

# Keeping Children Safe From Family Violence Act "Kayden's Law" in VAWA

In March 2022, President Biden signed the reauthorization of the Violence Against Women Act (VAWA), which included groundbreaking new provisions under *Title XV—Keeping Children Safe From Family Violence Act*, also known as "Kayden's Law," which provides financial incentives for U.S. state legislatures to increase child safety in custody cases.

## History & Background





On August 6, 2018, 7-year-old Kayden Mancuso was murdered by her father during a court-ordered, unsupervised visit, despite the court's knowledge of his history of violent and threatening behavior. Kayden's death was preventable and she is one of over 830 children murdered by a divorcing or separating parent since 2008. ([Center for Judicial Excellence](https://centerforjudicialexcellence.org))



## States That Enact Kayden's Law Will Receive Millions of Dollars from the Federal Government

*Family Court laws governing how custody cases are handled are written by state legislatures. States passing bills compliant with the following Kayden's Law requirements will be eligible for a minimum of \$25 million in federal funds, starting in FY2023.*

### A few of the critical child custody provisions that must be enacted by state governments to qualify for federal funding are:

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**Prioritize Child Safety.** A court may not remove or restrict a child from a parent or litigating party who is competent, protective, and not physically or sexually abusive, and with whom the child is bonded or to whom a child is attached, solely in order to improve a deficient relationship with the other parent of a child.
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**Mandate Judicial Education.** All relevant court personnel involved in child custody proceedings, including judges, magistrates, guardians ad litem, best interest attorneys, counsel for children, custody evaluators, masters, and mediators are required to complete at least 20 hours of initial training and at least 15 hours of ongoing training every 5 years on domestic violence and child abuse.
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**Limit Evidence to Qualified DV or Child Abuse Experts Only.** Expert evidence from a court-appointed or outside professional relating to any 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.
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**Restrict Dangerous Reunification Treatments.** A court may not order a reunification treatment that lacks scientifically valid proof of its safety, effectiveness, and therapeutic value.