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The 2022 Reauthorization of the Violence Against Women Act:

Title 15 What We Know (& What We Don't)

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What is “Title 15”? Is it the same as “Kayden’s Law”?

The Violence Against Women Act (VAWA) was reauthorized on March 15, 2022. Within VAWA is Title 15, titled “Keeping Children Safe from Family Violence”. While some people are referring to Title 15 as “Kayden’s Law”, we prefer to use “Title 15” to avoid confusion with Pennsylvania’s Kayden’s Law, which includes different provisions. Section 1501 also provides “Keeping Children Safe from Family Violence Act” as a short title.

Does Title 15 automatically change my state’s law?

No. Title 15 is a federal incentive program designed to prioritize children’s safety in custody proceedings by encouraging states to adopt specific laws, standards, and training. If a state adopts each of these provisions, Title 15 provides that the state may be eligible for a small amount of additional STOP grant funding.

What does my state need to do to be considered for the additional STOP funds?

Title 15 requires that a state have three provisions in effect, in order to be considered for additional STOP funds:

1. **Laws** with specific language that—

- Limits admissibility of expert evidence and mandates consideration of criminal history;
- Limits judicial remedies related to parental alienation and reunification;
- Mandates training for judges and other legal practitioners in family courts;

2. Specific mandatory professional **standards** for “neutrals” in family courts;

3. Specific **training content** and approved training providers for the mandatory training law adopted above.

What proceedings would these provisions apply to if put into law?

Section 1504(k)(1)(A) states that the provisions would apply to private family court proceedings in state or local courts actions only, including:

- divorce,
- separation,
- visitation,
- paternity,
- child support,
- civil protection order, or
- family custody court proceeding affecting the custody and care of children.

The provisions would *not* apply to the following:

- child protective, abuse, or neglect proceedings,
- juvenile justice proceedings, and
- any proceedings in which the Indian Child Welfare Act would be implicated.

Could this help a parent who is also experiencing abuse?

Because Title 15 is focused on children in family court matters, the “best interest of the child” is the relevant standard. The plain language of Section 1503 of this legislation prioritizes children’s safety, not parental safety.

Are there concerns about unintended consequences related to the law about expert evidence?

Yes, there are a couple of concerns:

- **The provision begins:**

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

This language includes no threshold to make an allegation of abuse; therefore, this section will apply in cases where either parent has made an allegation, regardless of evidence to support the allegation.

- **The provision continues:**

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

Title 15 does not define the term ‘clinical experience’ and the field does not have an agreed upon definition for the term. Further, this provision has the potential to limit who can serve as an expert (i.e. only those with ‘clinical experience’), reducing the already small pool of domestic violence experts.

What about unintended consequences related to the law about criminal history?

Yes. The provision provides that “evidence of past sexual or physical abuse committed by the accused parent shall be considered” (emphasis added). This limits judicial discretion and mandates the court to consider the evidence. Also, this provision will apply to all “accused” -parents, no matter the nature, context, and effects of the abuse – i.e. regardless of whether the parent’s actions were defensive.

Title 15 includes provisions on alienation and reunification treatment. Could this be used against survivor-/protective-parents?

The term ‘alienation’ is not defined in Title 15. The term ‘reunification treatment’ is defined as treatment or therapy aimed at reuniting or reestablishing a relationship between a child and an estranged or rejected parent or other family member of the child. This is a very broad definition.

Further, Section 1504(k)(3)(B) lists four instances in which a court may not order reunification treatment. Not only does this limit judicial discretion but raises concerns about unintended consequences of when the ‘rejected parent’ is the survivor-/protective-parents. If a child has trauma bonded or identified with the abusive parent, this provision has the potential to limit treatment to repair the relationship between the child and the survivor-/protective-parents.

My state constitution prohibits mandating judicial training. Can I change the provision and still be eligible for funding?

The plain language of Section 1504(k)(3)(C) requires training. If there is no mandated judicial training included in your state’s legislation, it seems likely that your state will not be eligible for Title 15 funding. At this point it’s still hard to know, since no regulations have been issued to guide the process or offer clarification.

The uniform required standards in Section 1504(k)(4) apply to any appointed professional neutral. Could this pose a problem?

Yes. Requiring uniform required standards for all appointed neutrals could be challenging because different professionals are bound by different laws, regulations, and codes of ethics, and these vary by state. This means that states may encounter logistical issues to ensure the proper implementation of this provision.

I noticed that section 1504(k)(5)(A) includes a list of mandatory training on domestic violence, sexual violence, and child abuse. Are there any issues with practitioners getting additional training on these topics?

While this is generally a robust list of training topics that would assist practitioners, there is some concern about part (viii), which states that training should include “victim and perpetrator behavior patterns and relationship dynamics within the cycle of violence”.

First, there is limited research on victim behavior patterns and perpetrator patterns. While there are typologies and other categorizations that are widely used for perpetrator behavior, any training needs to go beyond labels and discuss the nature, context, and effects of behavior. No two perpetrators are the same, and to categorize them the same could further endanger victims and children.

Second, the ‘cycle of violence’ is outdated and empirically unsupported. All trainings on domestic violence, sexual violence, and child abuse needs to be up-to-date and supported by research.

I’m ready to bring this to my state legislature. Where is the money?

The funding authorized in Title 15 has not yet been appropriated by the federal government. This means there are no funds available right now. Furthermore, the maximum amount that could be appropriated is not enough to fund every jurisdiction, so there may be shortfalls. Finally, be aware that the average increase in STOP funding that a state could receive is around \$275,000 per year for a maximum of 4 years, and that money can only be used toward courts and victim services.

This seems confusing. Are there any federal regulations to provide further guidance?

There are currently no federal regulations from the Office on Violence Against Women to provide further guidance on implementing Title 15 provisions if passed by a state’s legislature.

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1 Joan Reid, Rachael Haskell, Christina Dillahunt-Aspillaga, & Jennifer Thor, *Trauma Bonding and Interpersonal Violence in PSYCHOLOGY OF TRAUMA* (T. Van Leeuwen & M. Brouwer eds. 2013).

2 National Custody Strategy Network, *Statement on IPV and Co-occurring Child Abuse*, BATTERED WOMEN’S JUSTICE PROJECT (2021), available at <https://bwjp.org/national-custody-strategy-network-a-statement-on-ipv-and-co-occurring-child-abuse/>.

3 Mary Ann Dutton, *Update of the “Battered Women’s Syndrome” Critique*, VAWnet: The National Online Resource Center on Violence Against Women (2009), available at https://vawnet.org/sites/default/files/materials/files/2016-09/AR_BWSCritique.pdf.



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