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110TH CONGRESS
2D SESSION

S. 1515

To establish a domestic violence volunteer attorney network to represent domestic violence victims.

IN THE SENATE OF THE UNITED STATES

MAY 24, 2007

Mr. BIDEN (for himself, Mr. SPECTER, Mr. BAYH, Mr. STEVENS, Mr. BROWN, Mr. JOHNSON, Ms. MURKOWSKI, Mr. CASEY, Mr. WHITEHOUSE, and Mr. SCHUMER) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

JULY 29 (legislative day, JULY 28), 2008

Reported by Mr. LEAHY, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To establish a domestic violence volunteer attorney network to represent domestic violence victims.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

~~**SECTION 1. SHORT TITLE.**~~

~~This Act may be cited as the "National Domestic Violence Volunteer Attorney Network Act".~~

~~SEC. 2. DEFINITIONS.~~

~~In this Act, the terms "dating partner", "dating violence", "domestic violence", "legal assistance", "linguistically and culturally specific services", "stalking", and "State domestic violence coalitions" shall have the same meaning given such terms in section 3 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162).~~

~~SEC. 3. NATIONAL DOMESTIC VIOLENCE VOLUNTEER ATTORNEY NETWORK.~~

~~Section 1201 of the Violence Against Women Act of 2000 (42 U.S.C. 3796gg–6) is amended by adding at the end the following:~~

~~"(g) NATIONAL DOMESTIC VIOLENCE VOLUNTEER ATTORNEY NETWORK.—~~

~~"(1) IN GENERAL.—~~

~~"(A) GRANTS.—The Attorney General may award grants to the American Bar Association Commission on Domestic Violence to work in collaboration with the American Bar Association Committee on Pro Bono and Public Service and other organizations to create, recruit lawyers for, and provide training, mentoring, and technical assistance for a National Domestic Violence Volunteer Attorney Network.~~

1 ~~"(B) USE OF FUNDS.—Funds allocated to~~
2 ~~the American Bar Association's Commission on~~
3 ~~Domestic Violence under this subsection shall~~
4 ~~be used to—~~
5 ~~"(i) create and maintain a network to~~
6 ~~field and manage inquiries from volunteer~~
7 ~~lawyers seeking to represent and assist vic-~~
8 ~~tims of domestic violence;~~
9 ~~"(ii) solicit lawyers to serve as volun-~~
10 ~~teer lawyers in the network;~~
11 ~~"(iii) retain dedicated staff to support~~
12 ~~volunteer attorneys by—~~
13 ~~"(I) providing field technical as-~~
14 ~~sistance inquiries;~~
15 ~~"(II) providing on-going men-~~
16 ~~toring and support;~~
17 ~~"(III) collaborating with national~~
18 ~~domestic violence legal technical as-~~
19 ~~sistance providers and statewide legal~~
20 ~~coordinators and local legal services~~
21 ~~programs; and~~
22 ~~"(IV) developing legal education~~
23 ~~and other training materials; and~~
24 ~~"(iv) maintain a point of contact with~~
25 ~~the statewide legal coordinator in each~~

~~State regarding coordination of training, mentoring, and supporting volunteer attorneys representing victims of domestic violence.~~

~~"(2) AUTHORIZATION.—There are authorized to be appropriated to carry out this subsection $2,000,000 for each of the fiscal years 2008 and 2009 and $3,000,000 for each of the fiscal years 2010 through 2013.~~

~~"(3) ELIGIBILITY FOR OTHER GRANTS.—A receipt of an award under this subsection by the Commission on Domestic Violence of the American Bar Association shall not preclude the Commission from receiving additional grants under the Office on Violence Against Women's Technical Assistance Program to carry out the purposes of that program.~~

~~"(4) OTHER CONDITIONS.—~~

~~"(A) PROHIBITION ON TORT LITIGATION.—Funds appropriated for the grant program under this subsection may not be used to fund civil representation in a lawsuit based on a tort claim. This subparagraph shall not be construed as a prohibition on providing assistance to obtain restitution.~~

~~"(B) PROHIBITION ON LOBBYING.—Any funds appropriated under this subsection shall be subject to the prohibitions in section 1913 of title 18, United States Code, relating to lobbying with appropriated moneys.".~~

~~SEC. 4. DOMESTIC VIOLENCE VOLUNTEER ATTORNEY REFERRAL PROGRAM.~~

~~(a) PILOT PROGRAM.—~~

~~(1) IN GENERAL.—For fiscal years 2008 and 2009, the Office on Violence Against Women of the Department of Justice, in consultation with the Domestic Violence Legal Advisory Task Force, shall designate 5 States in which to implement the pilot program of the National Domestic Violence Volunteer Attorney Referral Project and distribute funds under this subsection.~~

~~(2) CRITERIA.—Criteria for selecting the States for the pilot program under this subsection shall include—~~

~~(A) equitable distribution between urban and rural areas, equitable geographical distribution;~~

~~(B) States that have a demonstrated capacity to coordinate among local and statewide domestic violence organizations;~~

~~(C) organizations serving immigrant women; and~~

~~(D) volunteer legal services offices throughout the State.~~

~~(3) PURPOSE.—The purpose of the pilot program under this subsection is to—~~

~~(A) provide for a coordinated system of ensuring that domestic violence victims throughout the pilot States have access to safe, culturally, and linguistically appropriate representation in all legal matters arising as a consequence of the abuse or violence; and~~

~~(B) support statewide legal coordinators in each State to manage referrals for victims to attorneys and to train attorneys on related domestic violence issues.~~

~~(4) ROLE OF STATEWIDE LEGAL COORDINATOR.—A statewide legal coordinator under this subsection shall—~~

~~(A) be employed by the statewide domestic violence coalition, unless the statewide domestic violence coalition determines that the needs of victims throughout the State would be best served if the coordinator was employed by another statewide organization;~~

~~(B) develop and maintain an updated database of attorneys throughout the State, including—~~

~~(i) legal services programs;~~

~~(ii) volunteer programs;~~

~~(iii) organizations serving immigrant women;~~

~~(iv) law school clinical programs;~~

~~(v) bar associations;~~

~~(vi) attorneys in the National Domestic Violence Volunteer Attorney Network; and~~

~~(vii) local domestic violence programs;~~

~~(C) consult and coordinate with existing statewide and local programs including volunteer representation projects or statewide legal services programs;~~

~~(D) provide referrals to victims who are seeking legal representation in matters arising as a consequence of the abuse or violence;~~

~~(E) participate in biannual meetings with other Pilot Program grantees, American Bar Association Commission on Domestic Violence, American Bar Association Committee on Pro~~

~~Bono and Public Service, and national domestic violence legal technical assistance providers;~~

~~(F) receive referrals of victims seeking legal representation from the National Domestic Violence Hotline and other sources;~~

~~(G) receive and disseminate information regarding volunteer attorneys and training and mentoring opportunities; and~~

~~(H) work with the Office on Violence Against Women, the American Bar Association Commission on Domestic Violence, and the National Domestic Violence Legal Advisory Task Force to assess the effectiveness of the Pilot Program.~~

~~(5) ELIGIBILITY FOR GRANTS.—The Attorney General shall award grants to statewide legal coordinators under this subsection.~~

~~(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $750,000 for each of fiscal years 2008 and 2009 to fund the statewide coordinator positions and other costs associated with the position in the 5 pilot program States under this subsection.~~

~~(7) EVALUATION AND REPORTING.—An entity receiving a grant under this subsection shall submit~~

~~to the Department of Justice a report detailing the activities taken with the grant funds, including such additional information as the agency shall require.~~

~~(b) NATIONAL PROGRAM.—~~

~~(1) PURPOSE.—The purpose of the national program under this subsection is to—~~

~~(A) provide for a coordinated system of ensuring that domestic violence victims throughout the country have access to safe, culturally and linguistically appropriate representation in legal matters arising as a consequence of the abuse or violence; and~~

~~(B) support statewide legal coordinators in each State to coordinate referrals to domestic violence attorneys and to train attorneys on related domestic violence issues, including immigration matters.~~

~~(2) GRANTS.—The Attorney General shall award grants to States for the purposes set forth in subsection (a) and to support designated statewide legal coordinators under this subsection.~~

~~(3) ROLE OF THE STATEWIDE LEGAL COORDINATOR.—The statewide legal coordinator under this subsection shall be subject to the requirements and responsibilities provided in subsection (a)(4).~~

~~(4) GUIDELINES.—The Office on Violence Against Women, in consultation with the Domestic Violence Legal Advisory Task Force and the results detailed in the Study of Legal Representation of Domestic Violence Victims, shall develop guidelines for the implementation of the national program under this section, based on the effectiveness of the Pilot Program in improving victims' access to culturally and linguistically appropriate legal representation in the pilot States.~~

~~(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $8,000,000 for each of fiscal years 2010 through 2013 to fund the statewide coordinator position in every State and other costs associated with the position.~~

~~(6) EVALUATION AND REPORTING.—An entity receiving a grant under this subsection shall submit to the Department of Justice a report detailing the activities taken with the grant funds, including such additional information as the agency shall require.~~

~~SEC. 5. TECHNICAL ASSISTANCE FOR THE NATIONAL DOMESTIC VIOLENCE VOLUNTEER ATTORNEY NETWORK.~~

~~(a) PURPOSES.—The purpose of this section is to allow—~~

~~(1) national domestic violence legal technical assistance providers to expand their services to provide training and ongoing technical assistance to volunteer attorneys in the National Domestic Violence Volunteer Attorney Network; and~~

~~(2) providers of domestic violence law to receive additional funding to train and assist attorneys in the areas of—~~

~~(A) custody and child support;~~

~~(B) employment;~~

~~(C) housing;~~

~~(D) immigrant victims' legal needs (including immigration, protection order, family and public benefits issues); and~~

~~(E) interstate custody and relocation law.~~

~~(b) GRANTS.—The Attorney General shall award grants to national domestic violence legal technical assistance providers to expand their services to provide training and ongoing technical assistance to volunteer attorneys in the National Domestic Violence Volunteer Attorney Network, statewide legal coordinators, the National Domestic Violence Hotline and Internet-based legal referral organizations described in section 1201(i)(1) of the Violence Against Women Act of 2000, as added by section 6.~~

~~(c) ELIGIBILITY FOR OTHER GRANTS.—A receipt of an award under this section shall not preclude the national domestic violence legal technical assistance providers from receiving additional grants under the Office on Violence Against Women's Technical Assistance Program to carry out the purposes of that program.~~

~~(d) ELIGIBLE ENTITIES.—In this section, an eligible entity is a national domestic violence legal technical assistance provider that—~~

~~(1) has expertise on legal issues that arise in cases of victims of domestic violence, dating violence and stalking, including family, immigration, housing, protection order, public benefits, custody, child support, interstate custody and relocation, employment and other civil legal needs of victims; and~~

~~(2) has an established record of providing technical assistance and support to lawyers representing victims of domestic violence.~~

~~(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $800,000 for national domestic violence legal technical assistance providers for each fiscal year from 2008 through 2013.~~

~~SEC. 6. NATIONAL DOMESTIC VIOLENCE HOTLINE LEGAL REFERRALS.~~

~~Section 1201 of the Violence Against Women Act of 2000 (42 U.S.C. 3796gg–6) is amended by adding at the end the following:~~

~~"(h) LEGAL REFERRALS BY THE NATIONAL DOMESTIC VIOLENCE HOTLINE.—~~

~~"(1) IN GENERAL.—The Attorney General may award grants to the National Domestic Violence Hotline (as authorized by section 316 of the Family Violence Prevention and Services Act (42 U.S.C. 10416)) to provide information about statewide legal coordinators and legal services.~~

~~"(2) USE OF FUNDS.—Funds allocated to the National Domestic Violence Hotline under this subsection shall be used to—~~

~~"(A) update the Hotline's technology and systems to reflect legal services and referrals to statewide legal coordinators;~~

~~"(B) collaborate with the American Bar Association Commission on Domestic Violence and the national domestic violence legal technical assistance providers to train and provide appropriate assistance to the Hotline's advocates on legal services; and~~

1 ~~"(C) maintain a network of legal services~~
2 ~~and statewide legal coordinators and collaborate~~
3 ~~with the American Bar Association Commission~~
4 ~~on Domestic Violence.~~
5 ~~"(3) AUTHORIZATION.—There are to be appro-~~
6 ~~priated to carry out this subsection $500,000 for~~
7 ~~each of fiscal years 2008 through 2013.~~
8 ~~"(i) LEGAL REFERRALS BY INTERNET-BASED SERV-~~
9 ~~ICES FOR DOMESTIC VIOLENCE VICTIMS.—~~
10 ~~"(1) IN GENERAL.—The Attorney General may~~
11 ~~award grants to Internet-based non-profit organiza-~~
12 ~~tions with a demonstrated expertise on domestic vio-~~
13 ~~lence to provide State-specific information about~~
14 ~~statewide legal coordinators and legal services~~
15 ~~through the Internet.~~
16 ~~"(2) USE OF FUNDS.—Funds allocated to~~
17 ~~Internet-based organizations under this subsection~~
18 ~~shall be used to—~~
19 ~~"(A) collaborate with the American Bar~~
20 ~~Association Commission on Domestic Violence~~
21 ~~and the national domestic violence legal tech-~~
22 ~~nical assistance providers to train and provide~~
23 ~~appropriate assistance to personnel on referring~~
24 ~~legal services; and~~

~~"(B) maintain a network of legal services and statewide legal coordinators, and collaborate with the American Bar Association Commission on Domestic Violence and the National Domestic Violence Hotline.~~

~~"(3) AUTHORIZATION.—There are to be appropriated to carry out this subsection $250,000 for each fiscal years of 2008 through 2013.".~~

~~SEC. 7. STUDY OF LEGAL REPRESENTATION OF DOMESTIC VIOLENCE VICTIMS.~~

~~(a) IN GENERAL.—The General Accountability Office shall study the scope and quality of legal representation and advocacy for victims of domestic violence, dating violence, and stalking, including the provision of culturally and linguistically appropriate services.~~

~~(b) SCOPE OF STUDY.—The General Accountability Office shall specifically assess the representation and advocacy of—~~

~~(1) organizations providing direct legal services and other support to victims of domestic violence, dating violence, and stalking, including Legal Services Corporation grantees, non-Legal Services Corporation legal services organizations, domestic violence programs receiving Legal Assistance for Victims grants or other Violence Against Women Act~~

~~funds to provide legal assistance, volunteer programs (including those operated by bar associations and law firms), law schools which operate domestic violence, and family law clinical programs; and~~

~~(2) organizations providing support to direct legal services delivery programs and to their volunteer attorneys, including State coalitions on domestic violence, National Legal Aid and Defender Association, the American Bar Association Commission on Domestic Violence, the American Bar Association Committee on Pro Bono and Public Service, State bar associations, judicial organizations, and national advocacy organizations (including the Legal Resource Center on Violence Against Women, and the National Center on Full Faith and Credit).~~

~~(c) ASSESSMENT.—The assessment shall, with respect to each entity under subsection (b), include—~~

~~(1) what kind of legal assistance is provided to victims of domestic violence, such as counseling or representation in court proceedings;~~

~~(2) number of lawyers on staff;~~

~~(3) how legal services are being administered in a culturally and linguistically appropriate manner, and the number of multi-lingual advocates;~~

~~(4) what type of cases are related to the abuse, such as protective orders, divorce, housing, and child custody matters, and immigration filings;~~

~~(5) what referral mechanisms are used to match a lawyer with a domestic violence victim;~~

~~(6) what, if any, collaborative partnerships are in place between the legal services program and domestic violence agencies;~~

~~(7) what existing technical assistance or training on domestic violence and legal skills is provided to attorneys providing legal services to victims of domestic violence;~~

~~(8) what training or technical assistance for attorneys would improve the provision of legal services to victims of domestic violence;~~

~~(9) how does the organization manage means-testing or income requirements for clients;~~

~~(10) what, if any legal support is provided by non-lawyer victim advocates; and~~

~~(11) whether they provide support to or sponsor a pro bono legal program providing legal representation to victims of domestic violence.~~

~~(d) REPORT.—Not later than 1 year after the date of enactment of this Act, the General Accountability Office~~

~~shall submit to Congress a report on the findings and recommendations of the study required by this section.~~

~~SEC. 8. ESTABLISH A DOMESTIC VIOLENCE LEGAL ADVISORY TASK FORCE.~~

~~(a) IN GENERAL.—The Attorney General shall establish the Domestic Violence Legal Advisory Task Force to provide guidance for the implementation of the Study of Legal Representation of Domestic Violence Victims, the Pilot Program for the National Domestic Violence Volunteer Attorney Referral Project, and the National Program for the National Domestic Violence Volunteer Attorney Referral Project.~~

~~(b) COMPOSITION.—The Task Force established under this section shall be composed of experts in providing legal assistance to domestic violence victims and developing effective volunteer programs providing legal assistance to domestic violence victims, including judges with expertise on domestic violence, individuals with experience representing low-income domestic violence victims, and private bar members involved with volunteer legal services.~~

~~(c) RESPONSIBILITIES.—The Task Force shall provide—~~

~~(1) ongoing advice to the American Bar Association Commission on Domestic Violence, the National Domestic Violence Hotline, and the Statewide~~

~~Coordinators regarding implementation of the Pilot Program and the National Program of the Domestic Violence Volunteer Attorney Referral Project;~~

~~(2) recommendations to the Office on Violence Against Women regarding the selection of the 5 sites for the Pilot Program; and~~

~~(3) attend regular meetings covered by American Bar Association Commission or Domestic Violence.~~

~~(d) REPORT.—The Task Force shall report to Congress every 2 years on its work under this section.~~

~~(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $100,000 for each of fiscal years 2008 through 2013.~~

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Domestic Violence Volunteer Attorney Network Act".

SEC. 2. NATIONAL DOMESTIC VIOLENCE VOLUNTEER ATTORNEY NETWORK.

The Violence Against Women Act of 1994 (Public Law 103–322) is amended by adding at the end the following:

"Subtitle Q—National Domestic Violence Volunteer Attorney Network

"SEC. 41601. NATIONAL DOMESTIC VIOLENCE VOLUNTEER ATTORNEY NETWORK.

"(a) IN GENERAL.—

"(1) GRANTS.—The Attorney General may award grants to the American Bar Association Commission on Domestic Violence to work in collaboration with the American Bar Association Committee on Pro Bono and Public Service and other organizations to create, recruit lawyers for, and provide training, mentoring, and technical assistance for a National Domestic Violence Volunteer Attorney Network.

"(2) USE OF FUNDS.—Funds allocated to the American Bar Association's Commission on Domestic Violence under this section shall be used to—

"(A) create and maintain a network to field and manage inquiries from volunteer lawyers seeking to represent and assist victims of domestic violence;

"(B) solicit lawyers to serve as volunteer lawyers in the network;

"(C) retain dedicated staff to support volunteer attorneys by—

"(i) providing field technical assistance inquiries;

"(ii) providing on-going mentoring and support;

"(iii) collaborating with national domestic violence legal technical assistance providers and statewide legal coordinators and local legal services programs; and

"(iv) developing legal education and other training materials; and

"(D) maintain a point of contact with the statewide legal coordinator in each State regarding coordination of training, mentoring, and supporting volunteer attorneys representing victims of domestic violence.

"(b) AUTHORIZATION.—There are authorized to be appropriated to carry out this section $2,000,000 for each of the fiscal years 2008 and 2009 and $3,000,000 for each of the fiscal years 2010 through 2013.

"(c) ELIGIBILITY FOR OTHER GRANTS.—A receipt of an award under this section by the Commission on Domestic Violence of the American Bar Association shall not preclude the Commission from receiving additional grants under the Office on Violence Against Women's Technical Assistance Program to carry out the purposes of that program.

"(d) OTHER CONDITIONS.—

"(1) REQUIRED PARTNERSHIPS.—In developing and implementing the national volunteer attorney network described in this section, the American Bar Association's Commission on Domestic Violence shall partner, when possible, with 1 or more national domestic violence organizations with demonstrated expertise in providing training and technical assistance to a national audience. Any such partner must be fairly compensated for its participation in developing and implementing the network.

"(2) STANDARD GRANT CONDITION.—Any award made to the American Bar Association's Commission on Domestic Violence under this section shall be subject to the Office on Violence Against Women's standard grant award conditions and reporting requirements.

"SEC. 41602. DOMESTIC VIOLENCE VOLUNTEER ATTORNEY REFERRAL PROGRAM.

"(a) PILOT PROGRAM.—

"(1) IN GENERAL.—For fiscal years 2008 and 2009, the Office on Violence Against Women of the Department of Justice, in consultation with the Domestic Violence Legal Advisory Task Force, shall designate 5 States in which to implement the pilot pro-

gram of the National Domestic Violence Volunteer Attorney Referral Project and distribute funds under this subsection.

"(2) CRITERIA.—Criteria for selecting the States for the pilot program under this subsection shall include—

"(A) equitable distribution between urban and rural areas, equitable geographical distribution;

"(B) States that have a demonstrated capacity to coordinate among local and statewide domestic violence organizations;

"(C) organizations serving immigrant women; and

"(D) volunteer legal services offices throughout the State.

"(3) PURPOSE.—The purpose of the pilot program under this subsection is to—

"(A) provide for a coordinated system of ensuring that domestic violence victims throughout the pilot States have access to safe, culturally, and linguistically appropriate representation in all legal matters arising as a consequence of the abuse or violence; and

"(B) support statewide legal coordinators in each State to manage referrals for victims to attorneys and to train attorneys on related domestic violence issues.

"(4) ROLE OF STATEWIDE LEGAL COORDINATOR.—A statewide legal coordinator under this subsection shall—

"(A) be employed by the statewide domestic violence coalition, unless the statewide domestic violence coalition determines that the needs of victims throughout the State would be best served if the coordinator was employed by another statewide organization;

"(B) be an attorney in good standing licensed to practice law in the applicable State;

"(C) have or obtain training to gain expertise in providing legal assistance to victims of domestic violence;

"(D) develop and maintain an updated database of attorneys throughout the State, including—

"(i) legal services programs;

"(ii) volunteer programs;

"(iii) organizations serving immigrant women;

"(iv) law school clinical programs;

"(v) bar associations;

"(vi) attorneys in the National Domestic Violence Volunteer Attorney Network; and

"(vii) local domestic violence programs;

"(E) consult and coordinate with existing statewide and local programs including volunteer representation projects or statewide legal services programs;

"(F) provide referrals to victims who are seeking legal representation in matters arising as a consequence of the abuse or violence;

"(G) participate in biannual meetings with other Pilot Program grantees, American Bar Association Commission on Domestic Violence, American Bar Association Committee on Pro Bono and Public Service, and national domestic violence legal technical assistance providers;

"(H) receive referrals of victims seeking legal representation from the National Domestic Violence Hotline and other sources;

"(I) receive and disseminate information regarding volunteer attorneys and training and mentoring opportunities; and

"(J) work with the Office on Violence Against Women, the American Bar Association Commission on Domestic Violence, and the National Domestic Violence Legal Advisory Task Force to assess the effectiveness of the Pilot Program.

"(5) ELIGIBILITY FOR GRANTS.—The Attorney General shall award grants to statewide legal coordinators under this subsection.

"(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $750,000 for each of fiscal years 2008 and 2009 to fund at least 1 statewide coordinator positions and other costs associated with the position in the 5 pilot program States under this subsection.

"(7) EVALUATION AND REPORTING.—An entity receiving a grant under this subsection shall submit to the Department of Justice a report detailing the activities taken with the grant funds, including such additional information as the agency shall require.

"(b) NATIONAL PROGRAM.—

"(1) PURPOSE.—The purpose of the national program under this subsection is to—

"(A) provide for a coordinated system of ensuring that domestic violence victims throughout the country have access to safe, culturally and linguistically appropriate representation in legal matters arising as a consequence of the abuse or violence; and

"(B) support statewide legal coordinators in each State to coordinate referrals to domestic violence attorneys and to train attorneys on related domestic violence issues, including immigration matters.

"(2) GRANTS.—The Attorney General shall award grants to States for the purposes set forth in subsection (a) and to support designated statewide legal coordinators under this subsection.

"(3) ROLE OF THE STATEWIDE LEGAL COORDINATOR.—The statewide legal coordinator under this subsection shall be subject to the requirements and responsibilities provided in subsection (a)(4).

"(4) GUIDELINES.—The Office on Violence Against Women, in consultation with the Domestic Violence Legal Advisory Task Force and the results detailed in the Study of Legal Representation of Do-

mestic Violence Victims, shall develop guidelines for the implementation of the national program under this subsection, based on the effectiveness of the Pilot Program in improving victims' access to culturally and linguistically appropriate legal representation in the pilot States.

"(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $8,000,000 for each of fiscal years 2010 through 2013 to fund the statewide coordinator position in every State and other costs associated with the position.

"(6) EVALUATION AND REPORTING.—An entity receiving a grant under this subsection shall submit to the Department of Justice a report detailing the activities taken with the grant funds, including such additional information as the agency shall require.

"SEC. 41603. TECHNICAL ASSISTANCE FOR THE NATIONAL DOMESTIC VIOLENCE VOLUNTEER ATTORNEY NETWORK.

"(a) PURPOSES.—The purpose of this section is to allow—

"(1) national domestic violence legal technical assistance providers to expand their services to provide training and ongoing technical assistance to vol-

unteer attorneys in the National Domestic Violence Volunteer Attorney Network; and

"(2) providers of domestic violence law to receive additional funding to train and assist attorneys in the areas of—

"(A) custody and child support;

"(B) employment;

"(C) housing;

"(D) immigrant victims' legal needs (including immigration, protection order, family and public benefits issues); and

"(E) interstate custody and relocation law.

"(b) GRANTS.—The Attorney General shall award grants to national domestic violence legal technical assistance providers to expand their services to provide training and ongoing technical assistance to volunteer attorneys in the National Domestic Violence Volunteer Attorney Network, statewide legal coordinators, the National Domestic Violence Hotline, and Internet-based legal referral organizations described in section 1201(i)(1).

"(c) ELIGIBILITY FOR OTHER GRANTS.—A receipt of an award under this section shall not preclude the national domestic violence legal technical assistance providers from receiving additional grants under the Office on Violence

Against Women's Technical Assistance Program to carry out the purposes of that program.

"(d) ELIGIBLE ENTITIES.—In this section, an eligible entity is a national domestic violence legal technical assistance provider that—

"(1) has expertise on legal issues that arise in cases of victims of domestic violence, dating violence and stalking, including family, immigration, housing, protection order, public benefits, custody, child support, interstate custody and relocation, employment and other civil legal needs of victims; and

"(2) has an established record of providing technical assistance and support to lawyers representing victims of domestic violence.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $800,000 for national domestic violence legal technical assistance providers for each fiscal year from 2008 through 2013.

"SEC. 41604. NATIONAL DOMESTIC VIOLENCE HOTLINE LEGAL REFERRALS.

"(a) LEGAL REFERRALS BY THE NATIONAL DOMESTIC VIOLENCE HOTLINE.—

"(1) IN GENERAL.—The Attorney General may award grants to the National Domestic Violence Hot-

line (as authorized by section 316 of the Family Violence Prevention and Services Act (42 U.S.C. 10416)) to provide information about statewide legal coordinators and legal services.

"(2) USE OF FUNDS.—Funds allocated to the National Domestic Violence Hotline under this subsection shall be used to—

"(A) update the Hotline's technology and systems to reflect legal services and referrals to statewide legal coordinators;

"(B) collaborate with the American Bar Association Commission on Domestic Violence and the national domestic violence legal technical assistance providers to train and provide appropriate assistance to the Hotline's advocates on legal services; and

"(C) maintain a network of legal services and statewide legal coordinators and collaborate with the American Bar Association Commission on Domestic Violence.

"(3) AUTHORIZATION.—There are to be appropriated to carry out this subsection $500,000 for each of fiscal years 2008 through 2013.

"(b) LEGAL REFERRALS BY INTERNET-BASED SERVICES FOR DOMESTIC VIOLENCE VICTIMS.—

"(1) IN GENERAL.—The Attorney General may award grants to Internet-based non-profit organizations with a demonstrated expertise on domestic violence to provide State-specific information about statewide legal coordinators and legal services through the Internet.

"(2) USE OF FUNDS.—Funds allocated to Internet-based organizations under this subsection shall be used to—

"(A) collaborate with the American Bar Association Commission on Domestic Violence and the national domestic violence legal technical assistance providers to train and provide appropriate assistance to personnel on referring legal services; and

"(B) maintain a network of legal services and statewide legal coordinators, and collaborate with the American Bar Association Commission on Domestic Violence and the National Domestic Violence Hotline.

"(3) AUTHORIZATION.—There are to be appropriated to carry out this subsection $250,000 for each fiscal years of 2008 through 2013.

"SEC. 41605. STUDY OF LEGAL REPRESENTATION OF DOMESTIC VIOLENCE VICTIMS.

"(a) IN GENERAL.—The National Institute of Justice shall study the scope and quality of legal representation and advocacy for victims of domestic violence, dating violence, and stalking, including the provision of culturally and linguistically appropriate services.

"(b) SCOPE OF STUDY.—The National Institute of Justice shall specifically assess the representation and advocacy of—

"(1) organizations providing direct legal services and other support to victims of domestic violence, dating violence, and stalking, including Legal Services Corporation grantees, non-Legal Services Corporation legal services organizations, domestic violence programs receiving Legal Assistance for Victims grants or other funds under this Act to provide legal assistance, volunteer programs (including those operated by bar associations and law firms), law schools which operate domestic violence, and family law clinical programs; and

"(2) organizations providing support to direct legal services delivery programs and to their volunteer attorneys, including State coalitions on domestic violence, the National Legal Aid and Defender Association, the American Bar Association Commission on

Domestic Violence, the American Bar Association Committee on Pro Bono and Public Service, State bar associations, judicial organizations, and national advocacy organizations (including the Legal Resource Center on Violence Against Women, and the National Center on Full Faith and Credit).

"(c) ASSESSMENT.—The assessment shall, with respect to each entity under subsection (b), include—

"(1) what kind of legal assistance is provided to victims of domestic violence, such as counseling or representation in court proceedings;

"(2) number of lawyers on staff;

"(3) how legal services are being administered in a culturally and linguistically appropriate manner, and the number of multilingual advocates;

"(4) what type of cases are related to the abuse, such as protective orders, divorce, housing, and child custody matters, and immigration filings;

"(5) what referral mechanisms are used to match a lawyer with a domestic violence victim;

"(6) what, if any, collaborative partnerships are in place between the legal services program and domestic violence agencies;

"(7) what existing technical assistance or training on domestic violence and legal skills is provided

to attorneys providing legal services to victims of domestic violence;

"(8) what training or technical assistance for attorneys would improve the provision of legal services to victims of domestic violence;

"(9) how does the organization manage means-testing or income requirements for clients;

"(10) what, if any legal support is provided by nonlawyer victim advocates; and

"(11) whether they provide support to or sponsor a pro bono legal program providing legal representation to victims of domestic violence.

"(d) REPORT.—Not later than 1 year after the date of enactment of this title, the National Institute of Justice shall submit to Congress a report on the findings and recommendations of the study required by this section.

"SEC. 41606. ESTABLISH A DOMESTIC VIOLENCE LEGAL ADVISORY TASK FORCE.

"(a) IN GENERAL.—The Attorney General shall establish the Domestic Violence Legal Advisory Task Force to provide guidance for the implementation of the Study of Legal Representation of Domestic Violence Victims, the Pilot Program for the National Domestic Violence Volunteer Attorney Referral Project, and the National Program for

the National Domestic Violence Volunteer Attorney Referral Project.

"(b) COMPOSITION.—The Task Force established under this section shall be composed of experts in providing legal assistance to domestic violence victims and developing effective volunteer programs providing legal assistance to domestic violence victims, including judges with expertise on domestic violence, individuals with experience representing low-income domestic violence victims, and private bar members involved with volunteer legal services.

"(c) RESPONSIBILITIES.—The Task Force shall provide—

"(1) ongoing advice to the American Bar Association Commission on Domestic Violence, the National Domestic Violence Hotline, and the Statewide Coordinators regarding implementation of the Pilot Program and the National Program of the Domestic Violence Volunteer Attorney Referral Project;

"(2) recommendations to the Office on Violence Against Women regarding the selection of the 5 sites for the Pilot Program; and

"(3) attend regular meetings covered by American Bar Association Commission or Domestic Violence.

"(d) REPORT.—The Task Force shall report to Congress every 2 years on its work under this section.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $100,000 for each of fiscal years 2008 through 2013.".

Calendar No. 909

110th CONGRESS
2d Session

S. 1515

A BILL

To establish a domestic violence volunteer attorney network to represent domestic violence victims.

July 29 (legislative day, July 28), 2008

Reported with an amendment