

# HOUSE BILL ANALYSIS

## HB 1433

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**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:** Representatives Benson, Lambert, Schindler, Clements, Sheahan, McDonald, Fortunato, Gombosky, Mulliken, Tokuda, Mielke, D. Sommers, Doumit, Conway, Murray, Anderson, Hurst, Lovick, Wood, O'Brien, Campbell, D. Schmidt and Ruderman.

### Brief Summary of Bill

- Prohibits a person who has been convicted of a sex offense that resulted in the conception and birth of a child from bringing a paternity action with respect to the child.
- Prohibits the Department of Social and Health Services from disclosing the whereabouts of a parent who has custody of a child to a noncustodial parent who has been convicted of a sex offense that resulted in the conception and birth of the child.
- Prohibits a person who has been convicted of a sex offense that resulted in the conception and birth of a child from initiating or participating in a nonparental action for custody of the child.
- Prohibits a person who has been convicted of a sex offense that resulted in the conception and birth of a child from seeking custody, decision making, or visitation of the child in a divorce proceeding.

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### HOUSE COMMITTEE ON JUDICIARY

**Staff:** Jim Morishima (786-7191).

#### **Background:**

##### I. The Uniform Parentage Act

In order to determine whether a person is the biological father of a child, a paternity action may be brought under the Uniform Parentage Act. A paternity action may be brought by a child, a child's birth mother, the putative father, a child's guardian, a

child's personal representative, the state of Washington, or any other interested party. A court will issue an order for paternity if it finds by clear, cogent, and convincing evidence that the alleged father is the father. Once such an order is entered, the parent has all rights and responsibilities associated with parentage, including the obligation to pay child support.

An action for maternity can be brought by any interested party and follows the same procedures as a paternity action.

## II. State Support Registry

The State Support Registry was created to improve the record keeping of support obligations and payments. Before releasing information that discloses the whereabouts of the custodial parent to the other parent or party, the Department of Social and Health Services (DSHS) must warn the custodial parent that it is about to do so. The DSHS must inform the custodial parent that it will make the disclosure unless it (a) is ordered not to release the information by a court, (b) receives a request for a hearing on the issue of whether release of the information would be harmful to the custodial parent or the child, or (c) has reason to believe that release of the information would be harmful to the custodial parent or the child.

## III. Nonparental Actions for Child Custody

A person other than a parent may bring an action for child custody. The court must determine whether to grant the nonparent custody in accordance with the best interests of the child. If the court grants custody to the nonparent, provisions must be made for child support and visitation. If the parent has been convicted of certain sex offenses, including rape and child molestation, visitation rights must be limited or denied.

## IV. Dissolution of Marriage

During divorce proceedings, provisions are made for custody, decision making, and visitation rights. The preference is to award joint custody unless joint custody would be detrimental to the child. Visitation rights can be awarded to a noncustodial parent as long as visitation serves the best interests of the child.

### **Summary of Bill:**

#### I. The Uniform Parentage Act

A person who has been convicted of a sex offense that resulted in the conception and birth of a child may not bring a paternity or maternity action with respect to the child.

## II. State Support Registry

The DSHS must not disclose the whereabouts of a parent who has custody of a child to the other parent or party if it receives a statement from the custodial parent that the person seeking disclosure has been convicted of a sex offense that allegedly resulted in the conception and birth of the child.

## III. Nonparental Actions for Child Custody

A person who has been convicted of a sex offense that resulted in the conception and birth of a child may not initiate or participate in a nonparental action for custody of the child.

## IV. Dissolution of Marriage

A person who has been convicted of a sex offense that resulted in the conception and birth of a child may not seek custody, decision making, or visitation of the child in a divorce proceeding.

**Fiscal Note:** Not requested.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

Office of Program Research