



## **RULE REGARDING DOMESTIC VIOLENCE ADVOCATES**

### **Section 1. Statement of Policy.**

Pursuant to the authority of the Supreme Court in Section 3 of Article VI, North Dakota Constitution, and Sections 27-02-07 and 27-02-08, N.D.C.C., it is the policy of the Supreme Court of North Dakota to provide opportunity for appropriate services to persons who are alleged victims of domestic violence in proceedings in the trial courts of North Dakota.

### **Section 2. Definition of Certified Domestic Violence Advocate.**

A Certified Domestic Violence Advocate is defined as a person who:

- (a) is certified by an approved certifying entity as a Certified Domestic Violence Advocate to provide direct support services to alleged victims of domestic violence;
- (b) is affiliated with a domestic violence program which is a member of an approved certifying entity;
- (c) has completed 40 hours of domestic violence training relating to the services and proceedings under Chapter 14-07.1, N.D.C.C., pursuant to a curriculum provided by an approved certifying entity subject to the approval of a committee of three consisting of the State Health Officer, the North Dakota Attorney General and the President of the State Bar Association of North Dakota, or their designees; and
- (d) has completed, in each year following the year of certification, ten additional hours of training in the areas set forth in Section 2(a) and which are developed and approved by the committee of three identified in Section 2(c).

### **Section 3. Definition of Approved Certifying Entity.**

An approved certifying entity is an organization determined by the Supreme Court or its designee to be qualified to train and certify domestic violence advocates. To qualify to train and certify

domestic violence advocates an organization must file with the Supreme Court or its designee satisfactory proof that the organization:

(a) is capable of providing a 40-hour course of domestic violence training relating to the services and proceedings under Chapter 14-07.1, N.D.C.C., following a curriculum approved by the committee of three identified in Section 2(c);

(b) is capable of providing, in each year following the year of certification of a domestic violence advocate, ten additional hours of training in the areas set forth in Section 2(a) and which are developed and approved by the committee of three identified in Section 2(c);

(c) provides affiliation and support to local domestic violence programs in North Dakota; and

(d) has established a grievance procedure as set forth in Section 6.

#### **Section 4. Lists of Certified Domestic Violence Advocates.**

Each approved certifying entity shall provide the State Court Administrator with an annual list of Certified Domestic Violence Advocates in North Dakota as may be revised by the entity from time to time. The State Court Administrator shall provide copies of the current list to all judges presiding in proceedings pursuant to Chapter 14-07.1, N.D.C.C., and to any person, upon request.

#### **Section 5. The Role of Domestic Violence Advocates in Court Proceedings.**

In all proceedings pursuant to Chapter 14-07.1, N.D.C.C., a Certified Domestic Violence Advocate may:

(a) assist the petitioner in completing printed forms for proceedings pursuant to Chapter 14-07.1, N.D.C.C.;

(b) sit with the petitioner during court proceedings; and

(c) at the judge's discretion, make written or oral statements to the court.

#### **Section 6. Grievance Procedure.**

The approved certifying entity shall establish a grievance procedure,

prepared in consultation with the President of the State Bar Association of North Dakota, or the President's designee, which must include provisions for universal standing to submit a complaint, due process, and prompt disposition of complaints.

**Section 7. Unauthorized Practice of Law.**

When providing services pursuant to Section 5, a Certified Domestic Violence Advocate is not engaged in the unauthorized practice of law.

**Section 8. Effective Date.**

The effective date of this Rule, as amended, is January 1, 2005.

Dated at Bismarck, North Dakota, October 20, 2004.

Gerald W. VandeWalle, Chief Justice  
William A. Neumann, Justice  
Dale V. Sandstrom, Justice  
Mary Muehlen Maring, Justice  
Carol Ronning Kapsner, Justice

ATTEST:  
Penny Miller, Clerk