

of evidence among hospital administrators, physicians, forensic examiners, and other medical associations and leaders in the medical community;

(3) develop recommendations to promote the coordination of the dissemination and implementation of best practices regarding the care and treatment of sexual assault survivors and the preservation of evidence to State attorneys general, United States attorneys, heads of State law enforcement agencies, forensic laboratory directors and managers, and other leaders in the law enforcement community;

(4) develop and implement, where practicable, incentives to encourage the adoption or implementation of best practices regarding the care and treatment of sexual assault survivors and the preservation of evidence among State attorneys general, United States attorneys, heads of State law enforcement agencies, forensic laboratory directors and managers, and other leaders in the law enforcement community;

(5) collect feedback from stakeholders, practitioners, and leadership throughout the Federal and State law enforcement, victim services, forensic science practitioner, and health care communities to inform development of future best practices or clinical guidelines regarding the care and treatment of sexual assault survivors; and

(6) perform other activities, such as activities relating to development, dissemination, outreach, engagement, or training associated with advancing victim-centered care for sexual assault survivors.

(e) Report

Not later than 2 years after October 7, 2016, the Working Group shall submit to the Attorney General, the Secretary, and Congress a report containing the findings and recommended actions of the Working Group.

(Pub. L. 114-236, § 4, Oct. 7, 2016, 130 Stat. 968.)

CODIFICATION

Section was enacted as part of the Survivors' Bill of Rights Act of 2016, and not as part of the Violent Crime Control and Law Enforcement Act of 1994 which enacted this chapter.

PART N-2—RAPE SURVIVOR CHILD CUSTODY

§ 14043h. Definitions

In this part:

(1) Covered formula grant

The term “covered formula grant” means a grant under—

(A) part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) (commonly referred to as the “STOP Violence Against Women Formula Grant Program”); or

(B) section 14043g of this title (commonly referred to as the “Sexual Assault Services Program”).

(2) Termination

(A) In general

The term “termination” means, when used with respect to parental rights, a complete

and final termination of the parent’s right to custody of, guardianship of, visitation with, access to, and inheritance from a child.

(B) Rule of construction

Nothing in this paragraph shall be construed to require a State, in order to receive an increase in the amount provided to the State under the covered formula grants under this part, to have in place a law that terminates any obligation of a person who fathered a child through rape to support the child.

(Pub. L. 114-22, title IV, § 402, May 29, 2015, 129 Stat. 256.)

REFERENCES IN TEXT

The Omnibus Crime Control and Safe Streets Act of 1968, referred to in par. (1)(A), is Pub. L. 90-351, June 19, 1968, 82 Stat. 197. Part T of title I of the Act is classified generally to subchapter XII-H (§3796gg et seq.) of chapter 46 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 3711 of this title and Tables.

CODIFICATION

Section was enacted as part of the Rape Survivor Child Custody Act and also as part of the Justice for Victims of Trafficking Act of 2015, and not as part of the Violent Crime Control and Law Enforcement Act of 1994 which enacted this chapter.

SHORT TITLE

For short title of this part as the “Rape Survivor Child Custody Act”, see section 401 of Pub. L. 114-22, set out as a Short Title of 2015 Amendment note under section 13701 of this title.

§ 14043h-1. Findings

Congress finds the following:

(1) Men who father children through rape should be prohibited from visiting or having custody of those children.

(2) Thousands of rape-related pregnancies occur annually in the United States.

(3) A substantial number of women choose to raise their child conceived through rape and, as a result, may face custody battles with their rapists.

(4) Rape is one of the most under-prosecuted serious crimes, with estimates of criminal conviction occurring in less than 5 percent of rapes.

(5) The clear and convincing evidence standard is the most common standard for termination of parental rights among the 50 States, territories, and the District of Columbia.

(6) The Supreme Court established that the clear and convincing evidence standard satisfies due process for allegations to terminate or restrict parental rights in *Santosky v. Kramer* (455 U.S. 745 (1982)).

(7) Currently only 10 States have statutes allowing rape survivors to petition for the termination of parental rights of the rapist based on clear and convincing evidence that the child was conceived through rape.

(8) A rapist pursuing parental or custody rights causes the survivor to have continued interaction with the rapist, which can have traumatic psychological effects on the sur-

vivor, and can make it more difficult for her to recover.

(9) These traumatic effects on the mother can severely negatively impact her ability to raise a healthy child.

(10) Rapists may use the threat of pursuing custody or parental rights to coerce survivors into not prosecuting rape, or otherwise harass, intimidate, or manipulate them.

(Pub. L. 114-22, title IV, § 403, May 29, 2015, 129 Stat. 256.)

CODIFICATION

Section was enacted as part of the Rape Survivor Child Custody Act and also as part of the Justice for Victims of Trafficking Act of 2015, and not as part of the Violent Crime Control and Law Enforcement Act of 1994 which enacted this chapter.

§ 14043h-2. Increased funding for formula grants authorized

The Attorney General shall increase the amount provided to a State under the covered formula grants in accordance with this part if the State has in place a law that allows the mother of any child that was conceived through rape to seek court-ordered termination of the parental rights of her rapist with regard to that child, which the court is authorized to grant upon clear and convincing evidence of rape.

(Pub. L. 114-22, title IV, § 404, May 29, 2015, 129 Stat. 257.)

CODIFICATION

Section was enacted as part of the Rape Survivor Child Custody Act and also as part of the Justice for Victims of Trafficking Act of 2015, and not as part of the Violent Crime Control and Law Enforcement Act of 1994 which enacted this chapter.

§ 14043h-3. Application

A State seeking an increase in the amount provided to the State under the covered formula grants shall include in the application of the State for each covered formula grant such information as the Attorney General may reasonably require, including information about the law described in section 14043h-2 of this title.

(Pub. L. 114-22, title IV, § 405, May 29, 2015, 129 Stat. 257.)

CODIFICATION

Section was enacted as part of the Rape Survivor Child Custody Act and also as part of the Justice for Victims of Trafficking Act of 2015, and not as part of the Violent Crime Control and Law Enforcement Act of 1994 which enacted this chapter.

§ 14043h-4. Grant increase

The amount of the increase provided to a State under the covered formula grants under this part shall be equal to not more than 10 percent of the average of the total amount of funding provided to the State under the covered formula grants under the 3 most recent awards to the State.

(Pub. L. 114-22, title IV, § 406, May 29, 2015, 129 Stat. 257.)

CODIFICATION

Section was enacted as part of the Rape Survivor Child Custody Act and also as part of the Justice for

Victims of Trafficking Act of 2015, and not as part of the Violent Crime Control and Law Enforcement Act of 1994 which enacted this chapter.

§ 14043h-5. Period of increase

(a) In general

The Attorney General shall provide an increase in the amount provided to a State under the covered formula grants under this part for a 2-year period.

(b) Limit

The Attorney General may not provide an increase in the amount provided to a State under the covered formula grants under this part more than 4 times.

(Pub. L. 114-22, title IV, § 407, May 29, 2015, 129 Stat. 257.)

CODIFICATION

Section was enacted as part of the Rape Survivor Child Custody Act and also as part of the Justice for Victims of Trafficking Act of 2015, and not as part of the Violent Crime Control and Law Enforcement Act of 1994 which enacted this chapter.

§ 14043h-6. Allocation of increased formula grant funds

The Attorney General shall allocate an increase in the amount provided to a State under the covered formula grants under this part such that—

- (1) 25 percent¹ the amount of the increase is provided under the program described in section 14043h(1)(A) of this title; and
- (2) 75 percent¹ the amount of the increase is provided under the program described in section 14043h(1)(B) of this title.

(Pub. L. 114-22, title IV, § 408, May 29, 2015, 129 Stat. 258.)

CODIFICATION

Section was enacted as part of the Rape Survivor Child Custody Act and also as part of the Justice for Victims of Trafficking Act of 2015, and not as part of the Violent Crime Control and Law Enforcement Act of 1994 which enacted this chapter.

§ 14043h-7. Authorization of appropriations

There is authorized to be appropriated to carry out this part \$5,000,000 for each of fiscal years 2015 through 2019.

(Pub. L. 114-22, title IV, § 409, May 29, 2015, 129 Stat. 258.)

CODIFICATION

Section was enacted as part of the Rape Survivor Child Custody Act and also as part of the Justice for Victims of Trafficking Act of 2015, and not as part of the Violent Crime Control and Law Enforcement Act of 1994 which enacted this chapter.

¹ So in original. Probably should be followed by "of".