

**CHAPTER 30****( HB 256 )**

AN ACT relating to the rights of victims of sexual offenses.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 403.322 is amended to read as follows:

- (1) The Commonwealth recognizes that certain victims of sexual assault may conceive a child as a result of the sexual assault and may choose to bear and raise the child. The Commonwealth also recognizes that victims of a sexual assault who have elected to raise a child born as a result of the sexual assault, as well as that child, may suffer serious emotional or physical trauma if the perpetrator of the assault is granted parental rights with the child.
- (2) Except as provided in subsection (3) of this section, any person who has been convicted of a felony offense under KRS Chapter 510, *or a comparable offense from another jurisdiction*, in which the victim of that offense has conceived and delivered a child, shall not have custody or visitation rights, or the rights of inheritance under KRS Chapter 391 with respect to that child.
- (3) The *adult* mother of the child may waive the protection afforded under subsection (2) of this section regarding visitation and request that the court grant reasonable visitation rights with the child if paternity has been acknowledged.
- (4) Unless waived by the mother, *or a guardian of a minor mother or a de facto custodian of the child in the case of a minor mother*, and, if applicable, the public agency substantially contributing to the support of the child, a court shall establish a child support obligation against the father of the child pursuant to KRS 403.211.

➔Section 2. KRS 405.028 is amended to read as follows:

- (1) Except as provided in subsection (2) of this section, any person who has been convicted of a felony offense under KRS Chapter 510, *or a comparable offense from another jurisdiction*, in which the victim of that offense has conceived and delivered a child, shall not have custody or visitation rights, or the right of inheritance under KRS Chapter 391 with respect to that child.
- (2) The *adult* mother of the child may waive the protection afforded under subsection (1) of this section regarding visitation and request that the court grant reasonable visitation rights with the child if paternity has been acknowledged.
- (3) Unless waived by the mother, *or a guardian of a minor mother or a de facto custodian of the child in the case of a minor mother*, and, if applicable, the public agency substantially contributing to the support of the child, a court shall establish a child support obligation against the father of the child pursuant to KRS 403.211. *As used in this subsection, "de facto custodian" has the same meaning as in KRS 403.270.*

**Signed by Governor March 24, 2020.**