

DOMESTIC VIOLENCE COUNSELORS

40-HOUR TRAINING CURRICULUM

40-HOUR

SAMPLE 40-HOUR CURRICULUM • FREQUENTLY ASKED QUESTIONS (FAQ'S)²

Q: *How is "Domestic Violence Counselor" defined?*

A: According to California Evidence Code Section §1037.1(a)(1) (see below), "domestic violence counselor" means a person who is employed by a domestic violence victim service organization (see below), whether financially compensated or not, for the purpose of rendering advice or assistance to victims of domestic violence and who has at least 40 hours of training as specified (see below).

Q: *What if I have completed the 40-hour training, but am not employed by a domestic violence victim service organization – am I still considered a "Domestic Violence Counselor?"*

A: Then, according to code, you are not considered a "Domestic Violence Counselor." Those meeting the training requirements outlined in California Evidence Code Section §1037.1(a)(1) (see below) and employed by a domestic violence service organization (see below) for the purpose of rendering advice or assistance to victims of domestic violence are considered "Domestic Violence Counselors."

Q: *What if I have completed the 40-hour training, but am an unpaid volunteer at a domestic violence victim service organization – am I considered a "Domestic Violence Counselor?"*

A: Then, according to code, you are considered a "Domestic Violence Counselor." Individuals meeting the training requirements outlined in California Evidence Code Section §1037.1(a)(1) (see below) who volunteer at a domestic violence victim service organization (see below) for the purpose of rendering advice or assistance to victims of domestic violence are considered "Domestic Violence Counselors."

Q: *What is a "domestic violence victim service organization?"*

A: According to California Evidence Code Section §1037.1(b) (see below), "domestic violence victim service organization" means a nongovernmental organization or entity that provides shelter, programs, or services to victims of domestic violence and their children, including, but not limited to, either of the following:

- Domestic violence shelter-based programs, as described in Section 18294 of the Welfare and Institutions Code; or,
- Other programs with the primary mission to provide services to victims of domestic violence whether or not that program exists in an agency that provides additional services."

Q: *What should the 40-hour training include?*

A: According to California Evidence Code Section §1037.1(a)(1) (see below), "the training shall include, but need not be limited to, the following areas:

- History of domestic violence
- Civil and criminal law as it relates to domestic violence

² For additional information about State training requirements and programmatic expectations, please consult personnel within Cal EMA's Domestic Violence Section.

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- The domestic violence victim-counselor privilege and other laws that protect the confidentiality of victim records and information
- Societal attitudes toward domestic violence
- Peer counseling techniques
- Housing
- Public assistance and other financial resources available to meet the financial needs of domestic violence victims
- Referral services available to domestic violence victims³

This sample 40-hour curriculum fulfills these code requirements.

Q: *Does my organization have to use this training curriculum?*

A: No, this sample curricula is not meant to be a one-size-fits-all required training tool. This sample curriculum is intended to be an optional resource to augment existing trainings being implemented by domestic violence victim service organizations across the State. It is designed to allow users to download and customize some or all of the training modules as appropriate for your organization's and community's needs.

Q: *How do I get my organization's 40-hour training certified or approved by the State?*

A: The State does not certify or approve these 40-hour training curriculum beyond that which is proscribed in California Evidence Code Section §1037.1. Therefore, if you and your organization meet the code and your training includes the specified areas, then your training fulfills the requirements. If you have further questions about the content of your curriculum you should:

- Ensure it includes the areas required in California Evidence Code Section §1037.1(a)(1) (see above)
- Utilize this sample 40-hour curriculum as a resource to further develop and update your training
- Consult guidance documents provided by Cal EMA (see below)
- Contact designated personnel within Cal EMA's Domestic Violence Section

Q: *What else do I need to do to ensure my domestic violence victim service organization fulfills Cal EMA requirements regarding the 40-hour training?*

A: There are several steps you should take to ensure compliance with grant requirements. First, ensure your training covers the required areas specified in code (see above). Second, adhere to code requirements regarding who conducts the training in your organization (see below). Third, pay attention to the code's requirements for supervision of new Domestic Violence Counselors³.

Fourth, review your grant award agreement regarding record-keeping requirements. In particular, the Training Summary/Training Syllabus Form (see below) is no longer required to be submitted but must be completed and retained for Cal EMA review at site, monitoring and/or technical assistance visits. In addition, you should issue a

³ California Evidence Code Section §1037.1(a)(3) requires that "a domestic violence counselor who has been employed by the domestic violence victim service organization for a period of less than six months shall be supervised by a domestic violence counselor who has at least one year of experience counseling domestic violence victims for the domestic violence victim service organization."

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document attesting to the successful completion of the required 40-hour training to training participants, and retain copies of these documents in Domestic Violence Counselor's personnel/volunteer files.

And finally, contact designated personnel within Cal EMA's Domestic Violence Section for answers to any other compliance questions.

Q: *I've recently been hired by a domestic violence victim service organization, but they are not offering the 40-hour training right away – how can I complete the training to meet the requirements of a Domestic Violence Counselor?*

A: Guidance issued by Cal EMA indicates: "In certain instances (new staff hired just after scheduled training, less than five participants, etc.), projects may send advocates to the training of nearby projects."

Q: *What if a trainee misses parts of the 40-hour training? How many modules or sessions can a trainee miss? Will it suffice to have trainees review all or portions of this sample curriculum online?*

A: In order to meet the requirements of a Domestic Violence Counselor, trainees must meet the requirements of California Evidence Code Section §1037.1(a)(1) (see below), including, but not limited to, the training areas outlined in the code (see above).

Domestic violence victim service organizations are expected to provide these 40-hour trainings. As indicated above, in certain instances, trainees may attend training sessions of nearby projects. This online curriculum was designed to be a sample resource for the field and therefore, is not intended to be a substitute for the delivery of such trainings.

Q: *Who is qualified to conduct the 40-hour training?*

A: According to California Evidence Code Section §1037.1(a)(1) (see below), "the 40 hours of training shall be supervised by an individual who qualifies as a domestic violence counselor, and who has at least one year of experience counseling domestic violence victims for the domestic violence victim service organization."

Q: *What if I am a licensed mental health counselor and/or have conducted domestic violence elsewhere, but am not presently employed or volunteering at a domestic violence victim service organization – am I qualified to conduct these 40-hour trainings?*

A: If you are not employed or volunteering at a domestic violence victim service organization, then according to code, you are not considered a "Domestic Violence Counselor" and are not qualified to conduct these 40-hour trainings.

Q: *How does completion of this 40-hour training relate to the legal concepts of "confidentiality" and "privilege?"*

A: If a domestic violence victim transmits information to a Domestic Violence Counselor who meets code requirements, that information is considered a confidential communication (California Evidence Code Section §1037.2). There are some exceptions and limitations to confidentiality of these communications, and Domestic Violence Counselors are required to inform victims of these limitations (California Evidence Code Section §1037.8).

In addition, a victim of domestic violence has a legal privilege to refuse to disclose and to prevent any other person from disclosing confidential communications between the victim and a Domestic Violence Counselor in any criminal, civil, administrative or other proceeding (California Evidence Code Section §1037 et seq.).

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For more information about the domestic violence victim-counselor privilege and other laws that protect the confidentiality of victim records and information, please refer to Module 11 of this curriculum (“Confidentiality and Privilege”).

Q: *What if we have feedback, suggestions and edits after we utilize this tool?*

A: This sample curriculum is offered as an ongoing work-in-progress, to be considered as a “beta version” which will be reviewed and updated over time. The Partnership is eager to hear from end users about their experiences with this curriculum, and actively seeks feedback and suggestions to improve its usefulness and relevance for the field. To share your experiences and offer feedback, please utilize the following survey link:

<http://www.surveymonkey.com/s/40-hr-curriculum-feedback>. You may also contact the Partnership at (916) 444-7163 to discuss this curriculum further.