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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

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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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rape Survivor Child Custody Act".

SEC. 2. FINDINGS.

Congress finds the following:

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

(2) Thousands of rape-related pregnancies occur annually in the United States.

(3) A substantial number of women choose to raise their child conceived through rape and, as a result, may face custody battles with their rapists.

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

(5) The clear and convincing evidence standard is the most common standard for termination of parental rights among the 50 States, territories, and the District of Columbia.

(6) The Supreme Court established that the clear and convincing evidence standard satisfies due process for allegations to terminate or restrict parental rights in Santosky v. Kramer (455 U.S. 745 (1982)).

(7) Currently only 6 States have statutes allowing rape survivors to petition for the termination of parental rights of the rapist based on clear and convincing evidence that the child was conceived through rape.

(8) A rapist pursuing parental or custody rights causes the survivor to have continued interaction with the rapist, which can have traumatic psychological effects on the survivor, and can make it more difficult for her to recover.

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

(10) Rapists may use the threat of pursuing custody or parental rights to coerce survivors into not prosecuting rape, or otherwise harass, intimidate, or manipulate them.

SEC. 3. GRANTS AUTHORIZED.

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

SEC. 4. APPLICATION.

A State seeking a grant under this Act shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General may reasonably require, including information about the law described in section 3.

SEC. 5. GRANT AMOUNT.

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

(1) Part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) (commonly referred to as the "STOP Violence Against Women Formula Grant Program").

(2) Section 41601 of the Violence Against Women Act of 1994 (42 U.S.C. 14043g) (commonly referred to as the "Sexual Assault Services Program").

SEC. 6. GRANT TERM.

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

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

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

SEC. 7. USES OF FUNDS.

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

(1) 25 percent of such funds for any of the permissible uses of funds under the grant program described in paragraph (1) of section 5; and

(2) 75 percent of such funds for any of the permissible uses of funds under the grant program described in paragraph (2) of section 5.

SEC. 8. TERMINATION DEFINED.

(a) IN GENERAL.—In this Act, the term ''termination'' means, when used with respect to parental rights, a complete and final termination of the parent's right to custody of, guardianship of, visitation with, access to, and inheritance from a child.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require a State, in order to receive a grant under this Act, to have in place a law that terminates any obligation of a person who fathered a child through rape to support the child.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

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

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