

SB 123
Senate Judiciary Committee
WRITTEN TESTIMONY
February 11, 2021
PROPONENT

Chairperson Warren and Members of the Committee,

The Kansas Coalition Against Sexual and Domestic Violence (KCSDV) is a statewide non-profit organization whose membership is the 26 sexual and domestic violence programs serving victims across Kansas. KCSDV provides information; training; and analysis and policy work on issues impacting victims of domestic and sexual violence, their families, and their communities.

KCSDV supports the passage of SB 123 Generally, when a woman becomes pregnant as a result of rape, absent statutes to the contrary, the rapist has the same parental rights as any other father. This means that if the woman chooses to raise the child she could be forced to co-parent with the rapist or, in the case of adoption, she could be forced to provide notice of the adoption to the rapist¹ and possibly have the rapist challenge that adoption. Research estimates indicate that there are between 25,000 and 32,000 rape-related pregnancies per year in the United States.² With this level of prevalence, and recognizing that a rapist-father who pursues parenting time or custody may cause continued psychological and emotional trauma to the victim-mother and the child, it is important to offer some protection to these victims and their children.

Requiring a criminal conviction to begin the process to terminate the parental rights of a rapist would be an inappropriately high standard for a woman who would like to raise her child but not have to co-parent with the individual who raped her.

Direct services advocacy programs serve victims of rape each and every day. And, serving a victim of rape who later finds out about a pregnancy is a complicated and difficult part of advocacy. Ultimately, she has to determine what is best for her and her child. But, with the landscape that exists advocates must explain to these victims that there is a chance the person who raped them could fight for custody – and win. Consider that thought: the person who raped you now has access to your child. It is unconscionable.

We can and we must do better than this scenario. We must help women like “Susan” who was adopted and later began to search for her birth story. When she found out the details she was astonished to learn that her birth father raped her teenage mother. She felt angry about what this man had done. She looked to the law and there was little that could be done. She wishes the law was different so her mother may have had a chance to keep her child without the fear of this person gaining access to her little girl. The mother was only 13 when she conceived this child through rape. And, it was a family “friend” so it is quite predictable that he would have known her choice to keep the child and could have successfully pursued joint custody.

¹ Karen N. Bitar, The Parental Rights of Rapists, 19 Duke J. Gender L. & Pol’y 275 (2012).

² *Id.*

If we continue to fail victims like Susan's mother and countless others who live a legacy of rape and injustice then we are sending a clear message that rapists are afforded protection under the law. Victims often internalize this message as a sign that they are worthless and insignificant because they've been left without any protection under the law.

The Kansas Coalition Against Sexual and Domestic Violence and our 26 member advocacy programs support the passage of this legislation. We are not in a place to stand for the status quo that leaves victims and their children without protection. We must set in place a legal mechanism for victims to seek and find justice.

Sincerely submitted on behalf of KCSDV,

Sara Rust-Martin, JD, MSW
Legal and Policy Director
KCSDV
634 SW Harrison Street
Topeka, Kansas 66603