

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 870

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.

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## IN THE SENATE OF THE UNITED STATES

MAY 4 (legislative day, APRIL 19), 1993

Mr. WELLSTONE introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

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## 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-

1 gally separated, divorced, or otherwise not sharing a  
2 household. During separation and divorce, family vi-  
3 olence often escalates, and child custody and visita-  
4 tion become the new forum for the continuation of  
5 abuse.

6 (2) Current child custody and visitation laws  
7 are based on incorrect assumptions that divorcing  
8 parents are in relatively equal positions of power and  
9 that such parents always act in the children's best  
10 interest. These laws often work against the protec-  
11 tion of the children and the abused spouse or inti-  
12 mate partner in families with a history of family  
13 violence.

14 (3) Some perpetrators use the children as  
15 pawns to control the abused party after the couple  
16 is separated.

17 (4) Every year an estimated 1,000 to 5,000  
18 children are killed by their parents in the United  
19 States.

20 (5) In 1988, the Department of Justice re-  
21 ported that 354,100 children were abducted by fam-  
22 ily members who violated custody agreements or de-  
23 crees. Most victims were children from ages 2 to 11  
24 years.

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  
10          abuse.

11          (9) Data indicates that women and children are  
12          at elevated risk for violence during the process of  
13          and after separation.

14          (10) Fifty to 70 percent of men who abuse their  
15          spouses or partners also abuse their children.

16          (11) Up to 75 percent of all domestic assaults  
17          reported to law enforcement agencies were inflicted  
18          after the separation of the couples.

19          (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  
23          seeking emergency medical services do so after sepa-  
24          ration.

1 **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:

5 (1) Supervised visitation in cases where there is  
6 documented sexual, physical or emotional abuse as  
7 determined by the appropriate court.

8 (2) Supervised visitation in cases where there is  
9 suspected or elevated risk of sexual, physical or emo-  
10 tional abuse, or where there have been threats of pa-  
11 rental abduction of the child.

12 (3) Supervised visitation for children who have  
13 been placed in foster homes as a result of abuse.

14 (4) An evaluation of visitation between parents  
15 and children for child protection social services to  
16 assist such service providers in making determina-  
17 tions of whether the children should be returned to  
18 a previously abusive home.

19 (5) A safe location for custodial parents to tem-  
20 porarily transfer custody of their children with non-  
21 custodial parents, or to provide a protected visitation  
22 environment, where there has been a history of do-  
23 mestic violence or an order for protection is involved.

24 (6) An additional safeguard against the child  
25 witnessing abuse or a safeguard against the injury  
26 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.

4           (c) USE OF FUNDS.—

5           (1) IN GENERAL.—Amounts provided under a  
6 grant, contract or cooperative agreement awarded  
7 under this section shall be used to establish super-  
8 vised visitation centers and for the purposes de-  
9 scribed in section 3. In using such amounts, grant-  
10 ees shall target the economically disadvantaged and  
11 those individuals who could not otherwise afford  
12 such visitation services. Other individuals may be  
13 permitted to utilize the services provided by the cen-  
14 ter on a fee basis.

15           (2) COSTS.—To the extent practicable, the Sec-  
16 retary shall ensure that, with respect to recipients of  
17 grants, contracts or agreements under this section,  
18 the perpetrators of the family violence, abuse or ne-  
19 glect will be responsible for any and all costs associ-  
20 ated with the supervised visitation undertaken at the  
21 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,

1 both as identified in criminal prosecution and cus-  
2 tody violations;

3 (7) the number of safety and security problems  
4 that occur during the report year;

5 (8) the number of families who are turned away  
6 because the center cannot accommodate the demand  
7 for services;

8 (9) the process by which children or abused  
9 partners will be protected during visitations, tem-  
10 porary custody transfers and other activities for  
11 which the supervised visitation centers are created;  
12 and

13 (10) any other information determined appro-  
14 priate in regulations promulgated by the Secretary.

15 (b) EVALUATION.—In addition to submitting the re-  
16 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 vio-  
21 lence coalitions to evaluate the supervised visitation center  
22 operated under the grant, contract or agreement. The en-  
23 tities conducting such evaluations shall submit a narrative  
24 evaluation of the center to both the center and the  
25 grantee.

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

1       visitation to alleviate the child victim's guilt, fear, or  
2       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 re-  
15      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 expe-  
19      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  
19 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.

