

113TH CONGRESS
2D SESSION

S. 2443

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 SENATE OF THE UNITED STATES

JUNE 5, 2014

Mr. BROWN (for himself, Ms. AYOTTE, Ms. LANDRIEU, Mrs. GILLIBRAND, Ms. BALDWIN, Mrs. SHAHEEN, and Mr. NELSON) introduced the following bill; which was read twice and 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) Thousands of rape-related pregnancies
5 occur annually in the United States.

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

9 (4) Rape is one of the most under-prosecuted
10 serious crimes, with estimates of criminal conviction
11 occurring in less than 5 percent of rapes.

12 (5) The clear and convincing evidence standard
13 is the most common standard for termination of pa-
14 rental rights among the 50 States, territories, and
15 the District of Columbia.

16 (6) The Supreme Court established that the
17 clear and convincing evidence standard satisfies due
18 process for allegations to terminate or restrict pa-
19 rental rights in *Santosky v. Kramer* (455 U.S. 745
20 (1982)).

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

1 (8) A rapist pursuing parental or custody rights
2 causes the survivor to have continued interaction
3 with the rapist, which can have traumatic psycho-
4 logical effects on the survivor, and can make it more
5 difficult for her to recover.

6 (9) These traumatic effects on the mother can
7 severely negatively impact her ability to raise a
8 healthy child.

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

13 **SEC. 3. GRANTS AUTHORIZED.**

14 The Attorney General shall make grants to States
15 that have in place a law that allows the mother of any
16 child that was conceived through rape to seek court-or-
17 dered termination of the parental rights of her rapist with
18 regard to that child, which the court shall grant upon clear
19 and convincing evidence of rape.

20 **SEC. 4. APPLICATION.**

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

1 **SEC. 5. GRANT AMOUNT.**

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

7 (1) Part T of title I of the Omnibus Crime Con-
8 trol and Safe Streets Act of 1968 (42 U.S.C.
9 3796gg et seq.) (commonly referred to as the
10 “STOP Violence Against Women Formula Grant
11 Program”).

12 (2) Section 41601 of the Violence Against
13 Women Act of 1994 (42 U.S.C. 14043g) (commonly
14 referred to as the “Sexual Assault Services Pro-
15 gram”).

16 **SEC. 6. GRANT TERM.**

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

19 (b) RENEWAL.—A State that receives a grant under
20 this Act may submit an application for a renewal of such
21 grant at such time, in such manner, and containing such
22 information as the Attorney General may reasonably re-
23 quire.

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

1 **SEC. 7. USES OF FUNDS.**

2 A State that receives a grant under this section shall
3 use—

4 (1) 25 percent of such funds for any of the per-
5 missible uses of funds under the grant program de-
6 scribed in paragraph (1) of section 5; and

7 (2) 75 percent of such funds for any of the per-
8 missible uses of funds under the grant program de-
9 scribed in paragraph (2) of section 5.

10 **SEC. 8. TERMINATION DEFINED.**

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

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

21 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

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

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