

SENATE BILL REPORT

SB 6397

As Reported By Senate Committee On:
Law & Justice, February 6, 1998

Title: An act relating to rape victim protection.

Brief Description: Protecting rape victims with children born as a consequence of the rape from contact with the father.

Sponsors: Senators Fraser, Roach, Fairley, Kohl, Oke and Swecker.

Brief History:

Committee Activity: Law & Justice: 1/26/98, 2/6/98 [DPS].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 6397 be substituted therefor, and the substitute bill do pass.

Signed by Senators Roach, Chair; Johnson, Vice Chair; Fairley, Goings, Hargrove, Kline, Long, McCaslin, Stevens and Zarelli.

Staff: Aldo Melchiori (786-7439)

Background: Currently, a person who has been convicted of a sex offense that resulted in the birth of a child has the full plethora of rights and responsibilities accorded a parent. This includes the ability to seek custody or visitation with the child, the ability to bring an action to determine the existence of a father-child or mother-child relationship, and the duty to support the child. If the parent with custody of the child applies for public assistance, that parent is required to disclose the identity and other relevant information of the other parent and seek financial contribution.

It has been suggested that victims of sex offenses that resulted in the birth of a child can be victimized repeatedly by offenders who seek custody or visitation and by the state which requires repeated contact with the offender if public assistance is needed.

Summary of Substitute Bill: A person convicted of any sex offense as enumerated in RCW 9A.44 cannot bring an action for non-parental visitation or custody, cannot seek custody or visitation as part of a dissolution proceeding, and cannot bring an action to establish a father-child or mother-child relationship. The victim may seek child support. The Division of Support Enforcement will not disclose information regarding the person seeking support services if the victim notifies them that the person seeking disclosure was convicted of any sex offense as enumerated in RCW 9A.44.

Substitute Bill Compared to Original Bill: The mandatory paternity action is eliminated. The child is no longer defined as a "dependant child.– The parental rights of the offender

are not terminated, but the offender is precluded from bringing any action to establish paternity or seek custody or visitation.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Testimony For: Victims who have a child as a result of rape should not have to fight the rapist the remainder of their lives. Victims need and deserve protection.

Testimony Against: Requiring an automatic dependency action would not protect the victim.

Testified: Senator Fraser, prime sponsor (pro); Elizabeth Morgan, DSHS (con).