

HB 606 -- TERMINATION OF PARENTAL RIGHTS

SPONSOR: Barnes

This bill specifies that a parent who was the victim of rape may file a petition to terminate the parental rights of the alleged perpetrator if the child was conceived and born as a result of an act of forcible rape, rape in the first degree, rape in the second degree, or sexual assault under Section 566.040, RSMo, prior to August 28, 2013.

When the biological father has pled guilty to or is convicted of the forcible rape, rape in the first degree, rape in the second degree, or sexual assault of the birth mother, a plea or conviction must be conclusive evidence supporting the termination of the biological father's parental rights.

It must be prima facie evidence that there is a reasonable probability that continuation of the parent-child relationship with the alleged perpetrator is not in the best interest of the child if the court finds by clear and convincing evidence that the alleged perpetrator committed an act of forcible rape, rape in the first degree, rape in the second degree, or sexual assault prior to August 28, 2013, and the child was conceived as a result of the rape.

In any proceeding involving custody, parenting time, or contact with a child conceived by rape, the perpetrator or alleged perpetrator of the rape must be denied custody, parenting time, or contact with the child if the court finds by clear and convincing evidence that:

(a) The perpetrator or alleged perpetrator committed an act of forcible rape prior to August 28, 2013, rape in the first degree, rape in the second degree, or sexual assault under Section 566.040 prior to August 28, 2013; and

(b) The child was conceived as the result of the act of rape.

A finding by the court is prima facie evidence that there is a reasonable probability that any custody, parenting time, or contact with the child is not in the best interests of the child. If the perpetrator or alleged perpetrator pled guilty to or is convicted of the forcible rape, rape in the first degree, rape in the second degree, or sexual assault under Section 566.040 prior to August 28, 2013, of the other biological parent of the child, the plea or conviction must be conclusive evidence supporting the person's denial of custody, parenting time, or contact with the child.

The court may order a party to the proceeding to pay the prevailing party a reasonable amount for the cost of maintaining the court action and attorney fees, including amounts for legal services provided and costs incurred prior to the commencement of the proceedings and after entry of judgment. The court may order this amount to be paid directly to the attorney of the prevailing party, who may enforce the order in the attorney's name.