

105TH CONGRESS  
1ST SESSION

# S. 1129

To provide grants to States for supervised visitation centers.

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## IN THE SENATE OF THE UNITED STATES

JULY 31, 1997

Mr. WELLSTONE (for himself and Mr. DURBIN) introduced the following bill;  
which was read twice and referred to the Committee on Labor and  
Human Resources

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## A BILL

To provide grants to States for supervised visitation centers.

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. PURPOSES.**

7       The purposes of this Act are—

8               (1) to protect children from the trauma of wit-  
9       nessing or experiencing violence, sexual abuse, ne-  
10      glect, abduction, rape, or death during parent-child  
11      visitation and visitation exchanges;

1           (2) to protect victims of domestic violence from  
2           experiencing further violence during child visitation  
3           and visitation exchanges; and

4           (3) to provide safe havens for parents and chil-  
5           dren during visitation and visitation exchanges, to  
6           promote continuity and stability.

7   **SEC. 3. FINDINGS.**

8           Congress makes the following findings:

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

12          (2) According to a 1996 report by the American  
13          Psychological Association, custody and visitation dis-  
14          putes are more frequent when there is a history of  
15          domestic violence.

16          (3) Family violence often escalates following  
17          separation and divorce, and child custody and visita-  
18          tion arrangements become the new forum for the  
19          continuation of abuse.

20          (4) According to a 1996 report by the American  
21          Psychological Association, fathers who batter moth-  
22          ers are twice as likely to seek sole custody of their  
23          children. In these circumstances, if the abusive  
24          father loses custody he is more likely to continue the  
25          threats to the mother through other legal actions.

1           (5) Some perpetrators of violence use the chil-  
2       dren as pawns to control the abused party and to  
3       commit more violence during separation or divorce.  
4       In one study, 34 percent of women in shelters and  
5       callers to hotlines reported threats of kidnapping, 11  
6       percent reported that the batterer had kidnapped  
7       the child for some period, and 21 percent reported  
8       that threats of kidnapping forced the victim to re-  
9       turn to the batterer.

10          (6) Approximately 90 percent of children in  
11       homes in which their mothers are abused witness the  
12       abuse. Children who witness domestic violence may  
13       themselves become victims and exhibit more aggres-  
14       sive, antisocial, fearful, and inhibited behaviors.  
15       Such children display more anxiety, aggression and  
16       temperamental problems.

17          (7) Women and children are at an elevated risk  
18       of violence during the process of separation or  
19       divorce.

20          (8) Fifty to 70 percent of men who abuse their  
21       spouses or partners also abuse their children.

22          (9) Up to 75 percent of all domestic assaults  
23       reported to law enforcement agencies were inflicted  
24       after the separation of the couple.

1           (10) In one study of spousal homicide, over ½  
2           of the male defendants were separated from their  
3           victims.

4           (11) Seventy-three percent of battered women  
5           seeking emergency medical services do so after sepa-  
6           ration.

7           (12) The National Council of Juvenile and  
8           Family Court Judges includes the option of visita-  
9           tion centers in their Model Code on Domestic and  
10          Family Violence.

11 **SEC. 4. GRANTS TO STATES TO PROVIDE FOR SUPERVISED**  
12 **VISITATION CENTERS**

13          (a) IN GENERAL.—The Secretary of Health and  
14 Human Services (in this Act referred to as the “Sec-  
15 retary”) is authorized to award grants to States to enable  
16 States to enter into contracts and cooperative agreements  
17 with public or private nonprofit entities to assist such enti-  
18 ties in establishing and operating supervised visitation  
19 centers for the purposes of facilitating supervised visita-  
20 tion and visitation exchange.

21          (b) CONSIDERATIONS.—In awarding such grants,  
22 contracts, and cooperative agreements under subsection  
23 (a), the Secretary shall take into account—

1           (1) the number of families to be served by the  
2           proposed visitation center to be established under  
3           the grant, contract, or agreement;

4           (2) the extent to which the proposed supervised  
5           visitation centers serve underserved populations; and

6           (3) the extent to which the applicant dem-  
7           onstrates cooperation and collaboration with advo-  
8           cates in the local community served, including the  
9           State domestic violence coalition, State sexual as-  
10          sault coalition, local shelters, and programs for do-  
11          mestic violence and sexual assault victims.

12          (c) USE OF FUNDS.—

13           (1) IN GENERAL.—Amounts provided under a  
14           grant, contract, or cooperative agreement awarded  
15           under this section shall be used to establish super-  
16           vised visitation centers and for the purposes de-  
17           scribed in section 2. Individuals shall be permitted  
18           to use the services provided by the center on a slid-  
19           ing fee basis.

20           (2) APPLICANT REQUIREMENTS.—The Sec-  
21           retary shall award grants, contracts, and cooperative  
22           agreements under this Act in accordance with such  
23           regulations as the Secretary may promulgate. The  
24           Secretary shall give priority in awarding grants, con-  
25           tracts, and cooperative agreements under this Act to

1 States that consider domestic violence in making a  
2 custody decision. An applicant awarded such a  
3 grant, contract, or cooperative agreement shall—

4 (A) demonstrate recognized expertise in  
5 the area of family violence and a record of high  
6 quality service to victims of domestic violence  
7 and sexual assault;

8 (B) demonstrate collaboration with and  
9 support of the State domestic violence coalition,  
10 sexual assault coalition and local domestic vio-  
11 lence and sexual assault shelter or program in  
12 the locality in which the supervised visitation  
13 center will be operated; and

14 (C) provide long-term supervised visitation  
15 and visitation exchange services to promote con-  
16 tinuity and stability.

17 (d) REPORTING AND EVALUATION.—

18 (1) REPORTING.—Not later than 60 days after  
19 the end of each fiscal year, the Secretary shall sub-  
20 mit to Congress a report that includes information  
21 concerning—

22 (A) the number of individuals served and  
23 the number of individuals turned away from  
24 services categorized by State and the type of  
25 presenting problems that underlie the need for

1 supervised visitation or visitation exchange,  
2 such as domestic violence, child abuse, sexual  
3 assault, emotional or other physical abuse, or a  
4 combination of such factors;

5 (B) the numbers of supervised visitations  
6 or visitation exchanges ordered during custody  
7 determinations under a separation or divorce  
8 decree or protection order, through child protec-  
9 tion services, or through other social services  
10 agencies;

11 (C) the process by which children or  
12 abused partners are protected during visita-  
13 tions, temporary custody transfers and other  
14 activities for which the supervised visitation  
15 centers are created;

16 (D) safety and security problems occurring  
17 during the reporting period during supervised  
18 visitations or at visitation centers including the  
19 number of parental abduction cases;

20 (E) the number of parental abduction  
21 cases in a judicial district using supervised visi-  
22 tation services, both as identified in criminal  
23 prosecution and custody violations; and

1 (F) any other appropriate information des-  
2 ignated in regulations promulgated by the Sec-  
3 retary.

4 (2) EVALUATION.—In addition to submitting  
5 the reports required under paragraph (1), an entity  
6 receiving a grant, contract or cooperative agreement  
7 under this Act shall have a collateral agreement with  
8 the court, the child protection social services division  
9 of the State, and local domestic violence agencies or  
10 State and local domestic violence coalitions to evalu-  
11 ate the supervised visitation center operated under  
12 the grant, contract or agreement. The entities con-  
13 ducting such evaluations shall submit a narrative  
14 evaluation of the center to both the center and the  
15 grantee.

16 (e) FUNDING.—

17 (1) IN GENERAL.—There shall be made avail-  
18 able from amounts contained in the Violent Crime  
19 Reduction Trust Fund established under title XXXI  
20 of the Violent Crime Control and Law Enforcement  
21 Act of 1994 (42 U.S.C. 14211 et seq.), \$65,000,000  
22 for each of the fiscal years 1998 through 2000 for  
23 the purpose of awarding grants, contracts, and coop-  
24 erative agreements under this Act.



1           (2) DISTRIBUTION.—Of the amounts made  
2           available to carry out this Act for each fiscal year,  
3           not less than 90 percent of such amount shall be  
4           used to award grants, contracts, or cooperative  
5           agreements.

6           (3) DISBURSEMENT.—Amounts made available  
7           under this Act shall be disbursed as categorical  
8           grants through the 10 regional offices of the Depart-  
9           ment of Health and Human Services.

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