

MODEL LEGISLATION TO SUSPEND CUSTODY AND PARENTING TIME FOR RAPISTS:

Synopsis: Denial of parenting rights to rapists. Prohibits a person who caused a child to be conceived by rape from obtaining custody, parenting time, or contact with the child if a court finds by clear and convincing evidence that the person perpetrated the rape. Permits the court to order a party to pay the prevailing party costs and attorney's fees in an action to deny parenting rights.

Chapter ____ Child Conceived as a Result of an Act of Rape

Sec. 1. (a) If:

(1) an individual who:

(A) is the biological parent of a child; or

(B) alleges to be the biological parent of a child; seeks custody, parenting time, or contact with the child; and

(2) the court finds by clear and convincing evidence that:

(A) the child was conceived as the result of an act of rape; and

(B) the individual described under subdivision (1) was the perpetrator of the act of rape; the court shall deny the individual custody, parenting time, and contact with the child.

Sec. 2. (a) The court may order a party to pay to the prevailing party a reasonable amount for:

(1) the cost of maintaining an action under this chapter; and

(2) attorney's fees, including amounts for legal services provided and costs incurred, before the commencement of the proceedings or after entry of judgment.

(b) The court may order the amount under subsection (a) to be paid directly to the attorney of the prevailing party, who may enforce the order in the attorney's name.