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Proposed Legislation

United States Code Annotated
Title 34. Crime Control and Law Enforcement (Refs & Annos)
Subtitle I. Comprehensive Acts
Chapter 101. Justice System Improvement (Refs & Annos)
Subchapter XIX. Grants to Combat Violent Crimes Against Women

34 U.S.C.A. § 10446
Formerly cited as 42 USCA § 3796gg-1

§ 10446. State grants

Effective: October 1, 2022
Currentness

(a) General grants

The Attorney General may make grants to States, for use by States, State and local courts (including juvenile courts), units of local government, victim service providers, and Indian tribal governments for the purposes described in section 10441(b) of this title.

(b) Amounts

Of the amounts appropriated for the purposes of this subchapter--

(1) 10 percent shall be available for grants under the program authorized by section 10452 of this title, which shall not otherwise be subject to the requirements of this subchapter (other than section 10447 of this title);

(2) 2.5 percent shall be available for grants for State domestic violence coalitions under section 10441(c) of this title, with the coalition for each State, the coalition for the District of Columbia, the coalition for the Commonwealth of Puerto Rico, the coalition for Guam, the coalition for American Samoa, the coalition for the United States Virgin Islands, and the coalition for the Commonwealth of the Northern Mariana Islands.[1], each receiving an amount equal to $^{1}/_{56}$ of the total amount made available under this paragraph for each fiscal year;

(3) 2.5 percent shall be available for grants for State sexual assault coalitions under section 10441(c) of this title, with the coalition for each State, the coalition for the District of Columbia, the coalition for the Commonwealth of Puerto Rico, coalitions for Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each receiving an amount equal to $^{1}/_{56}$ of the total amount made available under this paragraph for each fiscal year;

(4) $^{1}/_{56}$ shall be available for grants under section 10441(d) of this title;

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(5) $600,000 shall be available for grants to applicants in each State; and

(6) the remaining funds shall be available for grants to applicants in each State in an amount that bears the same ratio to the amount of remaining funds as the population of the State bears to the population of all of the States that results from a distribution among the States on the basis of each State's population in relation to the population of all States.

(c) Qualification

Upon satisfying the terms of subsection (d), any State shall be qualified for funds provided under this subchapter upon certification that--

(1) the funds shall be used for any of the purposes described in section 10441(b) of this title;

(2) grantees and subgrantees shall develop a plan for implementation and shall consult and coordinate with--

(A) the State sexual assault coalition;

(B) the State domestic violence coalition;

(C) the law enforcement entities within the State;

(D) prosecution offices;

(E) State and local courts;

(F) Tribal governments in those States with State or federally recognized Indian tribes;

(G) representatives from underserved populations, including culturally specific populations;

(H) victim service providers;

(I) population specific organizations; and

(J) other entities that the State or the Attorney General identifies as needed for the planning process;

(3) grantees shall coordinate the State implementation plan described in paragraph (2) with the State plans described in section 10407 of Title 42 and the programs described in section 20103 of this title and section 280b-1b of Title 42.[2]

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(4)[3] of the amount granted--

(A) not less than 25 percent shall be allocated for law enforcement;

(B) not less than 25 percent shall be allocated for prosecutors;

(C) not less than 30 percent shall be allocated for victims services of which at least 10 percent shall be distributed to culturally specific community-based organizations; and

(D) not less than 5 percent shall be allocated to State and local courts (including juvenile courts); and[4]

(4)[3] any Federal funds received under this subchapter shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this subchapter.[2]

(5) not later than 2 years after the date of enactment of this Act, and every year thereafter, not less than 20 percent of the total amount granted to a State under this subchapter shall be allocated for programs or projects in 2 or more allocations listed in paragraph (4) that meaningfully address sexual assault, including stranger rape, acquaintance rape, alcohol or drug-facilitated rape, and rape within the context of an intimate partner relationship.

(d) Application requirements

An application for a grant under this section shall include--

(1) the certifications of qualification required under subsection (c);

(2) proof of compliance with the requirements for the payment of forensic medical exams and judicial notification, described in section 10449 of this title;

(3) proof of compliance with the requirements for paying fees and costs relating to domestic violence and protection order cases, described in section 10450 of this title;

(4) proof of compliance with the requirements prohibiting polygraph examinations of victims of sexual assault, described in section 10451 of this title;

(5) proof of compliance with the requirements regarding training for victim-centered prosecution described in section 10454 of this title;

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(6) certification of compliance with the grant conditions under section 12291(b) of this title, as applicable;

(7) an implementation plan required under subsection (i); and

(8) any other documentation that the Attorney General may require.

(e) Disbursement

(1) In general

Not later than 60 days after the receipt of an application under this subchapter, the Attorney General shall--

(A) disburse the appropriate sums provided for under this subchapter; or

(B) inform the applicant why the application does not conform to the terms of section 10181 of this title or to the requirements of this section.

(2) Regulations

In disbursing monies under this subchapter, the Attorney General shall issue regulations to ensure that States will--

(A) give priority to areas of varying geographic size with the greatest showing of need based on the availability of existing domestic violence, dating violence, sexual assault, and stalking programs in the population and geographic area to be served in relation to the availability of such programs in other such populations and geographic areas;

(B) determine the amount of subgrants based on the population and geographic area to be served;

(C) equitably distribute monies on a geographic basis including nonurban and rural areas of various geographic sizes; and

(D) recognize and meaningfully respond to the needs of underserved populations and ensure that monies set aside to fund culturally specific services and activities for underserved populations are distributed equitably among those populations.

(3) Conditions

In disbursing grants under this subchapter, the Attorney General may impose reasonable conditions on grant awards to ensure that the States meet statutory, regulatory, and other program requirements.

(f) Federal share

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The Federal share of a grant made under this subchapter may not exceed 75 percent of the total costs of the projects described in the application submitted, except that, for purposes of this subsection, the costs of the projects for victim services or tribes for which there is an exemption under section 12291(b)(1) of this title shall not count toward the total costs of the projects.

(g) Indian tribes

Funds appropriated by the Congress for the activities of any agency of an Indian tribal government or of the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of the cost of programs or projects funded under this subchapter.

(h) Grantee reporting

(1) In general

Upon completion of the grant period under this subchapter, a State or Indian tribal grantee shall file a performance report with the Attorney General explaining the activities carried out, which report shall include an assessment of the effectiveness of those activities in achieving the purposes of this subchapter.

(2) Certification by grantee and subgrantees

A section of the performance report shall be completed by each grantee and subgrantee that performed the direct services contemplated in the application, certifying performance of direct services under the grant.

(3) Suspension of funding

The Attorney General shall suspend funding for an approved application if--

(A) an applicant fails to submit an annual performance report;

(B) funds are expended for purposes other than those described in this subchapter; or

(C) a report under paragraph (1) or accompanying assessments demonstrate to the Attorney General that the program is ineffective or financially unsound.

(i) Implementation plans

A State applying for a grant under this subchapter shall--

(1) develop an implementation plan in consultation with the entities listed in subsection (c)(2), that identifies how the State will use the funds awarded under this subchapter, including how the State will meet the requirements of subsection (c)(5) and the requirements under section 12291(b) of this title, as applicable; and

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(2) submit to the Attorney General--

(A) the implementation plan developed under paragraph (1);

(B) documentation from each member of the planning committee as to their participation in the planning process;

(C) documentation from the prosecution, law enforcement, court, and victim services programs to be assisted, describing--

(i) the need for the grant funds;

(ii) the intended use of the grant funds;

(iii) the expected result of the grant funds; and

(iv) the demographic characteristics of the populations to be served, including age, disability, race, ethnicity, sexual orientation, gender identity, and language background;

(D) a description of how the State will ensure that any subgrantees will consult with victim service providers during the course of developing their grant applications in order to ensure that the proposed activities are designed to promote the safety, confidentiality, and economic independence of victims;

(E) demographic data on the distribution of underserved populations within the State and a description of how the State will meet the needs of underserved populations, including the minimum allocation for population specific services required under subsection (c)(4)(C);

(F) a description of how the State plans to meet the regulations issued pursuant to subsection (e)(2);

(G) goals and objectives for reducing domestic violence-related homicides within the State; and

(H) any other information requested by the Attorney General.

(j) Reallocation of funds

A State may use any returned or remaining funds for any authorized purpose under this subchapter if--

(1) funds from a subgrant awarded under this subchapter are returned to the State; or

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(2) the State does not receive sufficient eligible applications to award the full funding within the allocations in subsection (c)(4).

(k) Grant increases for States with certain child custody proceeding laws and standards

(1) Definitions

In this subsection:

(A) Child custody proceeding

The term "child custody proceeding"--

(i) means a private family court proceeding in State or local court that, with respect to a child, involves the care or custody of the child in a private divorce, separation, visitation, paternity, child support, legal or physical custody, or civil protection order proceeding between the parents of the child; and

(ii) does not include--

(I) any child protective, abuse, or neglect proceeding;

(II) a juvenile justice proceeding; or

(III) any child placement proceeding in which a State, local, or Tribal government, a designee of such a government, or any contracted child welfare agency or child protective services agency of such a government is a party to the proceeding.

(B) Eligible State

The term "eligible State" means a State that--

(i) receives a grant under subsection (a); and

(ii) has in effect--

(I) each law described in paragraph (3);

(II) the standards described in paragraph (4); and

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(III) the training program described in paragraph (5).

(C) Reunification treatment

The term "reunification treatment" means a treatment or therapy aimed at reuniting or reestablishing a relationship between a child and an estranged or rejected parent or other family member of the child.

(2) Increase

(A) In general

The Attorney General shall increase the amount of a grant awarded under subsection (a) to an eligible State that submits an application under paragraph (6) by an amount that is not more than 10 percent of the average of the total amount of funding provided to the State under subsection (a) under the 3 most recent awards to the State.

(B) Term of increase

An increase of a grant under subparagraph (A) shall be for 1 fiscal year.

(C) Renewal

An eligible State that receives an increase under subparagraph (A) may submit an application for renewal of the increase at such time, in such manner, and containing such information as the Attorney General may reasonably require.

(D) Limit

An eligible State may not receive an increase under subparagraph (A) for more than 4 fiscal years.

(3) Laws

The laws described in this paragraph are the following:

(A) A law that ensures that, with respect to a child custody proceeding in which a parent has been alleged to have committed domestic violence or child abuse, including child sexual abuse--

(i) expert evidence from a court-appointed or outside professional relating to the alleged abuse may be admitted only if the professional possesses demonstrated expertise and clinical experience in working with victims of domestic violence or child abuse, including child sexual abuse, that is not solely of a forensic nature; and

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(ii) in making a finding regarding any allegation of domestic violence or child abuse, including child sexual abuse, in addition to any other relevant admissible evidence, evidence of past sexual or physical abuse committed by the accused parent shall be considered, including--

(I) any past or current protection or restraining orders against the accused parent;

(II) sexual violence abuse protection orders against the accused parent;

(III) arrests of the accused parent for domestic violence, sexual violence, or child abuse; or

(IV) convictions of the accused parent for domestic violence, sexual violence, or child abuse.

(B) A law that ensures that, during a child custody proceeding--

(i) a court may not, solely in order to improve a deficient relationship with the other parent of a child, remove the child from a parent or litigating party--

(I) who is competent, protective, and not physically or sexually abusive; and

(II) with whom the child is bonded or to whom the child is attached;

(ii) a court may not, solely in order to improve a deficient relationship with the other parent of a child, restrict contact between the child and a parent or litigating party--

(I) who is competent, protective, and not physically or sexually abusive; and

(II) with whom the child is bonded or to whom the child is attached;

(iii) a court may not order a reunification treatment, unless there is generally accepted and scientifically valid proof of the safety, effectiveness, and therapeutic value of the reunification treatment;

(iv) a court may not order a reunification treatment that is predicated on cutting off a child from a parent with whom the child is bonded or to whom the child is attached; and

(v) any order to remediate the resistance of a child to have contact with a violent or abusive parent primarily addresses the behavior of that parent or the contributions of that parent to the resistance of the child before ordering the other parent of the child to take steps to potentially improve the relationship of the child with the parent with whom the child resists contact.

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(C) A law that requires judges and magistrates who hear child custody proceedings and other relevant court personnel involved in child custody proceedings, including guardians ad litem, best interest attorneys, counsel for children, custody evaluators, masters, and mediators to complete, with respect to the training program described in paragraph (5)--

(i) not less than 20 hours of initial training; and

(ii) not less than 15 hours of ongoing training every 5 years.

(4) Uniform required standards

The standards described in this paragraph are uniform required standards that--

(A) apply to any neutral professional appointed by a court during a child custody proceeding to express an opinion relating to abuse, trauma, or the behaviors of victims and perpetrators of abuse and trauma; and

(B) require that a professional described in subparagraph (A) possess demonstrated expertise and clinical experience in working with victims of domestic violence or child abuse, including child sexual abuse, that is not solely of a forensic nature.

(5) Training and education program

The training program described in this paragraph is an ongoing training and education program that--

(A) focuses solely on domestic and sexual violence and child abuse, including--

(i) child sexual abuse;

(ii) physical abuse;

(iii) emotional abuse;

(iv) coercive control;

(v) implicit and explicit bias, including biases relating to parents with disabilities;

(vi) trauma;

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(vii) long- and short-term impacts of domestic violence and child abuse on children; and

(viii) victim and perpetrator behavior patterns and relationship dynamics within the cycle of violence;

(B) is provided by--

(i) a professional with substantial experience in assisting survivors of domestic violence or child abuse, including a victim service provider (as defined in section 12291 of this title); and

(ii) if possible, a survivor of domestic violence or child physical or sexual abuse;

(C) relies on evidence-based and peer-reviewed research by recognized experts in the types of abuse described in subparagraph (A);

(D) does not include theories, concepts, or belief systems unsupported by the research described in subparagraph (C); and

(E) is designed to improve the ability of courts to--

(i) recognize and respond to child physical abuse, child sexual abuse, domestic violence, and trauma in all family victims, particularly children; and

(ii) make appropriate custody decisions that--

(I) prioritize child safety and well-being; and

(II) are culturally sensitive and appropriate for diverse communities.

(6) Application

(A) In general

An eligible State desiring a grant increase under this subsection shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General may reasonably require.

(B) Contents

An application submitted by an eligible State under subparagraph (A) shall include information relating to--

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(i) the laws described paragraph (3);

(ii) the standards described in paragraph (4); and

(iii) the training program described in paragraph (5).

(7) Use of funds

An eligible State that receives a grant increase under paragraph (2)(A) shall use the total amount of the increase for the purposes described in subparagraph (C) or (D) of subsection (c)(4).

(8) Rule of construction

Nothing in this subsection shall be interpreted as discouraging States from adopting additional provisions to increase safe outcomes for children. Additional protective provisions are encouraged.

(9) Authorization of appropriations

There are authorized to be appropriated to carry out this subsection $5,000,000 for each of fiscal years 2023 through 2027.

CREDIT(S)

(Pub.L. 90-351, Title I, § 2007, formerly § 2002, as added Pub.L. 103-322, Title IV, § 40121(a)(3), Sept. 13, 1994, 108 Stat. 1911; amended Pub.L. 106-386, Div. B, Title I, §§ 1102(a)(2), 1103(b)(2), Oct. 28, 2000, 114 Stat. 1494, 1496; renumbered § 2007 and amended Pub.L. 107-273, Div. A, Title IV, § 402(1), (2), Nov. 2, 2002, 116 Stat. 1789; Pub.L. 108-405, Title III, § 310(b), (c), Oct. 30, 2004, 118 Stat. 2276; Pub.L. 109-162, Title I, § 101(c) to (e), Title IX, § 906(b), Title XI, § 1134(a), Jan. 5, 2006, 119 Stat. 2973, 2974, 3081, 3108; Pub.L. 109-271, §§ 2(d), (f)(1), (g), (l), 7(a)(2), 8(b), Aug. 12, 2006, 120 Stat. 752, 754, 763, 766; Pub.L. 113-4, Title I, § 101(3), Mar. 7, 2013, 127 Stat. 66; Pub.L. 117-103, Div. W, Title I, § 101(a)(2), Title XV, § 1504, Mar. 15, 2022, 136 Stat. 847, 953.)

Footnotes

1 So in original. The period probably should not appear.

2 So in original. The period should probably be a semicolon.

3 So in original. Two pars. (4) have been enacted.

4 So in original. The word “and” probably should not appear.

34 U.S.C.A. § 10446, 34 USCA § 10446
Current through P.L. 119-127. Some statute sections may be more current, see credits for details.

End of Document

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