

D R A F T

Fundamental Service Elements and their Descriptions

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For All Agencies

#1 Fundamental Service Element: All services should be provided free of charge, except in the delivery of counseling services and only when clients are able and willing to pay. In these cases, fees should be structured on a sliding scale basis.

Rationale and Explanation: All services should be designed to remove as many obstacles as possible, including those that are financial in nature. Victims of domestic violence and sexual assault could be faced with poverty or other economic factors, like medical bills related to exams and/or treatment of injuries that make compensating providers for services a hardship. In addition, victims may also be faced with other obstacles related to their victimization, such as a lack of access to household resources, as a result of economic abuse.

Although this fundamental service element allows providers to charge in certain instances, it should be noted that the federal Victims of Crime Act prohibits the charging of fees for services that are delivered by staff that are supported with Victims of Crime Act funds. In addition, in the event agencies seek to charge for their services, approval must be requested and received from the Governor's Crime Commission and will entail a rigorous process of assuring that all proceeds are reinvested into the program.

This fundamental service component is part of the grant agreement agencies enter into to receive state funding for domestic violence and sexual assault services.

#2 Fundamental Service Element: Services cannot be denied based on a client's immigration status.

Rationale and Explanation: As noted above, it is very important that victims face as few obstacles as possible when they turn to service providers for assistance. Persons who experience any type of victimization who are not originally from this country may fear that their immigration status might exclude them from help, or worse, jeopardize their ability to remain in this country. Public policy has evolved so that some of these fears are largely unfounded, but sometimes are not widely known or understood. For example, there are no laws that prohibit delivering services to persons who are not legal citizens of the United States. In fact, the federal Violence Against Women Act contains specific provisions that are designed to provide legal remedies for battered immigrant women. There are also other relevant laws or policies that require that services be provided, regardless of a person's immigration status. These include:

A federal law that battered immigrant women, including undocumented immigrants, is guaranteed the same access to shelters and transitional housing for up to two years as U.S. citizens. [Source: Memorandum from Secretary, U.S. Dep't of Housing and Urban Development, to HUD Funds Recipients 2 (Jan. 19, 2001); Fact Sheet: Access to HHS-Funded Services for Immigrant Survivors for Domestic Violence, Dep't of Health and Human Servs., Washington, D.C., Jan. 19, 2001]

Denial of services to immigrants may constitute a violation of Title VI of the Civil Rights Act of 1964. This Act prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance.

Federal funds provided to local social service programs or to states for state-based programs, including shelters, hospitals or battered women's programs, are not "federal public benefits" and immigrant access to these programs is not restricted.

Both non-profit and charitable organizations are exempt from immigration status verification and reporting, regardless of whether they receive federal, state or local funding.

Amendments to the immigration statute eliminated the requirement that non-profit charitable organizations seek confirmation that an applicant is a qualified immigrant, thereby allowing all immigrants to access benefits provided by these organizations.

An order was issued from the US Attorney General's Office directing that short-term shelter programs offered at the community level (including emergency shelters and transitional housing for up to 2 years) must be open to all immigrants, even those who are undocumented.

This fundamental service component is part of the grant agreement agencies enter into to receive state funding for domestic violence and sexual assault services.

For “combined” agencies

#1 Fundamental Service Element: Agencies must have staff that are adequately trained on domestic violence and sexual assault and are able to provide information, advocacy, case management, counseling and referral for services, including clinical services.

Rationale and Explanation: Information, advocacy, case management, counseling, and referral for services including clinical services are the fundamental components of services to victims. All of these services should be a standard part of service delivery for victims of domestic violence and victims of sexual assault. It is important that combined programs assure that these services are available for persons that have been sexually assaulted outside of an intimate partner relationship and that they are delivered by staff who have received training. For example, an adult that has experienced sexual assault during their childhood should have access to staff that are trained to understand the dynamics of this type of victimization and to respond to the needs of that person seeking services.

This fundamental service component is part of the grant agreement agencies enter into to receive state funding for domestic violence and sexual assault services.

#2 Services should be provided free of charge, except in the delivery of counseling services and only when clients are able and willing to pay. In these cases, fees should be structured on a sliding scale basis.

Rationale and Explanation: See page 2, #1.

#3 Fundamental Service Element: Services cannot be denied based on a client’s immigration status.

Rationale and Explanation: See page 2, #2.

Hotline Services:

#4 Fundamental Service Element: Hotlines must be operational all of the time.

Rationale and Explanation: Hotlines are the main method that victims, their friends and family, and professionals, access agency services and learn about the issues of sexual assault and domestic violence. It is a widely accepted reality that survivors must choose the times they call carefully to assure their safety, may take a long time to make the decision to reach out for help, and are likely to be in crisis when they call. These reasons suggest that hotlines be operation 24 hours per day, seven days per week in order to be optimally responsive to the community.

This fundamental service component is part of the grant agreement agencies enter into to receive state funding for domestic violence and sexual assault services.

#5 Fundamental Service Element: The response must be “live.”

Rationale and Explanation: Because of the immediacy of the needs of callers, and the intense nature of why persons call hotlines, it is important that people receive a “live” response; they should never be routed to an answering machine to leave a message or not have access to immediate help, assistance, or support. Voice mail systems and greetings are acceptable when necessary, but only if they immediately advise callers how to access a live response. For example, the recording should advise callers to “press 0” to connect immediately to a person that is trained to help.

This fundamental service component is part of the grant agreement agencies enter into to receive state funding for domestic violence and sexual assault services.

#6 Fundamental Service Element: It always preferable to have a trained advocate handling hotline calls directly. It is required that trained advocates answer the hotline during business hours (e.g. weekdays during an 8 hour work day). During other hours, e.g. weekends and after hours, programs may use an answering service. In those circumstances, the caller must have access to a trained advocated within 1 hour of their call.

Rationale and Explanation: Same rationale as above.

#7 Fundamental Service Element: Hotline services must include information regarding the issue, local resources, support, and crisis intervention.

Rationale and Explanation: Information about victimization, information regarding local resources, the provision of support, and crisis intervention are the main reasons why persons call hotlines. They are the basics to a hotline response for victims, and therefore, must be available to all callers. Services must include these four categories and must be available regarding both types of violence – sexual assault and domestic violence.

#8 Fundamental Service Element: Greetings must be easily recognizable to the caller to verify that they have reached a hotline. Greetings that leave a question in the caller’s mind as to who they have reached are not acceptable.

Rationale and Explanation: A standard greeting that lets the caller know they have reached a hotline specifically designed to respond to the needs of victims of domestic violence and/or sexual assault is required. It is suggested that the phone be answered with the name of the agency, for example. Callers should not have to wonder whether they’ve reached the correct number, given the sensitive nature of their call and the ambivalence they may be experiencing in reaching out for help.

Some providers worry that the person victimizing the caller will discover that they have reached out for help by re-dialing the number. Providers are encouraged to adopt practices that guard against this, rather than disguising where the person has called. For example, callers can be advised to dial a different number after they hang up so that re-dial will not provide information about the hotline they called.

Shelter Services:

#9 Fundamental Service Element: Staff or volunteers should be on site for safety and support.

Rationale and Explanation: From a program perspective, it is expected that families who are provided with shelter by the program are experiencing some degree of crisis and may require the support of staff or volunteers (i.e. non residents who are trained and experienced with the issue of domestic violence) at any time during their stay. In fact, it is not unusual for residents to seek counsel, support, and information during the evening hours, after their children have retired for the night. Having a trained volunteer or staff person scheduled to be on site provides other benefits, as well. Residents are able to gain entry into the shelter on an emergency basis, i.e. in the middle of the night, and residents requiring medical care or other attention have immediate access to that help or to someone that is able to coordinate the delivery of that assistance.

An added benefit to staffing the shelter during overnight hours is that it presents an opportunity for the hotline to be answered on a continuous basis and to avoid the utilization of an answering service which requires that the client wait to be connected to a trained advocate.

Aside from the program issues and the determination of what is in the best interest of the client, there are legal issues that are also relevant. Residents entering shelter have an expectation that that they will be protected from external threats including their abusive partners, as well as those that might threaten them internally including, for example, a building hazard including fires or malfunctioning systems.

Finally, although peer support is an important component of recovery from victimization, program clients should not be in the position of being or feeling ultimately responsible for the physical or emotional safety of other residents and/or their children.

#10 Fundamental Service Element: Basic needs, including food and hygiene, should be met with program resources.

Rationale and Explanation: Families entering shelter should not be required to provide their own food or hygiene products. Programs should use grant or other funding to provide these resources, and/or, seek community support in the form of donations. These items should include things like feminine products, soaps, shampoos, toilet paper, and diapers. This does not mean that residents should not be allowed to bring or buy their own groceries or hygiene products. They simply cannot be required to do so.

This fundamental service component is part of the grant agreement agencies enter into to receive state funding for domestic violence and sexual assault services.

#11 Fundamental Service Element: The written intake process should include procedures for screening, referral, and/or the delivery of services to victims with mental or physical health concerns, and substance abuse concerns.

Rationale and Explanation: It is important that programs have procedures for responding to issues that occur routinely. Among those issues are the presence of physical or mental health concerns and the abuse of substances. These also represent potential obstacles to recovery from victimization and require specific services or interventions tailored to the client's needs. This fundamental service component does not direct programs in specifics as to their procedures, but leaves the details of accessing adequate resources and identifying these issues during the written intake process for shelter, up to the individual program.

#12 Fundamental Service Element: Prioritize families in imminent danger.

Rationale and Explanation: Some programs operate under a philosophy that any person or family in crisis should have access to basic needs, including shelter. Unfortunately, there is still a need for additional shelter space in the state and it is therefore required that programs prioritize those persons or families who are in imminent danger. The details of how to prioritize these needs is left up to individual programs.

#13 Fundamental Service Element: Shelter should be in an undisclosed location or in a secure facility.

Rationale and Explanation: It is a reality that in some communities in North Carolina, it is impossible to site the shelter in an undisclosed location. In addition, some programs have decided that their safety is enhanced by the community knowing where they are located. This service element directs that if the decision is made to disclose the location of the shelter, that a plan be developed and put into place that provides security to staff, volunteers, visitors and/or residents of the shelter. This might involve anything from an alarm system, a monitoring or surveillance system, to architectural plans that enhance security like well lit, visible areas, low or no shrubbery, and the strategic use of organizations or agencies that are situated nearby, i.e. law enforcement. This is especially important for programs whose policies allow persons to reside in the shelter and to maintain the routines they had prior to entering shelter, i.e. kids attend the same school, adult has same employer, creating the possible that they could be followed back to the shelter by someone intending them or others harm.

#14 Fundamental Service Element: Access to all agency services, including case management, counseling, and advocacy including legal advocacy.

Rationale and Explanation: This element simply makes clear that the services that are available to clients living in the community must also be available to those residing in shelter, including case management, individual and group counseling, and advocacy.

#15 Fundamental Service Element:

Group Counseling Services:

Regularly scheduled open or closed support groups.

Less than a 12 week wait for closed groups.

Agency exercise to respond to adult survivors of childhood abuse, sexual abuse within an intimate relationship, and stranger sexual assault.

Facilitated by trained staff or trained volunteer.

Rationale and Explanation: One of the primary reasons given by programs for not holding support groups is “lack of demand.” In order to provide the fullest access to supportive services as possible, programs should schedule support groups (it is up to the program to schedule “open” groups that are ongoing, or “closed” groups that have a specific beginning and end date) and to advertise these groups widely within the community. Because no community is immune from sexual or domestic violence, it is assumed that persons who could benefit from this service live in the community, but may be reluctant to seek services or not know about their availability. Programs are encouraged to be creative and diligent in their efforts to recruit support group members.

It is important that once persons have asked for assistance with the issues of sexual assault and/or domestic violence, the service is provided in a reasonable amount of time. For that reason, it is required that persons not be asked to wait longer than 12 weeks to enroll in a support group.

Because there are multiple types of victimization that may emerge during a support group, it is required that programs employ staff or utilize volunteers who possess the necessary expertise to assist support group members with issues that arise. The primary forms of sexual assault persons experience include victimization as a child, sexual assault within an intimate relationship, and sexual assault by a stranger or acquaintance, making it necessary to assure agency expertise in these areas.

Groups should be facilitated by persons that are either employed by the agency or who have been trained as volunteers and/or their credentials have been reviewed and approved by the agency. Programs should not allow other group members to facilitate the group.

#16 Fundamental Service Element:

Individual Counseling Services:

Counseling or clinical treatment by the program or, a referral mechanism for mental health and substance abuse services.

Rationale and Explanation: There is evidence that victims served by domestic violence and sexual assault programs, as reported by programs, experience mental health and substance abuse problems at a significant rate. Programs may choose to deliver the necessary counseling services to respond to clients' needs, or, may utilize community resources in this regard. In addition, the program must be able to determine whether the client needs clinical treatment, i.e. medication for treatment of mental illness, detoxification services for substance abuse, and to provide that treatment or coordinate the provision of that treatment in the community.

Advocacy Services:

#17 Fundamental Service Element:

Medical Advocacy for Sexual Assault Survivors:

Assisting the client in making informed decisions about medical care, including a referral for a forensic exam.
Information about medical care and concerns.
Support, including accompaniment at medical exams. Program should be available within 3 hours of request following an assault, or, available for follow up exams with 24 hour notice.

Rationale and Explanation: The health care system is an important component of the response to sexual assault survivors. First, medical treatment may be necessary following an assault, for the well being of the victim. Second, medical evaluation and assistance may be important to a successful prosecution of a sexual assault crime. In either instance, the program must be prepared to provide information and support to a victim entering the health care system.

Programs are required to respond to a request for accompaniment to a health care provider in a timely manner; programs should provide accompaniment following an assault within 3 hours of the request made by a victim, and, programs should provide accompaniment to follow up visits or exams with a 24 hour notice.

#18 Fundamental Service Element:

Legal Advocacy for Sexual Assault Survivors:

Information regarding the reporting of crimes and the functions of the civil and criminal justice systems.
Support, including accompaniment to civil or criminal proceedings.
Referrals to legal representation, including Legal Aid of North Carolina.

Rationale and Explanation: There are a number of legal remedies available to victims of sexual assault and victims of domestic violence. In both cases, remedies fall within the

civil and criminal justice systems. For example, for victims of sexual assault, they may be eligible for a civil protective order, or, may press charges under the state's criminal statutes. Similarly, victims of domestic violence may be eligible for a domestic violence protective order, and/or, pursue a criminal case against the batterer. Both systems are complex, and can be difficult to understand, especially in a time of crisis. They can also be intimidating and overwhelming, especially for persons that may believe they aren't entitled to justice under these systems. Finally, these systems can operate with local discretion, so they may be different in some ways from jurisdiction to jurisdiction, making explanations of how they work very important.

An integral part of providing support to victims who are negotiating the civil or criminal justice systems is by providing accompaniment to various hearings and proceedings.

There is a shortage of affordable and accessible legal representation for many victims of sexual assault and/or domestic violence, in North Carolina. Programs are encouraged to recruit local, qualified attorneys to provide pro bono services or representation at a reduced rate. In addition, programs are required to establish a referral mechanism with Legal Aid of North Carolina or other legal services offices in the state. These offices are funded to provide services to victims of domestic violence.

For domestic violence agencies

#1 Fundamental Service Element: Staff must be trained on sexual abuse and sexual assault.

Rationale and Explanation: Sexual abuse occurs routinely in battering relationships and requires specific training by staff to adequately understand, support, and provide assistance to or coordinate that assistance to victims. In addition, many adult victims of domestic violence have experienced sexual abuse or assault at other times in their lives, either as children or adults, and within or outside of an intimate partner relationship. Therefore, staff must have training specifically on the dynamics of sexual abuse and sexual assault so that they are prepared to respond to the needs of domestic violence victims.

#2 Fundamental Service Element: Services should be provided free of charge, except in the delivery of counseling services and only when clients are able and willing to pay. In these cases, fees should be structured on a sliding scale basis.

Rationale and Explanation: See Page 4, #2.

#3 Fundamental Service Element: Services cannot be denied based on a client's immigration status.

Rationale and Explanation: See Page 4, #3.

Hotline Services:

#4 Fundamental Service Element: Hotlines must be operational all of the time.

Rationale and Explanation: See page 4 , #4 .

#5 Fundamental Service Element: The response must be "live."

Rationale and Explanation: See page 5 , #5.

#6 Fundamental Service Element: It always preferable to have a trained advocate handling hotline calls directly. It is required that trained advocates answer the hotline during business hours (e.g. weekdays during an 8 hour work day). During other hours, e.g. weekends and after hours, programs *may* use an answering service. In those circumstances, the called must have access to a trained advocated within 1 hour of their call.

Rationale and Explanation: See page 5, #6. .

#7 Fundamental Service Element: Hotline services must include information regarding the issue, local resources, support, and crisis intervention.

Rationale and Explanation: See page5, #7. .

#8 Fundamental Service Element: Greetings must be easily recognizable to the caller to verify that they have reached a hotline. Greetings that leave a question in the caller's mind as to who they have reached are not acceptable.

Rationale and Explanation: See Page 5, #8.

Shelter Services:

#9 Fundamental Service Element: Staff or volunteers should be on site for safety and support.

Rationale and Explanation: See page 6, #9.

#10 Fundamental Service Element: Basic needs, including food and hygiene, should be met with program resources.

Rationale and Explanation: See page 6, #10.

#11 Fundamental Service Element: The written intake process should include procedures for screening, referral, and/or the delivery of services to victims with mental or physical health concerns, and substance abuse concerns.

Rationale and Explanation: See page 7, #11.

#12 Fundamental Service Element: Prioritize families in imminent danger.

Rationale and Explanation: See page 7, #12.

#13 Fundamental Service Element: Shelter should be in an undisclosed location or in a secure facility.

Rationale and Explanation: See page 7, #13.

#14 Fundamental Service Element: Access to all agency services, including case management, counseling, and advocacy including legal advocacy.

Rationale and Explanation: See pages 7-8, #14.

Counseling Services:

Fundamental Service Element #15:

Group:

Regularly scheduled open or closed support groups.

Less than a 12 week wait for closed groups.

Agency exercise to respond to sexual abuse within an intimate relationship.

Facilitated by trained staff or trained volunteer.

Rationale and Explanation: See page 8, #15.

Fundamental Service Element #16:

Individual:

**Counseling or Clinical Treatment by program or, a referral mechanism for
Mental Health and Substance Abuse Services.**

Rationale and Explanation: See page 8, #16.

Advocacy Services:

Fundamental Service Element #17:

Legal:

**Information regarding the reporting of crimes and the functions of the civil
and criminal justice systems.**

Support, including accompaniment to civil or criminal proceedings.

Referrals to legal representation, including Legal Aid of North Carolina.

Rationale and Explanation: See page 9, # 17.

For sexual assault agencies

NOTE: *All rationales and explanations are the same for this section as outlined in the combined agency section, pgs. 4 – 10.*

#1 Fundamental Service Element: Services should be provided free of charge, except in the delivery of counseling services and only when clients are able and willing to pay. In these cases, fees should be structured on a sliding scale basis.

#2 Fundamental Service Element: Services cannot be denied based on a client's immigration status.

Hotline Services:

#3 Fundamental Service Element: Hotlines must be operational all of the time.

#4 Fundamental Service Element: The response must be "live."

#5 Fundamental Service Element: It always preferable to have a trained advocate handling hotline calls directly. It is required that trained advocates answer the hotline during business hours (e.g. weekdays during an 8 hour work day). During other hours, e.g. weekends and after hours, programs *may* use an answering service. In those circumstances, the called must have access to a trained advocated within *1 hour* of their call.

#6 Fundamental Service Element: Hotline services must include information regarding the issue, local resources, support, and crisis intervention.

#7 Fundamental Service Element: Greetings must be easily recognizable to the caller to verify that they have reached a hotline. Greetings that leave a question in the caller's mind as to who they have reached are not acceptable.

Counseling Services:

#8 Fundamental Service Element:

Group:

**Regularly scheduled open or closed support groups.
Less than a 12 week wait for closed groups.**

Agency exercise to respond to adult survivors of childhood abuse, sexual abuse within an intimate relationship, and stranger sexual assault. Facilitated by trained staff or trained volunteer.

#9 Fundamental Service Element:

Individual:

Counseling or Clinical Treatment by program or, a referral mechanism for Mental health and Substance Abuse Services.

Advocacy Services:

#10 Fundamental Service Element:

Medical:

**Assisting the client in making informed decisions about medical care, including a referral for a forensic exam.
Information about medical care and concerns.
Support, including accompaniment at medical exams. Program should be available within 3 hours of request following an assault, or, available for follow up exams with 24 hour notice.**

#11 Fundamental Service Element:

Legal:

**Information regarding the reporting of crimes and the functions of the civil and criminal justice systems.
Support, including accompaniment to civil or criminal proceedings.
Referrals to legal representation, including Legal Aid of North Carolina.**