

## STATE OF MAINE

—  
IN THE YEAR OF OUR LORD  
TWO THOUSAND AND SIXTEEN

—  
S.P. 575 - L.D. 1477

**An Act To Protect Victims of Sexual Assault**

Be it enacted by the People of the State of Maine as follows:

**Sec. 1. 19-A MRSA §1658**, as enacted by PL 1997, c. 363, §1, is repealed and the following enacted in its place:

**§1658. Termination of parental rights and responsibilities in cases involving sexual assault**

This section applies to the termination of parental rights and responsibilities with respect to a specific child conceived as a result of an act of sexual assault by the parent of that child.

**1. Petitioner.** The petition for termination may be filed by the other parent or, if the other parent is a minor, the parent or guardian of the other parent.

**2. Petition.** The petitioner may file a petition with the District Court that requests the termination of the parental rights and responsibilities of the parent and alleges:

A. That the parent was convicted of a crime involving sexual assault, as defined in Title 17-A, section 253, 254 or 556, or a comparable crime in another jurisdiction, that resulted in the conception of the child; or

B. That the child was conceived as a result of an act of sexual assault, as defined in Title 17-A, section 253, 254 or 556, or a comparable crime in another jurisdiction.

**3. Termination.** Except as provided in subsection 4, if the petitioner proves the allegation in subsection 2, paragraph A by a preponderance of the evidence, the court shall terminate the parental rights and responsibilities of the parent. If the petitioner proves the allegation in subsection 2, paragraph B by clear and convincing evidence, the court may terminate the parental rights and responsibilities of the parent.

**4. Exception.** The court is not required to terminate the parental rights and responsibilities of a parent convicted of gross sexual assault under Title 17-A, section 253, subsection 1, paragraph B that resulted in the conception of the child if:

- A. The parent or guardian of the other parent filed the petition;
- B. The other parent informs the court that the sexual act was consensual; and
- C. The other parent opposes the termination of the parental rights and responsibilities of the parent convicted of the gross sexual assault.

**Sec. 2. 22 MRSA §4055, sub-§1-B** is enacted to read:

**1-B. Conception by sexual assault as grounds for termination.** The court may order termination of parental rights if the court finds, based on clear and convincing evidence, that the child was conceived as a result of an act by the parent of sexual assault or a comparable crime in another jurisdiction. For purposes of this subsection, "sexual assault" has the same meaning as in Title 17-A, section 253, 254 or 556. A guilty plea or conviction for sexual assault is considered clear and convincing evidence for purposes of this subsection.