

## State of Kansas

### Office of the Attorney General

#### Notice of Public Hearing on Proposed Administrative Regulations

A public hearing will be conducted on Thursday, November 10, 2022 at 1:00 p.m. in the Auditorium of Memorial Hall, 120 SW 10<sup>th</sup> Ave, 2<sup>nd</sup> floor, Topeka, Kansas, to consider the adoption of proposed amended rule and regulation K.A.R. 16-12-4, regarding the certification of batterer's intervention programs.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rule and regulation. All interested parties may submit written comments prior to the hearing to the Victim Services Division, Office of the Attorney General, 120 SW 10<sup>th</sup> Ave., 2<sup>nd</sup> floor, Topeka, KS 66612 or by email to [Danae.Nelson@ag.ks.org](mailto:Danae.Nelson@ag.ks.org).

All interested parties will be given a reasonable opportunity to present their views orally regarding the adoption of the proposed regulation during the public hearing. In order to provide all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes.

Any individual with a disability may request an accommodation in order to participate in the public hearing and may request the proposed regulation and economic impact statement in an accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by contacting Danae Nelson at (785) 296-3367. Individuals with hearing and/or speech disabilities should contact the Kansas Relay Center at 1-800-766-3777 for communication accommodations. The main entrance to Memorial Hall is accessible. Accessible parking is located on 10th Ave., at the front entrance of Memorial Hall.

Copies of the proposed regulation and the Economic Impact Statement for the proposed regulation can be viewed at the following website: <https://ag.ks.gov/victim-services/bip> or by contacting Danae Nelson at (785)296-3367, or by emailing [danae.nelson@ag.ks.gov](mailto:danae.nelson@ag.ks.gov).

Summaries of the proposed regulation and its economic impact follow.

**K.A.R. 16-12-4—Program requirements:** Amendments to K.A.R. 16-12-4 make effective revisions to two documents incorporated by reference, “the essential elements and standards of batterer intervention programs in Kansas” and the “certified batterer intervention program statistical report.”

“The essential elements and standards of batterer intervention programs in Kansas” specifies minimum standards for batterer intervention programs certified to provide batterer intervention program (BIP) services in Kansas. The proposed changes include the addition of minimum standards for juvenile BIP due to recent changes in the Kansas Juvenile Code that allow for juveniles to be ordered in BIP classes. There are also changes in allowing unlicensed professionals who are trained as described to assist in the completion of specific forms used in the assessment process as long as the full domestic violence offender assessment is reviewed and completed by a licensed professional, who meets all training requirements of an assessor as laid out in the standards. Only a licensed professional can complete the Kansas Domestic Violence Offender Assessment (KDVOA). Additional changes include adding parameters for virtual

programming and a new requirement for new and certified programs to complete KBI criminal record checks for all BIP direct service staff as part of new or renewal certification processes.

The “certified batterer intervention program statistical report” is a document identifying specified statistical information submitted by certified BIPs twice yearly to the Batterer Intervention Program Unit. The proposed changes include reformatting the document and the addition of demographic and referral information categories.

### **Economic Impact**

Certified Batterer Intervention Programs are responsible for setting the cost for services for participants. This includes the cost of assessments and group fees, which can include materials. The Office of the Kansas Attorney General does not dictate how much these services cost for each program. Programs set up their payments depending on the type of business program operated. These programs can be private business, non-profit agencies, or local, state and federal government agencies.

The cost for a KBI criminal record check for all BIP direct service staff as part of new or renewal certification is \$20.00 per individual. For programs not already performing a record check, this will be an added cost. In 2021, BIPs reported a total of approximately 130 direct service BIP staff in 41 certified BIPs, with an average of 3.2 (median 2) direct service staff per program.  $\$20 \times 130 \text{ staff} = \$2600 / 2 \text{ years} = \$1300/\text{year}$  (or  $\$20 \times 3.2 = \$64 / 2 \text{ years} = \$32/\text{year}/\text{program}$ , based on average number of direct service staff reported by BIPs in 2021).

Revisions also include minimum operating requirements for those programs seeking to provide virtual/tele or juvenile BIP services, but does not mandate programs provide these services. If programs choose to provide services in these capacities, those programs may incur additional operational costs.