

DOMESTIC VIOLENCE

HEARINGS
BEFORE THE
SUBCOMMITTEE ON SELECT EDUCATION
OF THE
COMMITTEE ON EDUCATION AND LABOR
HOUSE OF REPRESENTATIVES
NINETY-FIFTH CONGRESS

SECOND SESSION

ON

H.R. 7927 and H.R. 8948

TO AUTHORIZE THE SECRETARY OF HEALTH, EDUCATION,
AND WELFARE TO ESTABLISH A GRANT PROGRAM TO DE-
VELOP METHODS OF PREVENTION AND TREATMENT RELAT-
ING TO DOMESTIC VIOLENCE, AND FOR OTHER PURPOSES

HEARINGS HELD IN WASHINGTON, D.C.,
ON MARCH 16 AND 17, 1978

Use of the Committee on Education and Labor
CARL D. PERKINS, *Chairman*



57922-
57941

95TH CONGRESS
1ST SESSION

H. R. 8948

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 7, 1977

Ms. MINTZSKI (for herself, Mr. BYRON, Mrs. CHISHOLM, Mrs. HECKLER, Ms. KEYS, Mrs. MEYNER, and Mrs. SELLMAN) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To establish programs for the prevention and treatment of family violence.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SHORT TITLE

4 SECTION 1. This Act may be cited as the "Family
5 Violence Prevention and Treatment Act".

6 TITLE I—GENERAL PROVISIONS

7 CONGRESSIONAL STATEMENT OF FINDINGS

8 SEC. 101. The Congress hereby finds that—

- 9 (1) violence in American households is widespread;
10 (2) such violence is a symptom of the rising stress
11 to which American families are subjected from many

1 sources, and reflects the continued acceptance of the
2 idea that violence is an acceptable form of release of
3 stress within the family;

4 (3) among the economic and social causes of stress
5 and violence in American families are poverty, unem-
6 ployment, low prestige, status inconsistency, insecurity,
7 masculine and feminine stereotypes and role condition-
8 ing, the economic dependence of one spouse on the other,
9 the burdens of children and child care, alcohol and drug
10 abuse, inadequate housing, unaffordable housing, poor
11 education, and mental illness;

12 (4) family violence is a major cause of mental ill-
13 ness and behavioral disturbance in children leading to
14 such social problems as juvenile delinquency, runaways,
15 school dropouts, and continued violence in the families
16 of the next generation;

17 (5) rejection and abandonment of dependent family
18 members for whom the head of the household is not le-
19 gally responsible is a form of family violence which
20 creates a population of homeless and destitute adults,
21 especially women, for whom few shelters and services
22 exist;

23 (6) violence against the dependent spouse, usually
24 the wife, has created a need for emergency temporary

1 shelters and other crisis intervention programs which
2 are not currently available;

3 (7) family violence grows if not checked at an early
4 stage;

5 (8) programs for identifying violence-prone families
6 and providing prevention services do not exist;

7 (9) little coherent national planning or established
8 priority structure to eliminate family violence, and the
9 causes and effects of family violence, exists among the
10 major Federal programs dealing with the economic and
11 social causes of stress and violence in families or with
12 the effects of such violence;

13 (10) no national policy to eliminate family violence
14 has been clearly formulated, and such a national policy
15 is needed;

16 (11) such a national policy must be implemented
17 by a national strategy to eliminate family violence in-
18 volving both the coordination and integration of existing
19 Federal programs and research efforts and the initiation
20 of new programs and efforts;

21 (12) the most effective direct service programs for
22 the victims of family violence have been developed in
23 the private, voluntary sector by dedicated volunteers,
24 and the most effective approach to the delivery of social

1 services to such victims has involved person-to-person
2 support systems and an emphasis on self-help; and

3 (13) such private, voluntary efforts need prompt
4 Federal assistance, since the provision of direct services
5 to the victims of family violence is the most immediate
6 and pressing problem related to family violence.

7 CONGRESSIONAL DECLARATION OF PURPOSE AND POLICY

8 SEC. 102. It is the purpose of this Act—

9 (1) to declare that the elimination of family vio-
10 lence, and its causes and effects, is a national policy;

11 (2) to mandate the mobilization of presently frag-
12 mented Federal programs in areas related to family
13 violence in a coordinated attack on family violence;

14 (3) to amend existing Federal legislation calling
15 for the establishment of State reporting systems on the
16 incidence of child abuse and neglect to include reporting
17 of other types of family violence, especially spouse abuse;

18 (4) to establish a national center to provide in-
19 formation and technical assistance to public and private
20 local organizations and to individuals needing assistance
21 with problems of family violence prevention and victim-
22 ization; and

23 (5) to establish a Federal media campaign to
24 educate the public about the problems of family violence

1 and the remedies and resources available to deal with
2 such problems.

3 DEFINITIONS

4 SEC. 103. For purposes of this Act—

5 (1) the term "community based" means a social
6 service program which maintains community and con-
7 sumer participation in the planning, operation, and
8 evaluation of its program, which may include providing
9 shelter, medical, educational, legal, vocational, business,
10 social and psychological guidance, training, counseling,
11 alcoholism treatment, drug treatment, and other rehabili-
12 tative services or referrals to such services;

13 (2) the term "family" means a group of two or
14 more persons residing or formerly residing together who
15 are related by blood, marriage, or operation of law;

16 (3) the term "family violence" means the use of
17 unreasonable physical force by one member of a family
18 against another member of a family so as to cause physi-
19 cal injury, or the physical ejection of a dependent
20 member of a family from the family home and abandon-
21 ment of the ejected family member by the remaining
22 members of the family, if any;

23 (4) the term "unreasonable physical force" means
24 more than the amount of force considered acceptable

1 for use between members of a family by the community
2 or cultural, ethnic, or racial groups to which the family
3 belongs, but in no case is force to be considered reason-
4 able if it causes injury which would make its use in that
5 instance a civil or criminal offense under the laws of
6 the State which has jurisdiction should a complaint be
7 filed; and

8 (5) the term "victim of family violence" means a
9 person suffering from the lack of a healthy family support
10 system because the conditions of living in that person's
11 family are violent and destructive to any member or
12 members of that family, or because that person has been
13 physically ejected from the family home and has been
14 abandoned (either intentionally or through force of cir-
15 cumstance) by the family upon which that person has
16 been dependent.

17 AUTHORIZATION OF APPROPRIATIONS

18 SEC. 104. There are authorized to be appropriated such
19 sums, not to exceed \$10,000,000 for the fiscal year ending
20 on September 30, 1978, and not to exceed \$15,000,000 for
21 the fiscal year ending September 30, 1979, as may be nec-
22 essary to carry out the provisions of this Act. Any funds
23 appropriated under this section for any fiscal year which are
24 not expended by the close of such fiscal year may be used,

1 to the extent provided in any appropriation Act, in any
2 subsequent fiscal year.

3 TITLE II—COORDINATING COUNCIL ON FAMILY
4 VIOLENCE

5 ESTABLISHMENT

6 SEC. 201. (a) (1) There is hereby established as an
7 independent organization in the executive branch of the
8 Federal Government a Coordinating Council on Family
9 Violence (hereinafter in this title referred to as the "Coun-
10 cil"). The Council shall be composed of representatives of
11 the Department of Health, Education, and Welfare, the De-
12 partment of Justice, the Department of Housing and Urban
13 Development, the Department of Labor, the Department of
14 Commerce, the Department of Agriculture, the ACTION
15 Agency, the Community Services Administration, the Office
16 of Science and Technology Policy, and representatives of
17 such other agencies as the President shall designate.

18 (2) The representatives of the agencies serving on the
19 Council shall be designated by the President in consultation
20 with the heads of the agencies involved who may themselves
21 be designated by the President. Any individual designated
22 under this section shall be one who exercises significant de-
23 cisionmaking authority in the department or agency in-

1 volved. All designations shall take place within thirty days
2 of the date of the enactment of this Act.

3 (b) The President shall appoint the Chairperson and
4 Vice Chairperson of the Council from among the members
5 of the Council. The Vice Chairperson shall act as Chairper-
6 son in the absence of the Chairperson.

7 (c) The Chairperson may—

8 (1) request the head of any Federal agency which
9 is not specified in subsection (a) to designate a repre-
10 sentative to participate in meetings or parts of meetings
11 of the Council concerned with matters of substantial
12 interest to such agency; and

13 (2) invite other persons to attend meetings of the
14 Council.

15 FUNCTIONS

16 SEC. 202. (a) The functions of the Council shall be—

17 (1) to identify, assess, and coordinate all Federal
18 programs providing services, funding, or research or
19 demonstration programs related to problems of family
20 violence in order to eliminate duplication of effort, ineffi-
21 cient use of resources, and lack of strategic objectives and
22 priorities in the allocation of time, talent, and funds;
23 and

24 (2) to stimulate new programs within member

1 agencies of the Council where necessary to fill gaps in
2 services, funding, research, or demonstration programs
3 revealed by the process of identification, assessment,
4 and attempted coordination.

5 (b) The Council shall make recommendations to the
6 President and the Congress at least annually with respect to
7 the coordination of overall policy and development of objec-
8 tives and priorities for all Federal programs relating to the
9 effort to eliminate family violence and its effects.

10 MEETINGS

11 SEC. 203. The Council shall meet at least four times
12 each year.

13 EXECUTIVE SECRETARY OF COUNCIL

14 SEC. 204. (a) The Chairperson shall appoint an Execu-
15 tive Secretary of the Council who shall be detailed to the
16 Council from one of the agencies represented on the Council.
17 Any such appointment shall be made only upon approval
18 by the Council and the head of the agency involved.

19 (b) The Executive Secretary shall be responsible for the
20 daily administration of the Council.

21 (c) The Executive Secretary may, with the approval of
22 the Council and of the representatives of the heads of the
23 agencies represented on the Council, appoint such personnel
24 as the Executive Secretary considers necessary to carry out

1 the purposes of this title. Such personnel shall be detailed to
2 the Council by the agencies by whom they are employed and
3 who are represented on the Council.

4 COUNCIL STAFFING AND SUPPORT

5 SEC. 205. For the purpose of carrying out the provi-
6 sions of this title, each Federal agency represented on the
7 Council shall furnish any necessary assistance. Such assistance
8 may include—

9 (1) detailing employees to the Council to perform
10 such functions, consistent with the purposes of this title,
11 as the Chairperson or Executive Secretary may assign to
12 them; and

13 (2) undertaking, upon the request of the Chair-
14 person or the Council, such special studies as may relate
15 to the functions of the Council.

16 ADDITIONAL POWERS OF COUNCIL

17 SEC. 206. In addition to the other powers of the Council,
18 the Council may—

19 (1) request any Federal agency to supply such
20 statistics, data, program reports, special studies, and
21 other material as the Council deems necessary to carry
22 out its functions;

23 (2) confer with, and avail itself of the cooperation,
24 services, records, and facilities of, State, municipal, or
25 other public or private local agencies under procedures

1 which preserve the anonymity of members of violent
2 families for whom records exist; and

3 (3) organize itself into standing committees and
4 panels for the purpose of conducting studies or making
5 reports as directed by the Chairperson.

6 TITLE III—NATIONAL CENTER FOR COMMUNITY
7 ACTION AGAINST FAMILY VIOLENCE

8 ESTABLISHMENT OF CENTER

9 SEC. 301. (a) The Director of the ACTION Agency
10 (hereinafter in this title referred to as the "Director") shall
11 establish an office within the ACTION Agency to be known
12 as the National Center for Community Action Against Fam-
13 ily Violence (hereinafter in this title referred to as the
14 "Center").

15 (b) The purpose of the Center shall be to provide
16 information and technical assistance to local community
17 groups which need assistance with organizing, managing, or
18 operating existing or proposed programs to combat family
19 violence or assist the victims of family violence, to inform
20 the public about the problems of family violence and the
21 remedies and resources available to deal with such problems,
22 and to assist individual victims of family violence.

23 FUNCTIONS

24 SEC. 302. To carry out the purposes of the Center, the
25 Director, through the Center, shall—

1 (1) develop and maintain an information clearing-
2 house to—

3 (A) compile and regularly distribute useful
4 information on public and private service programs
5 showing promise of success in the identification, pre-
6 vention, and treatment of family violence, the pro-
7 tection of its victims, and rehabilitation of its victims
8 and perpetrators, in a readable format to those
9 working in the area of family violence;

10 (B) act as a clearinghouse of other Federal
11 clearinghouses dealing with information relevant
12 to problems of family violence;

13 (C) develop and maintain a national directory
14 of temporary shelter and other direct service facili-
15 ties for the victims of family violence which is as
16 current, complete, and detailed as necessary to pro-
17 vide useful referral services to persons seeking help
18 on an emergency basis;

19 (D) provide opportunities to those working in
20 the area of family violence to meet and exchange
21 information; and

22 (E) provide such other information as will
23 facilitate the efforts of those working to combat
24 family violence and help its victims;

1 (2) establish a national toll free telephone number
2 to respond to inquiries which will operate on a twenty-
3 four-hour basis each day of the week, and which will
4 maintain the capability of responding effectively to—

5 (A) requests for technical assistance in estab-
6 lishing and maintaining community programs to
7 combat family violence and help the victims of
8 family violence;

9 (B) requests for referral to sources of help; and

10 (C) the need for immediate telephone
11 counseling;

12 (3) recruit, select, train, and assign persons to
13 serve as full-time or part-time volunteers in selected local
14 public or private nonprofit community organizations
15 which request help with organizing, managing, or operat-
16 ing existing or proposed programs to combat family
17 violence or help the victims of family violence;

18 (4) make grants where appropriate to such local
19 community organizations to which volunteers have
20 been assigned for support and training of such volun-
21 teers; and

22 (5) develop and implement a national media cam-
23 paign to educate the public about the problems of fam-
24 ily violence and the remedies and resources available to

1 deal with such problems, including the availability of the
2 national toll free telephone number established in para-
3 graph (2).

4 OPERATION OF THE CENTER

5 SEC. 303. (a) To administer the Center on a daily
6 basis, the Director shall appoint a Director of the Center,
7 who shall have such authority, powers, and duties as are
8 delegated to the Director of the Center by the Director. The
9 Director of the Center shall be compensated at a rate not to
10 exceed the rate in effect from time to time for grade GS-18
11 of the General Schedule in section 5332 of title 5, United
12 States Code.

13 (b) The authority, powers, and duties of the Director,
14 whether exercised by the Director or by the Director of the
15 Center by delegation, in connection with the recruitment,
16 selection, training, assignment, and support of volunteers
17 shall be as set forth in title IV of the Domestic Volunteer
18 Services Act, except as otherwise provided in this title.

19 RECRUITMENT, SELECTION, AND TRAINING OF

20 VOLUNTEERS

21 SEC. 304. (a) The Director may recruit, select, and
22 train persons to serve in volunteer programs consistent with
23 the purposes of the Center and of this Act.

24 (b) Volunteers shall be recruited from as wide a repre-
25 sentation of income groups, racial, ethnic, and cultural

1 plan is updated and reviewed with each volunteer no later
2 than one hundred and twenty days before the completion of
3 the term of service of such volunteer.

4 (d) Except as provided in subsection (c), the assign-
5 ment of volunteers under this section shall be on such terms
6 and conditions as the Director may determine.

7 (c) Volunteers shall not be assigned to duties or work in
8 any State unless such program has been submitted to the
9 Governor or other chief executive officer of the State in-
10 volved, and has not been disapproved by him within forty-
11 five days after such submission. The assignment of a volun-
12 teer shall be terminated by the Director when so requested
13 by the Governor or chief executive officer of the State in-
14 volved, not later than thirty days after such request has been
15 made, or at a time after such request has been made as
16 agreed upon by such Governor or chief executive officer of
17 the State involved, and the Director.

18 TERMS AND PERIODS OF VOLUNTEER SERVICE

19 SEC. 306. (a) The Director shall establish, after con-
20 sultation with community groups working in the area of
21 family violence and in accordance with this section, such
22 terms and periods of volunteer service as are appropriate
23 to carry out the purposes of the Center and of this Act.

24 (b) (1) The Director shall establish programs of
25 volunteer service in accordance with this subsection.

1 (2) The Director shall establish a program in which
2 volunteers are trained to teach skills identified as those needed
3 in the organization, management, and operation of local
4 community organizations attempting to combat family
5 violence or assist its victims. Such volunteers shall be assigned
6 to sponsoring organizations willing to send them to teach
7 such skills to other similar organizations throughout a State
8 or region when requested to do so by such organizations.
9 Limits on the period of time such volunteers may spend with
10 any one organization shall be established by the Director.

11 (3) The Director shall establish a program in which
12 volunteers are trained and expected to serve in the program
13 of one sponsor in its own community.

14 (c) Full-time volunteers shall be required to make a
15 full-time personal commitment to combating family violence.
16 Such commitment shall include a commitment to remain
17 available for service without regard to regular working hours
18 at all times during periods of service, except for authorized
19 periods of leave.

20 (d) Volunteers shall, upon enrollment, take the oath
21 of office in the same manner as required in section 5 (j) of
22 the Peace Corps Act (22 U.S.C. 2504 (j)), except that
23 persons legally residing within a State but who are not
24 citizens or nationals of the United States, may serve without
25 taking or subscribing to such oath if the Director determines

1 that the service of such persons will further the interests of
2 the United States. Such persons shall take such alternative
3 oath or affirmation as the Director shall deem appropriate.

4 (c) The Director shall establish a procedure, including
5 notice and opportunity to be heard, for volunteers to present
6 and obtain resolution of grievances and to present their
7 views in connection with the terms and conditions of their
8 service. The Director shall promptly provide to each volun-
9 teer beginning service information regarding such procedure
10 and the terms and conditions of their service.

11 SUPPORT SERVICES

12 SEC. 307. (a) (1) The Director may provide a stipend
13 to volunteers, while they are in training and during their
14 assignments, who are enrolled for periods of full-time or
15 part-time service of not less than one year, except that the
16 Director may, on an individual basis, make an exception to
17 provide a stipend to a volunteer for a period which extends
18 the regular service period of such volunteer for less than
19 a full year.

20 (2) Stipends shall be payable only upon completion of
21 a period of service, except that in extraordinary circum-
22 stances the Director may from time to time advance all or a
23 portion of the accrued stipend to or on behalf of a volunteer.
24 In the event of the death of a volunteer during service, the

1 amount of any unpaid stipend shall be paid in accordance
2 with the provisions of section 5582 of title 5, United States
3 Code.

4 (b) The Director shall also provide volunteers such
5 living, travel (including travel to and from places of train-
6 ing), and leave allowances, and such housing, supplies,
7 equipment, subsistence, clothing, health and dental care,
8 transportation, supervision, technical assistance, and such
9 other support as the Director deems necessary and appro-
10 priate to carry out the purposes of the Center and of this Act,
11 and shall ensure that each such volunteer has available such
12 allowances and support as will enable the volunteer to per-
13 form effectively the work to which such volunteer is assigned.

14 (c) In providing stipends, allowances, support services,
15 or other benefits, the Director shall ensure that, to the extent
16 practicable, such payments, services, and benefits will be
17 provided in a manner and in amounts consistent with the
18 practice in such matters observed for volunteers under the
19 VISTA program as established in title I of the Domestic
20 Volunteer Services Act. The Director shall also ensure that,
21 to the extent practicable, at least half of the money appropri-
22 ated to carry out the provisions of this Act shall be used for
23 the costs of training, paying, and supporting volunteers
24 under this Act.

NATIONAL MEDIA CAMPAIGN

1

2 SEC. 308. The national media campaign mandated in
3 section 302 (5) shall be implemented by the Director on an
4 annual basis, using public service advertisements provided by
5 the advertising industry and such other means as may be
6 appropriate.

7

TITLE IV—AMENDMENTS TO CHILD ABUSE

8

PREVENTION AND TREATMENT ACT

9

DEFINITIONS

10 SEC. 401. Section 3 of the Child Abuse Prevention and
11 Treatment Act (42 U.S.C. 5102) is amended to read as
12 follows:

13

“DEFINITIONS

14 “SEC. 3. For purposes of this Act—

15 “(1) the term ‘child abuse and neglect’ means the
16 physical or mental injury, sexual abuse, negligent
17 treatment, or maltreatment of a child under the age
18 of eighteen by a person who is responsible for the child’s
19 welfare under circumstances which indicate that the
20 child’s health or welfare is harmed or threatened thereby,
21 as determined in accordance with regulations prescribed
22 by the Secretary;

23

24 “(2) the term ‘family’ means a group of two or
25 more persons residing or formerly residing together who
are related by blood, marriage, or operation of law; and

1 “(3) the term ‘family violence’ means the physical
2 injury or death of a member of a family over the age
3 of eighteen caused by another member of such family
4 under circumstances which indicate that such injury or
5 death may not be the result of any accidental
6 occurrence.”.

7 DEMONSTRATION PROGRAMS AND PROJECTS

8 SEC. 402. (a) Section 4 (b) (2) (A) of the Child Abuse
9 Prevention and Treatment Act (42 U.S.C. 5103 (b) (2)
10 (A)) is amended by inserting after “child abuse and neg-
11 lect” the second place it appears therein the following:
12 “, and instances of other forms of family violence (especially
13 between spouses),”.

14 (b) Section 4 (b) (2) (B) of the Child Abuse Pre-
15 vention and Treatment Act (42 U.S.C. 5103 (b) (2) (B))
16 is amended by inserting after “neglect” the following: “and
17 other forms of family violence (especially between spouses)”.

18 TITLE V—EVALUATION AND RESEARCH

19 USE OF DEPARTMENT OF HEALTH, EDUCATION, AND WEL-

20 FARE POLICY EVALUATION AND RESEARCH FUNDS

21 SEC. 501. (a) The Secretary of Health, Education, and
22 Welfare shall direct that for a two-year period following as
23 soon as practicable the date of the enactment of this Act, an
24 amount not less than \$650,000 per year shall be spent from
25 funds available to the Secretary from program evaluation

1 funds or other sources to evaluate in a representative sample
2 of local communities the impact of community programs
3 assisted by the Department on the prevention and treatment
4 of family violence. The effectiveness of these programs in
5 protecting the victims of family violence and in rehabilitating
6 both the victims and perpetrators of family violence should
7 be appraised. In making this evaluation, programs should
8 be judged for their individual impact, their combined impact
9 with other Department assisted programs, and their coordi-
10 nation with other community resources.

11 (b) (1) The Secretary shall carry out the requirements
12 of subsection (a) by contract with a combination of national
13 nonprofit private organizations with a demonstrated interest
14 in problems of family violence and with constituencies which
15 represent a broad cross section of Americans, geographically,
16 culturally, racially, and economically. In awarding such a
17 contract, the Secretary shall draw up a set of criteria for
18 selection of the contractor that makes clear that the evaluation
19 is to reflect the views of—

20 (A) the providers of services;

21 (B) the entire spectrum of groups and individual
22 experts concerned with the issue of family violence and
23 aid to its victims; and

24 (C) the victims and perpetrators themselves.

1 (2) The Secretary shall select the combination of na-
2 tional nonprofit private organizations specified in paragraph
3 (1) based upon a determination by the Secretary that such
4 combination—

5 (A) has presented the most effective strategy for
6 carrying out the evaluation required in subsection (a);
7 and

8 (B) will be sensitive to different community view-
9 points, based upon the extent of the involvement of the
10 members of such combination with the problems of
11 communities, the full variety of groups working on these
12 problems, and the diverse population of such communi-
13 ties.

END