

# **SB529**

Measure Title: RELATING TO PARENTAL RIGHTS.

Report Title: Parental Rights

Description: Prohibits family courts from awarding a person custody of or visitation with a child if the person has been convicted of rape or sexual assault and the child was conceived as a result of that violation. Authorizes the family courts to terminate parental rights, with respect to a child, of a natural father who has been convicted of rape or sexual assault and the child was conceived as a result of the rape or sexual assault.

Companion:

Package: Women

Current Referral: HMS, JDL

Introducer(s): CHUN OAKLAND, BAKER, SHIMABUKURO, SOLOMON, Kidani, Kim, L. Thielen, Tokuda

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**Subject:** \*Submitted testimony for SB529 on Jan 29, 2013 13:30PM\*  
**Date:** Monday, January 28, 2013 12:52:11 PM

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SB529

Submitted on: 1/28/2013

Testimony for HMS on Jan 29, 2013 13:30PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Cathy Betts	Hawaii State Commission on the Status of Women	Support	Yes

Comments:

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# THE SEX ABUSE TREATMENT CENTER

A Program of Kapi'olani Medical Center for Women & Children

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DATE: January 27, 2013

TO: The Honorable Suzanne Chun Oakland, Chair  
The Honorable Josh Green, M.D., Vice Chair  
Senate Committee on Human Services

FROM: Alana Peacott-Ricardos, Policy Research Associate  
The Sex Abuse Treatment Center

RE: S.B. 529  
Relating to Parental Rights

Good afternoon Chair Chun Oakland, Vice Chair Green and members of the Senate Committee on Human Services. My name is Alana Peacott-Ricardos and I am the Policy Research Associate for the Sex Abuse Treatment Center (SATC), a program of the Kapi'olani Medical Center for Women & Children (KMCWC), an affiliate of Hawai'i Pacific Health.

SATC strongly supports S.B. 529, which would authorize family courts to prohibit custody and visitation, and to terminate parental rights of a person with regard to a minor child conceived through a rape perpetrated by that person.

Sexual violence remains a major public health issue here in Hawai'i. According to the Attorney General's report, *Crime in Hawai'i*, there were 353 reported forcible rapes in 2011.<sup>1</sup> The impact of sexual violence is significant. Survivors face not only emotional trauma, but very real physical consequences including pregnancy. One study found that approximately five percent of rapes result in pregnancy.<sup>2</sup> At last estimate, this translated to about 25,000 rape-related pregnancies each year in the United States.<sup>3</sup>

A number of women who become pregnant through sexual assault choose to carry their pregnancies to term and keep the child. An analysis of the National Women's Study raw data revealed that of thirty-four cases of rape-related pregnancy, the woman kept the infant in 32.3% of the cases.<sup>4</sup>

Absent legislation to the contrary, where a child is conceived through an act of sexual assault, the perpetrator of the sexual assault has the same parental rights as any other biological father. Consequently, a mother, and survivor of sexual assault, may be forced to raise her child with the man who raped her. The perpetrator is then allowed to assert power and control again over the survivor, and now her child. The majority of rape-related pregnancies involve a known perpetrator, usually a boyfriend or husband, rather than a stranger.<sup>5</sup>

This bill would require family courts to deny custody and visitation to a person who is convicted of a sexual assault with respect to the child conceived through that assault.

Additionally, family courts would also have the authority to terminate the perpetrator's parental rights under the same circumstances. This bill is narrowly tailored to only those cases where the perpetrator has been convicted of the assault in a court of competent jurisdiction. The bill ensures that a convicted sex offender will not be allowed to further victimize a survivor and her child.

We urge you to pass S.B. 529. It is sound legislation that protects survivors of sexual assault and the children conceived through such a violent and devastating crime.

Thank you for this opportunity to testify.

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<sup>1</sup> State of Hawai'i, Attorney General, Crime Prevention & Justice Assistance Division, Research & Statistics Branch, *Crime in Hawai'i: 2011*, at 4 (Nov. 2012), available at [http://hawaii.gov/ag/cpja/main/rs/crimeinhawaii/CIH2011/Crime\\_in\\_Hawaii\\_2011.pdf](http://hawaii.gov/ag/cpja/main/rs/crimeinhawaii/CIH2011/Crime_in_Hawaii_2011.pdf).

<sup>2</sup> Melissa M. Holmes et al., *Rape-related pregnancy: estimates and descriptive characteristics from a national sample of women*, 175(2) Am. J. Obstet. Gynecol. 320, 321 (1996).

<sup>3</sup> Felicia H. Stewart & James Trussell, *Prevention of Pregnancy Resulting from Rape: A Neglected Preventive Health Measure*, 19(4) Am. J. Prev. Med. 228, 228 (2000).

<sup>4</sup> Holmes et al., *supra* note 2, at 322.

<sup>5</sup> *Id.*