



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

HB3128

by Rep. Ann Williams

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Termination of Parental Rights of Perpetrators of Sexual Assault Act. Provides that if a child was conceived as a result of an act of sexual assault, the parent who is the victim of the act of sexual assault may file a petition with the court to terminate the child's parent-child relationship with the alleged perpetrator of the act of sexual assault. Provides that a verified petition filed under the Act must contain specified allegations and be supported by a showing by clear and convincing evidence that the alleged perpetrator committed an act of sexual assault against the petitioner. Provides that the court shall terminate the parent-child relationship if the court finds: (i) by clear and convincing evidence, that the allegations in a petition filed under Act are true; and (ii) that termination of the parent-child relationship is in the best interest of the child. Provides that conception as a result of sexual assault may be proven by a final judgment of conviction of a an alleged parent of a child under the Act who has been convicted of or who has pled guilty or nolo contendere to a violation of Sections of the Criminal Code of 2012 concerning: criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault, criminal sexual abuse, aggravated criminal sexual abuse, sexual relations within families, or a similar statute in another jurisdiction, for his conduct in fathering that child.

LRB098 08706 HEP 41829 b

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the  
5 Termination of Parental Rights of Perpetrators of Sexual  
6 Assault Act.

7 Section 5. Petition to terminate parental rights.

8 (a) If a child was conceived as a result of an act of  
9 sexual assault, the parent who is the victim of the act of  
10 sexual assault may file a petition with the court to terminate  
11 the child's parent-child relationship with the alleged  
12 perpetrator of the act of sexual assault. A verified petition  
13 filed under this Section must allege:

14 (1) that the alleged perpetrator committed an act of  
15 sexual assault against the parent who has filed the  
16 petition to terminate the parent-child relationship;

17 (2) that the child was conceived as a result of the act  
18 of sexual assault described under paragraph (1) of this  
19 subsection (a); and

20 (3) that termination of the parent-child relationship  
21 of the alleged perpetrator with the child is in the best  
22 interests of the child.

23 (b) The verified petition filed under this Section must be

1 supported by a showing by clear and convincing evidence that  
2 the alleged perpetrator committed an act of sexual assault  
3 against a parent described in paragraph (1) of this subsection  
4 (a) of this Section.

5 (c) A showing by clear and convincing evidence that the  
6 child was conceived as a result of the act of sexual assault is  
7 prima facie evidence that continuation of the parent-child  
8 relationship with the alleged perpetrator is not in the best  
9 interest of the child.

10 Section 10. Order to terminate parental rights. The court  
11 shall terminate the parent-child relationship if the court  
12 finds: (i) by clear and convincing evidence, that the  
13 allegations in a petition described in Section 5 of this Act  
14 are true; and (ii) that termination of the parent-child  
15 relationship is in the best interest of the child.

16 Section 15. Proof of conception as a result of sexual  
17 assault.

18 (a) Conception as a result of sexual assault may be proven  
19 by a final judgment of conviction of a an alleged parent of a  
20 child under this Act who has been convicted of or who has pled  
21 guilty or nolo contendere to a violation of Section 11-1.20,  
22 Section 11-1.30, Section 11-1.40, Section 11-1.50, Section  
23 11-1.60, Section 11-11, Section 12-13, Section 12-14, Section  
24 12-14.1, Section 12-15, or Section 12-16 of the Criminal Code

1 of 2012, or a similar statute in another jurisdiction, for his  
2 conduct in fathering that child.

3 (b) Conception as a result of sexual assault may also be  
4 proven by other evidence, produced at an evidentiary hearing,  
5 which indicates that the person who is the alleged parent of  
6 the child committed, during a possible time of conception, a  
7 sexual assault as specified in this Act against the mother of  
8 the child.