



## House Bill 14-1162

### Concerning Protection of the Victim of a Sexual Assault In Cases Where a Child Was Conceived As a Result of the Sexual Assault (Representative Landgraf & Senator Carroll)

**Background:** In the 2013 legislative session, Senate Bill 227 passed with wide support. This bill created protections for sexual assault cases that resulted in the birth of a child, when the perpetrator was criminally convicted for the crime. In those cases, a Judge shall terminate the parental rights of the rapist, if the termination is also found to be in the best interest of the child. Senate Bill 227 also created a Task Force to study how to best create protections for cases without a criminal conviction.

House Bill 1162 is the follow-up legislation informed by the recommendations of the Task Force. It is intended to ensure that when a court finds that a person has committed sexual assault (regardless of whether or not there is a conviction), that person does not have access to the victim and the child, when such access is not in the best interests of the child and is not safe for the victim and the child. Representatives from CCASA & CCADV were appointed to the Task Force and both organizations endorse House Bill 1162.

#### Why this Legislation is Needed:

*Absence of a conviction does not mean a sexual assault did not occur. Victims and their children still need protection.*

- Sexual violence is a pervasive problem, and women of reproductive age – in particular, those ages 16 to 24 – are at greatest risk.
- As many as two-thirds of adolescents who become pregnant were sexually or physically abused at some point in their lives.
- According to the *American Journal of Obstetrics and Gynecology*, among adult women an estimated 32,101 pregnancies result from rape each year. This article concludes that rape-related pregnancy occurs with significant frequency.

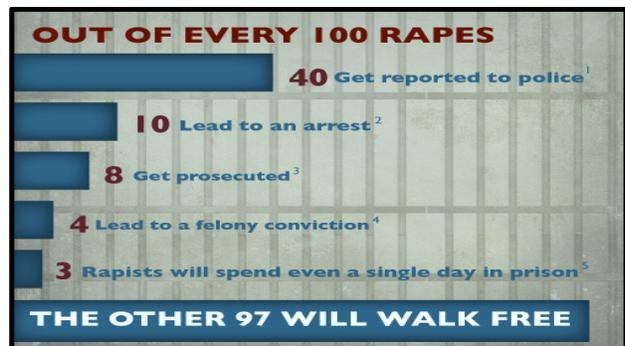


Chart accessible at [www.rainn.org](http://www.rainn.org)

#### How the Bill Creates Safety & Justice, While Protecting Due Process Rights:

- The bill creates a process to allow the victim to file a petition in juvenile court to terminate the parent-child legal relationship of the person reported to have committed sexual assault, which resulted in the birth of a child.
- In order to terminate, the court must: provide notice of the hearing, meet the established burden of proof necessary, confirm paternity, and determine that termination is in the best interest of the child. If the petition is denied, the juvenile court has continuing jurisdiction to address allocation of parental responsibilities. The court also has the authority to enter into a relinquishment, if the respondent wishes to relinquish parental rights and both parties consent.
- If the court is determining allocation of parental responsibilities and meets the burden of proof for determining the child was conceived as a result of sexual assault, the court may impose parenting time restrictions. There is also a rebuttable presumption that it is not in the best interest of the child to allocate sole or split decision-making to the perpetrator.
- Additional protections are designed to ensure that the child is economically supported, and the privacy and safety of the victim and child are maintained.

**Additional Supporters:** Colorado Business Women, Colorado Organization for Victim Assistance (COVA), Family Voices Colorado, We are Women Colorado, Women's Lobby of Colorado

**For more Information:** Contact Annmarie Jensen, Jensen Public Affairs, at [aj@jensenpublicaffairs.com](mailto:aj@jensenpublicaffairs.com).