

112TH CONGRESS
2D SESSION

H. R. 3977

To consolidate, improve, and reauthorize programs that support families and victims in the justice system affected by domestic violence.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 8, 2012

Mr. HONDA introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To consolidate, improve, and reauthorize programs that support families and victims in the justice system affected by domestic violence.

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; FINDINGS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Domestic Violence Judicial Support Act of 2012”.

6 (b) FINDINGS.—The Congress finds as follows:

7 (1) The 2010 National Survey by the Centers
8 for Disease Control and Prevention found that 1 in
9 4 women have been the victim of severe physical vio-
10 lence by an intimate partner, while 1 in 7 men expe-

1 rienced severe physical violence by an intimate part-
2 ner. Female victims of intimate partner violence ex-
3 perience different patterns of violence than male
4 victims. Female victims experienced multiple forms
5 of these types of violence; male victims most often
6 experienced physical violence.

7 (2) A critical issue in domestic violence cases is
8 the risk of continued victimization during the pre-
9 trial period. Offenders may violate no-contact orders,
10 further injure victims, or intimidate them. Such oc-
11 currences highlight a critical need for efficiency in
12 court proceedings.

13 (3) Of 3,750 intimate partner violence cases
14 filed in State courts in 16 large urban counties in
15 2002, children were present during the violent inci-
16 dent in 36 percent of the cases. Of those children
17 who were present, 60 percent directly witnessed the
18 violence. Court collection of information and statis-
19 tics related to children who witnessed a violent inci-
20 dent between intimate partners assists courts in
21 identifying children in need of services as a result of
22 such an incident.

23 (4) Domestic violence cases involving spouses
24 and other intimate partners often entail complex
25 processes that require careful consideration by the

1 criminal justice system. In the 1990s, many jurisdic-
2 tions began to create specialized domestic violence
3 courts for judges to ensure follow-through on cases,
4 aid domestic violence victims, and hold offenders ac-
5 countable, with the assistance of justice and social
6 service agencies. By specializing in domestic violence
7 offenses, these courts aim to process cases more effi-
8 ciently and deliver more consistent rulings about do-
9 mestic violence statutes. Some domestic violence
10 courts also incorporate a stronger focus on rehabili-
11 tation of offenders and deterrence of repeat offenses.
12 These courts can also be more sensitive to the needs
13 of victims and be able to direct victims to additional
14 community resources.

15 (5) One-third of violent felony defendants in
16 State criminal courts have been charged with domes-
17 tic violence.

18 (6) Teen dating violence cases are best handled
19 by courts who have had the training to make in-
20 formed decisions and have the resources to make
21 services available, on-site and in the community, in-
22 cluding—

23 (A) counseling;

24 (B) victim witness services;

1 (C) assistance with civil restraining orders,
2 paternity determinations, custody and access
3 orders, and child support orders; and

4 (D) locating other assistance needed by
5 teen victims.

6 (7) There are more than 400,000 children in
7 foster care in the United States. Congress has
8 charged juvenile courts with oversight of child wel-
9 fare cases. Highly trained and engaged judges fo-
10 cused on effective case oversight and system reform
11 have been shown to save significant foster care costs
12 for the States.

13 (8) A 2009 study by the Department of Justice
14 found that Kentucky saved \$85,000,000 in one year
15 through the issuance of protection orders and the re-
16 duction in violence resulting from the issuance of
17 such orders. Examples such as this are prevalent
18 across the Nation.

19 (9) Children with a Court Appointed Special
20 Advocate volunteer spend 7.5 months less in foster
21 care, experience fewer out of home placements, and
22 have significantly improved education performance,
23 compared to their peers without a volunteer advo-
24 cate.

1 sault, or stalking, or in cases involving allegations of child
2 sexual abuse.

3 “(b) USE OF FUNDS.—A grant under this section
4 may be used to—

5 “(1) provide supervised visitation and safe visi-
6 tation exchange of children and youth by and be-
7 tween parents in situations involving domestic vio-
8 lence, dating violence, child sexual abuse, sexual as-
9 sault, or stalking;

10 “(2) develop and promote State, local, and trib-
11 al legislation, policies, and best practices for improv-
12 ing civil and criminal court functions, responses,
13 practices, and procedures in cases involving a history
14 of domestic violence, dating violence, sexual assault,
15 or stalking, or in cases involving allegations of child
16 sexual abuse, including cases in which the victim
17 proceeds pro se;

18 “(3) educate court-based and court-related per-
19 sonnel (including custody evaluators and guardians
20 ad litem) and child protective services workers on
21 the dynamics of domestic violence, dating violence,
22 sexual assault (including child sexual abuse), and
23 stalking, including information on perpetrator behav-
24 ior, evidence-based risk factors for domestic and dat-
25 ing violence homicide, and on issues relating to the

1 needs of victims, including safety, security, privacy,
2 and confidentiality, including cases in which the vic-
3 tim proceeds pro se;

4 “(4) provide appropriate resources in juvenile
5 court matters to respond to dating violence, domestic
6 violence, sexual assault (including child sexual
7 abuse), and stalking and ensure necessary services
8 dealing with the health and mental health of victims
9 are available;

10 “(5) enable courts or court-based or court-re-
11 lated programs to develop or enhance—

12 “(A) court infrastructure (such as special-
13 ized courts, consolidated courts, dockets, intake
14 centers, or interpreter services);

15 “(B) community-based initiatives within
16 the court system (such as court watch pro-
17 grams, victim assistants, pro se victim assist-
18 ance programs, or community-based supple-
19 mentary services);

20 “(C) offender management, monitoring,
21 and accountability programs;

22 “(D) safe and confidential information-
23 storage and information-sharing databases
24 within and between court systems;

1 “(E) education and outreach programs to
2 improve community access, including enhanced
3 access for underserved populations; and

4 “(F) other projects likely to improve court
5 responses to domestic violence, dating violence,
6 sexual assault, and stalking;

7 “(6) provide civil legal assistance and advocacy
8 services, including legal information and resources in
9 cases in which the victim proceeds pro se, to—

10 “(A) victims of domestic violence, dating
11 violence, sexual assault, or stalking; and

12 “(B) nonoffending parents in matters—

13 “(i) that involve allegations of child
14 sexual abuse;

15 “(ii) that relate to family matters, in-
16 cluding civil protection orders, custody,
17 and divorce; and

18 “(iii) in which the other parent is rep-
19 resented by counsel;

20 “(7) collect data and provide training and tech-
21 nical assistance, including developing State, local,
22 and tribal model codes and policies, to improve the
23 capacity of grantees and communities to address the
24 civil and criminal justice needs of victims of domes-
25 tic violence, dating violence, sexual assault, and

1 stalking who have legal representation, who are pro-
2 ceeding pro se, or are proceeding with the assistance
3 of a legal advocate; and

4 “(8) improve training and education to assist
5 judges, judicial personnel, attorneys, child welfare
6 personnel, and legal advocates in the civil, criminal,
7 and juvenile justice systems.

8 “(c) CONSIDERATIONS.—

9 “(1) IN GENERAL.—In making grants for pur-
10 poses described in paragraphs (1) through (7) of
11 subsection (b), the Attorney General shall consider—

12 “(A) the number of families and victims to
13 be served by the proposed programs and serv-
14 ices;

15 “(B) the extent to which the proposed pro-
16 grams and services serve underserved popu-
17 lations;

18 “(C) the extent to which the applicant
19 demonstrates cooperation and collaboration
20 with nonprofit, nongovernmental entities in the
21 local community with demonstrated histories of
22 effective work on domestic violence, dating vio-
23 lence, sexual assault, or stalking, including
24 State or tribal domestic violence coalitions,
25 State or tribal sexual assault coalitions, local

1 shelters, and programs for domestic violence
2 and sexual assault victims; and

3 “(D) the extent to which the applicant
4 demonstrates coordination and collaboration
5 with State, tribal, and local court systems, in-
6 cluding mechanisms for communication and re-
7 ferral.

8 “(2) OTHER GRANTS.—In making grants under
9 paragraph (8) of subsection (b), the Attorney Gen-
10 eral shall take consider the extent to which the ap-
11 plicant has experience providing training, education,
12 or other assistance to the judicial system related to
13 family violence, child custody, child abuse and ne-
14 glect, adoption, foster care, supervised visitation, di-
15 vorce, and parentage.

16 “(d) APPLICANT REQUIREMENTS.—The Attorney
17 General may make a grant under this section to an appli-
18 cant that—

19 “(1) demonstrates expertise in the areas of do-
20 mestic violence, dating violence, sexual assault,
21 stalking, or child sexual abuse, as appropriate;

22 “(2) ensures that any fees charged to individ-
23 uals for use of supervised visitation programs and
24 services are based on the income of those individ-
25 uals, unless otherwise provided by court order;

1 “(3) for a court-based program, certifies that
2 victims of domestic violence, dating violence, sexual
3 assault, or stalking are not charged fees or any
4 other costs related to the filing, petitioning, modi-
5 fying, issuance, registration, enforcement, with-
6 drawal, or dismissal of matters relating to the do-
7 mestic violence, dating violence, sexual assault, or
8 stalking;

9 “(4) demonstrates that adequate security meas-
10 ures, including adequate facilities, procedures, and
11 personnel capable of preventing violence, and ade-
12 quate standards are, or will be, in place (including
13 the development of protocols or policies to ensure
14 that confidential information is not shared with
15 courts, law enforcement agencies, or child welfare
16 agencies unless necessary to ensure the safety of any
17 child or adult using the services of a program fund-
18 ed under this section), if the applicant proposes to
19 operate supervised visitation programs and services
20 or safe visitation exchange;

21 “(5) certifies that the organizational policies of
22 the applicant do not require mediation or counseling
23 involving offenders and victims being physically
24 present in the same place, in cases where domestic

1 violence, dating violence, sexual assault, or stalking
2 is alleged;

3 “(6) certifies that any person providing legal
4 assistance through a program funded under this sec-
5 tion has completed or will complete training on do-
6 mestic violence, dating violence, sexual assault, and
7 stalking, including child sexual abuse, and related
8 legal issues; and

9 “(7) certifies that any person providing custody
10 evaluation or guardian ad litem services through a
11 program funded under this section has completed or
12 will complete training developed with input from and
13 in collaboration with a tribal, State, territorial, or
14 local domestic violence, dating violence, sexual as-
15 sault, or stalking organization or coalition on the dy-
16 namics of domestic violence and sexual assault, in-
17 cluding child sexual abuse, that includes training on
18 how to review evidence of past abuse and the use of
19 evidenced-based theories to make recommendations
20 on custody and visitation.

21 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
22 is authorized to be appropriated to carry out this section,
23 \$22,000,000 for each of the fiscal years 2013 through
24 2017. Amounts appropriated pursuant to this subsection
25 shall remain available until expended.”.

1 **SEC. 3. COURT-APPOINTED SPECIAL ADVOCATE PROGRAM.**

2 Subtitle B of the Victims of Child Abuse Act of 1990
3 (42 U.S.C. 13011 et seq.) is amended—

4 (1) in section 216 (42 U.S.C. 13012), by strik-
5 ing “January 1, 2010” and inserting “January 1,
6 2015”;

7 (2) in section 217 (42 U.S.C. 13013)—

8 (A) in subparagraph (A) of subsection
9 (c)(2), by striking “Code of Ethics” and insert-
10 ing “Standards for Programs”; and

11 (B) by adding at the end the following:

12 “(e) REPORTING BY GRANTEES.—An organization
13 that receives a grant under this section for a fiscal year
14 shall submit to the Administrator a report regarding the
15 use of the grant for the fiscal year, including a discussion
16 of outcome performance measures (which shall be estab-
17 lished by the Administrator) to determine the effectiveness
18 of the programs of the organization in meeting the needs
19 of children in the child welfare system.”; and

20 (3) in subsection (a) of section 219 (42 U.S.C.
21 13014), by striking “fiscal years 2007 through
22 2011” and inserting “the fiscal years 2013 through
23 2017”.

1 **SEC. 4. REAUTHORIZATION OF THE CHILD ABUSE TRAIN-**
2 **ING PROGRAMS FOR JUDICIAL PERSONNEL**
3 **AND PRACTITIONERS.**

4 Subsection (a) of section 224 of the Victims of Child
5 Abuse Act of 1990 (42 U.S.C. 13024) is amended to read
6 as follows:

7 “(a) **AUTHORIZATION.**—There is authorized to be ap-
8 propriated to carry out this subtitle \$2,300,000 for each
9 of the fiscal years 2013 through 2017.”.

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