

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action: Do Pass with Amendments to the A-Engrossed Measure. (Printed B-Engrossed)

Vote: 9 - 0 - 1

Yeas: Garrett, Hicks, Nolan, Schaufler, Tomei, Wand, Whisnant, Barker, Krieger

Nays: 0

Exc.: Olson

Prepared By: Bill Taylor, Counsel

Meeting Dates: 4/25, 5/19

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:

- Used to harass victims

EFFECT OF COMMITTEE AMENDMENT: Clarifies process in a termination of parental rights where child was conceived by 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.