

TITLE 42 - THE PUBLIC HEALTH AND WELFARE
CHAPTER 110 - FAMILY VIOLENCE PREVENTION AND SERVICES

§ 10420. Safe havens for children

(a) In general

The Attorney General, through the Director of the Office on Violence Against Women, may award grants to States, units of local government, and Indian tribal governments that propose to enter into or expand the scope of existing contracts and cooperative agreements with public or private nonprofit entities¹

- (1) to provide supervised visitation and safe visitation exchange of children by and between parents in situations involving domestic violence, dating violence, child abuse, sexual assault, or stalking;
- (2) to protect children from the trauma of witnessing domestic or dating violence or experiencing abduction, injury, or death during parent and child visitation exchanges;
- (3) to protect parents or caretakers who are victims of domestic and dating violence from experiencing further violence, abuse, and threats during child visitation exchanges; and
- (4) to protect children from the trauma of experiencing sexual assault or other forms of physical assault or abuse during parent and child visitation and visitation exchanges.

(b) Considerations

In awarding grants under subsection (a) of this section, the Attorney General shall take into account—

- (1) the number of families to be served by the proposed visitation programs and services;
- (2) the extent to which the proposed supervised visitation programs and services serve underserved populations (as defined in section 3796gg-2² of this title);
- (3) with respect to an applicant for a contract or cooperative agreement, the extent to which the applicant demonstrates cooperation and collaboration with nonprofit, nongovernmental entities in the local community served, including the State or tribal domestic violence coalition, State or tribal sexual assault coalition, local shelters, and programs for domestic violence and sexual assault victims; and
- (4) the extent to which the applicant demonstrates coordination and collaboration with State and local court systems, including mechanisms for communication and referral.

(c) Applicant requirements

The Attorney General shall award grants for contracts and cooperative agreements to applicants that—

- (1) demonstrate expertise in the area of family violence, including the areas of domestic violence or sexual assault, as appropriate;
- (2) ensure that any fees charged to individuals for use of programs and services are based on the income of those individuals, unless otherwise provided by court order;
- (3) demonstrate that adequate security measures, including adequate facilities, procedures, and personnel capable of preventing violence, are in place for the operation of supervised visitation programs and services or safe visitation exchange; and
- (4) prescribe standards by which the supervised visitation or safe visitation exchange will occur.

(d) Reporting

(1) In general

Not later than 1 month after the end of each even-numbered fiscal year, the Attorney General shall submit to Congress a report that includes information concerning—

- (A) the number of—

- (i) individuals served and the number of individuals turned away from visitation programs and services and safe visitation exchange (categorized by State);
- (ii) the number of individuals from underserved populations served and turned away from services; and
- (iii) the type of problems that underlie the need for supervised visitation or safe visitation exchange, such as domestic violence, child abuse, sexual assault, other physical abuse, or a combination of such factors;
- (B) the numbers of supervised visitations or safe visitation exchanges ordered under this section during custody determinations under a separation or divorce decree or protection order, through child protection services or other social services agencies, or by any other order of a civil, criminal, juvenile, or family court;
- (C) the process by which children or abused partners are protected during visitations, temporary custody transfers, and other activities for which supervised visitation is established under this section;
- (D) safety and security problems occurring during the reporting period during supervised visitation under this section, including the number of parental abduction cases; and
- (E) the number of parental abduction cases in a judicial district using supervised visitation programs and services under this section, both as identified in criminal prosecution and custody violations.

(2) Guidelines

The Attorney General shall establish guidelines for the collection and reporting of data under this subsection.

(e) Authorization of appropriations

(1) In general

There is authorized to be appropriated to carry out this section, \$20,000,000 for each of fiscal years 2007 through 2011. Funds appropriated under this section shall remain available until expended.

(2) Use of funds

Of the amounts appropriated to carry out this section for each fiscal year, the Attorney General shall—

- (A) use not more than 3 percent for evaluation, monitoring, site visits, grantee conferences, and other administrative costs associated with conducting activities under this section; and
- (B) set aside not more than 8 percent for technical assistance and training to be provided by organizations having nationally recognized expertise in the design of safe and secure supervised visitation programs and visitation exchange of children in situations involving domestic violence, dating violence, sexual assault, or stalking.

(f) Allotment for Indian tribes

(1) In general

Not less than 10 percent of the total amount available under this section for each fiscal year shall be available for grants under the program authorized by section 3796gg–10 of this title.

(2) Applicability of part³

The requirements of this section shall not apply to funds allocated for the program described in paragraph (1).

Footnotes

¹ So in original. Probably should be followed by a dash.

² See References in Text note below.

³ So in original. Probably should be “section”.

(Pub. L. 106-386, div. B, title III, § 1301, Oct. 28, 2000, 114 Stat. 1509; Pub. L. 109-162, § 3(b)(2), title III, § 306, title IX, § 906(d), formerly § 906(e), title XI, § 1135(b), Jan. 5, 2006, 119 Stat. 2971, 3016, 3081, 3109, renumbered § 906(d), Pub. L. 109-271, § 7(b)(2)(B), Aug. 12, 2006, 120 Stat. 764; Pub. L. 109-271, §§ 2(d), 7 (d)(2), 8 (b), Aug. 12, 2006, 120 Stat. 752, 766.)

References in Text

Section 3796gg-2 of this title, referred to in subsec. (b)(2), was subsequently repealed and a new section 3796gg-2 enacted which does not define “underserved populations”. However, such term is defined in section 13925 of this title.

Codification

Section was enacted as part of the Violence Against Women Act of 2000 and also as part of the Victims of Trafficking and Violence Protection Act of 2000, and not as part of the Family Violence Prevention and Services Act which comprises this chapter.

Section 306(1) of Pub. L. 109-162, which directed in part that section 1301 of the Victims of Trafficking and Violence Protection Act of 2000 be amended by striking the section catchline and inserting “10402” as the section number in the amended section catchline, was executed to this section by inserting “1301” as the section number in the original, to reflect the probable intent of Congress. See 2006 Amendment notes below.

Amendments

2006—Pub. L. 109-162, § 306(1), substituted “Safe havens for children” for “Safe havens for children pilot program” in section catchline. See Codification note above.

Subsec. (a). Pub. L. 109-162, § 306(2)(C)-(E), inserted par. (1) designation before “to provide”, substituted semicolon for period at end, and added pars. (2) to (4).

Pub. L. 109-162, § 306(2)(A), (B), inserted “, through the Director of the Office on Violence Against Women,” after “Attorney General” and “dating violence,” after “domestic violence.”.

Subsec. (d)(1). Pub. L. 109-162, § 1135(b), which directed an amendment identical to that made by Pub. L. 109-162, § 3(b)(2), was repealed by Pub. L. 109-271, §§ 2(d) and 8 (b).

Pub. L. 109-162, § 3(b)(2), substituted “Not later than 1 month after the end of each even-numbered fiscal year,” for “Not later than 1 year after the last day of the first fiscal year commencing on or after October 28, 2000, and not later than 180 days after the last day of each fiscal year thereafter,” in introductory provisions.

Subsec. (e). Pub. L. 109-162, § 306(3), added subsec. (e) and struck out former subsec. (e). Text read as follows: “There is authorized to be appropriated to carry out this section \$15,000,000 for each of fiscal years 2001 and 2002.”

Subsec. (e)(2). Pub. L. 109-271, § 7(d)(2)(A), redesignated subpars. (B) and (C) as (A) and (B), respectively, and struck out former subpar. (A) which read as follows: “set aside not less than 7 percent for grants to Indian tribal governments or tribal organizations;”.

Subsec. (f). Pub. L. 109-271, § 7(d)(2)(B), added subsec. (f) and struck out former subsec. (f) which read as follows: “Not less than 10 percent of the total amount available under this section for each fiscal year shall be available for grants under the program authorized in section 3796gg-10 of this title. The requirements of this subsection shall not apply to funds allocated for such program.”

Pub. L. 109-162, § 906(d), formerly § 906(e), as renumbered by Pub. L. 109-271, § 7(b)(2)(B), added subsec. (f) and struck out former subsec. (f). Text read as follows: “Not less than 5 percent of the total amount made available for each fiscal year to carry out this section shall be available for grants to Indian tribal governments.”

Effective Date of 2006 Amendment

Amendment by sections 306 and 906(d) of Pub. L. 109-162 not effective until the beginning of fiscal year 2007, see section 4 of Pub. L. 109-162, set out as a note under section 3793 of this title.

Definitions

For definitions of terms used in this section, see section 1002 of Pub. L. 106-386, as amended, set out as a note under section 3796gg-2 of this title.