

110TH CONGRESS
1ST SESSION

S. _____

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

IN THE SENATE OF THE UNITED STATES

Mr. BIDEN (for himself and Mr. SPECTER) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Domestic Vio-
5 lence Volunteer Attorney Network Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act, the terms “dating partner”, “dating vio-
8 lence”, “domestic violence”, “legal assistance”, “linguis-
9 tically and culturally specific services”, “stalking”, and
10 “State domestic violence coalitions” shall have the same

1 meaning given such terms in section 3 of the Violence
2 Against Women and Department of Justice Reauthoriza-
3 tion Act of 2005 (Public Law 109–162).

4 **SEC. 3. NATIONAL DOMESTIC VIOLENCE VOLUNTEER AT-**
5 **TORNEY NETWORK.**

6 Section 1201 of the Violence Against Women Act of
7 2000 (42 U.S.C. 3796gg–6) is amended by adding at the
8 end the following:

9 “(g) NATIONAL DOMESTIC VIOLENCE VOLUNTEER
10 ATTORNEY NETWORK.—

11 “(1) IN GENERAL.—

12 “(A) GRANTS.—The Attorney General may
13 award grants to the American Bar Association
14 Commission on Domestic Violence to work in
15 collaboration with the American Bar Associa-
16 tion Committee on Pro Bono and Public Service
17 and other organizations to create, recruit law-
18 yers for, and provide training, mentoring, and
19 technical assistance for a National Domestic Vi-
20 olence Volunteer Attorney Network.

21 “(B) USE OF FUNDS.—Funds allocated to
22 the American Bar Association’s Commission on
23 Domestic Violence under this subsection shall
24 be used to—

1 “(i) create and maintain a network to
2 field and manage inquiries from volunteer
3 lawyers seeking to represent and assist vic-
4 tims of domestic violence;

5 “(ii) solicit lawyers to serve as volun-
6 teer lawyers in the network;

7 “(iii) retain dedicated staff to support
8 volunteer attorneys by —

9 “(I) providing field technical as-
10 sistance inquiries;

11 “(II) providing on-going men-
12 toring and support;

13 “(III) collaborating with national
14 domestic violence legal technical as-
15 sistance providers and statewide legal
16 coordinators and local legal services
17 programs; and

18 “(IV) developing legal education
19 and other training materials; and

20 “(iv) maintain a point of contact with
21 the statewide legal coordinator in each
22 State regarding coordination of training,
23 mentoring, and supporting volunteer attor-
24 neys representing victims of domestic vio-
25 lence.

1 “(2) AUTHORIZATION.—There are authorized to
2 be appropriated to carry out this subsection
3 \$2,000,000 for each of the fiscal years 2008 and
4 2009 and \$3,000,000 for each of the fiscal years
5 2010 through 2013.

6 “(3) ELIGIBILITY FOR OTHER GRANTS.—A re-
7 ceipt of an award under this subsection by the Com-
8 mission on Domestic Violence of the American Bar
9 Association shall not preclude the Commission from
10 receiving additional grants under the Office on Vio-
11 lence Against Women’s Technical Assistance Pro-
12 gram to carry out the purposes of that program.

13 “(4) OTHER CONDITIONS.—

14 “(A) PROHIBITION ON TORT LITIGA-
15 TION.—Funds appropriated for the grant pro-
16 gram under this subsection may not be used to
17 fund civil representation in a lawsuit based on
18 a tort claim. This subparagraph shall not be
19 construed as a prohibition on providing assist-
20 ance to obtain restitution.

21 “(B) PROHIBITION ON LOBBYING.—Any
22 funds appropriated under this subsection shall
23 be subject to the prohibitions in section 1913 of
24 title 18, United States Code, relating to lob-
25 bying with appropriated moneys.”.

1 **SEC. 4. DOMESTIC VIOLENCE VOLUNTEER ATTORNEY RE-**
2 **FERRAL PROGRAM.**

3 (a) PILOT PROGRAM.—

4 (1) IN GENERAL.—For fiscal years 2008 and
5 2009, the Office on Violence Against Women of the
6 Department of Justice, in consultation with the Do-
7 mestic Violence Legal Advisory Task Force, shall
8 designate 5 States in which to implement the pilot
9 program of the National Domestic Violence Volun-
10 teer Attorney Referral Project and distribute funds
11 under this subsection.

12 (2) CRITERIA.—Criteria for selecting the States
13 for the pilot program under this subsection shall in-
14 clude—

15 (A) equitable distribution between urban
16 and rural areas, equitable geographical distribu-
17 tion;

18 (B) States that have a demonstrated ca-
19 pacity to coordinate among local and statewide
20 domestic violence organizations;

21 (C) organizations serving immigrant
22 women; and

23 (D) volunteer legal services offices
24 throughout the State.

25 (3) PURPOSE.—The purpose of the pilot pro-
26 gram under this subsection is to—

1 (A) provide for a coordinated system of en-
2 suring that domestic violence victims through-
3 out the pilot States have access to safe, cul-
4 turally, and linguistically appropriate represen-
5 tation in all legal matters arising as a con-
6 sequence of the abuse or violence; and

7 (B) support statewide legal coordinators in
8 each State to manage referrals for victims to
9 attorneys and to train attorneys on related do-
10 mestic violence issues.

11 (4) ROLE OF STATEWIDE LEGAL COORDI-
12 NATOR.—A statewide legal coordinator under this
13 subsection shall—

14 (A) be employed by the statewide domestic
15 violence coalition, unless the statewide domestic
16 violence coalition determines that the needs of
17 victims throughout the State would be best
18 served if the coordinator was employed by an-
19 other statewide organization;

20 (B) develop and maintain an updated data-
21 base of attorneys throughout the State, includ-
22 ing—

23 (i) legal services programs;

24 (ii) volunteer programs;

1 (iii) organizations serving immigrant
2 women;

3 (iv) law school clinical programs;

4 (v) bar associations;

5 (vi) attorneys in the National Domes-
6 tic Violence Volunteer Attorney Network;

7 and

8 (vii) local domestic violence programs;

9 (C) consult and coordinate with existing
10 statewide and local programs including volun-
11 teer representation projects or statewide legal
12 services programs;

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

16 (E) participate in biannual meetings with
17 other Pilot Program grantees, American Bar
18 Association Commission on Domestic Violence,
19 American Bar Association Committee on Pro
20 Bono and Public Service, and national domestic
21 violence legal technical assistance providers;

22 (F) receive referrals of victims seeking
23 legal representation from the National Domes-
24 tic Violence Hotline and other sources;

1 (G) receive and disseminate information
2 regarding volunteer attorneys and training and
3 mentoring opportunities; and

4 (H) work with the Office on Violence
5 Against Women, the American Bar Association
6 Commission on Domestic Violence, and the Na-
7 tional Domestic Violence Legal Advisory Task
8 Force to assess the effectiveness of the Pilot
9 Program.

10 (5) ELIGIBILITY FOR GRANTS.—The Attorney
11 General shall award grants to statewide legal coordi-
12 nators under this subsection.

13 (6) AUTHORIZATION OF APPROPRIATIONS.—
14 There are authorized to be appropriated \$750,000
15 for each of fiscal years 2008 and 2009 to fund the
16 statewide coordinator positions and other costs asso-
17 ciated with the position in the 5 pilot program
18 States under this subsection.

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

24 (b) NATIONAL PROGRAM.—

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

3 (A) provide for a coordinated system of en-
4 suring that domestic violence victims through-
5 out the country have access to safe, culturally
6 and linguistically appropriate representation in
7 legal matters arising as a consequence of the
8 abuse or violence; and

9 (B) support statewide legal coordinators in
10 each State to coordinate referrals to domestic
11 violence attorneys and to train attorneys on re-
12 lated domestic violence issues, including immi-
13 gration matters.

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

18 (3) ROLE OF THE STATEWIDE LEGAL COORDI-
19 NATOR.—The statewide legal coordinator under this
20 subsection shall be subject to the requirements and
21 responsibilities provided in subsection (a)(4).

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

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

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

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

17 **SEC. 5. TECHNICAL ASSISTANCE FOR THE NATIONAL DO-**
18 **MESTIC VIOLENCE VOLUNTEER ATTORNEY**
19 **NETWORK.**

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

22 (1) national domestic violence legal technical as-
23 sistance providers to expand their services to provide
24 training and ongoing technical assistance to volun-

1 teer attorneys in the National Domestic Violence
2 Volunteer Attorney Network; and

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

6 (A) custody and child support;

7 (B) employment;

8 (C) housing;

9 (D) immigrant victims' legal needs (includ-
10 ing immigration, protection order, family and
11 public benefits issues); and

12 (E) interstate custody and relocation law.

13 (b) GRANTS.—The Attorney General shall award
14 grants to national domestic violence legal technical assist-
15 ance providers to expand their services to provide training
16 and ongoing technical assistance to volunteer attorneys in
17 the National Domestic Violence Volunteer Attorney Net-
18 work, statewide legal coordinators, the National Domestic
19 Violence Hotline and Internet-based legal referral organi-
20 zations described in section 1201(i)(1) of the Violence
21 Against Women Act of 2000, as added by section 6.

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

1 Against Women’s Technical Assistance Program to carry
2 out the purposes of that program.

3 (d) ELIGIBLE ENTITIES.—In this section, an eligible
4 entity is a national domestic violence legal technical assist-
5 ance provider that—

6 (1) has expertise on legal issues that arise in
7 cases of victims of domestic violence, dating violence
8 and stalking, including family, immigration, housing,
9 protection order, public benefits, custody, child sup-
10 port, interstate custody and relocation, employment
11 and other civil legal needs of victims; and

12 (2) has an established record of providing tech-
13 nical assistance and support to lawyers representing
14 victims of domestic violence.

15 (e) AUTHORIZATION OF APPROPRIATIONS.—There
16 are authorized to be appropriated to carry out this section
17 \$800,000 for national domestic violence legal technical as-
18 sistance providers for each fiscal year from 2008 through
19 2013.

20 **SEC. 6. NATIONAL DOMESTIC VIOLENCE HOTLINE LEGAL**
21 **REFERRALS.**

22 Section 1201 of the Violence Against Women Act of
23 2000 (42 U.S.C. 3796gg–6) is amended by adding at the
24 end the following:

1 “(h) LEGAL REFERRALS BY THE NATIONAL DOMES-
2 TIC VIOLENCE HOTLINE.—

3 “(1) IN GENERAL.—The Attorney General may
4 award grants to the National Domestic Violence
5 Hotline (as authorized by section 316 of the Family
6 Violence Prevention and Services Act (42 U.S.C.
7 10416)) to provide information about statewide legal
8 coordinators and legal services.

9 “(2) USE OF FUNDS.—Funds allocated to the
10 National Domestic Violence Hotline under this sub-
11 section shall be used to—

12 “(A) update the Hotline’s technology and
13 systems to reflect legal services and referrals to
14 statewide legal coordinators;

15 “(B) collaborate with the American Bar
16 Association Commission on Domestic Violence
17 and the national domestic violence legal tech-
18 nical assistance providers to train and provide
19 appropriate assistance to the Hotline’s advo-
20 cates on legal services; and

21 “(C) maintain a network of legal services
22 and statewide legal coordinators and collaborate
23 with the American Bar Association Commission
24 on Domestic Violence.

1 “(3) AUTHORIZATION.—There are to be appro-
2 priated to carry out this subsection \$500,000 for
3 each of fiscal years 2008 through 2013.

4 “(i) LEGAL REFERRALS BY INTERNET-BASED SERV-
5 ICES FOR DOMESTIC VIOLENCE VICTIMS.—

6 “(1) IN GENERAL.—The Attorney General may
7 award grants to Internet-based non-profit organiza-
8 tions with a demonstrated expertise on domestic vio-
9 lence to provide State-specific information about
10 statewide legal coordinators and legal services
11 through the Internet.

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

15 “(A) collaborate with the American Bar
16 Association Commission on Domestic Violence
17 and the national domestic violence legal tech-
18 nical assistance providers to train and provide
19 appropriate assistance to personnel on referring
20 legal services; and

21 “(B) maintain a network of legal services
22 and statewide legal coordinators, and collabo-
23 rate with the American Bar Association Com-
24 mission on Domestic Violence and the National
25 Domestic Violence Hotline.

1 “(3) AUTHORIZATION.—There are to be appro-
2 priated to carry out this subsection \$250,000 for
3 each fiscal years of 2008 through 2013.”.

4 **SEC. 7. STUDY OF LEGAL REPRESENTATION OF DOMESTIC**
5 **VIOLENCE VICTIMS.**

6 (a) IN GENERAL.—The General Accountability Office
7 shall study the scope and quality of legal representation
8 and advocacy for victims of domestic violence, dating vio-
9 lence, and stalking, including the provision of culturally
10 and linguistically appropriate services.

11 (b) SCOPE OF STUDY.—The General Accountability
12 Office shall specifically assess the representation and ad-
13 vocacy of—

14 (1) organizations providing direct legal services
15 and other support to victims of domestic violence,
16 dating violence, and stalking, including Legal Serv-
17 ices Corporation grantees, non-Legal Services Cor-
18 poration legal services organizations, domestic vio-
19 lence programs receiving Legal Assistance for Vic-
20 tims grants or other Violence Against Women Act
21 funds to provide legal assistance, volunteer programs
22 (including those operated by bar associations and
23 law firms), law schools which operate domestic vio-
24 lence, and family law clinical programs; and

1 (2) organizations providing support to direct
2 legal services delivery programs and to their volun-
3 teer attorneys, including State coalitions on domestic
4 violence, National Legal Aid and Defender Associa-
5 tion, the American Bar Association Commission on
6 Domestic Violence, the American Bar Association
7 Committee on Pro Bono and Public Service, State
8 bar associations, judicial organizations, and national
9 advocacy organizations (including the Legal Re-
10 source Center on Violence Against Women, and the
11 National Center on Full Faith and Credit).

12 (c) ASSESSMENT.—The assessment shall, with re-
13 spect to each entity under subsection (b), include—

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

17 (2) number of lawyers on staff;

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

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

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

1 provide guidance for the implementation of the Study of
2 Legal Representation of Domestic Violence Victims, the
3 Pilot Program for the National Domestic Violence Volun-
4 teer Attorney Referral Project, and the National Program
5 for the National Domestic Violence Volunteer Attorney
6 Referral Project.

7 (b) COMPOSITION.—The Task Force established
8 under this section shall be composed of experts in pro-
9 viding legal assistance to domestic violence victims and de-
10 veloping effective volunteer programs providing legal as-
11 sistance to domestic violence victims, including judges with
12 expertise on domestic violence, individuals with experience
13 representing low-income domestic violence victims, and
14 private bar members involved with volunteer legal services.

15 (c) RESPONSIBILITIES.—The Task Force shall pro-
16 vide—

17 (1) ongoing advice to the American Bar Asso-
18 ciation Commission on Domestic Violence, the Na-
19 tional Domestic Violence Hotline, and the Statewide
20 Coordinators regarding implementation of the Pilot
21 Program and the National Program of the Domestic
22 Violence Volunteer Attorney Referral Project;

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

1 (3) attend regular meetings covered by Amer-
2 ican Bar Association Commission or Domestic Vio-
3 lence.

4 (d) REPORT.—The Task Force shall report to Con-
5 gress every 2 years on its work under this section.

6 (e) AUTHORIZATION OF APPROPRIATIONS.—There
7 are authorized to be appropriated to carry out this section
8 \$100,000 for each of fiscal years 2008 through 2013.