a youth or teen's dating or intimate relationship;
  2. Trained advocates conduct a voluntary intake and assessment of teens and youths needs regarding safety and community resources;
  3. Trained advocates inform youth and teens of their right to confidential communications and legal exceptions to confidentiality, including mandatory reporting of known or suspected child maltreatment; and,
  4. The age of consent for which the Funded Project may provide domestic violence advocacy services to minors without parental permission is defined.

## Domestic Violence Legal Advocacy Requirements

- A. In addition to the Advocacy Service Requirements above, domestic violence legal advocacy services shall be provided by employees and volunteers who have received appropriate training that includes but is not limited to:
1. Guiding participants seeking a family protection order;
  2. Accompanying participants to court proceedings for family protection orders, participants of pending criminal cases, child custody, monitoring of domestic violence offenders;
  3. Accompanying participants to meetings with attorneys or approved tribal advocates;
  4. Obtaining legal counsel or tribal advocates for participants or referrals to legal tribal services.

## Direct Civil Legal Service Requirements (Legal Representation)

- A. In addition to the Advocacy Service Requirements above, all programs funded by CYFD that offer direct civil legal services, employees, contractors, or volunteers must:
1. Have a minimum of a Doctor of Law from an accredited law school and licensed to practice law in New Mexico or provisions deemed appropriate by the Supreme Court of New Mexico or, if presenting in Tribal Court, meet the requirements of the court in which they are appearing;
  2. Complete 20 hours of domestic violence training within three months of hire;
  3. Have current malpractice insurance;
  4. Complete ten (10) hours of continuing legal education each year in areas of law that improve services for survivors of domestic violence.

## Domestic Violence Counseling Requirements

- A. In addition to the Advocacy Service Requirements above, all programs funded by CYFD that offer domestic violence counseling must ensure that:
1. Staff providing services are duly licensed and abide by accepted and professional best practice and ethical standards;
  2. All counseling is provided under the State licensing provisions governing each licensed staff, which includes appropriate and required staff supervision;
  3. Substance use disorder treatment staff must be appropriately certified or licensed and trained to provide substance use disorder services under the New Mexico Counseling and Therapy Practice Act and Board or have appropriate training and licensure as set forth by that Act.
  4. Demonstrate ability to conduct therapeutic assessments and make necessary referrals for the client to other behavioral health providers.
  5. Annual training and continuing education for all Counseling staff must follow the respective licensing act/board requirements and be documented in each personnel file.

## XIII. Authorities

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[42 U.S.C. 10401 Part 1370](#) – Family Violence Prevention and Services Programs

[45 CFR 75](#) - Uniform Administrative Requirements, Cost Principles, And Audit Requirements for HHS Awards

CYFD BHS Domestic Violence Unit Allowable and Unallowable Cost Guidance (approved May 5, 2021)

Children Youth and Families Department Administrative and Fiscal Standards (rev. February 16, 2017)

[Ch. 40, art. 13 NMSA 1978](#) – New Mexico Family Violence Protection Act



## XIV. References

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