

105TH CONGRESS
1ST SESSION

H. R. 2779

To provide grants to establish and operate supervised visitation centers for the purposes of facilitating supervised visitation of children and visitation exchange.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 30, 1997

Mrs. MORELLA (for herself, Mr. SCHUMER, Mrs. JOHNSON of Connecticut, Mr. DAVIS of Virginia, Ms. FURSE, Ms. CARSON, Mr. VENTO, Mr. STARK, Mr. FROST, Mr. PAYNE, Mr. HINCHEY, and Mr. SANDERS) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To provide grants to establish and operate supervised visitation centers for the purposes of facilitating supervised visitation of children and visitation exchange.

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 “Safe Havens for Chil-
5 dren Act of 1997”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress finds the following:

1 (1) Family violence does not necessarily cease
2 when family victims are legally separated by divorce
3 or otherwise not sharing a household.

4 (2) According to a 1996 report by the American
5 Psychological Association, custody and visitation dis-
6 putes are more frequent when there is a history of
7 domestic violence.

8 (3) Family violence often escalates following
9 separation and divorce, and child custody and visita-
10 tion arrangements become the new forum for the
11 continuation of abuse.

12 (4) According to a 1996 report by the American
13 Psychological Association, fathers who batter moth-
14 ers are twice as likely to seek sole custody of their
15 children. In these circumstances, if the abusive fa-
16 ther loses custody he is more likely to continue the
17 threats to the mother through other legal actions.

18 (5) Some perpetrators of violence use the chil-
19 dren as pawns to control the abused party and to
20 commit more violence during separation or divorce.
21 In one study, 34 percent of women in shelters and
22 callers to hotlines reported threats of kidnapping, 11
23 percent reported that the batterer had kidnapped
24 the child for some period, and 21 percent reported

1 that threats of kidnapping forced the victim to re-
2 turn to the batterer.

3 (6) Approximately 90 percent of children in
4 homes in which their mothers are abused witness the
5 abuse. Children who witness domestic violence may
6 exhibit more aggressive, antisocial, fearful, and in-
7 hibited behaviors. Such children display more anxi-
8 ety, aggression and temperamental problems.

9 (7) Women and children are at an elevated risk
10 of violence during the process of separation or di-
11 vorce.

12 (8) Fifty to 70 percent of men who abuse their
13 spouses or partners also physically abuse their chil-
14 dren.

15 (9) Up to 75 percent of all domestic assaults
16 reported to law enforcement agencies were inflicted
17 after the separation of the couple.

18 (10) In one study of spousal homicide, over $\frac{1}{2}$
19 of the male defendants were separated from their
20 victims.

21 (11) Seventy-three percent of battered women
22 seeking emergency medical services do so after sepa-
23 ration.

24 (12) The National Council of Juvenile and
25 Family Court Judges includes the option of visita-

1 tion centers in their Model Code on Domestic and
2 Family Violence.

3 (b) PURPOSES.—The purposes of section 2 are—

4 (1) to protect children from the trauma of wit-
5 nessing or experiencing violence, sexual abuse, ne-
6 glect, abduction, rape, or death during parent and
7 child visitation and visitation exchanges;

8 (2) to protect victims of domestic violence from
9 experiencing further violence, abuse, and threats
10 during child visitation or visitation exchanges; and

11 (3) to provide an ongoing safe haven for par-
12 ents and children during visitation or visitation ex-
13 changes to promote continuity and stability.

14 **SEC. 2. GRANTS TO STATES TO PROVIDE FOR SUPERVISED**
15 **VISITATION CENTERS.**

16 (a) GRANTS TO STATES.—The Attorney General may
17 award grants to States to enable States to enter into con-
18 tracts and cooperative agreements with public or private
19 nonprofit entities to assist such entities in establishing
20 and operating supervised visitation centers for the pur-
21 poses of facilitating supervised visitation and visitation ex-
22 change. At least 50 percent of all grants awarded under
23 this subsection shall be used by State grantees for con-
24 tracts and cooperative agreements with nonprofit, non-
25 governmental entities.

1 (b) CONSIDERATIONS.—In awarding grants under
2 paragraph (1), the Attorney General shall take into ac-
3 count and in awarding contracts and cooperative agree-
4 ments a State which received such a grant shall take into
5 account—

6 (1) the number of families to be served by the
7 proposed visitation center to be established under
8 the grant;

9 (2) the extent to which supervised visitation
10 centers serve underserved populations as that term
11 is defined in section 2003(7) of the Omnibus Crime
12 Control and Safe Streets Act of 1968 (42 U.S.C.
13 3796gg-2(7));

14 (3) the extent to which the applicant dem-
15 onstrates cooperation and collaboration with non-
16 profit, nongovernmental entities in the local commu-
17 nity served, including the State domestic violence co-
18 alition centers and other local shelters and programs
19 for domestic violence victims, including programs
20 providing legal assistance to domestic violence vic-
21 tims; and

22 (4) the extent to which the applicant dem-
23 onstrates coordination or collaboration with State
24 and local court systems, including mechanisms for
25 communication and referral.

1 (c) USE OF FUNDS.—

2 (1) IN GENERAL.—Amounts provided under a
3 grant under subsection (a) or provided by a State
4 grantee under a contract or cooperative agreement
5 shall be used to establish supervised visitation cen-
6 ters and for the purposes described in section 1(b).
7 In using such amounts, grantees and persons award-
8 ed a contract or cooperative agreement shall target
9 the economically disadvantaged and those individuals
10 who could not otherwise afford such visitation serv-
11 ices. Individuals shall be permitted to use the serv-
12 ices provided by the center on a sliding fee basis.

13 (2) REGULATIONS AND APPLICANT REQUIRE-
14 MENTS.—The Attorney General shall award grants
15 to States and States shall enter into contracts and
16 cooperative agreements under such grants in accord-
17 ance with such regulations as the Attorney General
18 may promulgate. The Attorney General shall give
19 priority in awarding grants and States shall give pri-
20 ority in awarding contracts and cooperative agree-
21 ments under such grants to States that consider do-
22 mestic violence in making a custody decision. An ap-
23 plicant awarded a grant from the Attorney General
24 or an applicant awarded a contract or cooperative
25 agreement by a State grantee shall—

1 (A) demonstrate recognized expertise in
2 the area of family violence and a record of high
3 quality service to victims of domestic violence;

4 (B) demonstrate collaboration with and
5 support of the State domestic violence coalition
6 and local domestic violence shelter or program
7 in the locality in which the supervised visitation
8 center will be operated; and

9 (C) provide long-term supervised visitation
10 and visitation exchange services to promote con-
11 tinuity and stability.

12 (d) REPORTING.—Not later than 60 days after the
13 end of each fiscal year, the Attorney General shall report
14 to Congress information concerning—

15 (1) the number of individuals served and the
16 number of individuals turned away from services
17 categorized by State, the number of individuals from
18 underserved populations served or turned away from
19 such services, and the type of presenting problems
20 that underlie the need for supervised visitation or
21 visitation exchange, such as domestic violence, child
22 abuse emotional or other physical abuse, or a com-
23 bination of such factors;

24 (2) the numbers of supervised visitations or vis-
25 itation exchanges ordered during custody determina-

1 tions under a separation or divorce decree or protec-
2 tion order, through child protection services, or
3 through other social services agencies;

4 (3) the process by which children or abused
5 partners are protected during visitations, temporary
6 custody transfers and other activities for which the
7 supervised visitation centers are created;

8 (4) safety and security problems occurring dur-
9 ing the reporting period during supervised visitations
10 or at visitation centers including the number of pa-
11 rental abduction cases;

12 (5) the number of parental abduction cases in
13 a judicial district using supervised visitation services,
14 both as identified in criminal prosecution and cus-
15 tody violations; and

16 (6) any other appropriate information des-
17 igned in regulations promulgated by the Attorney
18 General.

19 (e) AUTHORIZATION OF APPROPRIATIONS.—

20 (1) IN GENERAL.—For the purpose of awarding
21 grants under this section, there are authorized to be
22 appropriated \$75,000,000 for fiscal year 1998,
23 \$85,000,000 for fiscal year 1999, and \$95,000,000
24 for fiscal year 2000.

1 (2) DISTRIBUTION.—Of the amounts appro-
2 priated under subparagraph (A) for each fiscal year,
3 not less than 95 percent shall be used to award
4 grants.

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