

105TH CONGRESS  
1ST SESSION

# H. R. 270

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.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 7, 1997

Mrs. ROUKEMA introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## 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,*

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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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