

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 1491, Page 8, Section 211.447, Line 209,
2 by inserting immediately after all of said line the following:

3
4 "12. A court of competent jurisdiction may terminate the parental rights of a biological
5 father of a child if he is an alleged perpetrator of forcible rape under section 566.030 as it existed
6 prior to August 28, 2013, or rape in the first degree under section 566.030 that resulted in the
7 conception and birth of the child. The biological mother who is the victim of the forcible rape or
8 rape in the first degree or, if she is a minor, someone on her behalf may file a petition to terminate
9 the parental rights of the biological father. The court may terminate the parental rights of the
10 biological father if the court finds that by:

11 (1) Clear, cogent, and convincing evidence the biological father committed the act of
12 forcible rape or rape in the first degree against the biological mother;

13 (2) Clear, cogent, and convincing evidence the child was conceived as a result of that act of
14 forcible rape or rape in the first degree; and

15 (3) The preponderance of the evidence the termination of the parental rights of the
16 biological father is in the best interests of the child.

17 13. In any action to terminate the parental rights of the biological father under subsection 12
18 of this section or subdivision (5) of subsection 5 of this section, a court of competent jurisdiction
19 may order that the mother and the child conceived and born as a result of forcible rape or rape in the
20 first degree are entitled to obtain from the biological father certain payments, support, beneficiary
21 designations, or other financial benefits. The court shall issue such order only if the mother gives
22 her consent; provided that, the court shall first inform the mother that such order may require or
23 obligate the mother to have continuous or future communication and contact with the biological
24 father. Such order shall be issued without the biological father being entitled to or granted any
25 custody, guardianship, visitation privileges, or other parent-child relationship, and may include any
26 or all of the following:

27 (1) Payment for the reasonable expenses of the mother or the child, or both, related to
28 pregnancy, labor, delivery, postpartum care, newborn care, or early childhood care;

29 (2) Child support under this chapter or chapter 210, 452, or 454;

30 (3) All rights of the child to inherit under the probate code, as defined in section 472.010;
31 provided that, for purposes of intestate succession, the biological father or his kindred shall have no
32 right to inherit from or through the child;

33 (4) The designation of the child as the beneficiary of a life or accidental death insurance
34 policy, annuity, contract, plan, or other product sold or issued by a life insurance company; or

35 (5) Any other payments, support, beneficiary designations, or financial benefits that are in
36 the best interests of the child or for the reasonable expenses of the mother, or both.

Action Taken _____ Date _____

1
2 If the mother declines to seek a court order for child support under this subsection, no state agency
3 shall require the mother to do so in order to receive public assistance benefits for herself or the child
4 including, but not limited to, benefits for temporary assistance for needy families, supplemental
5 nutrition assistance program, or MO HealthNet. The court order terminating the parental rights of
6 the biological father under subdivision (5) of subsection 5 of this section or subsection 11 of this
7 section shall serve as a sufficient basis for a good cause or other exemptions under 42 U.S.C.
8 Section 654(29) and the state agency shall not require the mother or the child to otherwise provide
9 the identity, location, income, or assets of the biological father or have contact or communicate with
10 the biological father. However, nothing in this subsection shall prohibit a state agency from
11 requesting that the mother assign any child support rights she receives under this subsection to the
12 state as a condition of receipt of public assistance benefits under applicable federal and state law.";
13 and
14
15 Further amend said bill by amending the title, enacting clause, and intersectional references
16 accordingly.