

 KeyCite Yellow Flag
Proposed Legislation

United States Code Annotated
Title 34. Crime Control and Law Enforcement (Refs & Annos)
Subtitle I. Comprehensive Acts
Chapter 121. Violent Crime Control and Law Enforcement
Subchapter III. Violence Against Women
Part K. Strengthening America's Families by Preventing Violence Against Women and Children

34 U.S.C.A. § 12464
Formerly cited as 42 USCA § 10420

§ 12464. Grants to support families in the justice system

Effective: October 1, 2022
[Currentness](#)

(a) In general

The Attorney General may make grants to States, units of local government, courts (including juvenile courts), Indian tribal governments, nonprofit organizations, legal services providers, and victim services providers to improve the response of all aspects of the civil and criminal justice system to families with a history of domestic violence, dating violence, sexual assault, or stalking, or in cases involving allegations of child sexual abuse.

(b) Use of funds

A grant under this section may be used to--

- (1) provide supervised visitation and safe visitation exchange of children and youth by and between parents in situations involving domestic violence, dating violence, child sexual abuse, sexual assault, or stalking;
- (2) develop and promote State, local, and tribal legislation, policies, and best practices for improving civil and criminal court functions, responses, practices, and procedures in cases involving a history of domestic violence or sexual assault, or in cases involving allegations of child sexual abuse, including cases in which the victim proceeds pro se;
- (3) educate court-based and court-related personnel and court-appointed personnel (including custody evaluators and guardians ad litem) and child protective services workers on the dynamics of domestic violence, dating violence, sexual assault, and stalking, including information on perpetrator behavior, evidence-based risk factors for domestic and dating violence homicide, and on issues relating to the needs of victims, including safety, security, privacy, and confidentiality, including cases in which the victim proceeds pro se;

(4) provide appropriate resources in juvenile court matters to respond to dating violence, domestic violence, sexual assault (including child sexual abuse), and stalking and ensure necessary services dealing with the health and mental health of victims are available;

(5) enable courts or court-based or court-related programs to develop or enhance--

(A) court infrastructure (such as specialized courts, consolidated courts, dockets, intake centers, or interpreter services);

(B) community-based initiatives within the court system (such as court watch programs, victim assistants, pro se victim assistance programs, or community-based supplementary services);

(C) offender management, monitoring, and accountability programs;

(D) safe and confidential information-storage and information-sharing databases within and between court systems;

(E) education and outreach programs to improve community access, including enhanced access for underserved populations; and

(F) other projects likely to improve court responses to domestic violence, dating violence, sexual assault, and stalking;

(6) provide civil legal assistance and advocacy services, including legal information and resources in cases in which the victim proceeds pro se, to--

(A) victims of domestic violence; and

(B) nonoffending parents in matters--

(i) that involve allegations of child sexual abuse;

(ii) that relate to family matters, including civil protection orders, custody, and divorce; and

(iii) in which the other parent is represented by counsel;

(7) collect data and provide training and technical assistance, including developing State, local, and tribal model codes and policies, to improve the capacity of grantees and communities to address the civil justice needs of victims of domestic violence, dating violence, sexual assault, and stalking who have legal representation, who are proceeding pro se, or who are proceeding with the assistance of a legal advocate; and

(8) improve training and education to assist judges, judicial personnel, attorneys, child welfare personnel, and legal advocates in the civil justice system.

(c) Considerations

(1) In general

In making grants for purposes described in paragraphs (1) through (7) of subsection (b), the Attorney General shall consider--

(A) the number of families to be served by the proposed programs and services;

(B) the extent to which the proposed programs and services serve underserved populations;

(C) the extent to which the applicant demonstrates cooperation and collaboration with nonprofit, nongovernmental entities in the local community with demonstrated histories of effective work on domestic violence, dating violence, sexual assault, or stalking, including State or tribal domestic violence coalitions, State or tribal sexual assault coalitions, local shelters, and programs for domestic violence and sexual assault victims; and

(D) the extent to which the applicant demonstrates coordination and collaboration with State, tribal, and local court systems, including mechanisms for communication and referral.

(2) Other grants

In making grants under subsection (b)(8) the Attorney General shall take into account the extent to which the grantee has expertise addressing the judicial system's handling of family violence, child custody, child abuse and neglect, adoption, foster care, supervised visitation, divorce, and parentage.

(d) Applicant requirements

The Attorney General may make a grant under this section to an applicant that--

(1) demonstrates expertise in the areas of domestic violence, dating violence, sexual assault, stalking, or child sexual abuse, as appropriate;

(2) ensures that any fees charged to individuals for use of supervised visitation programs and services are based on the income of those individuals, unless otherwise provided by court order;

(3) for a court-based program, certifies that victims of domestic violence, dating violence, sexual assault, or stalking are not charged fees or any other costs related to the filing, petitioning, modifying, issuance, registration, enforcement, withdrawal, or dismissal of matters relating to the domestic violence, dating violence, sexual assault, or stalking;

(4) demonstrates that adequate security measures, including adequate facilities, procedures, and personnel capable of preventing violence, and adequate standards are, or will be, in place (including the development of protocols or policies to ensure that confidential information is not shared with courts, law enforcement agencies, or child welfare agencies unless necessary to ensure the safety of any child or adult using the services of a program funded under this section), if the applicant proposes to operate supervised visitation programs and services or safe visitation exchange;

(5) certifies that the organizational policies of the applicant do not require mediation or counseling involving offenders and victims being physically present in the same place, in cases where domestic violence, dating violence, sexual assault, or stalking is alleged;

(6) certifies that any person providing legal assistance through a program funded under this section has completed or will complete training on domestic violence, dating violence, sexual assault, and stalking, including child sexual abuse, and related legal issues; and

(7) certifies that any person providing custody evaluation or guardian ad litem services through a program funded under this section has completed or will complete training developed with input from and in collaboration with a tribal, State, territorial, or local domestic violence, dating violence, sexual assault, or stalking victim service provider or coalition on the dynamics of domestic violence and sexual assault, including child sexual abuse, that includes training on how to review evidence of past abuse and the use of evidenced-based theories to make recommendations on custody and visitation.

(e) Authorization of appropriations

There is authorized to be appropriated to carry out this section, \$22,000,000 for each of fiscal years 2023 through 2027. Amounts appropriated pursuant to this subsection shall remain available until expended.

(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 10452](#) of this title.

(2) Applicability of part ¹

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

(g) Cultural relevance

Any services provided pursuant to a grant funded under this section shall be provided in a culturally relevant manner.

CREDIT(S)

(Pub.L. 106-386, Div. B, Title III, § 1301, as added Pub.L. 113-4, Title I, § 104(a), Mar. 7, 2013, 127 Stat. 73; amended Pub.L. 117-103, Div. W, Title I, § 104, Mar. 15, 2022, 136 Stat. 851.)

Footnotes

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

34 U.S.C.A. § 12464, 34 USCA § 12464

Current through P.L. 119-80. Some statute sections may be more current, see credits for details.

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