

113TH CONGRESS
1ST SESSION

H. R. 2772

To direct the Attorney General to make grants to States that have in place laws that terminate the parental rights of men who father children through rape.

IN THE HOUSE OF REPRESENTATIVES

JULY 22, 2013

Ms. WASSERMAN SCHULTZ (for herself and Mr. MARINO) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To direct the Attorney General to make grants to States that have in place laws that terminate the parental rights of men who father children through rape.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Rape Survivor Child
5 Custody Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) Men who father children through rape
2 should be prohibited from visiting or having custody
3 of those children.

4 (2) According to several studies, it is estimated
5 that there are between 25,000 and 32,000 rape-re-
6 lated pregnancies annually in the United States.

7 (3) A substantial number of women choose to
8 raise their child conceived through rape and, as a re-
9 sult, may face custody battles with their rapists.

10 (4) According to one study, 32.3 percent of
11 women who were raped and became pregnant as a
12 result of the rape kept their child.

13 (5) Another study found that, of the 73 percent
14 of women who became pregnant as a result of a rape
15 and carried their pregnancies to term, 64 percent
16 raised their children.

17 (6) Rape is one of the most under-prosecuted
18 serious crimes, with estimates of criminal conviction
19 occurring in less than 5 percent of rapes.

20 (7) The clear and convincing evidence standard
21 is the most common standard for termination of pa-
22 rental rights among the 50 States, territories, and
23 the District of Columbia.

24 (8) The Supreme Court established that the
25 clear and convincing evidence standard satisfies due

1 process for allegations to terminate or restrict pa-
2 rental rights in *Santosky v. Kramer* (455 U.S. 745
3 (1982)).

4 (9) Currently only 6 States have statutes allow-
5 ing rape survivors to petition for the termination of
6 parental rights of the rapist based on clear and con-
7 vincing evidence that the child was conceived
8 through rape.

9 (10) A rapist pursuing parental or custody
10 rights forces the survivor to have continued inter-
11 action with the rapist, which can have traumatic
12 psychological effects on the survivor, making it more
13 difficult for her to recover.

14 (11) These traumatic effects on the mother can
15 severely negatively impact her ability to raise a
16 healthy child.

17 (12) Rapists may use the threat of pursuing
18 custody or parental rights to coerce survivors into
19 not prosecuting rape, or otherwise harass, intimi-
20 date, or manipulate them.

21 **SEC. 3. GRANTS AUTHORIZED.**

22 The Attorney General shall make grants to States
23 that have in place a law that allows the mother of any
24 child that was conceived through rape to seek court-or-
25 dered termination of the parental rights of her rapist with

1 regard to that child, which the court shall grant upon clear
2 and convincing evidence of rape.

3 **SEC. 4. APPLICATION.**

4 A State seeking a grant under this Act shall submit
5 an application to the Attorney General at such time, in
6 such manner, and containing such information as the At-
7 torney General may reasonably require, including informa-
8 tion about the law described in section 3.

9 **SEC. 5. GRANT AMOUNT.**

10 The amount of a grant to a State under this Act shall
11 be in an amount that is not greater than 10 percent of
12 the average of the total amount of funding of the 3 most
13 recent awards that the State received under the following
14 grant programs:

15 (1) Part T of title I of the Omnibus Crime Con-
16 trol and Safe Streets Act of 1968 (42 U.S.C.
17 3796gg et seq.) (commonly referred to as the
18 “STOP Violence Against Women Formula Grant
19 Program”).

20 (2) Section 41601 of the Violence Against
21 Women Act of 1994 (42 U.S.C. 14043g) (commonly
22 referred to as the “Sexual Assault Services Pro-
23 gram”).

1 **SEC. 6. GRANT TERM.**

2 (a) IN GENERAL.—The term of a grant under this
3 Act shall be for one year.

4 (b) RENEWAL.—A State that receives a grant under
5 this Act may submit an application for a renewal of such
6 grant at such time, in such manner, and containing such
7 information as the Attorney General may reasonably re-
8 quire.

9 (c) LIMIT.—A State may not receive a grant under
10 this Act for more than 4 years.

11 **SEC. 7. USES OF FUNDS.**

12 A State that receives a grant under this section shall
13 use—

14 (1) 25 percent of such funds for any of the per-
15 missible uses of funds under the grant program de-
16 scribed in paragraph (1) of section 5; and

17 (2) 75 percent of such funds for any of the per-
18 missible uses of funds under the grant program de-
19 scribed in paragraph (2) of section 5.

20 **SEC. 8. TERMINATION DEFINED.**

21 (a) IN GENERAL.—In this Act, the term “termi-
22 nation” means, when used with respect to parental rights,
23 a complete and final termination of the parent’s right to
24 custody of, guardianship of, visitation with, access to, and
25 inheritance from a child.

1 (b) **RULE OF CONSTRUCTION.**—Nothing in this sec-
2 tion shall be construed to require a State, in order to re-
3 ceive a grant under this Act, to have in place a law that
4 terminates any obligation of a person who fathered a child
5 through rape to support the child.

6 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

7 There is authorized to be appropriated \$5,000,000
8 for each of fiscal years 2014 through 2018.

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