

**IDAHO SUPREME COURT
451 WEST STATE STREET
P.O. BOX 83720
BOISE, IDAHO 83720-0101
(208) 334-2246**

**APPLICATION FOR APPOINTMENT AS AN EVALUATOR
OF PERSONS WHO ARE GUILTY OF DOMESTIC ASSAULT
OR DOMESTIC BATTERY UNDER I.C. § 18-918
(IDAHO CRIMINAL RULE 33.3)**

Part I

GENERAL INFORMATION

1. Qualifications for Appointment:

To be deemed eligible for appointment as an evaluator, the applicant must be licensed by the state of Idaho or other state as a physician, psychologist, social worker, professional counselor, registered nurse, nurse practitioner, or physician's assistant. In addition, the applicant must have a minimum of one year's experience following licensure in the assessment or treatment of domestic violence related issues, and submit evidence of specialized education or training in domestic violence matters.

2. Supporting Documentation

An applicant must submit the following to be deemed eligible for appointment as an evaluator by the Supreme Court:

- A. The attached application, including Part V, an affidavit of compliance executed by the applicant attesting that the applicant has fulfilled the requirements for appointment; and
- B. A copy of the applicant's current professional license.

3. To Remain on the Supreme Court's Roster of Evaluators

In order for an evaluator to remain on the Supreme Court's roster of evaluators, the evaluator must file proof that the evaluator has taken a minimum of six (6) contact hours of continuing education or training in domestic violence related topics during each preceding twelve (12) month period, by completing courses approved by the Supreme Court. Proof that the continuing education requirement has been satisfied must be submitted to the Supreme Court by July 1 of each year in order to be qualified for the succeeding twelve month period.

4. Applications must be typewritten and mailed or delivered to the Idaho Supreme Court, c/o Administrative Director of the Courts, 451 West State Street, P.O. Box 83720, Boise, Idaho 83720-0101, telephone # (208) 334-2246.

5. Idaho Code § 18-918 and Idaho Criminal Rule (I.C.R.) 33.3 (as revised effective November 1, 1996) are attached for reference.

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Part II

APPLICATION FORM

(Must Be Typewritten)

NAME _____

Organization _____

Mailing Address _____ Suite _____

City _____ County _____ State _____ ZIP _____

Telephone (____) _____ Extension _____ FAX (____) _____

E-Mail Address _____

Counties where you are willing to conduct evaluations? _____

The information you furnish above will be used in all correspondence with you and on the roster of evaluators.

I herewith apply for appointment by the Supreme Court as a person eligible to conduct evaluations of persons guilty of domestic assault or domestic battery under Idaho Code § 18-918 pursuant to Rule 33.3, Idaho Criminal Rules.

In support of this application, I state the following:

I am licensed as a _____ by the state of _____.
(Attach a copy of current professional license.)

I have _____ (check one) [contact] [semester] hours of specialized education or training in domestic violence and have a minimum of one year's experience after licensure in the assessment or treatment of domestic violence related issues. (Complete Parts III and IV.)

Signature _____ Date _____

Please return the completed application with supporting documentation to:

Idaho Supreme Court
Administrative Director of the Courts
451 West State Street
P.O. Box 83720
Boise, Idaho 83720-0101

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Part III

***SPECIALIZED EDUCATION OR TRAINING
IN DOMESTIC VIOLENCE***

NAME _____

<u>Training or Course</u>	<u>Semester or Contact Hours (Specify)</u>	<u>Dates</u>	<u>Sponsored by (Entire Name)</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

(Please use a separate sheet of paper for additional space if needed.)

RULE 33.3. Evaluation of persons guilty of domestic assault or domestic battery.

(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(8)(a) shall have the following qualifications:

(A) Licensed physician, licensed psychologist, licensed social worker, licensed professional counselor, 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) Evidence of specialized education or training in domestic violence;

(C) One year experience after licensure in assessment or treatment of domestic violence related issues; and

(D) Approved by the Domestic Assault and Advisory Board and maintained on a roster by the Administrative Director of the Courts as persons eligible to conduct evaluations of persons guilty of 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.

(2) Continuing Education of Evaluators. After an evaluator has been approved by the Domestic Assault and Advisory Board, the evaluator must take at least six (6) hours of specialized training in domestic violence or related topics in courses approved by the Domestic Assault and Advisory Board, during each preceding twelve month period in which they are approved as an evaluator. An evaluator must file proof of compliance with this requirement with the Administrative Director of the Courts by July first of each year to be certified for the following year commencing the year following appointment.

(A) The six (6) hours of training required in this section shall be in one or more of the following areas: (a) domestic violence; (b) violence in families; (c) child abuse; (d) anger management; (e) prediction or evaluation of future dangerousness; (f) psychiatric causes of violence; or (g) drug and alcohol abuse.

(B) The six (6) hours of required training in this section shall be acquired by completing a program approved or sponsored by one of the following associations: (a) Idaho Psychiatric Association; (b) Idaho Psychologists Association; (c) Idaho Nursing Association; (d)

Idaho Association of Social Workers; (e) Idaho Association of Licensed Professional Counselors; or the national equivalent of any of these organizations.

(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) Appointment Approval. All evaluators under Idaho Code Section 18-918(8)(a) must be appointed approved by order of the Domestic Assault and 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 order of the Domestic Assault and Advisory Board may continue in service from one calendar year to the next unless otherwise ordered by the Domestic Assault and Advisory Board. The Administrative Director of the Courts shall maintain a statewide list of approved evaluators by the Domestic Assault and Advisory Board.

(b) Advisory Board. (1) Members. There is hereby created a Domestic Assault and Battery Evaluator Advisory Board consisting of six (6) members with experience and training in domestic violence, as follows:

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

(B) The Administrative Director of the Courts, or his or her designee,

(C) A social worker appointed by the Supreme Court for a term of two years, upon submission of three (3) names by the State Board of Social Work Examiners or appropriate association,

(D) A counselor appointed by the Supreme Court for a term of two years, upon submission of three (3) names by the Idaho State Counselors Licensing Board or appropriate association,

(E) A psychologist appointed by the Supreme Court for a term of two years, upon submission of three (3) names by the Idaho State Board of Psychologist Examiners or appropriate association, and

(F) A psychiatrist appointed by the Supreme Court for a term of two years, upon submission of three (3) names by the State Board of Medicine or appropriate association.

(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 Rule 33.3(a),

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

(C) Recommend the required content and scope of reports of evaluators under this rule,

(c) The scope and content of the evaluator's report shall be as follows:

(1) Identifying information.

(A) Name

(B) Address

(C) Date of Birth

(D) Occupation

(E) Current Incident

(F) Marital Status

(G) Children

(H) Military Service

(2) Risk Assessment

(A) Current and past violent behavior

(B) Exposure to violence

(C) Threats of homicide/suicide/violence

(D) Ideation of homicide/suicide/violence

(E) Weapons access

(F) Obsessed with or dependent upon victim (Sociopathic Traits)

(G) History of rage and impulsivity

(H) History of sexual abuse (perpetrator or victim)

(I) History of child abuse (perpetrator or victim)

(J) Access to victim

(K) Criminal record

(L) Cultural issues

(M) History of domestic violence protection orders

(N) Prior treatment for aggressive violence

(3) Substance Abuse

(A) Present usage of drugs

(B) Prior treatment for drug abuse or addiction

(C) Involvement of substance abuse in incident

(D) Assessment

(4) Self-Assessment

(A) Description of current incident in person's own words

(B) Person's acceptance of responsibility for incident

(C) Remorse evidenced by person

(D) Person's own view of need for treatment

- (E) Person's willingness to get treatment
- (5) Test Results (If any - substance abuse testing, psychological testing , I.Q., etc.)
- (6) Collateral information
 - (A) Police report
 - (B) Victim interview
 - (C) Prior treatment -- review of past records
- (7) Personality/character assessment
- (8) Behavioral observations/mental status
 - (A) Level of cooperativeness
 - (B) Appearance
 - (C) General present mental status
- (9) Recommendation
 - (A) Danger of reoffending
 - (B) Further assessment opinions and if needed
 - (C) Treatment recommendations
 - (D) Providers available to treat
 - (E) Cost of treatment (estimate)
 - (F) Cost of alternate treatment
 - (G) Resources available to defendant

(Adopted effective August 8, 1995; amended August 23, 1996; effective November 1, 1996; amended January 30, 1997, effective February 1, 1997; amended August 3, 1998, effective August 4, 1998; amended March 9, 1999, effective July 1, 1999.)