

DOMESTIC VIOLENCE COUNSELORS

40-hour training Curriculum

Domestic Violence Counselors 40-hour Training Curriculum • California Partnership to End Domestic Violence © June 2012

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: *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: *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.).

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 “Confidentiality and Privilege” from the California Partnership to End Domestic Violence.