

106TH CONGRESS
1ST SESSION

H. R. 3315

To limit the effects of witnessing or experiencing violence on children.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 10, 1999

Mrs. KELLY (for herself, Mrs. MORELLA, Mrs. MALONEY of New York, Mrs. JOHNSON of Connecticut Mrs. BIGGERT, and Mrs. EMERSON) introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committees on the Judiciary, and Ways and Means, 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

A BILL

To limit the effects of witnessing or experiencing violence
on children.

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 “Reducing the Effects
5 of Abuse and Domestic Violence on Youth” or “READY
6 Act”.

7 **SEC. 2. FINDINGS.**

8 The Congress makes the following findings:

1 (1) Witnessing domestic violence has a dev-
2 astating impact on children, placing them at high
3 risk for anxiety, depression, and, potentially, suicide.
4 These children may exhibit more aggressive, anti-
5 social, fearful, and inhibited behaviors.

6 (2) It is estimated that between 20 and 40 per-
7 cent of chronically violent children have witnessed
8 extreme parental conflict.

9 (3) Domestic violence is strongly correlated
10 with child abuse. Studies have found that between
11 50 and 70 percent of men who abuse their female
12 partners also abuse their children.

13 (4) Boys who witness parental abuse during
14 their childhood are at a higher risk of being phys-
15 ically aggressive in dating and marital relationships.
16 Studies have found that these boys had a 1,000 per-
17 cent greater battering rate than those who had not
18 witnessed such abuse.

19 (5) Girls are 3 times as likely as boys to be vic-
20 tims of sexual abuse.

21 (6) Children often fail to report child sexual
22 abuse because of the fear that disclosure will bring
23 worse consequences than being victimized again, in-
24 cluding consequences from the family, feeling guilty
25 for consequences to the perpetrator, and fear of sub-

1 sequent retaliation from the perpetrator. Victims
2 may also feel that the abuse is their fault.

3 (7) Women are at an increased risk of harm
4 after separation from an abusive partner. Separated
5 women are 3 times more likely than divorced women
6 and 25 times more likely than married women to be
7 victims of violence at the hands of an intimate part-
8 ner.

9 (8) Children are also at increased risk of harm
10 during separation. In one study, 34 percent of
11 women in shelters and callers to hotlines reported
12 threats of kidnaping, 11 percent reported that the
13 battered had kidnaped the child for some period,
14 and 21 percent reported that threats of kidnaping
15 forced the victim to return to the batterer.

16 (9) According to a 1996 report by the American
17 Psychological Association, which Congress views as
18 authoritative on matters of domestic violence and
19 child custody and visitation determinations, custody
20 and visitation disputes are more frequent when there
21 is a history of domestic violence. Further, fathers
22 who batter mothers are twice as likely to seek sole
23 custody of their children and they may misuse the
24 legal system as a forum for continuing abuse
25 through harassing and retaliatory legal actions.

1 (10) The need for supervised visitation centers
2 far exceeds the number of available programs, re-
3 sulting in courts ordering unsupervised visitation
4 and endangering parents and children or cutting off
5 visitation altogether.

6 (11) One-third of high school and college age
7 students experience violence with an intimate part-
8 ner.

9 (12) A 1992 study concluded that being abused
10 or neglected in childhood increases the likelihood of
11 arrest for girls and women by 77 percent.

12 (13) Although courts should diligently protect
13 the interests of both parents in frequent and con-
14 tinuing contact with their children, in the case where
15 one parent has committed domestic violence against
16 the other parent, protection of the other parent and
17 the children is a vital consideration that should take
18 precedence.

19 (14) Every State has legislation or judicial deci-
20 sions that base its custody determinations on what
21 is in the best interests of the child and the vast ma-
22 jority of States include considerations of domestic vi-
23 olence as a factor in determining the best interests
24 of the child.

1 (15) The National Council of Juvenile and
2 Family Court Judges includes the option of super-
3 vised visitation centers in their Model Code on Do-
4 mestic and Family Violence.

5 (16) The documented rate of any child abuse
6 allegations in custody cases is approximately 2 per-
7 cent, and there is no evidence that false accusations
8 are more common in the context of custody litiga-
9 tion.

10 (17) Congress never intended that the Parental
11 Kidnaping Prevention Act of 1980 be used to pro-
12 hibit an abused or protective parent from protecting
13 themselves or their child by relocation to a place of
14 safety.

15 (18) When domestic violence is or has been
16 present in the relationship, shared parenting ar-
17 rangements, couples counseling, or mediation ar-
18 rangements may increase the danger to children and
19 to the nonviolent parent.

1 **TITLE I—CHILDREN WHO**
2 **WITNESS DOMESTIC VIOLENCE**

3 **SEC. 101. GRANTS TO ADDRESS THE NEEDS OF CHILDREN**
4 **WHO WITNESS DOMESTIC VIOLENCE.**

5 (a) IN GENERAL.—The Family Violence Prevention
6 and Services Act (42 U.S.C. 10401 et seq.) is amended
7 by adding at the end the following:

8 **“SEC. 319. MULTISYSTEM INTERVENTIONS FOR CHILDREN**
9 **WHO WITNESS DOMESTIC VIOLENCE.**

10 “(a) GRANTS AUTHORIZED.—

11 “(1) AUTHORITY.—The Secretary, acting
12 through the Director of Community Services, in the
13 Administration for Children and Families, is author-
14 ized to award grants to eligible entities to conduct
15 programs to encourage the use of domestic violence
16 intervention models using multisystem partnerships
17 to address the needs of children who witness domes-
18 tic violence.

19 “(2) TERM AND AMOUNT.—Each grant award-
20 ed under this section shall be awarded for a term of
21 3 years and in an amount of not more than
22 \$500,000 for each such year.

23 “(3) ELIGIBLE ENTITIES.—To be eligible to re-
24 ceive a grant under this section, an entity shall—

25 “(A) be a nonprofit private organization;

1 “(B)(i) demonstrate recognized expertise
2 in the area of domestic violence and the impact
3 of domestic violence on children; or

4 “(ii) enter into a memorandum of under-
5 standing regarding the intervention program
6 that—

7 “(I) is entered into with the State or
8 tribal domestic violence coalition and enti-
9 ties carrying out domestic violence pro-
10 grams that provide shelter or related as-
11 sistance in the locality in which the inter-
12 vention program will be operated; and

13 “(II) demonstrates collaboration on
14 the intervention program with the coalition
15 and entities and the support of the coal-
16 ition and entities for the intervention pro-
17 gram; and

18 “(C) demonstrate a history of providing
19 advocacy, health care, mental health, or other
20 crisis-related services to children.

21 “(b) USE OF FUNDS.—An entity that receives a
22 grant under this section shall use amounts provided
23 through the grant to conduct a program to design or rep-
24 licate, and implement, domestic violence intervention mod-
25 els that use multisystem partners to respond to the needs

1 of children who witness domestic violence. Such a program
2 shall—

3 “(1)(A) involve collaborative partnerships
4 with—

5 “(i) local entities carrying out domestic vi-
6 olence programs that provide shelter or related
7 assistance; and

8 “(ii) partners that are courts, schools, so-
9 cial service providers, health care providers, po-
10 lice, early childhood agencies, entities carrying
11 out Head Start programs under the Head Start
12 Act (42 U.S.C. 9831 et seq.), or entities car-
13 rying out child protection, welfare, job training,
14 housing, battered women’s service, or children’s
15 mental health programs; and

16 “(B) be carried out to design and implement
17 protocols and systems to identify, refer, and appro-
18 priately respond to the needs of, children who wit-
19 ness domestic violence and who participate in pro-
20 grams administered by the partners;

21 “(2) include guidelines to evaluate the needs of
22 a child and make appropriate intervention rec-
23 ommendations;

1 “(3) include institutionalized procedures to en-
2 hance or ensure the safety and security of a battered
3 parent, and as a result, the child of the parent;

4 “(4) provide direct counseling and advocacy for
5 adult victims of domestic violence and their children
6 who witness domestic violence;

7 “(5) include the development or replication of a
8 mental health treatment model to meet the needs of
9 children for whom such treatment has been identi-
10 fied as appropriate;

11 “(6) include policies and protocols for maintain-
12 ing the confidentiality of the battered parent and
13 child;

14 “(7) provide community outreach and training
15 to enhance the capacity of professionals who work
16 with children to appropriately identify and respond
17 to the needs of children who witness domestic vio-
18 lence;

19 “(8) include procedures for documenting inter-
20 ventions used for each child and family; and

21 “(9) include plans to perform a systematic out-
22 come evaluation to evaluate the effectiveness of the
23 interventions.

24 “(c) APPLICATION.—To be eligible to receive a grant
25 under this section, an entity shall prepare and submit to

1 the Secretary an application at such time, in such manner,
2 and containing such information as the Secretary may re-
3 quire.

4 “(d) TECHNICAL ASSISTANCE.—Not later than 90
5 days after the date of enactment of this section, the Sec-
6 retary shall identify successful programs providing multi-
7 system and mental health interventions to address the
8 needs of children who witness domestic violence. Not later
9 than 60 days before the Secretary solicits applications for
10 grants under this section, the Secretary shall enter into
11 an agreement with 1 or more entities carrying out the
12 identified programs to provide technical assistance to the
13 applicants and recipients of the grants. The Secretary may
14 use not more than 5 percent of the amount appropriated
15 for a fiscal year under subsection (e) to provide the tech-
16 nical assistance.

17 “(e) AUTHORIZATION OF APPROPRIATIONS.—

18 “(1) IN GENERAL.—There is authorized to be
19 appropriated to carry out this section \$5,000,000 for
20 each of fiscal years 2000 through 2004.

21 “(2) AVAILABILITY.—Amounts appropriated
22 under paragraph (1) shall remain available until ex-
23 pended.

24 “(f) DEFINITIONS.—In this section:

1 (1) DOMESTIC VIOLENCE.—The term “domestic
2 violence” includes an act or threat of violence, not
3 including an act of self defense, committed by a cur-
4 rent or former spouse of the victim, by a person with
5 whom the victim shares a child in common, by a per-
6 son who is cohabiting with or has cohabited with the
7 victim, by a person who is or has been in a social
8 relationship of a romantic or intimate nature with
9 the victim, by a person similarly situated to a spouse
10 of the victim under the domestic or family violence
11 laws of the jurisdiction of the victim, or by any other
12 person against a victim who is protected from that
13 person’s act under the domestic or family violence
14 laws of the jurisdiction.

15 (2) WITNESS DOMESTIC VIOLENCE.—

16 (A) IN GENERAL.—The term “witness do-
17 mestic violence” means to witness—

18 (i) an act of domestic violence that
19 constitutes actual or attempted physical
20 assault; or

21 (ii) a threat or other action that
22 places the victim in fear of domestic vio-
23 lence.

24 (B) WITNESS.—In subparagraph (A), the
25 term “witness” means to—

1 (i) directly observe an act, threat, or
2 action described in subparagraph (A), or
3 the aftermath of that act, threat, or action;
4 or

5 (ii) be within earshot of an act,
6 threat, or action described in subparagraph
7 (A), or the aftermath of that act, threat,
8 or action.

9 (b) ADMINISTRATION.—Section 305(a) of the Family
10 Violence Prevention and Services Act (42 U.S.C.
11 10404(a)) is amended—

12 (1) by striking “an employee” and inserting “1
13 or more employees”; and

14 (2) by striking “The individual” and inserting
15 “Each individual”.

16 **TITLE II—VIOLENCE AGAINST**
17 **WOMEN PREVENTION IN**
18 **SCHOOLS**

19 **SEC. 201. GRANTS FOR VIOLENCE AGAINST WOMEN PRE-**
20 **VENTION IN SCHOOLS.**

21 (a) PURPOSES.—The purposes of grants under this
22 section are—

23 (1) to reduce the impact of domestic violence,
24 sexual assault, and stalking in the lives of young
25 women and children;

1 (2) to develop, modify, and implement State,
2 local, or tribal school system policies for school per-
3 sonnel at elementary, middle, and secondary schools
4 on domestic violence, sexual assault, and stalking;

5 (3) to develop, modify, and implement State,
6 local, or tribal school system policies regarding iden-
7 tification and referral procedures for students who
8 are witnessing or experiencing domestic violence,
9 sexual assault, or stalking in their lives; and

10 (4) to help prevent students from becoming vic-
11 tims or perpetrators of domestic violence, sexual as-
12 sault, or stalking through State, local, or tribal pro-
13 grams and prevention strategies targeting students
14 at elementary, middle, and secondary schools.

15 (b) GRANTS AUTHORIZED.—The Secretary of Edu-
16 cation, in consultation with the Secretary of Health and
17 Human Services, shall provide grants to State, local, or
18 tribal school systems to develop, modify, and implement
19 State, local, or tribal school system policies and programs
20 for elementary schools, middle schools, and secondary
21 schools which address domestic violence, sexual assault,
22 and stalking.

23 (c) ELIGIBILITY.—To be eligible for a grant under
24 subsection (b), a State, local, or tribal school system shall
25 collaborate with domestic violence or sexual assault ex-

1 perts from State, local, or tribal domestic violence and sex-
2 ual assault programs.

3 (d) APPLICATIONS.—A State, local, or tribal school
4 system that desires to receive a grant under subsection
5 (b) shall submit to the Secretary of Education an applica-
6 tion, in such form and manner as the Secretary of Edu-
7 cation shall prescribe, that—

8 (1) demonstrates that the educational program
9 is comprehensive, engaging, and appropriate to the
10 target areas, is culturally diverse, addresses the
11 needs of underserved communities, has the potential
12 to change attitudes and behaviors, is developed
13 based on research and experience in the areas of
14 youth education, domestic violence, sexual assault,
15 and stalking, collects data on changes in partici-
16 pants' attitudes or behavior, is implemented in col-
17 laboration with domestic violence and sexual assault
18 experts, and includes an evaluation component;

19 (2) demonstrates that the proposed policy devel-
20 opment process includes consultation and collabora-
21 tion with experts on violence against women and
22 girls, such as domestic violence shelters, domestic vi-
23 olence programs, State and tribal domestic violence
24 coalitions, State and tribal sexual assault coalitions,
25 and rape crisis centers; and

1 (3) contains such other information, agree-
2 ments, and assurances as the Secretary of Education
3 may require.

4 (e) USE OF FUNDS.—

5 (1) IN GENERAL.—A State, local, or tribal
6 school system that receives a grant under subsection

7 (b) may use the grant funds—

8 (A) to develop and implement educational
9 programs or prevention strategies for students
10 and personnel in elementary schools, middle
11 schools, and secondary schools addressing do-
12 mestic violence, sexual assault, and stalking;

13 (B) to develop and implement policies to
14 identify students who may be experiencing or
15 witnessing domestic violence, sexual assault, or
16 stalking in their lives and to develop and imple-
17 ment policies on reporting and referral proce-
18 dures for these students;

19 (C) to develop and implement policies to
20 identify students at risk of becoming victims or
21 perpetrators of domestic violence, sexual as-
22 sault, or stalking;

23 (D) to modify the program materials of the
24 model programs created under section 317 of
25 the Family Violence Prevention and Services

1 Act (42 U.S.C. 10417), if appropriate, in order
2 to make the materials applicable to a particular
3 age group; and

4 (E) to purchase the materials described in
5 subparagraph (D).

6 (2) CONFIDENTIALITY.—Policies and programs
7 developed and implemented under paragraph (1)
8 shall address issues of victim safety and confiden-
9 tiality that are consistent with applicable State and
10 Federal laws.

11 (3) OTHER USES OF FUNDS.—

12 (A) GUIDANCE.—The Secretary of Edu-
13 cation shall disseminate any existing Depart-
14 ment of Education policy guidance regarding
15 preventing domestic violence, sexual assault, or
16 stalking.

17 (B) STUDY AND REPORT.—The Secretary
18 of Education shall study existing policies and
19 programs as well as new policies and programs
20 funded by this section and report to Congress
21 recommendations for implementation of suc-
22 cessful policies for referring students to services
23 when they may be witnessing or experiencing
24 domestic violence, sexual assault, or stalking. In
25 publishing the report, the Secretary shall en-

1 sure the safety and confidentiality of all infor-
2 mation concerning the identification of stu-
3 dents.

4 (4) LIMITATION.—

5 (A) ADMINISTRATIVE EXPENSES.—A
6 school system that receives a grant under sub-
7 section (b) for a fiscal year shall use not more
8 than 5 percent of the grant funds for adminis-
9 trative expenses.

10 (B) A school system that receives a grant
11 to fulfill a purpose described in subparagraph
12 (A), (D), or (E) of paragraph (1) shall first
13 have in place and include in its application the
14 school policies by which such programs and pre-
15 vention strategies will be implemented.

16 (f) PUBLICATION.—The Secretary of Education shall
17 publish the availability of grants under subsection (b)
18 through announcement in professional publications for
19 State, local, or tribal school systems described in sub-
20 section (a)(2) and through notice in the Federal Register.

21 (g) TERM.—A grant under subsection (b) may be
22 awarded for a period of not more than 3 fiscal years.

23 (h) EQUITABLE DISTRIBUTION.—In awarding grants
24 under subsection (b), the Secretary of Education shall en-

1 sure an equitable geographic distribution to State, local,
2 and tribal school systems throughout the United States.

3 (i) REQUIREMENTS.—In carrying out an educational
4 program under a grant under subsection (b), a State,
5 local, or tribal school system shall—

6 (1) consult and collaborate with experts on vio-
7 lence against women and girls, such as domestic vio-
8 lence shelters, domestic violence programs, State and
9 tribal domestic violence coalitions, State and tribal
10 sexual assault coalitions, and rape crisis centers;

11 (2) develop the program, or acquire model pro-
12 gram materials if available;

13 (3) carry out the program with a school’s in-
14 volvement; and

15 (4) report the results of the program to the
16 Secretary of Education in a format provided by the
17 Secretary.

18 (j) DEFINITIONS.—For purposes of this section:

19 (1) DOMESTIC VIOLENCE.—The term “domestic
20 violence” includes acts or threats of violence, not in-
21 cluding acts of self-defense, committed by a current
22 or former spouse of the victim, by a person with
23 whom the victim shares a child in common, by a per-
24 son who is cohabiting with or has cohabited with the
25 victim, by a person who is or has been in a con-

1 tinuing social relationship of a romantic or intimate
2 nature with the victim, by a person similarly situ-
3 ated to a spouse of the victim under the domestic or
4 family violence laws of the jurisdiction, or by any
5 other person against a victim who is protected from
6 that person's acts under the domestic or family vio-
7 lence laws of the jurisdiction.

8 (2) SEXUAL ASSAULT.—The term “sexual as-
9 sault” means any conduct proscribed by chapter
10 109A of title 18, United States Code, whether or not
11 the conduct occurs in the special maritime and terri-
12 torial jurisdiction of the United States or in a Fed-
13 eral prison and includes both assaults committed by
14 offenders who are strangers to the victim and as-
15 saults committed by offenders who are known to the
16 victim or related by blood or marriage to the victim.

17 (3) STALKING.—The term “stalking” means
18 engaging in a course of conduct directed at a spe-
19 cific person that would cause a reasonable person to
20 fear death, sexual assault, or bodily injury to such
21 person or a member of such person's immediate
22 family, when the person engaging in such conduct
23 has knowledge or should have knowledge that the
24 specific person will be placed in reasonable fear of
25 death, sexual assault, or bodily injury to such person

1 or a member of such person's immediate family and
 2 when the conduct induces fear in the specific person
 3 of death, sexual assault, or bodily injury to such per-
 4 son or a member of such person's immediate family.

5 (k) AUTHORIZATION OF APPROPRIATIONS.—

6 (1) IN GENERAL.—There are authorized to be
 7 appropriated to carry out this section—

8 (A) \$2,750,000 for fiscal year 2000;

9 (B) \$3,000,000 for fiscal year 2001;

10 (C) \$3,000,000 for fiscal year 2002;

11 (D) \$3,000,000 for fiscal year 2003; and

12 (E) \$3,000,000 for fiscal year 2004.

13 (2) AVAILABILITY.—Amounts appropriated
 14 under paragraph (1) shall remain available until the
 15 earlier of—

16 (A) the date on which those amounts are
 17 expended; or

18 (B) December 31, 2004.

19 **TITLE III—SAFE HAVENS FOR** 20 **CHILDREN**

21 **SEC. 301. PURPOSES.**

22 The purposes of section 302 are—

23 (1) to provide secure locations for visitation and
 24 visitation exchange;

1 (2) to protect children from the trauma of wit-
2 nessing domestic violence or experiencing abduction,
3 injury, or death during parent and child visitation
4 and visitation exchanges;

5 (3) to protect victims of domestic violence from
6 experiencing further violence, abuse, and threats
7 during child visitation and visitation exchanges;

8 (4) to protect children from the trauma of expe-
9 riencing sexual assault or other forms of physical as-
10 sault and abuse during parent and child visitation
11 and visitation exchanges; and

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

15 **SEC. 302. GRANTS TO PROVIDE FOR SUPERVISED VISITA-**
16 **TION CENTERS.**

17 (a) GRANTS, CONTRACTS, AND COOPERATIVE
18 AGREEMENTS.—The Attorney General is authorized to
19 award grants, contracts, and cooperative agreements to
20 public or private nonprofit nongovernmental entities, in-
21 cluding tribal organizations and nonprofit organizations
22 operating within the boundaries of an Indian reservation
23 whose governing body reflects the populations served, to
24 assist such entities in establishing and operating super-
25 vised visitation centers for the purposes of facilitating su-

1 supervised visitation and visitation exchange. At least 50
2 percent of all funds appropriated under subsection (e)
3 shall be for contracts and cooperative agreements with pri-
4 vate nonprofit, nongovernmental entities, including enti-
5 ties receiving court referrals.

6 (b) CONSIDERATIONS.—In awarding such grants,
7 contracts, and cooperative agreements under paragraph
8 (1), the Attorney General shall take into account—

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

12 (2) the extent to which supervised visitation
13 centers serve populations underserved because of
14 race, ethnicity, age, disability, sexual orientation, re-
15 ligion, alienage status, geographic location (including
16 rural isolation), language barriers, and any other
17 populations determined to be underserved by the
18 State planning process.

19 (3) the extent to which the applicant dem-
20 onstrates cooperation and collaboration with non-
21 profit, nongovernmental entities in the local commu-
22 nity served, including the State and tribal domestic
23 violence and sexual assault coalitions, tribal organi-
24 zations, rape crisis centers, local shelters, and pro-
25 grams for domestic violence victims, including pro-

grams providing legal assistance to domestic violence victims and sexual assault victims;

(4) the extent to which the applicant demonstrates coordination and collaboration with appropriate court systems, including State, local, and, in the case of Indian country, tribal and Federal court systems, and mechanisms for communication and referral; and

(5) the extent to which the applicant demonstrates implementation of domestic violence and sexual assault training for all employees.

(c) USE OF FUNDS.—

(1) IN GENERAL.—Amounts provided under a grant, contract, or cooperative agreement awarded under subsection (a) shall be used to establish supervised visitation centers and for the purposes described in section 301. In using such amounts, grantees and persons awarded a contract or cooperative agreement shall target the economically disadvantaged and those individuals who could not otherwise afford such visitation services. Individuals shall be permitted to use the services provided by the center on a sliding fee basis. For purposes of determining qualification for sliding scale fees, only the

1 individual income will be considered and no spousal
2 or household income will be counted.

3 (2) REGULATIONS AND APPLICANT REQUIRE-
4 MENTS.—The Attorney General shall award grants,
5 contracts, and cooperative agreements under sub-
6 section (a) in accordance with such regulations as
7 the Attorney General may promulgate. The regula-
8 tions shall establish a multi-year grant process. The
9 Attorney General shall give priority in awarding
10 grants, contracts, and cooperative agreements under
11 this title to entities in States and Indian country
12 that consider domestic violence in making a custody
13 decision. An applicant awarded such a grant, con-
14 tract, or cooperative agreement shall—

15 (A) for applicants for a purpose described
16 in paragraph (1) or (2) of section 301—

17 (i) demonstrate recognized expertise
18 in the area of domestic violence, including
19 addressing the impact of domestic violence
20 on children, and a record of high quality
21 service to victims of domestic violence; and

22 (ii) demonstrate through a memo-
23 randum of understanding collaboration
24 with and support of the State or tribal do-
25 mestic violence coalition and local or tribal

1 domestic violence shelter or program in the
2 locality in which the supervised visitation
3 center will be operated;

4 (B) for applicants for a purpose described
5 in paragraph (3) of section 301—

6 (i) demonstrate recognized expertise
7 in the area of child sexual assault and
8 abuse and a record of high quality service
9 to victims of sexual assault; and

10 (ii) demonstrate through a memo-
11 randum of understanding collaboration
12 with and support of the State or tribal sex-
13 ual assault coalition and local or tribal
14 rape crisis center or sexual assault pro-
15 gram in the locality where the supervised
16 visitation center will be operated;

17 (C) provide supervised visitation and visi-
18 tation exchange services over the duration of a
19 court order to promote continuity and stability;

20 (D) demonstrate that adequate security
21 measures, including adequate facilities, proce-
22 dures and personnel capable of preventing vio-
23 lence, are in place for the operation of super-
24 vised visitation; and

1 (E) describe in detail the standards by
2 which the supervised visitation center will oper-
3 ate.

4 (d) REPORTING.—Not later than 60 days after the
5 end of each fiscal year, the Attorney General shall report
6 to Congress, categorized by State or tribe, information
7 concerning—

8 (1) the number of individuals including number
9 of parents and children served and the number of in-
10 dividuals turned away from services, the number of
11 individuals who are from populations underserved
12 because of race, ethnicity, age, disability, sexual ori-
13 entation, religion, alienage status, geographic loca-
14 tion (including rural isolation), language barriers,
15 and any other populations determined to be under-
16 served by the State planning process, served and
17 turned away from services, and the type of pre-
18 senting problems that underlie the need for super-
19 vised visitation or visitation exchange, such as do-
20 mestic violence, child sexual abuse, emotional abuse
21 or other physical abuse of children, or a combination
22 of such factors;

23 (2) the numbers of supervised visitations or vis-
24 itation exchanges ordered during custody determina-
25 tions under a separation or divorce decree, under a

1 protection order, through child protection services,
2 through other social services agencies or by any
3 other order of a civil, criminal, juvenile, family, or
4 tribal court;

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

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

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

17 (6) program standards across the country that
18 are in place for operating a supervised visitation cen-
19 ter; and

20 (7) any other appropriate information des-
21 ignated in regulations promulgated by the Attorney
22 General.

23 (e) AUTHORIZATION OF APPROPRIATIONS.—

24 (1) IN GENERAL.—For the purpose of awarding
25 grants, contracts, and cooperative agreements under

1 this section, there are authorized to be appropriated
 2 \$75,000,000 for fiscal year 2000, \$85,000,000 for
 3 fiscal year 2001, \$95,000,000 for fiscal year 2002,
 4 \$105,000,000 for fiscal year 2003, and
 5 \$115,000,000 for fiscal year 2004.

6 (2) DISTRIBUTION.—Of the amounts appro-
 7 priated under paragraph (1) for each fiscal year, not
 8 less than 95 percent shall be used to award grants,
 9 contracts, or cooperative agreements. At least 5 per-
 10 cent of the funds appropriated under paragraph (1)
 11 shall be used for grants to tribal organizations.

12 **TITLE IV—CHILD ABUSE** 13 **ACCOUNTABILITY**

14 **SEC. 401. SHORT TITLE.**

15 This title may be cited as the “Child Abuse Account-
 16 ability Act”.

17 **SEC. 402. AMENDMENTS TO TITLE I OF THE EMPLOYEE RE-** 18 **TIREMENT INCOME SECURITY ACT OF 1974.**

19 (a) CREATION OR ASSIGNMENT OF RIGHTS TO BENE-
 20 FITS UNDER QUALIFIED CHILD ABUSE ORDERS.—Sec-
 21 tion 206(d)(3)(A) of the Employee Retirement Income Se-
 22 curity Act of 1974 (29 U.S.C. 1056(d)(3)(A)) is
 23 amended—

24 (1) by inserting “or a child abuse order” after
 25 “a domestic relations order”;

1 (2) by inserting “or a qualified child abuse
2 order” after “a qualified domestic relations order”;
3 and

4 (3) by inserting “or any qualified child abuse
5 order” after “any qualified domestic relations
6 order”.

7 (b) QUALIFIED CHILD ABUSE ORDERS.—Section
8 206(d)(3)(B) of such Act (29 U.S.C. 1056(d)(3)(B)) is
9 amended—

10 (1) in clause (i), by striking “the term” and in-
11 serting “The term”, and by striking “, and” at the
12 end and inserting a period;

13 (2) in clause (ii), by striking “the term” and in-
14 serting “The term”; and

15 (3) by adding at the end the following new
16 clauses:

17 “(iii) The term ‘qualified child abuse order’
18 means a child abuse order—

19 “(I) which creates or recognizes the exist-
20 ence of an alternate payee’s right to, or assigns
21 to an alternate payee the right to, receive all or
22 a portion of the benefits payable with respect to
23 a participant under a plan, and

24 “(II) with respect to which the require-
25 ments of subparagraphs (C) and (D) are met.

1 “(iv) The term ‘child abuse order’ means any
2 court order or other similar process for the enforce-
3 ment of a judgment rendered against a participant
4 or beneficiary under a plan for physically, sexually,
5 or emotionally abusing a child. For purposes of this
6 clause—

7 “(I) The term ‘judgment rendered for
8 physically, sexually, or emotionally abusing
9 a child’ means any legal claim perfected
10 through a final enforceable judgment,
11 which claim is based in whole or in part
12 upon the physical, sexual, or emotional
13 abuse of a child, whether or not that abuse
14 is accompanied by other actionable wrong-
15 doing, such as sexual exploitation or gross
16 negligence.

17 “(II) The term ‘child’ means an indi-
18 vidual under 18 years of age.”.

19 (c) EXEMPTION FROM PREEMPTION.—Section
20 514(b)(7) of such Act (29 U.S.C. 1144(b)(7)) is amended
21 by inserting “qualified child abuse orders (within the
22 meaning of section 206(d)(3)(B)(iii))” after “section
23 206(d)(3)(B)(i)),”.

24 (d) CONFORMING AMENDMENTS.—Section 206(d)(3)
25 of such Act (29 U.S.C. 1056(d)(3)) is amended—

1 (1) in subparagraph (C), by inserting “or child
2 abuse order” after “A domestic relations order”;

3 (2) in subparagraph (D), by inserting “or child
4 abuse order” after “A domestic relations order”;

5 (3) in subparagraph (E)(i), by inserting “or
6 child abuse order” after “A domestic relations
7 order”;

8 (4) in subparagraph (G)(i), by inserting “or
9 child abuse order” after “any domestic relations
10 order”, by striking “domestic relations orders” in
11 subclause (I) and inserting “such an order”, and by
12 inserting “or a qualified child abuse order” in sub-
13 clause (II) after “a qualified domestic relations
14 order”;

15 (5) in subparagraph (G)(ii), by inserting “and
16 child abuse orders” after “domestic relations or-
17 ders”, and by inserting “or child abuse order” after
18 “domestic relations order” each place it appears in
19 subclauses (II) and (III);

20 (6) in subparagraph (H)(i), by inserting “or
21 whether a child abuse order is a qualified child
22 abuse order” after “whether a domestic relations
23 order is a qualified domestic relations order”, and by
24 inserting “or a qualified child abuse order” after “to
25 be a qualified domestic relations order”;

1 (7) in subparagraph (H)(ii), by inserting “or a
2 qualified child abuse order” after “a qualified do-
3 mestic relations order”;

4 (8) in subparagraph (H)(iii), by inserting “(in
5 the case of a domestic relations order) or a qualified
6 child abuse order (in the case of a child abuse
7 order)” after “a qualified domestic relations order”
8 each place it appears in subclauses (I) and (II);

9 (9) in subparagraph (H)(iv), by inserting “or a
10 qualified child abuse order” after “a qualified do-
11 mestic relations order”;

12 (10) in subparagraph (H)(v), by inserting “or
13 child abuse order” after “the domestic relations
14 order”;

15 (11) in subparagraph (I)(i), by inserting “or
16 child abuse order” after “a domestic relations
17 order”, and by inserting “or qualified child abuse
18 order, respectively” after “a qualified domestic rela-
19 tions order”;

20 (12) in subparagraph (J), by inserting “or a
21 qualified child abuse order” after “a qualified do-
22 mestic relations order”;

23 (13) in subparagraph (K), by inserting “or
24 child abuse order” after “a domestic relations
25 order”; and

1 (14) in subparagraph (M), by inserting “or a
2 qualified child abuse order” after “a qualified do-
3 mestic relations order”.

4 **SEC. 403. AMENDMENTS TO THE INTERNAL REVENUE CODE**
5 **OF 1986.**

6 (a) CREATION OR ASSIGNMENT OF RIGHTS TO BENE-
7 FITS UNDER QUALIFIED CHILD ABUSE ORDERS.—Sub-
8 paragraph (B) of section 401(a)(13) of the Internal Rev-
9 enue Code of 1986 (relating to assignment of benefits) is
10 amended—

11 (1) by inserting “OR CHILD ABUSE ORDERS”
12 after “DOMESTIC RELATIONS ORDERS” in the head-
13 ing;

14 (2) by inserting “or a child abuse order” after
15 “a domestic relations order”; and

16 (3) by inserting “or a qualified child abuse
17 order” after “a qualified domestic relations order”.

18 (b) QUALIFIED CHILD ABUSE ORDERS.—Section
19 414(p) of such Code (defining qualified domestic relations
20 order) is amended—

21 (1) in the heading, by inserting “AND QUALI-
22 FIED CHILD ABUSE ORDER” after “ORDER”; and

23 (2) in paragraph (1), by adding at the end the
24 following new subparagraphs:

1 “(C) QUALIFIED CHILD ABUSE ORDER.—

2 The term ‘qualified child abuse order’ means a
3 child abuse order—

4 “(i) which creates or recognizes the
5 existence of an alternate payee’s right to,
6 or assigns to an alternate payee the right
7 to, receive all or a portion of the benefits
8 payable with respect to a participant under
9 a plan, and

10 “(ii) with respect to which the re-
11 quirements of paragraphs (2) and (3) are
12 met.

13 “(D) CHILD ABUSE ORDER.—

14 “(i) IN GENERAL.—The term ‘child
15 abuse order’ means any court order or
16 other similar process for the enforcement
17 of a judgment rendered against a partici-
18 pant or beneficiary under a plan for phys-
19 ically, sexually, or emotionally abusing a
20 child.

21 “(ii) DEFINITIONS.—For purposes of
22 this subparagraph—

23 “(I) The term ‘judgment ren-
24 dered for physically, sexually, or emo-
25 tionally abusing a child’ means any

1 legal claim perfected through a final
2 enforceable judgment, which claim is
3 based in whole or in part upon the
4 physical, sexual, or emotional abuse of
5 a child, whether or not that abuse is
6 accompanied by other actionable
7 wrongdoing, such as sexual exploi-
8 tation or gross negligence.

9 “(II) The term ‘child’ means an
10 individual under 18 years of age.”.

11 (c) CONFORMING AMENDMENTS.—Subsection (p) of
12 section 414 of such Code is amended—

13 (1) in paragraph (2), by inserting “or child
14 abuse order” after “A domestic relations order”;

15 (2) in paragraph (3), by inserting “or child
16 abuse order” after “A domestic relations order”;

17 (3) in paragraph (4)(A), by inserting “or child
18 abuse order” after “a domestic relations order”;

19 (4) in paragraph (6)(A), by inserting “or child
20 abuse order” after “any domestic relations order”,
21 by striking “domestic relations orders” in clause (i)
22 and inserting “such an order”, and by inserting “or
23 a qualified child abuse order” in clause (ii) after “a
24 qualified domestic relations order”;

1 (5) in paragraph (6)(B), by inserting “and
2 child abuse orders” after “domestic relations or-
3 ders”;

4 (6) in paragraph (7)(A), by inserting “or
5 whether a child abuse order is a qualified child
6 abuse order” after “whether a domestic relations
7 order is a qualified domestic relations order”, and by
8 inserting “or a qualified child abuse order” after “to
9 be a qualified domestic relations order”;

10 (7) in paragraph (7)(B), by inserting “OR
11 QUALIFIED CHILD ABUSE ORDER” in the heading
12 after “QUALIFIED DOMESTIC RELATIONS ORDER”,
13 and by inserting “or a qualified child abuse order”
14 after “a qualified domestic relations order”;

15 (8) in paragraph (7)(C), by inserting “(in the
16 case of a domestic relations order) or a qualified
17 child abuse order (in the case of a child abuse
18 order)” after “a qualified domestic relations order”
19 each place it appears in clauses (i) and (ii);

20 (9) in paragraph (7)(D), by inserting “or a
21 qualified child abuse order” after “a qualified do-
22 mestic relations order”;

23 (10) in paragraph (7)(E), by inserting “or child
24 abuse order” after “the domestic relations order”;

1 (11) in paragraph (8), by inserting “or child
2 abuse order” after “a domestic relations order”;

3 (12) in paragraph (9), by inserting “or a quali-
4 fied child abuse order” after “a qualified domestic
5 relations order”;

6 (13) in paragraph (10), by inserting “or a
7 qualified child abuse order” after “a qualified do-
8 mestic relations order”; and

9 (14) in paragraph (11), by inserting “(in the
10 case of a domestic relations order) or a qualified
11 child abuse order (in the case of a child abuse
12 order)” after “pursuant to a qualified domestic rela-
13 tions order”, and by inserting “or a child abuse
14 order” after “pursuant to a domestic relations
15 order”.

16 (d) TAX TREATMENT OF DISTRIBUTIONS PURSUANT
17 TO QUALIFIED CHILD ABUSE ORDERS.—

18 (1) ALTERNATE PAYEE SHALL INCLUDE BENE-
19 FITS IN GROSS INCOME.—Paragraph (1) of section
20 402(e) of such Code (relating to alternate payee
21 under qualified domestic relations order treated as
22 distributee) is amended by inserting “or qualified
23 child abuse order” after “a qualified domestic rela-
24 tions order” each place it appears.

1 (2) ALLOCATION OF INVESTMENT IN THE CON-
2 TRACT.—Paragraph (10) of section 72(m) of such
3 Code (relating to determination of investment in the
4 contract in the case of qualified domestic relations
5 orders) is amended—

6 (A) in the heading, by inserting “AND
7 QUALIFIED CHILD ABUSE ORDERS” after
8 “QUALIFIED DOMESTIC RELATIONS ORDERS”;
9 and

10 (B) by inserting “or qualified child abuse
11 order” after “a qualified domestic relations
12 order”.

13 (3) CLARIFICATION OF ELIGIBILITY OF PARTIC-
14 IPANT FOR LUMP SUM TREATMENT.—

15 (A) Subparagraph (H) of section 402(d)(4)
16 of such Code (relating to balance to credit of
17 employee not to include amounts payable under
18 qualified domestic relations order) is
19 amended—

20 (i) in the heading, by inserting “OR
21 QUALIFIED CHILD ABUSE ORDER” after
22 “QUALIFIED DOMESTIC RELATIONS
23 ORDER”; and

1 (ii) by inserting “or qualified child
2 abuse order” after “a qualified domestic
3 relations order”.

4 (B) Subparagraph (J) of section 402(d)(4)
5 of such Code is amended by inserting “, or
6 under a qualified child abuse order (within the
7 meaning of section 414(p)) of the balance to
8 the credit of an alternate payee,” after “former
9 spouse of the employee”.

10 **SEC. 404. EFFECTIVE DATE.**

11 The amendments made by this title shall take effect
12 on January 1, 1999, except that, in the case of a child
13 abuse order entered before such date, the plan
14 administrator—

15 (1) shall treat such order as a qualified child
16 abuse order if such administrator is paying benefits
17 pursuant to such order on such date, and

18 (2) may treat any other such order entered be-
19 fore such date as a qualified child abuse order even
20 if such order does not meet the requirements of such
21 amendments.

22 **TITLE V—FAMILY SAFETY**

23 **SEC. 501. SHORT TITLE.**

24 This title may be cited as the “Family Safety Act”.

1 **SEC. 502. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—Section 7(a) of the Parental Kid-
3 naping Prevention Act of 1980 (94 Stat. 3568; 28 U.S.C.
4 1738A note) is amended—

5 (1) by striking “and” at the end of paragraph
6 (3);

7 (2) by striking the period at the end of para-
8 graph (4) and inserting a semicolon; and

9 (3) by inserting after paragraph (4) the fol-
10 lowing:

11 “(5) existing Federal and State laws are inad-
12 equate to protect parents from domestic violence and
13 to protect children from sexual assault and may
14 punish them when they seek to protect themselves;
15 and

16 “(6) failures of State judicial and child protec-
17 tion systems may result in the inappropriate place-
18 ment of children in the custody of abusive parents
19 or punishment of nonabusing parents who attempt
20 to protect themselves or their children.”.

21 (b) CONCLUSION.—Section 7(b) of such Act is
22 amended by inserting “to establish standards to prevent
23 children from being returned to abusive parents,” after
24 “with such disputes,”.

25 (c) PURPOSES.—Section 7(c) of such Act is
26 amended—

1 (1) by redesignating paragraphs (3) through
2 (6) as paragraphs (5) through (8), respectively;

3 (2) by inserting after paragraph (2) the fol-
4 lowing:

5 “(3) promote cooperation between State and
6 tribal courts to protect parents and children from an
7 incident or pattern of domestic violence or sexual as-
8 sault;

9 “(4) promote realistic and protective standards
10 for interstate relocation when parents dispute cus-
11 tody, particularly in cases where there is domestic
12 violence or sexual assault;”;

13 (3) in paragraph (7) (as so redesignated), by
14 inserting before the semicolon at the end the fol-
15 lowing: “, consistent with not endangering or inap-
16 propriately punishing parents who are victims of do-
17 mestic violence or children who are victims of sexual
18 assault”; and

19 (4) in paragraph (8) (as so redesignated), by
20 inserting before the period at the end the following:
21 “or to abuse the child or exert coercive control over
22 the other parent, except when the removal is justifi-
23 able in an attempt to protect the parent or any child
24 in the parent’s care”.

1 **SEC. 503. DEFENSE TO CRIMINAL CUSTODIAL INTER-**
2 **FERENCE OR PARENTAL ABDUCTION**
3 **CHARGE.**

4 Section 1073 of title 18, United States Code, is
5 amended by striking “Whoever moves” and inserting “(a)
6 Whoever moves” and by adding at the end the following:

7 “(b) For any charge of parental abduction, of custo-
8 dial interference, or of felony criminal contempt of court
9 related to an underlying child custody or visitation deter-
10 mination, that would otherwise provide a basis for pros-
11 ecution under this section, it shall be a defense to such
12 prosecution that the individual against whom this section
13 is invoked—

14 “(1) acted pursuant to the provisions of a court
15 order valid when and where issued—

16 “(A) which granted the defendant legal
17 custody or visitation rights;

18 “(B) which was obtained in compliance
19 with section 1738A of title 28;

20 “(C) which is not inconsistent with such
21 section or with the Uniform Child Custody Ju-
22 risdiction Enforcement Act as promulgated by
23 the Uniform Law Commissioners; and

24 “(D) which was in effect at the time the
25 defendant left the State;

1 “(2) was fleeing an incident or pattern of do-
2 mestic violence or sexual assault of the child; or

3 “(3) would otherwise have a defense under the
4 terms of section 1204.

5 “(c) The Attorney General shall issue guidance to as-
6 sist the United States Attorneys and the Federal Bureau
7 of Investigation in determining when to decline to initiate
8 or to terminate an investigation or prosecution under sub-
9 section (b) due to the potential availability of any de-
10 fense.”.

11 **SEC. 504. FULL FAITH AND CREDIT GIVEN TO CHILD CUS-**
12 **TODY DETERMINATIONS.**

13 (a) SECTION INTENT.—Section 1738A(a) of title 28,
14 United States Code, is amended by adding before the pe-
15 riod the following: “, except that no State shall be required
16 to enforce any order obtained in a proceeding which would
17 violate the constitution of the enforcing State if the pro-
18 ceeding were conducted in the enforcing State. This sec-
19 tion is intended to preempt any inconsistent State law and
20 to apply to every proceeding in the United States or its
21 territories that is not governed by inconsistent aspects of
22 any treaty to which the United States is a signatory or
23 has ratified that involves custody and visitation concerning
24 a minor child. Any provision of a protection order regard-
25 ing the custody and visitation of a minor child, whether

1 consensual or not, otherwise consistent with section 2265
 2 of title 18 and with this section shall be given full faith
 3 and credit by the courts of any State where the party who
 4 sought the order seeks enforcement”.

5 (b) DEFINITIONS.—Section 1738A(b) of such title is
 6 amended—

7 (1) by amending paragraph (2) to read as fol-
 8 lows:

9 “(2) ‘child-custody proceeding’ means a pro-
 10 ceeding in which legal custody, physical custody, or
 11 visitation with respect to a child is an issue, includ-
 12 ing a proceeding for divorce, separation, neglect,
 13 abuse, dependency, guardianship, paternity, termi-
 14 nation of parental rights, and protection from do-
 15 mestic violence, in which the issue may appear;”;

16 (2) in paragraph (3)—

17 (A) by striking “custody determination”
 18 and inserting “custody or visitation determina-
 19 tion”;

20 (B) by inserting “obtained in the context
 21 of a child-custody proceeding and” after
 22 “court”; and

23 (C) by striking “custody of a child” and
 24 inserting “legal custody, physical custody, or
 25 visitation with respect to a child”;

1 (3) in paragraph (6), by inserting “or has had
2 physical custody for a period of 6 consecutive
3 months, including any temporary absence, within
4 one year immediately before the commencement of a
5 child-custody proceeding” after “of a child”;

6 (4) in paragraph (7), by striking “actual pos-
7 session and control” and inserting “the physical care
8 and supervision”;

9 (5) by striking paragraph (9) and inserting the
10 following:

11 “(9) ‘domestic violence’ includes acts or threats
12 of violence, not including acts of self defense, com-
13 mitted by a current or former spouse of the victim,
14 by a person with whom the victim shares a child in
15 common, by a person who is cohabiting with or has
16 cohabited with the victim, by a person who is or has
17 been in a continuing social relationship of a roman-
18 tic or intimate nature with the victim, by a person
19 similarly situated to a spouse of the victim under the
20 domestic or family violence laws of the jurisdiction,
21 or by any other person against a victim who is pro-
22 tected from that person’s acts under the domestic or
23 family violence laws of the jurisdiction;

24 “(10) ‘sexual assault’ means any conduct pro-
25 scribed by chapter 109A of title 18, United States

1 Code, whether or not the conduct occurs in the spe-
2 cial maritime and territorial jurisdiction of the
3 United States or in a Federal prison and includes
4 both assaults committed by offenders who are
5 strangers to the victim and assaults committed by
6 offenders who are known to the victim or related by
7 blood or marriage to the victim;

8 “(11) ‘predominant aggressor’ means the indi-
9 vidual who has been determined to be the principal
10 perpetrator of violence, by factors including—

11 “(A) history of domestic violence;

12 “(B) relative severity of the injuries in-
13 flicted on each person;

14 “(C) the likelihood of future injury to each
15 person;

16 “(D) whether one of the persons acted in
17 self-defense; and

18 “(E) the degree to which one of the per-
19 sons has acted with more deliberate intent to
20 control, isolate, intimidate, emotionally demean,
21 or cause severe pain or injury, or fear of harm
22 to the other or a third person”; and

23 “(12) ‘stalking’ means engaging in a course of
24 conduct directed at a specific person that would
25 cause a reasonable person to fear death, sexual as-

1 sault, or bodily injury to such person or a member
2 of such person’s immediate family, when the person
3 engaging in such conduct has knowledge or should
4 have knowledge that the specific person will be
5 placed in reasonable fear of death, sexual assault, or
6 bodily injury to such person or a member of such
7 person’s immediate family and when the conduct in-
8 duces fear in the specific person of death, sexual as-
9 sault, or bodily injury to such person or a member
10 of such person’s immediate family.”.

11 (c) JURISDICTION REQUIREMENTS.—(1) Section
12 1738A(c)(2)(A)(ii) of such title is amended by striking
13 “because of his removal or retention by a contestant or
14 for other reasons, and a contestant” and inserting “but
15 a parent or person acting as a parent”.

16 (2) Section 1738A(c)(2)(B)(ii)(I) of such title is
17 amended by striking “contestant,” and inserting “parent
18 or a person acting as a parent,”.

19 (d) CONDITION FOR CUSTODY DETERMINATION.—
20 Section 1738A(c)(2)(C) of such title is amended—

21 (1) by striking “he” and inserting “the child, or
22 a sibling or parent of the child,”; and

23 (2) by inserting “, including acts of domestic vi-
24 olence or stalking by the other parent” after
25 “abuse”.

1 (e) CONTINUING JURISDICTION.—Section 1738A(d)
2 of such title is amended by striking “or of any contestant”
3 and inserting “, a parent, or a person acting as a parent,
4 except that after 2 years have passed while a child is living
5 in another State after relocation due to domestic violence,
6 stalking, or sexual assault of the child, the court of the
7 original State shall decline jurisdiction if the courts of the
8 new State would have personal jurisdiction over the other
9 parent under that State’s law”.

10 (f) NOTICE.—Section 1738A(e) of such title is
11 amended by striking “the contestants,” and inserting “all
12 persons entitled to notice under the law of the State as
13 in child custody proceedings between residents of the
14 State,”.

15 (g) MODIFICATIONS.—Section 1738A(f)(1) of such
16 title is amended by inserting “or visitation” after “cus-
17 tody”.

18 (h) CHILD CUSTODY DETERMINATIONS.—Section
19 1738A of such title is amended by striking subsection (h)
20 and by adding at the end the following:

21 “(h) A court may decline to exercise jurisdiction on
22 behalf of a parent who has engaged in domestic violence
23 as a predominant aggressor, stalking, child sexual assault,
24 or child sexual abuse, if a court of another State has emer-
25 gency jurisdiction under subsection (c)(2)(C)(ii). A court

1 may decline to exercise jurisdiction on behalf of a parent
2 who has wrongfully taken the child from a State without
3 justification, or engaged in similar unjustifiable conduct,
4 unless no other State would have jurisdiction under any
5 provision of subsection (c). For the purposes of this sub-
6 section, justification includes removing the child to an-
7 other State in an effort to seek safety for the child, or
8 a sibling or parent of the child, from domestic violence
9 or sexual assault.”.

10 **TITLE VI—SENSE OF CONGRESS**

11 **SEC. 601. SENSE OF CONGRESS.**

12 It is the sense of Congress that for purposes of deter-
13 mining child custody, it is not in the best interest of chil-
14 dren to—

15 (1) force parents to share custody over the ob-
16 jection of one or both parents where there is a his-
17 tory of domestic violence; or

18 (2) make “friendly parent” provisions a factor
19 when there is abuse of one parent against another
20 or a child.

