

**JOINT COMMITTEE ON THE JUDICIARY  
BILL SUMMARY**

**BILL NO.** H1713

**TITLE:** An Act to protect victims of rape and children conceived during the commission of said offense

**SPONSOR:** Rep. Colleen M. Garry

**COSPONSORS:** None

**HEARING DATE:** June 17, 2025

**PRIOR HISTORY:** H1509 (2023-2024)  
H.1581 (2021-2022)  
H.3882 (2019-2020)

**SENATE BILL:** None

**CURRENT LAW:** Section 38 of Chapter 209 requires the court when issuing any temporary or permanent custody order to consider evidence of past or present abuse toward the parent or child as a factor contrary to the best interest of the child. A finding, by a preponderance of the evidence, that a pattern or serious incident of abuse has occurred creates a rebuttable presumption that custody with the abusive parent is not in the best interest of the child.

Section 10 of Chapter 209C permits a court to award custody of a nonmarital child to either parent or another suitable person as may be appropriate in the best interests of the child. It lays out the procedures and standards for making these determinations including the requirement to consider evidence of past or present abuse toward the parent or child as a factor contrary to the best interest of the child. A finding, by a preponderance of the evidence, that a pattern or serious incident of abuse has occurred creates a rebuttable presumption that custody with the abusive parent is not in the best interest of the child.

**BILL SUMMARY:** Section 1 – Creates a new Section 39 to Chapter 209 permitting a married women to file a petition at any time with the court to terminate her husband’s parental rights and such rights will be terminated if the court determines by clear and convincing evidence that the child of the marriage was conceived from an act of rape. There is a further presumption that termination of parental rights is in the best interest of the child if the child was conceived because of

unlawful sexual battery which may be proved by a guilty plea or conviction of unlawful sexual battery.

Section 2 – Creates a new Section 1A in Chapter 209C permitting the mother of a child conceived of rape to file a petition at any time with the court to terminate the perpetrator's parental rights and such rights will be terminated if the court determines by clear and convincing evidence that the child was conceived from an act of rape. There is a further presumption that termination of parental rights is in the best interest of the child if the child was conceived because of unlawful sexual battery which may be proved by a guilty plea or conviction of unlawful sexual battery.