

“(1) Approximately 1 in 15 children is exposed to domestic violence each year.

“(2) Most child abuse is perpetrated in the family and by a parent. Intimate partner violence and child abuse overlap in the same families at rates between 30 and 60 percent. A child’s risk of abuse increases after a perpetrator of intimate partner violence separates from a domestic partner, even when the perpetrator has not previously directly abused the child. Children who have witnessed intimate partner violence are approximately 4 times more likely to experience direct child maltreatment than children who have not witnessed intimate partner violence.

“(3) More than 75 percent of child sexual abuse is perpetrated by a family member or a person known to the child. Data of the Department of Justice shows that family members are 49 percent, or almost half, of the perpetrators of crimes against child sex assault victims younger than 6 years of age.

“(4) Research suggests a child’s exposure to a batterer is among the strongest indicators of risk of incest victimization. One study found that female children with fathers who are batterers of their mothers were 6.5 times more likely to experience father-daughter incest than female children who do not have abusive fathers.

“(5) Child abuse is a major public health issue in the United States. Total lifetime financial costs associated with just 1 year of confirmed cases of child maltreatment, including child physical abuse, sexual abuse, psychological abuse, and neglect, result in \$124,000,000,000 in annual costs to the economy of the United States, or approximately 1 percent of the gross domestic product of the United States.

“(6) Empirical research indicates that courts regularly discount allegations of child physical and sexual abuse when those allegations are raised in child custody cases. Courts believed less than ¼ of claims that a father has committed child physical or sexual abuse. With respect to cases in which an allegedly abusive parent claimed the mother ‘alienated’ the child, courts believed only 1 out of 51 claims of sexual molestation by a father. Independent research indicates that child sexual abuse allegations are credible between 50 and 70 percent of the time.

“(7) Empirical research shows that alleged or known abusive parents are often granted custody or unprotected parenting time by courts. Approximately ½ of parents alleged to have committed child abuse took primary custody from the protective parent reporting the abuse, placing children at ongoing risk.

“(8) Researchers have documented nearly 800 child murders in the United States since 2008 committed by a divorcing or separating parent. More than 100 of these child murders are known to have occurred after a court ordered the child to have contact with the dangerous parent over the objection of a safe parent or caregiver.

“(9) Scientifically unsound theories that treat abuse allegations of mothers as likely false attempts to undermine fathers are frequently applied in family court to minimize or deny reports of abuse of parents and children. Many experts who testify against abuse allegations lack expertise in the relevant type of alleged abuse, relying instead on unsound and unproven theories.

“(10) Judges presiding over custody cases involving allegations of child abuse, child sexual abuse, and domestic violence are rarely required to receive training on these subjects, and most States have not established standards for such training.”

[For definitions of terms used in section 1502 of div. W of Pub. L. 117-103, set out above, see section 12291 of this title, as made applicable by section 2(b) of div. W of Pub. L. 117-103, which is set out as a note under section 12291 of this title.]

PURPOSES

Pub. L. 117-103, div. W, title XV, §1503, Mar. 15, 2022, 136 Stat. 952, provided that: “The purposes of this title

[see Short Title of 2022 Amendment note set out under section 10101 of this title] are to—

“(1) increase the priority given to child safety in any State court divorce, separation, visitation, paternity, child support, civil protection order, or family custody court proceeding affecting the custody and care of children, excluding child protective, abuse, or neglect proceedings and juvenile justice proceedings;

“(2) strengthen the abilities of courts to—

“(A) recognize and adjudicate domestic violence and child abuse allegations based on valid, admissible evidence; and

“(B) enter orders that protect and minimize the risk of harm to children; and

“(3) ensure that professional personnel involved in cases containing domestic violence or child abuse allegations receive trauma-informed and culturally appropriate training on the dynamics, signs, and impact of domestic violence and child abuse, including child sexual abuse.”

[For definitions of terms used in section 1503 of div. W of Pub. L. 117-103, set out above, see section 12291 of this title, as made applicable by section 2(b) of div. W of Pub. L. 117-103, which is set out as a note under section 12291 of this title.]

§ 10447. Definitions and grant conditions

In this subchapter the definitions and grant conditions in section 12291 of this title shall apply.

(Pub. L. 90-351, title I, §2008, as added Pub. L. 109-162, §3(c)(1), Jan. 5, 2006, 119 Stat. 2971.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 3796gg-2 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

Another section 2008 of Pub. L. 90-351 was renumbered section 2016 and is classified to section 10453 of this title.

PRIOR PROVISIONS

A prior section 2008 of title I of Pub. L. 90-351, formerly §2003, as added Pub. L. 103-322, title IV, §40121(a)(3), Sept. 13, 1994, 108 Stat. 1913; amended Pub. L. 106-386, div. B, title I, §§1103(b)(3), 1109(a)(1), Oct. 28, 2000, 114 Stat. 1496, 1502; renumbered §2003, Pub. L. 107-273, div. A, title IV, §402(2), Nov. 2, 2002, 116 Stat. 1789; Pub. L. 108-405, title III, §310(b), Oct. 30, 2004, 118 Stat. 2276, related to definitions of terms in part T of title I of Pub. L. 90-351, prior to repeal by Pub. L. 109-162, §3(c)(1), Jan. 5, 2006, 119 Stat. 2971.

Statutory Notes and Related Subsidiaries

DEFINITIONS AND GRANT CONDITIONS APPLICABLE TO DIVISION B OF PUB. L. 106-386

Pub. L. 106-386, div. B, §1002, Oct. 28, 2000, 114 Stat. 1491, as amended by Pub. L. 109-162, §3(d), Jan. 5, 2006, 119 Stat. 2972, provided that: “In this division [see section 1001 of Pub. L. 106-386, set out as a Short Title of 2000 Act note under section 10101 of this title] the definitions and grant conditions in section 40002 of the Violence Against Women Act of 1994 [34 U.S.C. 12291] shall apply.”

§ 10448. General terms and conditions

(a) Nonmonetary assistance

In addition to the assistance provided under this subchapter, the Attorney General may request any Federal agency to use its authorities and the resources granted to it under Federal law (including personnel, equipment, supplies,

facilities, and managerial, technical, and advisory services) in support of State, tribal, and local assistance efforts.

(b) Reporting

Not later than 1 month after the end of each even-numbered fiscal year, the Attorney General shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report that includes, for each State and for each grantee Indian tribe—

(1) the number of grants made and funds distributed under this subchapter;

(2) a summary of the purposes for which those grants were provided and an evaluation of their progress;

(3) a statistical summary of persons served, detailing the nature of victimization, and providing data on age, sex, relationship of victim to offender, geographic distribution, race, ethnicity, language, and disability, and the membership of persons served in any underserved population; and

(4) an evaluation of the effectiveness of programs funded under this subchapter.

(c) Regulations or guidelines

Not later than 120 days after September 13, 1994, the Attorney General shall publish proposed regulations or guidelines implementing this subchapter. Not later than 180 days after September 13, 1994, the Attorney General shall publish final regulations or guidelines implementing this subchapter.

(Pub. L. 90-351, title I, §2009, formerly §2004, as added Pub. L. 103-322, title IV, §40121(a)(3), Sept. 13, 1994, 108 Stat. 1914; amended Pub. L. 106-386, div. B, title I, §1103(b)(4), Oct. 28, 2000, 114 Stat. 1497; renumbered §2009, Pub. L. 107-273, div. A, title IV, §402(2), Nov. 2, 2002, 116 Stat. 1789; Pub. L. 108-405, title III, §310(b), Oct. 30, 2004, 118 Stat. 2276; Pub. L. 109-162, §3(b)(3), title XI, §§1134(b), 1135(c), Jan. 5, 2006, 119 Stat. 2971, 3108, 3109; Pub. L. 109-271, §§2(d), 8(b), Aug. 12, 2006, 120 Stat. 752, 766.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 3796gg-3 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2006—Subsec. (b). Pub. L. 109-162, §§1134(b) and 1135(c), which directed an amendment substantially identical to that made by Pub. L. 109-162, §3(b)(3), were repealed by Pub. L. 109-271, §§2(d) and 8(b).

Pub. L. 109-162, §3(b)(3), substituted “Not later than 1 month after the end of each even-numbered fiscal year, the Attorney General shall submit” for “Not later than 180 days after the end of each fiscal year for which grants are made under this subchapter, the Attorney General shall submit” in introductory provisions.

2000—Subsec. (b)(3). Pub. L. 106-386 inserted “, and the membership of persons served in any underserved population” before the semicolon.

§ 10449. Rape exam payments

(a) Restriction of funds

(1) In general

A State, Indian tribal government, or unit of local government shall not be entitled to

funds under this subchapter¹ unless the State, Indian tribal government, unit of local government, or another governmental entity—

(A) incurs the full out-of-pocket cost of forensic medical exams described in subsection (b) for victims of sexual assault; and

(B) coordinates with health care providers in the region to notify victims of sexual assault of the availability of rape exams at no cost to the victims.

(2) Redistribution

Funds withheld from a State or unit of local government under paragraph (1) shall be distributed to other States or units of local government pro rata. Funds withheld from an Indian tribal government under paragraph (1) shall be distributed to other Indian tribal governments pro rata.

(b) Medical costs

A State, Indian tribal government, or unit of local government shall be deemed to incur the full out-of-pocket cost of forensic medical exams for victims of sexual assault if any government entity—

(1) provides such exams to victims free of charge to the victim; or

(2) arranges for victims to obtain such exams free of charge to the victims.

(c) Use of funds

A State or Indian tribal government may use Federal grant funds under this subchapter to pay for forensic medical exams performed by trained examiners for victims of sexual assault, except that such funds may not be used to pay for forensic medical exams by any State, Indian tribal government, or territorial government that requires victims of sexual assault to seek reimbursement for such exams from their insurance carriers.

(d) Noncooperation

(1) In general

To be in compliance with this section, a State, Indian tribal government, or unit of local government shall comply with subsection (b) without regard to whether the victim participates in the criminal justice system or cooperates with law enforcement.

(2) Compliance period

States, territories, and Indian tribal governments shall have 3 years from the date of enactment of this Act¹ to come into compliance with this section.

(e) Judicial notification

(1) In general

A State or unit of local government shall not be entitled to funds under this subchapter unless the State or unit of local government—

(A) certifies that its judicial administrative policies and practices include notification to domestic violence offenders of the requirements delineated in section 922(g)(8) and (g)(9) of title 18 and any applicable related Federal, State, or local laws; or

(B) gives the Attorney General assurances that its judicial administrative policies and

¹ So in original. See References in Text note below.