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H.R.3402

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SEC. 3. UNIVERSAL DEFINITIONS AND GRANT PROVISIONS.

(a) In General- The Violence Against Women Act of 1994 (108 Stat. 1902 et seq.) is amended by adding after section 40001 the following:

SEC. 40002. DEFINITIONS AND GRANT PROVISIONS.

(a) Definitions- In this title:

`(1) COURTS- The term `courts' means any civil or criminal, tribal, and Alaskan Village, Federal, State, local or territorial court having jurisdiction to address domestic violence, dating violence, sexual assault or stalking, including immigration, family, juvenile, and dependency courts, and the judicial officers serving in those courts, including judges, magistrate judges, commissioners, justices of the peace, or any other person with decisionmaking authority.

`(2) CHILD ABUSE AND NEGLECT- The term `child abuse and neglect' means any recent act or failure to act on the part of a parent or caregiver with intent to cause death, serious physical or emotional harm, sexual abuse, or exploitation, or an act or failure to act which presents an imminent risk of serious harm. This definition shall not be construed to mean that failure to leave an abusive relationship, in the absence of other action constituting abuse or neglect, is itself abuse or neglect.

`(3) COMMUNITY-BASED ORGANIZATION- The term `community-based organization' means an organization that--

`(A) focuses primarily on domestic violence, dating violence, sexual assault, or stalking;

`(B) has established a specialized culturally specific program that addresses domestic violence, dating violence, sexual assault, or stalking;

`(C) has a primary focus on underserved populations (and includes representatives of these populations) and domestic violence, dating violence, sexual assault, or stalking; or

`(D) obtains expertise, or shows demonstrated capacity to work effectively, on domestic violence, dating violence, sexual assault, and stalking through collaboration.

`(4) CHILD MALTREATMENT- The term `child maltreatment' means the physical or psychological abuse or neglect of a child or youth, including sexual assault and abuse.

`(5) COURT-BASED AND COURT-RELATED PERSONNEL- The term `court-based' and `court-related personnel' mean persons working in the court, whether paid or volunteer, including--

`(A) clerks, special masters, domestic relations officers, administrators, mediators, custody evaluators, guardians ad litem, lawyers, negotiators, probation, parole, interpreters, victim assistants, victim advocates, and judicial, administrative, or any other professionals or personnel similarly involved in the legal process;

`(B) court security personnel;

`(C) personnel working in related, supplementary offices or programs (such as child support enforcement); and

`(D) any other court-based or community-based personnel having responsibilities or authority to address domestic violence, dating violence, sexual assault, or stalking in the court system.

`(6) DOMESTIC VIOLENCE- The term `domestic violence' includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

`(7) DATING PARTNER- The term `dating partner' refers to a person who is or has been in a social relationship of a romantic or intimate nature with the abuser, and where the existence of such a relationship shall be determined based on a consideration of--

`(A) the length of the relationship;

`(B) the type of relationship; and

`(C) the frequency of interaction between the persons involved in the relationship.

`(8) DATING VIOLENCE- The term `dating violence' means violence committed by a person--

`(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and

`(B) where the existence of such a relationship shall be determined based on a consideration of the following factors:

`(i) The length of the relationship.

`(ii) The type of relationship.

`(iii) The frequency of interaction between the persons involved in the relationship.

`(9) ELDER ABUSE- The term `elder abuse' means any action against a person who is 50 years of age or older that constitutes the willful--

`(A) infliction of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical harm, pain, or mental anguish; or

`(B) deprivation by a person, including a caregiver, of goods or services with intent to cause physical harm, mental anguish, or mental illness.

`(10) INDIAN- The term `Indian' means a member of an Indian tribe.

`(11) INDIAN COUNTRY- The term `Indian country' has the same meaning given such term in section 1151 of title 18, United States Code.

`(12) INDIAN HOUSING- The term `Indian housing' means housing assistance described in the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C.

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