



## ICAR 75

### **Idaho Court Administrative Rule 75. Domestic Violence Evaluators; Advisory Board.**

(a) Evaluators. Evaluators of persons who plead guilty or are found guilty of domestic assault or domestic battery under Idaho Code Section 18-918 shall be approved and shall serve under the following provisions:

(1) Qualifications. An evaluator under Idaho Code Section 18-918(7)(a) shall have the following qualifications:

(A) Licensed physician, licensed psychologist, licensed master social worker, licensed social worker if approved prior to July 1, 2008, licensed professional counselor, licensed marriage and family therapist, licensed registered nurse, licensed nurse practitioner or physician's assistant under the laws of the state of Idaho; an evaluator may be licensed in the state of Idaho or any other state;

(B) Thirty (30) hours of specialized education or training in domestic violence within the previous two years including intimate partner violence and training or education in one or more of the following areas: violence in families; child abuse; anger management; risk factors for future dangerousness; risk factors for lethality; causes of violence; or drug and alcohol abuse. At least four (4) hours must be in the area of intimate partner violence and no more than four (4) of the thirty (30) hours may be in the area of drug and alcohol abuse. The thirty (30) hours must also include an orientation course offered or approved by the Domestic Assault and Battery Evaluator Advisory Board and training in the utilization and interpretation of domestic violence assessment tools. Up to fifteen (15) hours of the thirty (30) hours may be satisfied through approved online CEU programs. Ethics or supervisor training will not count toward the required thirty (30) hours of training. The thirty (30) hours shall be acquired by completing program(s) approved or sponsored by one of the associations as listed in section (a)(2)(B);

(C) One year experience after licensure in assessment or treatment of domestic violence related issues. The Domestic Assault and Battery Evaluator Advisory Board may request further consultation or training based upon the evaluator's experience;

(D) Approved by the Domestic Assault and Battery Evaluator Advisory Board and maintained on a roster by the Administrative Director of the Courts as persons eligible to conduct evaluations of persons guilty of domestic assault or domestic battery. In the event there is no evaluator approved within the judicial district, then the requirements of (B), (C), and (D) may be waived by the court; and

(E) The evaluator must, at his or her own expense, submit to a criminal history check as



provided for in Rule 47, I.C.A.R. Further, the evaluator must sign an Indirect Access Agreement and any other confidentiality agreements required by the Idaho State Police to allow the evaluator access to criminal justice information as required by Rule 33.3(a)(2)(K), Idaho Criminal Rules.

(2) Continuing Education of Evaluators. Beginning the next July 1 after an evaluator has been approved by the Domestic Assault and Battery Evaluator Advisory Board, the evaluator must take at least sixteen (16) hours of specialized training in domestic violence, or related topics in courses approved by the Domestic Assault and Battery Evaluator Advisory Board, in each and every two (2) year period following the July 1 date. An evaluator must file proof of compliance with this requirement with the Administrative Director of the Courts by July first of the year the continuing education is due. Along with proof of compliance, an evaluator must also send proof of current licensing. The Domestic Assault and Battery Evaluator Advisory Board may request further consultation or training based upon the quality of the evaluations or assessments submitted to the court or continuing education obtained.

(A) The sixteen (16) hours of training required in this section shall be in one or more of the following areas: intimate partner violence; violence in families; child abuse; anger management; risk factors for future dangerousness; risk factors for lethality; causes of violence; or drug and alcohol abuse. Ethics or supervisor training will not count toward the required sixteen (16) hours of training. No more than four (4) of the sixteen (16) required hours may be in the area of drug and alcohol abuse. Up to eight (8) of the sixteen (16) required hours may be satisfied through approved participatory online CEU programs.

(B) The sixteen (16) hours of required training in this section shall be acquired by completing a program approved or sponsored by one of the following associations or the national equivalent of any of these organizations: Idaho Psychiatric Association; Idaho Psychological Association; Idaho Nursing Association; Idaho Association of Social Workers; Idaho Counselors Association; Idaho Council on Domestic Violence and Victim Assistance; Idaho Coalition Against Sexual Assault and Domestic Violence; or the Idaho Supreme Court.

(C) Any program that does not meet the criteria set out in both section (a)(2)(A) and section (a)(2)(B) may be submitted to the board for approval either prior to or after completion.

(3) Evaluator Approval. All evaluators under Idaho Code Section 18-918 must be approved by the Domestic Assault and Battery Evaluator Advisory Board. Any person desiring to be approved as an evaluator shall file an application for approval with the Administrative Director of the Courts indicating the qualifications of the applicant and the dates and content of relevant training courses attended. An evaluator approved by the Domestic Assault and Battery Evaluator Advisory Board may continue in service from one calendar year to the next unless otherwise determined by the Domestic Assault and Battery Evaluator Advisory Board. The Administrative Director of the Courts shall maintain a statewide list of approved evaluators by the Domestic Assault and Battery Evaluator Advisory Board. The administrative district judge in each judicial district may, by administrative order, require evaluators to comply with additional criteria beyond those stated in subsections (a)(1), (a)(2) and Rule 33.3, Idaho Criminal Rules.



(b) Advisory Board.

(1) Members. There is hereby created a Domestic Assault and Battery Evaluator Advisory Board consisting of eight (8) members with experience and training in domestic violence. Membership shall consist of at least one member from subsection (A) and a combination of members from the following:

(A) A district judge or magistrate judge appointed by the Supreme Court for a term of two (2) years, who shall serve as chair;

(B) A social worker with experience in working with victims of domestic violence appointed by the Supreme Court for a term of two (2) years, upon submission of names by the Idaho State Social Work Licensing Board and/or other appropriate associations or entities;

(C) A counselor with experience in working with victims of domestic violence appointed by the Supreme Court for a term of two (2) years, upon submission of names by the Idaho State Counselors Licensing Board and/or other appropriate associations or entities;

(D) A psychologist appointed by the Supreme Court for a term of two (2) years, upon submission of names by the Idaho State Board of Psychologist Examiners and/or appropriate association;

(E) A judge presiding over a domestic violence court appointed by the Supreme Court for a term of two (2) years;

(F) A domestic court coordinator appointed by the Supreme Court for a term of two (2) years;

(G) A domestic violence offender intervention program provider appointed by the Supreme Court for a term of two (2) years, upon submission of names from the Idaho Council on Domestic Violence and Victim Assistance and/or other appropriate associations or entities;

(H) A current or past domestic assault and battery evaluator appointed by the Supreme Court for a term of two (2) years; or

(I) A health care provider with experience in working with victims of domestic violence



## ICAR 75

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appointed by the Supreme Court for a term of two (2) years, upon submission of names from appropriate associations or entities.

(2) Powers of Advisory Board. The Domestic Assault and Battery Evaluator Advisory Board shall have the power to make the following recommendations to the Supreme Court:

(A) Recommend qualifications and continuing education of evaluators under subsection (a) of this rule.

(B) Review and recommend for approval or rejection applications of persons to be evaluators under this rule.

(C) Recommend the required content and scope of reports of evaluators under Rule 33.3, Idaho Criminal Rules.

(Adopted March 24, 2017; effective July 1, 2017; amended December 14, 2017, effective July 1, 2018; amended April 4, 2022, effective April 4, 2022.)

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