



Public Health Law

Office for State, Tribal, Local and Territorial Support
Centers for Disease Control and Prevention

Menu of State Batterer Intervention Program Laws

Batterer intervention programs are family violence education programs that “seek to reform batterer behavior through psycho-education, cognitive-behavioral intervention, couples counseling, or an assessment of individual needs and batterer typology.”¹ Batterer intervention programs are often mandated in judicial sentencing for domestic violence offenders.² In the 1980s, several states began developing standards and guidelines for these programs,³ and some states have incorporated these standards into law. This menu provides an inventory of state statutes and regulations that specifically reference batterer intervention programs or services.⁴

Laws Referencing Batterer Intervention Programs

Twenty-eight states have laws that make specific reference to batterer intervention programs,⁵ although states laws vary in the depth and breadth of their references to such programs. In eight states, the

¹ Ashleigh Owens, Student Note, *Confronting the Challenges of Domestic Violence Sentencing Policy: A Review of the Increasingly Global Use of Batterer Intervention Programs*, 35 *Fordham Int'l L.J.* 565, 567 (2012).

² *Id.*

³ Ileana Arias et al., *Violence Against Women: The State of Batterer Prevention Programs*, 30 *J.L. MED. & ETHICS* 157, 157–8 (2002).

⁴ CDC's Public Health Law Program (PHLP) conducted a search for “batterer intervention programs” using WestlawNext, a legal research database. The search captured states that reference batterer intervention services or other similar phrasing. Some states have programs that may function similarly to a batterer intervention program but were not captured in PHLP's assessment. *See, e.g.*, LA. ADMIN. CODE tit. 4, pt. VII, §§ 1720-31 (2014) (Family Violence Programs). Six states had references found in the official comments, court rules, or forms rather than statutes and regulations and were thus also excluded. *See* ALA. CODE § 30-3C-8 (2014); COLO. REV. STAT. ANN. § 14-13.5-108 (2014); N.C. 10th Judicial Dist. Local Rule 26 pt. 1, Mecklenburg County, Fam. Ct. Div., Dom. Violence Pol'y & Procedures Manual; N.C. 10th Judicial Dist. Wake County Local Form DOM-24: Order Appointing Parenting Coordinator/Consent; N.D. State Ct. Rules App. I, Form F: Mediator Dom. Violence Screening Tool & Safety Planning; Ohio Summit County, Ct. of Common Pleas Gen. Div. Rule 7: Case Admin. & Disposition; 23 PA. CONS. STAT. ANN. § 5208 (2014). Finally, courts or probationary officers may also use batterer intervention programs regardless of whether state laws require or encourage it.

⁵ Twenty-eight states: Alaska, Arizona, California, Delaware, Florida, Georgia, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Nebraska, New Hampshire, Oklahoma, Oregon, Rhode Island, South Carolina, Tennessee, Texas, Vermont, West Virginia, Wisconsin, and Wyoming.



reference is brief and does not provide any substantive information about the program.⁶ For example, in **South Carolina**, the only law referencing a batterer intervention program is in a section on community domestic violence coordinating councils stating that membership on the council “may include, but is not limited to representatives from . . . batterer intervention programs . . .”⁷ In **Louisiana**, the only reference is within a code section regulating Family Violence Program Minimum Standards.⁸ The law states that batterer intervention services “are not allowed to take place on or near the premises of the family violence program.”⁹

Use of Batterer Intervention Programs

In the remaining 20 states, the references to batterer intervention programs are more substantial.¹⁰ In these states, judicial officers¹¹ consider batterer interventions in both criminal and family law proceedings.¹² Relevant provisions in each state specify whether the judicial officer’s consideration is exclusively mandatory,¹³ exclusively discretionary,¹⁴ or both.¹⁵

ALASKA STAT. ANN. § 25.24.150 (2014); ARIZ.R. PROT. ORD. PROC. 1 (2014); CAL. PENAL CODE § 1203.097 (2014); DEL. CODE ANN. tit. 11, § 3906 (2014); FLA. STAT. ANN. § 741.31 (2014); GA. CODE ANN. § 19-13-10 (2014); IND. CODE ANN. § 31-14-14-5 (2014); KAN. STAT. ANN. § 21-5414 (2014); 920 KY. ADMIN. REGS. 2:020 (2014); LA. ADMIN. CODE tit. 4, pt. VII, § 1730 (2014); ME. REV. STAT. ANN. tit. 19-A, § 1653 (2014); MD. CODE ANN., FAM. LAW § 4-703 (2014); MASS. GEN. LAWS ANN. CH. 209A, § 3 (2014); MICH. COMP. LAWS ANN. § 552.605E (2014); MISS. CODE ANN. § 93-21-101 (2014); MO. ANN. STAT. § 455.549 (2014); NEB. REV. STAT. ANN. § 43-2928 (2014); N.H. REV. STAT. ANN. § 173-B:5 (2014); OKLA. STAT. ANN. tit. 74, § 18p-1 (2014); OR. ADMIN. R. 137-087-0000 (2014); 9-1 R.I. CODE R. § 1 (2014); S.C. CODE ANN. § 43-1-260 (2013); TENN. COMP. R. & REGS. 0490-01-.01 (2014); TEX. CODE CRIM. PROC. ANN. ART. 42.141 (2013); VT. STAT. ANN. tit. 15, § 1140 (2014); W. VA. CODE ANN. § 48-26-203 (2014); WIS. STAT. ANN. § 969.02 (2013); WY ADC ATTG VS CH. 8 s 11.

⁶ Eight states: Georgia, Kentucky, Louisiana, Maryland, Mississippi, South Carolina, Vermont, Wyoming. GA CODE ANN. § 19-13-10 (2014); KY. ADMIN. REGS. 2:020 (2014); LA. ADMIN. CODE tit. 4, pt. VII, § 1730 (2014); MD. CODE ANN., FAM. LAW § 4-703 (2014); MISS. CODE ANN. § 93-21-101 (2014); S.C. CODE ANN. § 43-1-260 (2013); VT. STAT. ANN. tit. 15, § 1140 (2014); WY ADC ATTG CH. 8 §11 (Unlike other states, in Wyoming, under the Attorney General’s Victim Services chapter, law specifically states that BIPs are not considered to be the main resource for domestic violence victims: “BIPs are not the primary resource to victims of domestic violence and sexual assault programs” and that “(p)rograms should refrain from attempting to provide these services where possible.)

⁷ S.C. CODE ANN. § 43-1-260 (2013).

⁸ LA. ADMIN. CODE tit. 4, PT. VII, § 1730 (2014).

⁹ *Id.*

¹⁰ Twenty states: Alaska, Arizona, California, Delaware, Florida, Indiana, Kansas, Maine, Massachusetts, Michigan, Missouri, Nebraska, New Hampshire, Oklahoma, Oregon, Rhode Island, Tennessee, Texas, West Virginia, Wisconsin. ALASKA STAT. ANN. § 25.24.150 (2014); ARIZ.R. PROT. ORD. PROC. 1 (2014); CAL. PENAL CODE § 1203.097 (2014); DEL. CODE ANN. tit. 11, § 3906 (2014); FLA. STAT. ANN. § 741.31 (2014); IND. CODE ANN. § 31-14-14-5 (2014); KAN. STAT. ANN. § 21-5414 (2014); ME. REV. STAT. ANN. tit. 19-A, § 1653 (2014); MASS. GEN. LAWS ANN. ch. 209A, § 3 (2014); MICH. COMP. LAWS ANN. § 552.605e (2014); MO. ANN. STAT. § 455.549 (2014); NEB. REV. STAT. ANN. § 43-2928 (2014); N.H. REV. STAT. ANN. § 173-B:5 (2014); OKLA. STAT. ANN. tit. 74, § 18p-1 (2014); OR. ADMIN. R. 137-087-0000 (2014); 9-1 R.I. CODE R. § 1 (2014); TENN. COMP. R. & REGS. 0490-01-.01 (2014); TEX. CODE CRIM. PROC. ANN. art. 42.141 (2013); W. VA. CODE ANN. § 48-26-203 (2014); WIS. STAT. ANN. § 969.02 (2013).

¹¹ This term includes courts, judges, and parole and probationary officers.

¹² If a state had a body of law that included both mandatory laws, discretionary laws or both as well as unclear laws, it was categorized based on the laws that had affirmative mandatory or discretionary language. Unclear in this context means those laws that suggest that judicial officers can consider a BIP but do not include any language to indicate whether or not it is mandatory or discretionary.

¹³ Mandatory laws include laws that mandate an assessment by a BIP program and subsequent compliance with those recommendations. See DEL. CODE ANN. tit. 11, § 3906 (2014); KAN. STAT. ANN. § 21-6604 (2014).

¹⁴ Discretionary laws include laws that allow assessment by a BIP program and subsequent compliance with those recommendations. See KAN. STAT. ANN. § 21-5414 (2014).

Criminal Law¹⁶

In eight states, judicial officers consider batterer intervention programs only in the criminal law context.¹⁷ Among these eight states, there is variation in whether it is exclusively mandatory,¹⁸ exclusively discretionary,¹⁹ or both mandatory and discretionary, for a judicial officer to consider an intervention.²⁰ In addition, in one state, the relevant provision at issue does not provide enough clarity or specificity in order to make a determination about whether the provision is mandatory or discretionary.²¹

In two states, the judicial officer is mandated by law to consider a batterer intervention program.²² For example, in **California**, if “a person is granted probation for a crime in which the victim is a person defined in Section 6211 of the Family Code, the terms of probation shall include all of the following . . . (s)uccessful completion of a batterer's program.”²³

In four states, the judicial officer has the discretion to decide whether or not to consider a batterer intervention program.²⁴ For example, in **Wisconsin**, in a case where a defendant charged with a misdemeanor is released, “(i)f the person is charged with violating a restraining order or injunction issued under s. 813.12 or 813.125” the judge “may require the person to participate in . . . a batterer's intervention program.”²⁵ In **Oregon**, the Board of Parole may consider batterer intervention enrollment when setting parole deferral periods.²⁶

¹⁵ “Both” refers to the circumstance where the state has a body of law under which ordering or considering BIP enrollment is mandatory in some circumstances and discretionary in others.

¹⁶ Probationary hearings are included in the criminal law category. This category also includes two states under whose body of law the court, probation and parole, as well as state family social services agencies such as the department of children and families, can make referrals to BIPs. There was no additional reference linking the social services agency to a judicial officer; therefore, the provisions were categorized as criminal and not both. See OR. ADMIN. R. 137-087-0030(2014); W. VA. CODE ANN 48-26-701 (2014).

¹⁷ Eight states: California, Delaware, Kansas, New Hampshire, Oregon, Tennessee, West Virginia, Wisconsin. CAL. PENAL CODE § 1203.097 (2014); DEL. CODE ANN. TIT. 11, § 3906 (2014); KAN. STAT. ANN. § 21-5414 (2014); NH R DOM VIOLENCE PROTOCOL 13-3. (This provision clearly sets standards for BIP use in the criminal context. There are other provisions in New Hampshire, see NH R DOM VIOLENCE PROTOCOLS 7H, 7-27, 19-1, 19-5, 19-6, that could potentially be applicable to the family law context as well; however, not enough information is given to make that determination and, therefore, the placement of New Hampshire’s body of law is in criminal law.); OR. ADMIN. R. 137-087-0030 (2014); TENN. CODE ANN. § 40-35-303 (2014); W. VA. CODE ANN 48-26-701 (2014); WIS. STAT. ANN. § 969.02 (2013).

¹⁸ Two states: California and Delaware. CAL. PENAL CODE § 1203.097 (2014); DEL. CODE ANN. tit. 11, § 3906 (2014).

¹⁹ Four states: New Hampshire, Oregon, Tennessee, Wisconsin. NH R DOM VIOLENCE PROTOCOL 19-1; OR. ADMIN. R. 255-062-0016 (2014); TENN. CODE ANN. § 40-35-303 (2014) (A judge may set a probationary period if it is needed in order to complete a BIP.); WIS. STAT. ANN. § 969.02 (2013).

²⁰ One state: Kansas. KAN. STAT. ANN. § 21-5414 (2014).

²¹ One state: West Virginia. W. VA. CODE ANN 48-26-701 (2014).

²² Two states: California and Delaware. CAL. PENAL CODE § 1203.097 (2014); DEL. CODE ANN. tit. 11, § 3906 (2014).

²³ CAL. PENAL CODE § 1203.097 (2014).

²⁴ Four states: New Hampshire, Oregon, Tennessee, Wisconsin. NH R DOM VIOLENCE PROTOCOL 19-1; OR. ADMIN. R. 255-062-0016 (2014); TENN. CODE ANN. § 40-35-303 (2014); WIS. STAT. ANN. § 969.02 (2013).

²⁵ WIS. STAT. ANN. § 969.02 (2013).

²⁶ OR. ADMIN. R. 255-062-0016 (2014).

In one state, **Kansas**, ordering a batterer intervention program is mandatory in some circumstances and discretionary in others.²⁷ For a class B misdemeanor crime of domestic battery, “the court may,” at its discretion, “enter an order that requires the offender to undergo a domestic violence offender assessment conducted by a certified batterer intervention program and follow all recommendations made by such program.”²⁸ When a domestic battery crime rises to the level of a class A misdemeanor or a person felony, “(a)s a condition of any grant of probation, suspension of sentence or parole or of any other release, the offender shall be required to undergo a domestic violence offender assessment conducted by a certified batterer intervention program and follow all recommendations made by such program.”²⁹

In one state, **West Virginia**, the relevant provision does not provide the specificity required to determine whether or not ordering a batterer intervention program is mandatory or discretionary.³⁰ The law states that an intervention program may report to the court “if the participation was court ordered” but does not provide additional information about whether the court order was mandated by law or ordered at the judge’s discretion.³¹

Family Law³²

In three states, judicial officers consider batterer intervention programs only in the family law context.³³ State laws vary with regard to the judicial officer’s role; in the family law context, the judicial officer’s consideration is either exclusively discretionary³⁴ or both mandatory and discretionary.³⁵

In two states, the decision to order a batterer intervention program in family law is exclusively discretionary.³⁶ For example, in **Michigan**, when considering support and parenting time enforcement, the “court shall require conditions . . . in addition to the payment of support that the court determines are in the best interests of a child, including, but not limited to . . . participation in a batterer intervention program that meets the standards recommended by the governor’s task force on batterer intervention standards.”³⁷

In one state, **Alaska**, the decision to consider a batterer intervention program is both mandatory and discretionary.³⁸ With regard to visitation, the court will allow only supervised visitation by a parent with a history of domestic violence “conditioned on that parent’s participating in and successfully completing an intervention program for batterers.”³⁹ With regard to custody, the provision establishes a rebuttable presumption that a parent with a history of domestic violence will not be given custody of his or her

²⁷ One state: Kansas. KAN. STAT. ANN. § 21-5414 (2014).

²⁸ KAN. STAT. ANN. § 21-5414 (2014).

²⁹ *Id.*

³⁰ One state: West Virginia. W. VA. CODE ANN. 48-26-701 (2014).

³¹ *Id.*

³² For the purposes of the menu, Family Law includes both family law and domestic relations law that address such issues as custody and parenting time.

³³ Three states: Alaska, Michigan, Nebraska. ALASKA STAT. ANN. § 25.24.150 (2014); MICH. COMP. LAWS ANN. § 552.605E (2014); NEB. REV. STAT. § 43-2928 (2014).

³⁴ Two states: Michigan, Nebraska. MICH. COMP. LAWS ANN. § 552.605E (2014); NEB. REV. STAT. § 43-2928 (2014).

³⁵ One state: Alaska. ALASKA STAT. ANN. § 25.24.150 (2014).

³⁶ Two states: Michigan and Nebraska. MICH. COMP. LAWS ANN. § 552.605E (2014); NEB. REV. STAT. § 43-2928 (2014).

³⁷ MICH. COMP. LAWS ANN. § 552.605E (2014).

³⁸ One state: Alaska. ALASKA STAT. ANN. § 25.24.150 (2014).

³⁹ *Id.*

child.⁴⁰ However, at the court’s discretion, “(t)he presumption may be overcome by a preponderance of the evidence that the perpetrating parent has successfully completed an intervention program for batterers,” among other factors.⁴¹

Both Criminal and Family Law⁴²

In seven states, judicial officers may consider batterer interventions in both the criminal and family law contexts.⁴³ Relevant state laws vary as to whether a judicial officer’s consideration is exclusively discretionary⁴⁴ or both mandatory and discretionary, depending on the circumstances.⁴⁵

In four states, the decision to order a batterer intervention program is strictly discretionary.⁴⁶ In **Indiana**, in the family law context, “(a)s a condition of granting the noncustodial parent unsupervised parenting time, the court may require the noncustodial parent to complete a batterer’s intervention program certified by the Indiana coalition against domestic violence.”⁴⁷ In the criminal law context, “(a)t the time of sentencing for a person convicted of domestic battery . . . or a crime that involved domestic abuse, neglect, or violence, the court may require the person to complete a batterer’s intervention program approved by the court.”⁴⁸

In three states, the decision is both mandatory in certain circumstances and discretionary in others.⁴⁹ In **Massachusetts**, for example, if a batterer violates an abuse prevention order, the court must “order the

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² A state’s body of law was included in this section when they have a law or a grouping of laws that address the use of BIPs in both the criminal and family law contexts.

⁴³ Seven states: Arizona, Florida, Indiana, Maine, Massachusetts, Rhode Island, Texas. ARIZ. R. FAM. P. 95 (2014); FLA. STAT. ANN. § 741.31 (2014); FLA. STAT. ANN. § 741.30 (2014); IND. CODE ANN. § 31-14-14-5 (2014); IND. CODE ANN. § 35-50-9-1; ME. REV. STAT. tit. 19-A, § 1653 (2014); ME. REV. STAT. ANN. tit. 17-A, § 1204 (2014); MASS. GEN. LAWS ANN. CH. 209A, § 7 (2014); MASS. GEN. LAWS ANN. CH. 209A § 3; R.I. GEN. LAWS 1956, § 15-5-16 (2014); 9-1 R.I. CODE R. § 1 (2014); TEX. FAM. CODE ANN. § 153.004 (2013).

⁴⁴ Four states: Arizona, Indiana, Maine, Texas. ARIZ. R. FAM. P. 95 (2014); ME. REV. STAT. tit. 19-A, § 1653 (2014); ME. REV. STAT. ANN. tit. 17-A, § 1204 (2014); IND. CODE ANN. § 31-14-14-5 (2014); IND. CODE ANN. § 35-50-9-1 (2014); TEX. FAM. CODE ANN. § 153.004 (2013); TEX. CODE CRIM. PROC. ANN. ART. 42.141 (2013). (Texas has a family law that is discretionary *see* TEX. FAM. CODE ANN. § 153.004 (2013) and a law that is applicable to both criminal and family law that is unclear as to whether the provision is mandatory or discretionary *see* TEX. CODE CRIM. PROC. ANN. ART. 42.141 (2013).)

⁴⁵ Three states: Florida, Massachusetts, Rhode Island. FLA. STAT. ANN. § 741.31 (2014); FLA. STAT. ANN. § 741.30 (2014); MASS. GEN. LAWS ANN. CH. 209A, § 7 (2014); MASS. GEN. LAWS ANN. CH. 209A § 3 (Massachusetts has family laws that are discretionary and criminal laws that are either mandatory or both.); R.I. GEN. LAWS 1956, § 15-5-16 (2014); R.I. GEN. LAWS ANN. § 12-29-5 (2014) (Rhode Island has a family law that is discretionary and criminal laws that are mandatory or unclear.)

⁴⁶ Four states: Arizona, Indiana, Maine, Texas. ARIZ. R. FAM. P. 95 (2014); IND. CODE ANN. § 31-14-14-5 (2014); IND. CODE ANN. § 35-50-9-1; ME. REV. STAT. tit. 19-A, § 1653 (2014); ME. REV. STAT. ANN. tit. 17-A, § 1204 (2014); TEX. FAM. CODE ANN. § 153.004 (2013).

⁴⁷ IND. CODE ANN. § 31-14-14-5 (2014).

⁴⁸ *Id.*

⁴⁹ Three states: Florida, Massachusetts, Rhode Island. FLA. STAT. ANN. §§ 741.30-741.31 (2014); MASS. GEN. LAWS ANN. CH. 209A, § 7 (2014); MASS. GEN. LAWS ANN. CH. 209A, § 3 (Massachusetts has family laws that are discretionary and criminal laws that are either mandatory or both.) R.I. GEN. LAWS 1956, § 15-5-16 (2014); R.I. GEN. LAWS ANN. § 12-29-5 (2014) (Rhode Island has a family law that is discretionary and criminal laws that are mandatory and unclear.)

defendant to complete a certified batterer's intervention program .”⁵⁰ However, when granting visitation to an abusive parent, “(t)he court may consider . . . ordering the abusive parent to attend and complete, to the satisfaction of the court, a certified batterer’s treatment program as a condition of visitation.”⁵¹

General Judicial Authority

In one state, the source of law is neither criminal nor family.⁵² In **Oklahoma**, standards and criteria for batterer intervention programs are established under the attorney general’s title. In that section, the language specifies that batterers can be “court-ordered” to attend intervention programs⁵³ but does not indicate whether the court is mandated to order the batterer intervention program or has the discretion to do so.

In one state, **Missouri**, the relevant provision indicates that the court can order a batterer intervention program but does not specify the type of proceeding in which a program could be ordered. The law states only that there shall be “rules to establish standards and to adopt a credentialing process for any court-appointed batterer intervention program.”⁵⁴ However, neither the language in the law nor the placement in the statute indicates whether an intervention program can be court-ordered in criminal, family, or both settings. In addition, the provision does not specify whether the court appointed BIPs are mandatory or discretionary.

Program Length

Only eight states have laws addressing the length of a batterer intervention program.⁵⁵ Three states’ laws set program length in hours, weeks, or months.⁵⁶ Two states set program length in number of sessions.⁵⁷ Finally, three states set program length in terms of both time and number of sessions.⁵⁸

State provisions vary with regard to the minimum duration of a program. For example, in **Maine**, the length of the program “will be a minimum of 48 weeks in duration,” and “(e)ach weekly session will be at least 90 minutes long, with check-in consuming no more than 30 minutes.”⁵⁹ **Tennessee** requires a minimum of 24 class sessions “to meet discharge criteria”.⁶⁰ In **California**, if a person convicted of a domestic violence crime is granted probation, the terms of their probation must include a batterer intervention program “for a period not less than one year,” including “weekly sessions of a minimum of

⁵⁰ MASS. GEN. LAWS ANN. CH. 209A, § 7 (2014).

⁵¹ *Id.* § 3 (2014).

⁵² One state: Oklahoma. OKLA. ADMIN. CODE 75:25-3-4(2014).

⁵³ *Id.*

⁵⁴ One state: Missouri. MO. ANN. STAT. § 455.549 (2014).

⁵⁵ Eight states: California, Florida, Maine, New Hampshire, Oklahoma, Oregon, Rhode Island, Tennessee. CAL. PENAL CODE § 1203.097 (2014); FLA. STAT. ANN. § 741.325 (2014); 03-201; ME. CODE R. CH. 15 § 4 (2014); NH R. DOM. VIOLENCE CH. 19.B; OKLA. ADMIN. CODE § 75:25-3-1 (2014); OR. ADMIN. R. 137-087-0065 (2014); 9-1 R.I. CODE R. § 1 (2014); TENN. COMP. R. & REGS. 0490-01-.01 (2014).

⁵⁶ Three states: Maine, New Hampshire, Rhode Island. ME. CODE R. CH. 15 § 4 (2014); NH R. DOM. VIOLENCE CH. 19.B; 9-1 R.I. CODE R. § 1 (2014).

⁵⁷ Two states: Oregon and Tennessee. OR. ADMIN. R. 137-087-0065 (2014); TENN. COMP. R. & REGS. 0490-01-.01 (2014).

⁵⁸ Three states: California, Florida, Oklahoma. CAL. PENAL CODE § 1203.097 (2014); FLA. STAT. ANN. § 741.325 (2014); OKLA. ADMIN. CODE § 75:25-3-1 (2014).

⁵⁹ ME. CODE R. CH. 15 § 4 (2014).

⁶⁰ TENN. COMP. R. & REGS. 0490-01-.05 (2014).

two hours class time duration,” and the program must be completed in 18 months.⁶¹ In **Florida**, programs must be “at least 29 weeks in length and include 24 weekly sessions.”⁶²

Entities That Certify, License, and Establish Standards

Sixteen states designate specific entities to certify, license, or establish standards for batterer intervention programs,⁶³ such as attorneys general, departments of health, departments of corrections, and others. In five of these states, multiple entities are involved.⁶⁴

Department of Health

In two states, **Arizona and Massachusetts**, the department of health sets standards for batterer intervention programs.⁶⁵ In **Arizona**, a court can order attendance at a program “approved by the Arizona Department of Health Services,” and in **Massachusetts**, a judge can recommend a program “certified by the department of public health.”⁶⁶

Departments of Correction, Criminal Justice, or Probation

In five states, **California, Maine, Missouri, Rhode Island, and Texas**, either the department of corrections, department of probation, or department of criminal justice is involved in the standard

⁶¹ CAL. PENAL CODE § 1203.097 (2014).

⁶² FLA. STAT. ANN. § 741.325 (2014).

⁶³ Sixteen states: Arizona, California, Delaware, Florida, Indiana, Kansas, Maine, Massachusetts, Michigan, Missouri, Oklahoma, Oregon, Rhode Island, Tennessee, Texas, West Virginia. ARIZ. R. FAM. P. 95 (2014) (Department of Health Services); CAL. PENAL CODE § 1203.097 (2014) (Probation Department along with agencies and domestic violence victim advocacy programs); 11 DEL. ADMIN. CODE § 3906 (2014) (Domestic Violence Coordinating Council); FLA. STAT. ANN. § 741.325 (2014) (Set by Law); IND. CODE ANN. § 35-50-9-1 (2014) (Indiana Coalition); KAN. STAT. ANN. § 75-7d01 (2014) (Attorney General Batterer Intervention Program Certification Unit); ME. REV. STAT. ANN. tit. 19, § 4014 (2014) (Department of Corrections in consultation with the Maine Commission on Domestic and Sexual Abuse); MASS. GEN. LAWS ANN. ch. 209a, § 3 (2014) (Department of Public Health); MICH. COMP. LAWS ANN. § 552.605e (2014) (Governor’s Task Force on Batterer Intervention Standards); MO. ANN. STAT. § 455.549 (2014) (Division of Probation and Parole within the Department of Corrections); OKLA. ADMIN. CODE § 75:25-1-3 (2014) (Attorney General); OR. ADMIN. R. 137-087-0000 (2014), OR. REV. STAT. § 180.710 (2014) (Attorney General to adopt rules and LSA with Domestic Violence Coordinating Council to enforce); 9-1 R.I. Code R. § 1 (2014) (Batterers Intervention Program Standards Oversight Committee), 9-1 R.I. Code R. § 1:2 (Rhode Island Department of Corrections/Adult Probation and Parole); TENN. CODE ANN. § 38-12-110 (2014) (State Coordinating Council); TEX. CODE CRIM. PROC. ANN. art. 42.141 (2014) (The Community Justice Assistance Division of the Texas Department of Criminal Justice with the assistance of the statewide nonprofit organization described by Section 3(1)); W. VA. CODE R. § 48-26-401 (2014) (Family Protection Services Board).

⁶⁴ Five states: California, Maine, Oregon, Rhode Island, Texas. CAL. PENAL CODE § 1203.097 (2014) (Probation Department along with agencies and domestic violence advocacy programs); ME. REV. STAT. ANN. tit. 19, § 4014 (2014) (Department of Corrections in consultation with the Maine Commission on Domestic and Sexual Abuse); OR. ADMIN. R. 137-087-0000 (2014), OR. REV. STAT. § 180.710 (2014) (Attorney General to adopt rules and LSA with Domestic Violence Coordinating Council to enforce); 9-1 R.I. Code R. § 1 (2014) (Batterers Intervention Program Standards Oversight Committee), 9-1 R.I. Code R. § 1:2 (Rhode Island Department of Corrections/Adult Probation and Parole); TEX. CODE CRIM. PROC. ANN. art. 42.141 (2014) (The Community Justice Assistance Division of the Texas Department of Criminal Justice with the assistance of the statewide nonprofit organization described by Section 3(1)).

⁶⁵ Two States: Arizona and Massachusetts. ARIZ. R. FAM. P. 95 (2014); MASS. GEN. LAWS ANN. CH. 209A, § 3 (2014).

⁶⁶ *Id.*

setting process for that state.⁶⁷ For example, in **Maine**, the relevant provision indicates that the department of corrections is solely responsible for “establish(ing) standards and procedures for certification of batterers’ intervention programs” as well as “review(ing) and certify(ing) programs that meet the standards.”⁶⁸ In Missouri, the “division of probation and parole within the department of corrections shall promulgate rules to establish standards and to adopt a credentialing process for any court-appointed batterer intervention program.”⁶⁹

Office of the Attorney General

In three states, **Kansas**, **Oklahoma**, and **Oregon**, rules are established by the office of the attorney general.⁷⁰ For example, in **Kansas**, a statute creates “in the office of the attorney general a batterer intervention program certification unit.”⁷¹ **Oregon** gives the “Attorney General authority, in consultation with an advisory committee, to adopt rules that establish standards for batterers’ intervention programs.”⁷²

Domestic Violence Coordinating Councils

In three states, **Delaware**, **Oregon**, and **Tennessee**, domestic violence coordinating councils are delegated the task of setting standards for batterer intervention programs.⁷³ For instance, in **Tennessee**, “(t)he state coordinating council shall promulgate regulations for batterers’ intervention programs . . . and shall certify compliance with the regulations.”⁷⁴ In **Oregon**, the Domestic Violence Coordinating Council along with a Local Supervisory Authority is responsible for standard enforcement.⁷⁵

Family Services Protection Board

In **West Virginia**, the Family Services Protection Board “(r)ecieve(s) and consider(s) applications for licensure of . . . batterer intervention and prevention programs” and “(a)ssess(es) the need for . . . batterer intervention and prevention programs . . . including licensure preapplication and application processes.”⁷⁶

Governor’s Task Force

In **Michigan**, the governor’s task force serves as the standard setting body.⁷⁷ The court can consider “participation in a batterer intervention program that meets the standards recommended by the governor’s task force on batterer intervention standards.”⁷⁸

⁶⁷ Five states: California, Maine, Missouri, Rhode Island, Texas. CAL. PENAL CODE § 1203.097 (2014); ME. REV. STAT. ANN. tit. 19, § 4014 (2014); MO. ANN. STAT. § 455.549 (2014); 9-1 R.I. Code R. § 1, 1:2; TEX. CODE CRIM. PROC. ANN. art. 42.141 (2014).

⁶⁸ ME. REV. STAT. ANN. tit. 19, § 4014 (2014).

⁶⁹ MO. ANN. STAT. § 455.549 (2014).

⁷⁰ Three States: Kansas, Oklahoma, Oregon. KAN. STAT. ANN. § 75-7D01 (2014); OKLA. ADMIN. CODE § 75:25-1-3; OR. ADMIN. R. 137-087-0000 (2014).

⁷¹ KAN. STAT. ANN. § 75-7D01 (2014).

⁷² OR. ADMIN. R. 137-087-0000 (2014).

⁷³ Three states: Delaware, Oregon, Tennessee. 11 DEL. ADMIN. CODE § 3906 (2014); ; OR. REV. STAT. § 180.710 (2014); TENN. CODE ANN. § 38-12-110 (2014).

⁷⁴ TENN. CODE ANN. § 38-12-110 (2014).

⁷⁵ OR. REV. STAT. § 180.710 (2014).

⁷⁶ One state: West Virginia. W. VA. CODE, § 48-26-401(2014).

⁷⁷ One State: Michigan. MICH. COMP. LAWS ANN. § 552.605E (2014).

⁷⁸ *Id.*

Court System

Florida has no certification body specified in the relevant provisions.⁷⁹ However, standards are set by the court, and it is the responsibility of “the court and others who make referrals [to] refer perpetrators only to programming that appropriately addresses the violence committed.”⁸⁰

Advisory Committee

In **Oregon**, the Attorney General has “authority, in consultation with an advisory committee, to adopt rules that establish standards for batterers’ intervention programs.”⁸¹ Further, a “local supervisory authority, in consultation with a local domestic violence coordinating council . . . may periodically review batterers’ intervention programs.”⁸²

Batterers Intervention Program Standards Oversight Committee

In **Rhode Island**, if a batterer intervention program is ordered as a result of criminal sanctions, the program must be “a batterer’s intervention program that is certified by the Batterers Intervention Program Standards Oversight Committee as meeting identified minimum standards.”⁸³

Criminal Justice Agencies and Domestic Violence Advocacy Programs

California law states that the “probation department shall design and implement an approval and renewal process for batterer’s programs and shall solicit input from criminal justice agencies and domestic violence victim advocacy programs.”⁸⁴

Commission on Domestic and Sexual Abuse or Coalition Against Domestic Violence

In two states, **Maine** and **Indiana**, statewide commissions are involved in standard setting for batterer intervention programs.⁸⁵ The **Maine** Department of Corrections “shall adopt rules . . . in consultation with the Maine Commission on Domestic and Sexual Abuse, that establish standards and procedures for certification of batterers’ intervention programs. The department, in consultation with the commission, shall review and certify programs that meet the standards.”⁸⁶ **Indiana** stipulates the use of “an intervention program certified by the Indiana coalition against domestic violence.”⁸⁷

Statewide Nonprofit

Texas specifies that the Community Justice Assistance Division of the Texas Department of Criminal Justice, “with the assistance of” a “nonprofit organization that . . . has been involved in providing to shelter centers, law enforcement agencies, and the legal community statewide advocacy and technical assistance relating to family violence” shall “adopt guidelines for programs and shall accredit programs

⁷⁹ One State: Florida. FLA. STAT. ANN. § 741.325 (2014).

⁸⁰ *Id.*

⁸¹ One State: Oregon. OR. ADMIN. R. 137-087-0000 (2014); OR. REV. STAT. § 180.710 (2014) (“The Attorney General shall appoint an advisory committee composed at least of representatives from local supervisory authorities, batterers’ intervention programs and domestic violence victims’ advocacy groups. The Attorney General, in consultation with the advisory committee, shall adopt rules that establish standards for batterers’ intervention programs.”)

⁸² *Id.*

⁸³ One State: Rhode Island. 9-1 R.I. CODE R. § 1 (2014).

⁸⁴ One State: California. CAL. PENAL CODE § 1203.097 (2014).

⁸⁵ Two States: Maine and Indiana. ME. REV. STAT. ANN. tit. 19, § 4014 (2014); IND. CODE ANN. § 35-50-9-1 (2014).

⁸⁶ ME. REV. STAT. ANN. tit. 19, § 4014 (2014).

⁸⁷ IND. CODE ANN. § 35-50-9-1 (2014).

and providers providing battering intervention and prevention services as conforming to those guidelines.”⁸⁸

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⁸⁸ One state: Texas. TEX. CODE CRIM. PROC. ANN. ART. 42.141 (2014)