

Act No. 197 (H.88). Domestic relations; parental rights and responsibilities

An act relating to parental rights and responsibilities involving a child conceived as a result of sexual assault

This act establishes a procedure for a parent to file a petition for sole parental rights and responsibilities in cases where the child was conceived as a result of a sexual assault or sexual exploitation. The ability to modify the order is based upon whether the nonmoving party was convicted for the act resulting in the conception.

The Court may enter an order awarding sole parental rights and responsibilities to a parent and denying all parent-child contact with the other parent if the Court finds by clear and convincing evidence that the nonmoving parent was convicted of sexually assaulting the moving parent and the child was conceived as a result of the sexual assault. Such orders are permanent, not subject to modification, and any existing parent-child contact order concerning the child and the nonmoving parent will be terminated.

The Court may enter an order awarding sole parental rights and responsibilities to one parent and denying all parent-child contact between the other parent and a child if the Court finds by clear and convincing evidence that the child was conceived as a result of the nonmoving parent sexually assaulting or sexually exploiting the moving parent and the Court finds by a preponderance of the evidence that such an order is in the best interest of the child. A conviction is not required under this provision and the Court may consider other evidence of sexual assault or sexual exploitation in making its determination. A party may file a motion for modification of the order only upon a showing of extraordinary, real, substantial, and unanticipated change of circumstances.

The act also amends the definition of “commercial sex act” to include sexual acts other than intercourse. Also known as the “happy endings” amendment.

Effective Date: July 1, 2014