

House Bill 3490

Sponsored by Representative BARTON

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Prohibits court or administrator from entering or issuing judgment or order requiring payment of child support by one parent to another parent of child conceived as result of rape when parent to whom child support would otherwise have been paid is person who committed rape and parent who would be obligated to pay child support is person against whom rape was committed.

Provides that parent who claims that child was conceived as result of rape bears burden of proving by clear and convincing evidence that child was conceived as result of rape committed against that parent by other parent. Applies whether or not parent has been convicted of rape. Applies regardless of who has legal custody of child determined to have been conceived as result of rape.

A BILL FOR AN ACT

Relating to child support for child conceived as a result of rape.

Be It Enacted by the People of the State of Oregon:

SECTION 1. (1) **As used in this section:**

(a) **"Administrator"** means either the Administrator of the Division of Child Support of the Department of Justice or a district attorney, or the administrator's or a district attorney's authorized representative.

(b) **"Child support order"** means a judgment or administrative order that creates child support rights and that is entered or issued under ORS 416.400 to 416.465, 419B.400 or 419C.590 or ORS chapter 25, 107, 108, 109 or 110.

(c) **"Rape"** means rape in the first, second or third degree as described in ORS 163.355, 163.365 and 163.375.

(2)(a) **Notwithstanding any other law, a court or administrator may not enter or issue a child support order that requires the payment of child support by a parent to another parent of a child who is conceived as a result of rape when the parent to whom the child support would otherwise have been paid is the person who committed the rape and the parent who would be obligated to pay the child support is the person against whom the rape was committed.**

(b) **The parent who claims that the child was conceived as a result of rape bears the burden of proving by clear and convincing evidence that the child was conceived as a result of rape committed against that parent by the other parent.**

(c) **A conviction for rape is not required for this subsection to apply.**

(d) **This subsection applies regardless of who has legal custody of the child determined to have been conceived as a result of rape under this subsection.**

SECTION 2. Section 1 of this 2015 Act applies to judgments or orders requiring the payment of child support entered or issued on or after the effective date of this 2015 Act.

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.