

104TH CONGRESS
1ST SESSION

S. 1207

To amend part B of title IV of the Social Security Act to provide for a set-aside of funds for States that have enacted certain divorce laws, to amend the Legal Services Corporation Act to prohibit the use of funds made available under the Act to provide legal assistance in certain proceedings relating to divorces and legal separations, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 6 (legislative day, SEPTEMBER 5), 1995

Mr. COATS introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend part B of title IV of the Social Security Act to provide for a set-aside of funds for States that have enacted certain divorce laws, to amend the Legal Services Corporation Act to prohibit the use of funds made available under the Act to provide legal assistance in certain proceedings relating to divorces and legal separations, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Family Reconciliation
3 Act”.

4 **SEC. 2. SET-ASIDE FOR STATES WITH APPROVED FAMILY
5 RECONCILIATION PLANS.**

6 (a) IN GENERAL.—

7 (1) SET-ASIDE.—Section 430(d) of the Social
8 Security Act (42 U.S.C. 629(d)) is amended by add-
9 ing at the end the following new paragraph:

10 “(4) FAMILY RECONCILIATION.—The Secretary
11 shall reserve 10 percent of the amounts described in
12 subsection (b) for each fiscal year, for allotment to
13 States with family reconciliation plans approved
14 under section 432(c)(3) to develop and conduct
15 counseling programs described in section
16 432(c)(2)(B).”.

17 (2) ASSISTANCE IN DEVELOPING FAMILY REC-
18 ONCILIATION COUNSELING PROGRAMS.—Section
19 430(d)(1) of such Act (42 U.S.C. 629(d)(1)) is
20 amended—

21 (A) in subparagraph (A), by striking
22 “and” at the end;

23 (B) in subparagraph (B), by striking the
24 period at the end and inserting “; and”; and

25 (C) by adding at the end the following new
26 subparagraph:

1 “(C) in assisting States in developing and
2 operating counseling programs described in sec-
3 tion 432(c)(2)(B).”.

4 (3) FAMILY RECONCILIATION PLANS.—Section
5 432 of such Act (42 U.S.C. 629(b)) is amended by
6 adding at the end the following new subsection:

7 “(c) FAMILY RECONCILIATION PLANS.—

8 “(1) PLAN REQUIREMENTS.—A State family
9 reconciliation plan meets the requirements of this
10 paragraph if the plan demonstrates that the State
11 has in effect the laws referred to in paragraph (2).

12 “(2) SATISFACTION OF PLAN REQUIRE-
13 MENTS.—In order to satisfy paragraph (1), a State
14 must have in effect laws requiring that, prior to a
15 final dissolution of marriage of a couple who have
16 one or more children under 12 years of age, the cou-
17 ple shall be required to—

18 “(A) undergo a minimum 60-day waiting
19 period beginning on the date dissolution docu-
20 ments are filed; and

21 “(B) participate in counseling programs
22 offered by a public or private counseling service
23 that includes discussion of the psychological
24 and economic impact of the divorce on the cou-
25 ple, the children of the couple, and society.”.

1 “(3) APPROVAL OF PLANS.—The Secretary
2 shall approve a plan that meets the requirements of
3 paragraph (1).”.

4 (4) ALLOTMENT.—Section 433 of such Act (42
5 U.S.C. 633) is amended by adding at the end the
6 following new subsection:

7 “(d) ALLOTMENTS TO STATES WITH APPROVED
8 FAMILY RECONCILIATION PLANS.—

9 “(1) IN GENERAL.—From the amount reserved
10 pursuant to section 430(d)(4) for any fiscal year,
11 the Secretary shall allot to each State (other than an
12 Indian tribe) with a family reconciliation plan ap-
13 proved under section 432(c)(3), an amount that
14 bears the same ratio to the amount reserved under
15 such section as the average annual number of final
16 dissolutions of marriage described in paragraph (2)
17 in the State for the 3 fiscal years referred to in sub-
18 section (c)(2)(B) bears to the average annual num-
19 ber of such final dissolutions of marriage in such 3-
20 year period in all States with family reconciliation
21 plans approved under section 432(c)(3).

22 “(2) FINAL DISSOLUTIONS OF MARRIAGE DE-
23 SCRIBED.—For purposes of paragraph (1), a final
24 dissolution of marriage described in this paragraph

1 is a final dissolution of marriage of a couple who
2 have one or more children under 12 years of age.”.

3 (5) ENTITLEMENT.—

4 (A) IN GENERAL.—Section 434(a) of such
5 Act (42 U.S.C. 629d(a)) is amended by adding
6 at the end the following new paragraph:

7 “(3) FAMILY RECONCILIATION AMOUNT.—
8 Each State with a family reconciliation plan ap-
9 proved under section 432(c)(3) shall be entitled to
10 an amount equal to the allotment of the State under
11 section 433(d) for the fiscal year.

12 (B) CONFORMING AMENDMENT.—Section
13 434(a) of such Act (42 U.S.C. 629d(a)) is
14 amended by striking “paragraph (2)” and in-
15 serting “paragraphs (2) and (3)”.

16 (b) EFFECTIVE DATE.—The amendments made by
17 subsection (a) shall take effect on October 1, 1995.

18 **SEC. 3. USE OF FUNDS UNDER LEGAL SERVICES CORPORA-**
19 **TION ACT.**

20 Section 1007(b) of the Legal Services Corporation
21 Act (42 U.S.C. 2996f(b)) is amended—

22 (1) in paragraph (9), by striking “; or” and in-
23 serting a semicolon;

24 (2) in paragraph (10), by striking the period
25 and inserting “; or”; and

1 (3) by adding at the end the following:

2 “(11) to provide legal assistance to an eligible
3 client with respect to a proceeding or litigation in
4 which the client seeks to obtain a dissolution of a
5 marriage or a legal separation from a spouse, except
6 that nothing in this paragraph shall prohibit a recip-
7 ient from providing legal assistance to the client
8 with respect to the proceeding or litigation if a court
9 of appropriate jurisdiction has determined that the
10 spouse has physically or mentally abused the
11 client.”.

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