

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-

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.

