

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action:	Do Pass as Amended and Be Printed Engrossed
Vote:	5 - 0 - 0
Yeas:	Bonamici, Dingfelder, Kruse, Whitsett, Prozanski
Nays:	0
Exc.:	0
Prepared By:	Bill Taylor, Counsel
Meeting Dates:	2/7, 3/2, 3/3

WHAT THE MEASURE DOES: Allows a court to terminate parental rights if the court finds that the child was conceived as result of an act that led to the parent’s conviction for rape, other than rape III. Prohibits a court from awarding custody of a child to a parent convicted of rape if the rape resulted in the conception of the child. Requires a court to deny parenting time to a parent under these circumstances. Applies to child custody, parenting time and parental termination proceedings filed on or after the effective date of this 2011 Act. Clarifies that rapist still must pay child support.

ISSUES DISCUSSED:

- Rape in the third degree involves a person under the age of 16 years old
- Crime is a Class C felony
- Based on age difference, not violence
- Although the legal relationship of parent may end, the obligation to pay child support should not

EFFECT OF COMMITTEE AMENDMENT: Clarifies that the rapist still has an obligation to pay child support. Does not automatically terminate parental rights when the crime is Rape III, statutory rape.

BACKGROUND: Currently it is possible for a parent, who became a parent as a result of rape, to be awarded custody, joint custody or parenting time if a court finds it to be in the best interest of the child. Although this is highly unlikely, it does allow the rapist to seek these rights in court.