



Missouri bill could end father's rights in rape cases

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JEFFERSON CITY, Mo. — The Missouri Senate passed a bill that would make it easier to terminate a father's parental rights if the child was the result of rape.

The proposal, adopted Wednesday 31-1, would allow judges to terminate a father's parental rights if there was "clear, cogent, and convincing evidence" that he raped the mother, resulting in her pregnancy. The judge would also have to weigh whether termination would be in the child's best interest.

"This is about holding rapists accountable for their crimes" Sen. Scott Sifton, D-St. Louis County, said when the bill was debated earlier this week.

Other Republican and Democratic lawmakers agreed. Sen. Andrew Koenig, a Republican from St. Louis County and the proposal's original sponsor, said the legislation would allow women who didn't want to endure a criminal trial to still separate themselves from their rapists.

"The problem is: You have very few rape cases that are actually prosecuted," he said.

At least 30 other states have laws allowing the parental rights of rapists to be terminated. Estimates of the number of rape-related pregnancies that occur annually in the United States range from a few thousand each year to tens of thousands.

Currently in Missouri, a man must be convicted of rape to lose parental rights and is not liable to pay childcare costs if his rights are terminated. A woman must also at least attempt to receive child support from the father to be eligible for public assistance, such as Medicaid.

The bill would allow a woman to collect child support from the man accused of rape, even if his rights were terminated. However, the woman would remain eligible for public assistance if she instead wanted to cease all contact with the father and not seek child support.

The anti-sexual violence organization RAINN estimated that there are just seven convictions for every 1,000 rapes in the United States.

No-one testified against the bill during a committee hearing.

Sen. Rob Schaaf, a Republican from St. Joseph, was the only apparent “no” when the proposal received initial approval by a voice vote Monday. Schaaf expressed concern that “clear, cogent, and convincing evidence” could be too low a bar in court and might encourage false accusations.

“We’ve seen it happen, where women don’t want that father around,” Schaaf said. “I can envision them saying, ‘this was rape,’ just in order to get rid of him.”

Susan Appleton, a Washington University law professor who has written extensively about family law said the “clear and convincing” evidence standard was not as high as the “beyond a reasonable doubt” standard required in criminal trials, but that wasn’t unusual.

“Judges use that standard to terminate parental rights for other reasons,” she said.

A 1982 Supreme Court ruling found that when parental rights are in question, “due process requires that the state support its allegations by at least clear and convincing evidence.”

The bill now moves to the House.