

(C) transportation, technical assistance with respect to obtaining financial assistance under Federal and State programs, and referrals for appropriate health-care services (including alcohol and drug abuse treatment), but shall not include reimbursement for any health-care services;

(D) legal advocacy to provide victims with information and assistance through the civil and criminal courts, and legal assistance; or

(E) children's counseling and support services, and child care services for children who are victims of family violence or the dependents of such victims.

(6) The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, and, except as otherwise provided, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

(Pub. L. 98-457, title III, §309, Oct. 9, 1984, 98 Stat. 1762; Pub. L. 102-295, title III, §311(b), May 28, 1992, 106 Stat. 203; Pub. L. 103-322, title IV, §40272(a), Sept. 13, 1994, 108 Stat. 1937.)

#### REFERENCES IN TEXT

Section 450b of title 25, referred to in par. (2), has been amended, and subsecs. (b) and (c) of section 450b no longer define the terms "Indian tribe" and "tribal organization". However, such terms are defined elsewhere in that section.

#### AMENDMENTS

1994—Par. (5)(B). Pub. L. 103-322 inserted "or other supportive services" before "by peers".

1992—Par. (5). Pub. L. 102-295 amended par. (5) generally. Prior to amendment, par. (5) read as follows: "The term 'related assistance'—

"(A) includes counseling and self-help services to abusers, victims, and dependents in family violence situations (which shall include counseling of all family members to the extent feasible) and referrals for appropriate health-care services (including alcohol and drug abuse treatment), and

"(B) may include food, clothing, child care, transportation, and emergency services (but not reimbursement for any health-care services) for victims of family violence and their dependents."

#### TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3002, 10402 of this title.

### § 10409. Authorization of appropriations

#### (a) In general

There are authorized to be appropriated to carry out this chapter \$175,000,000 for each of fiscal years 2001 through 2005.

#### (b) Section 10402(a) and (b)

Of the amounts appropriated under subsection (a) of this section for each fiscal year, not less than 70 percent shall be used for making grants under subsection 10402(a) of this title, and not less than 10 percent shall be used for the purpose of carrying out section 10402(b) of this title.

#### (c) Section 10407

Of the amounts appropriated under subsection (a) of this section for each fiscal year, 5 percent shall be used by the Secretary for making grants under section 10407 of this title.

#### (d) Grants for State coalitions

Of the amounts appropriated under subsection (a) of this section for each fiscal year, not less than 10 percent of such amounts shall be used by the Secretary for making grants under section 10410 of this title.

#### (e) Non-supplanting requirement

Federal funds made available to a State under this chapter shall be used to supplement and not supplant other Federal, State, and local public funds expended to provide services and activities that promote the purposes of this chapter.

(Pub. L. 98-457, title III, §310, Oct. 9, 1984, 98 Stat. 1763; Pub. L. 100-294, title III, §301, Apr. 25, 1988, 102 Stat. 124; Pub. L. 102-295, title III, §316, May 28, 1992, 106 Stat. 206; Pub. L. 103-322, title IV, §40241, Sept. 13, 1994, 108 Stat. 1934; Pub. L. 104-235, title II, §203, Oct. 3, 1996, 110 Stat. 3089; Pub. L. 106-386, div. B, title II, §1202(a), Oct. 28, 2000, 114 Stat. 1505.)

#### AMENDMENTS

2000—Subsec. (a). Pub. L. 106-386 reenacted heading without change and amended text of subsec. (a) generally. Prior to amendment, text read as follows: "There are authorized to be appropriated to carry out this chapter—

"(1) \$50,000,000 for fiscal year 1996;

"(2) \$60,000,000 for fiscal year 1997;

"(3) \$70,000,000 for fiscal year 1998;

"(4) \$72,500,000 for fiscal year 1999; and

"(5) \$72,500,000 for fiscal year 2000."

1996—Subsec. (b). Pub. L. 104-235, §203(1), substituted "70 percent" for "80 percent".

Subsecs. (d), (e). Pub. L. 104-235, §203(2), added subsecs. (d) and (e).

1994—Subsec. (a). Pub. L. 103-322 amended heading and text of subsec. (a) generally. Prior to amendment, text read as follows: "There are authorized to be appropriated to carry out the provisions of sections 10402 through 10408 of this title and section 10413 of this title, \$60,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995."

1992—Pub. L. 102-295 amended section generally. Prior to amendment, section read as follows:

"(a) There are authorized to be appropriated to carry out the provisions of this chapter \$11,000,000 for fiscal year 1985, \$26,000,000 for each of the fiscal years 1986 and 1987, \$26,000,000 for fiscal year 1988, and such sums as may be necessary for each of the fiscal years 1989, 1990, and 1991.

"(b) Of the sums appropriated under subsection (a) of this section for any fiscal year, not less than 85 percent shall be used by the Secretary for making grants under section 10402 of this title.

"(c) The Secretary shall ensure that funds appropriated pursuant to authorizations in this chapter shall remain available until expended for the purposes for which they were appropriated."

1988—Subsec. (a). Pub. L. 100-294, §301(a), substituted "1985," for "1985 and" and inserted ", \$26,000,000 for fiscal year 1988, and such sums as may be necessary for each of the fiscal years 1989, 1990, and 1991" after "1987" before period at end.

Subsec. (c). Pub. L. 100-294, §301(b), added subsec. (c).

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 10403, 10415 of this title.

# **§ 10410. Grants for State domestic violence coalitions**

## **(a) In general**

The Secretary shall award grants for the funding of State domestic violence coalitions. Such coalitions shall further the purposes of domestic violence intervention and prevention through activities, including—

(1) working with local domestic violence programs and providers of direct services to encourage appropriate responses to domestic violence within the State, including—

(A) training and technical assistance for local programs and professionals working with victims of domestic violence;

(B) planning and conducting State needs assessments and planning for comprehensive services;

(C) serving as an information clearing-house and resource center for the State; and

(D) collaborating with other governmental systems which affect battered women;

(2) working with judicial and law enforcement agencies to encourage appropriate responses to domestic violence cases and examine issues including—

(A) the inappropriateness of mutual protection orders;

(B) the prohibition of mediation when domestic violence is involved;

(C) the use of mandatory arrests of accused offenders;

(D) the discouragement of dual arrests;

(E) the adoption of aggressive and vertical prosecution policies and procedures;

(F) the use of mandatory requirements for presentence investigations;

(G) the length of time taken to prosecute cases or reach plea agreements;

(H) the use of plea agreements;

(I) the consistency of sentencing, including comparisons of domestic violence crimes with other violent crimes;

(J) the restitution of victims;

(K) the use of training and technical assistance to law enforcement, judges, court officers and other criminal justice professionals;<sup>1</sup>

(L) the reporting practices of, and significance to be accorded to, prior convictions (both felony and misdemeanor) and protection orders;

(M) the use of interstate extradition in cases of domestic violence crimes;

(N) the use of statewide and regional planning; and

(O) any other matters as the Secretary and the State domestic violence coalitions believe merit investigations;

(3) work with family law judges,<sup>1</sup> criminal court judges, Child Protective Services agencies, and children's advocates to develop appropriate responses to child custody and visitation issues in domestic violence cases as well as cases where domestic violence and child abuse are both present, including—

(A) the inappropriateness of mutual protection orders;

(B) the prohibition of mediation where domestic violence is involved;

(C) the inappropriate use of marital or conjoint counseling in domestic violence cases;

(D) the use of training and technical assistance for family law judges, criminal court judges, and court personnel;

(E) the presumption of custody to domestic violence victims;

(F) the use of comprehensive protection orders to grant fullest protections possible to victims of domestic violence, including temporary custody support and maintenance;

(G) the development by Child Protective Service of supportive responses that enable victims to protect their children;

(H) the implementation of supervised visitations or denial of visitation to protect against danger to victims or their children; and

(I) the possibility of permitting domestic violence victims to remove children from the State when the safety of the children or the victim is at risk;

(4) conduct public education campaigns regarding domestic violence through the use of public service announcements and informative materials that are designed for print media, billboards, public transit advertising, electronic broadcast media, and other vehicles for information that shall inform the public concerning domestic violence, including information aimed at underserved racial, ethnic or language-minority populations; and

(5) participate in planning and monitoring of the distribution of grants and grant funds to their State under section 10402(a) of this title.

## **(b) Eligibility**

To be eligible for a grant under this section, an entity shall be a statewide nonprofit State domestic violence coalition meeting the following conditions:

(1) The membership of the coalition includes representatives from a majority of the programs for victims of domestic violence in the State.

(2) The board membership of the coalition is representative of such programs.

(3) The purpose of the coalition is to provide services, community education, and technical assistance to such programs to establish and maintain shelter and related services for victims of domestic violence and their children.

(4) In the application submitted by the coalition for the grant, the coalition provides assurances satisfactory to the Secretary that the coalition—

(A) has actively sought and encouraged the participation of law enforcement agencies and other legal or judicial entities in the preparation of the application; and

(B) will actively seek and encourage the participation of such entities in the activities carried out with the grant.

## **(c) Allotment of funds**

From amounts appropriated under this section for each fiscal year, the Secretary shall allot to

<sup>1</sup> So in original.