



STATE OF WASHINGTON  
DEPARTMENT OF SOCIAL AND HEALTH SERVICES

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February 8, 2011

Christopher J. Hupy  
6018 Norma Beach Road  
Edmonds, WA 98026

Dear Mr. Hupy,

I am writing to reply to your two letters dated December 7, 2010. You have asked a variety of questions in these two documents entitled Clarification Request Part One and Clarification Request Part Two. You requested that answers to your questions be sent to you via e-mail, as well as mailed via USPS to the address you provided. I am sending a pdf version of this letter via email and am also mailing a hard copy of this letter to you via USPS. I have not identified which, if any questions, required consultation with the Attorney General's Office as those communications are privileged.

Your letters request definitions for a number of terms and phrases contained in Washington Administrative Code (WAC) Chapter 388-60. Several of those definitions are contained in the definition section of WAC Chapter 388-60. Other applicable definitions can be found in the definition section of the authorizing statute, Chapter 26.50 Revised Code of Washington (RCW). I am unable to provide definitions for the other terms you have requested, and understand them to have their common meaning. To the extent your requests can be considered suggestions that definitions for these terms should be included in the WAC, the Department of Social and Health Services (the Department) will retain them as suggestions for future amendments to WAC 388-60.

You also requested clarification of a number of sections of the rules for certification of domestic violence perpetrator treatment programs. I will attempt below to answer those that I believe I am authorized to, or have the specific knowledge to answer; however, the vast majority of your questions are beyond my knowledge and authority to answer. RCW 26.50.150 requires that "any program that provides domestic violence treatment to perpetrators of domestic violence must be certified by the department of social and health services and meet minimum standards for domestic violence treatment purposes." That same statute commands the department to adopt rules for standards of approval of domestic violence perpetrator programs, and lists a number of minimum qualifications that must be included in those rules.

The rules that were proposed and adopted as a result of that command from the Legislature are minimum standards. To certify a domestic violence perpetrator treatment program, the Department must determine that the program meets those minimum standards. These rules leave to the certified program determinations such as what conditions are appropriate to impose on participants to assure successful treatment. Therefore, I am unable to provide answers to your questions regarding matters left by rule to the discretion of the program.



Regarding your questions under WAC 388-60-0035, as noted above RCW 26.50.150 requires a domestic violence program to be certified by the Department. This WAC section confirms that certifying role of the department. Your next question related to this WAC section has been answered above in that the standards set forth in the WAC rules are minimum standards that each program seeking certification must meet.

In relation to WAC Chapter 388-60-0095, you asked whether domestic violence perpetrator treatment programs are treatment or therapy, as this chapter of the WAC uses both terms in reference to intervention with domestic violence perpetrators. The "therapy" referred to here is other types of services in which a domestic violence perpetrator treatment participant may participate. The Department will seek to clarify the distinction between domestic violence perpetrator treatment and these other services in future amendments to WAC Chapter 388-60.

In relation to WAC 388-60-0105, you asked what steps the Department has taken to assure programs are provided for both men and women. The minimum standard set forth in this section requires that the program be non-discriminatory. The Department is not given the authority under statute or rule to "assure programs are provided for both men and women," but rather to ensure that a program does not discriminate against a participant based upon gender, and the other categories listed in that section.

You have indicated that the requirements of WAC 388-60-0135 are contradictory. I reviewed the language of this section and do not find the requirements of subsection (1) to contradict the requirements set forth in subsection (3).

As with your suggestions for definitions, the Department will retain your requests for clarification and review them when the Department considers amending the standards for domestic violence perpetrator treatment programs.

Sincerely,



Maureen Kelly, Program Manager  
Division of Quality Management and Accountability  
Children's Administration

C: Bernice Morehead  
Michael Griesedieck, Assistant Attorney General  
Meri Waterhouse