HOUSE DOCKET, NO. 1609 FILED ON: 1/15/2025

HOUSE . . . . . No. 1661

The Commonwealth of Massachusetts

PRESENTED BY:

David F. DeCoste and Alyson M. Sullivan-Almeida

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to protect victims of rape and children conceived during the commission of said offense.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
David F. DeCoste	*5th Plymouth*	*1/15/2025*
Alyson M. Sullivan-Almeida	*7th Plymouth*	*1/15/2025*

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HOUSE . . . . . No. 1661

By Representatives DeCoste of Norwell and Sullivan-Almeida of Abington, a petition (accompanied by bill, House, No. 1661) of David F. DeCoste and Alyson M. Sullivan-Almeida relative to victims of rape and children conceived during the commission of said offense. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *1462* OF 2023-2024.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act to protect victims of rape and children conceived during the commission of said offense.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 209 of the General Laws, as so appearing, is hereby amended by adding the following section:-

Section 39. Notwithstanding the provisions of section 38, a married woman may file a petition with the court to terminate her husband's parental rights pursuant to this section. Grounds for the termination of parental rights shall be established if the court determines by clear and convincing evidence that a child of the marriage was conceived as a result of an act of rape made unlawful pursuant to sections 22 or 22A of chapter 265, or pursuant to a similar law of another state, territory, possession, or Native American tribe where the offense occurred. It is presumed that termination of parental rights is in the best interest of the child if the child was

conceived as a result of unlawful sexual battery. A petition for termination of parental rights under this paragraph may be filed at any time. The court shall accept a guilty plea or conviction of unlawful sexual battery pursuant to said sections 22 or 22A of chapter 265 as conclusive proof that the child was conceived by a violation of criminal law as set forth in this section.

SECTION 2. Chapter 209C of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by inserting after section 1 the following subsection:-

Section 1A. Notwithstanding section 10, the mother of a child who was born as a result of an act of rape as set forth in this section may file a petition with the court to terminate the perpetrator's parental rights. Grounds for the termination of parental rights shall be established if the court determines by clear and convincing evidence that the child was conceived as a result of an act of rape made unlawful pursuant to sections 22 or 22A of chapter 265, or pursuant to a similar law of another state, territory, possession, or Native American tribe where the offense occurred. It is presumed that termination of parental rights is in the best interest of the child if the child was conceived as a result of unlawful sexual battery. A petition for termination of parental rights under this paragraph may be filed at any time. The court shall accept a guilty plea or conviction of unlawful sexual battery pursuant to said sections 22 or 22A of chapter 265 as conclusive proof that the child was conceived by a violation of criminal law as set forth in this section.