

## SEX ASSAULT SURVIVOR RIGHTS (SB 13-227)

**SHORT DESCRIPTION:**

The legislation allows survivors of sex assault, who bore a child because of the assault, to file a petition in juvenile court to prevent the convicted perpetrator from having parental rights.

The court is allowed to terminate parental rights if the parent was convicted of sex assault against the other parent, a child was conceived as a result of the crime, and termination of parental rights is in the best interest of the child.

Exactly what rights are terminated? Rights to parenting time, decision-making, inheritance from the child, and adoption

**A person whose parental rights are terminated is not relieved of any obligations to pay child support unless waived by the survivor.**

The legislation outlines safeguards for the survivor and child during the process of terminating parental rights. It does not require the survivor to go to court while the other parent is there, and the whereabouts of the child must be kept confidential.

Finally, the legislation establishes a task force that will study ways to help survivors of rape, address parental rights in cases in which there are allegation that a sex assault, but no conviction yet.

**STATUS:** Senate Judiciary

**SPONSOR:** Sen. Carroll, Sen. Hudak; Rep. Landgraf

**FACTS:**

- We need to stop rapists from using parental rights as a tool to coerce victims to not file charges.
- A study out of Duke found that rapists do use parental rights as leverage.
- Convicted rapists shouldn't have a say in what a pregnant woman decides to do.
  - If a woman decides to find a family to adopt the child, she needs to be free to do so, particularly after the trauma of rape.
  - As it stands now, rapists can stop a mother from choosing adoption.
- We need to help empower survivors of rape who decide to raise the child. That may mean, at times, allowing the woman to access state and federal programs that could help her and her family.
  - The survivor shouldn't have to work with the state to locate the rapist and obtain child support from him.
- Rape is a widespread problem.
  - Every 2 minutes, someone in the U.S. is sexually assaulted (Rape, Abuse & Incest National Network).
  - Approximately 2/3 of assaults are committed by someone known to the victim and 38% of rapists are friends or acquaintances (Rape, Abuse & Incest National Network).
  - 44% of victims are under age 18 and 80% are under the age of 30 (Rape, Abuse & Incest National Network).
  - Approximately 27.5 % of college women have been raped (The National Institute of Justice).
  - One in six women has been raped at some time in her life (The National Institute of Justice).
  - 10.6 % of women have reported forced sex at some time in their lives (The Center for Disease Control).
  - 54% of sexual assaults are not reported to police and 97% of rapists will never spend a day in jail (Rape, Abuse & Incest National Network).
- The problem needs to be addressed on multiple levels, and one level is through empowering survivors.
- 31 other states have addressed the parental rights of rapists. It's time for Colorado to stand up for survivors, and this bipartisan bill does just that.