103D CONGRESS 1ST SESSION

H. R. 2573

To protect children from the trauma of witnessing or experiencing violence, sexual abuse, neglect, abduction, rape or death during parent/child visitations or visitation exchanges, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

June 30, 1993

Mr. Sabo introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To protect children from the trauma of witnessing or experiencing violence, sexual abuse, neglect, abduction, rape or death during parent/child visitations or visitation exchanges, and for other purposes.

- 1 Be it enacted by the Senate and House of Representa-
- 2 tives of the United States of America in Congress assembled,
- 3 **SECTION 1. SHORT TITLE.**
- 4 This Act may be cited as the "Child Safety Act".
- 5 SEC. 2. FINDINGS.
- 6 Congress finds the following:
- 7 (1) The problem of family violence does not
- 8 necessarily cease when the victimized family is le-

- gally separated, divorced, or otherwise not sharing a household. During separation and divorce, family violence often escalates, and child custody and visitation become the new forum for the continuation of abuse.
 - (2) Current child custody and visitation laws are based on incorrect assumptions that divorcing parents are in relatively equal positions of power and that such parents always act in the children's best interest. These laws often work against the protection of the children and the abused spouse or intimate partner in families with a history of family violence.
 - (3) Some perpetrators use the children as pawns to control the abused party after the couple is separated.
 - (4) Every year an estimated 1,000 to 5,000 children are killed by their parents in the United States.
 - (5) In 1988, the Department of Justice reported that 354,100 children were abducted by family members who violated custody agreements or decrees. Most victims were children from ages 2 to 11 years.

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1	(6) Approximately 160,000 children are seri-
2	ously injured or impaired by abuse or neglect each
3	year.
4	(7) Studies by the American Humane Associa-
5	tion indicate that reports of child abuse and neglect
6	have increased by over 200 percent from 1976 to
7	1986.
8	(8) Approximately 90 percent of children in
9	homes in which their mothers are abused witness the
0	abuse.
1	(9) Data indicates that women and children are
2	at elevated risk for violence during the process of
3	and after separation.
4	(10) Fifty to 70 percent of men who abuse their
5	spouses or partners also abuse their children.
6	(11) Up to 75 percent of all domestic assaults
7	reported to law enforcement agencies were inflicted
8	after the separation of the couples.
9	(12) In one study of spousal homicide, over half
20	of the male defendants were separated from their
21	victims.
22	(13) Seventy-three percent of battered women

seeking emergency medical services do so after sepa-

ration.

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SEC. 3. PURPOSE.

2	The purpose of this Act is to authorize funding to
3	enable supervised visitation centers to provide the follow-
4	ing:

- (1) Supervised visitation in cases where there is documented sexual, physical or emotional abuse as determined by the appropriate court.
- (2) Supervised visitation in cases where there is suspected or elevated risk of sexual, physical or emotional abuse, or where there have been threats of parental abduction of the child.
- (3) Supervised visitation for children who have been placed in foster homes as a result of abuse.
- (4) An evaluation of visitation between parents and children for child protection social services to assist such service providers in making determinations of whether the children should be returned to a previously abusive home.
- (5) A safe location for custodial parents to temporarily transfer custody of their children with non-custodial parents, or to provide a protected visitation environment, where there has been a history of domestic violence or an order for protection is involved.
- (6) An additional safeguard against the child witnessing abuse or a safeguard against the injury or death of a child or parent.

1	(7) An environment for families to have healthy
2	interaction activities, quality time, non-violent mem-
3	ory building experiences during visitation to help
4	build the parent/child relationship.
5	(8) Parent and child education and support
6	groups to help parents heal and learn new skills, and
7	to help children heal from past abuse.
8	SEC. 4. DEMONSTRATION GRANTS FOR SUPERVISED VISI-
9	TATION CENTERS.
10	(a) IN GENERAL.—The Secretary of Health and
11	Human Services (hereafter referred to in this Act as the
12	"Secretary") is authorized to award grants to and enter
13	into contracts and cooperative agreements with public or
14	nonprofit private entities to assist such entities in the es-
15	tablishment and operation of supervised visitation centers.
16	(b) Considerations.—In awarding grants, con-
17	tracts and agreements under subsection (a), the Secretary
18	shall take into account—
19	(1) the number of families to be served by the
20	proposed visitation center to be established under
21	the grant, contract or agreement;
22	(2) the extent to which supervised visitation
23	centers are needed locally;
24	(3) the relative need of the applicant; and

1 (4) the capacity of the applicant to make rapid 2 and effective use of assistance provided under the 3 grant, contract or agreement.

(c) Use of Funds.—

- (1) In General.—Amounts provided under a grant, contract or cooperative agreement awarded under this section shall be used to establish supervised visitation centers and for the purposes described in section 3. In using such amounts, grantees shall target the economically disadvantaged and those individuals who could not otherwise afford such visitation services. Other individuals may be permitted to utilize the services provided by the center on a fee basis.
- (2) Costs.—To the extent practicable, the Secretary shall ensure that, with respect to recipients of grants, contracts or agreements under this section, the perpetrators of the family violence, abuse or neglect will be responsible for any and all costs associated with the supervised visitation undertaken at the center.

22 SEC. 5. DEMONSTRATION GRANT APPLICATION.

23 (a) IN GENERAL.—A grant, contract or cooperative 24 agreement may not be made or entered into under this 25 Act unless an application for such grant, contract or coop-

1	erative agreement has been submitted to and approved by
2	the Secretary.
3	(b) Approval.—Grants, contracts and cooperative
4	agreements under this Act shall be awarded in accordance
5	with such regulations as the Secretary may promulgate.
6	At a minimum, to be approved by the Secretary under this
7	section an application shall—
8	(1) demonstrate that the applicant has recog-
9	nized expertise in the area of family violence and a
10	record of high quality service to victims of family vi-
11	olence; and
12	(2) be submitted from an entity located in a
13	State where State law requires the courts to con-
14	sider evidence of violence in custody decisions.
15	SEC. 6. EVALUATION OF DEMONSTRATION PROJECTS.
16	(a) IN GENERAL.—Not later than 30 days after the
17	end of each fiscal year, a recipient of a grant, contract
18	or cooperative agreement under this Act shall prepare and
19	submit to the Secretary a report that contains information
20	concerning—
21	(1) the number of families served per year;
22	(2) the number of families served per year cat-
23	egorized by—
24	(A) families who require that supervised
25	visitation because of child abuse only;

1	(B) families who require supervised visita-
2	tion because of a combination of child abuse
3	and domestic violence; and
4	(C) families who require supervised visita-
5	tion because of domestic violence only;
6	(3) the number of visits per family in the report
7	year categorized by—
8	(A) supervised visitation required by the
9	courts;
10	(B) supervised visitation based on sus-
11	pected or elevated risk of sexual, physical, or
12	emotional abuse, or threats of parental abduc-
13	tion of the child that is not court mandated;
14	(C) supervised visitation that is part of a
15	foster care arrangement; and
16	(D) supervised visitation because of an
17	order of protection;
18	(4) the number of supervised visitation arrange-
19	ments terminated because of violations of visitation
20	terms, including violence;
21	(5) the number of protective temporary trans-
22	fers of custody during the report year;
23	(6) the number of parental abduction cases in
24	a judicial district using supervised visitation services

- both as identified in criminal prosecution and custody violations;
 - (7) the number of safety and security problems that occur during the report year;
 - (8) the number of families who are turned away because the center cannot accommodate the demand for services:
 - (9) the process by which children or abused partners will be protected during visitations, temporary custody transfers and other activities for which the supervised visitation centers are created; and
- 13 (10) any other information determined appro-14 priate in regulations promulgated by the Secretary.
- 15 (b) EVALUATION.—In addition to submitting the re16 ports required under subsection (a), an entity receiving a
 17 grant, contract or cooperative agreement under this Act
 18 shall have a collateral agreement with the court, the child
 19 protection social services division of the State, and local
 20 domestic violence agencies or State and local domestic vio21 lence coalitions to evaluate the supervised visitation center
 22 operated under the grant, contract or agreement. The en-
- tities conducting such evaluations shall submit a narrative evaluation of the center to both the center and the grantee.

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1	(c) Demonstration of Need.—The recipient of a
2	grant, contract or cooperative agreement under this Act
3	shall demonstrate, during the first 3 years of the project
4	operated under the grant, contract or agreement, the need
5	for continued funding.
6	SEC. 7. SPECIAL GRANTS TO STUDY THE EFFECT OF SU
7	PERVISED VISITATION ON SEXUALLY ABUSED
8	OR SEVERELY PHYSICALLY ABUSED CHIL
9	DREN.
10	(a) AUTHORIZATION.—The Secretary is authorized to
11	award special grants to public or nonprofit private entities
12	to assist such entities in collecting clinical data for super-
13	vised visitation centers established under this Act to deter-
14	mine—
15	(1) the extent to which supervised visitation
16	should be allowed between children who are sexually
17	abused or severely physically abused by a parent,
18	where the visitation is not predicated on the abusive
19	parent having successively completed a specialized
20	course of therapy for such abusers;
21	(2) the effect of supervised visitation on child
22	victims of sexual abuse or severe physical abuse
23	when the abusive parent exercising visitation has not
24	completed specialized therapy and does not use the

- visitation to alleviate the child victim's guilt, fear, or confusion;
- 3 (3) the relationship between the type of abuse 4 or neglect experienced by the child and the use of 5 supervised visitation centers by the maltreating par-6 ent; and
- 7 (4) in cases of spouse or partner abuse only, 8 the extent to which supervised visitation should be 9 predicated on participation by the abusive spouse in 10 a specialized treatment program.
- 11 (b) APPLICATION.—To be eligible to receive a grant
 12 under this section an entity shall prepare and submit to
 13 the Secretary an application at such time, in such manner
 14 and containing such information as the Secretary may re15 quire, including documentary evidence to demonstrate that
 16 the entity possesses a high level of clinical expertise and
 17 experience in child abuse treatment and prevention as they
 18 relate to visitation. The level of clinical expertise and expe19 rience required will be determined by the Secretary.
- 20 (c) Report.—Not later than 1 year after the date 21 on which a grant is received under this section, and each 22 year thereafter for the duration of the grant, the grantee 23 shall prepare and submit to the Secretary a report con-24 taining the clinical data collected under such grant.

1 SEC. 8. REPORTING.

- 2 Not later than 18 months after the date of enactment
- 3 of this Act, and annually thereafter, the Secretary shall
- 4 prepare and submit to the appropriate committees of Con-
- 5 gress a report containing the information collected under
- 6 the reports received under sections 6 and 7, including rec-
- 7 ommendations made by the Secretary concerning whether
- 8 or not the supervised visitation center demonstration and
- 9 clinical data programs should be reauthorized.

10 SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

- 11 (a) IN GENERAL.—For the purpose of awarding
- 12 grants, contracts and cooperative agreements under this
- 13 Act, there are authorized to be appropriated \$30,000,000
- 14 for fiscal year 1994, \$40,000,000 for fiscal year 1995, and
- 15 \$50,000,000 for fiscal year 1996.
- 16 (b) DISTRIBUTION.—Of the amounts appropriated
- 17 under subsection (a) for each fiscal year—
- 18 (1) not less than 80 percent shall be used to
- award grants, contracts, or cooperative agreements
- 20 under section 5; and
- 21 (2) not more than 20 percent shall be used to
- 22 award grants under section 7.
- 23 (c) DISBURSEMENT.—Amounts appropriated under
- 24 this section shall be disbursed as categorical grants
- 25 through the 10 regional offices of the Department of
- 26 Health and Human Services.

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