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SENATOR BERTA GARDNER

SENATE DEMOCRATIC LEADER

Senate District 1

Sponsor Statement

SB 134 - *“An Act relating to the appointment of guardians ad litem for parents; relating to petitions for termination of parental rights; relating to the scope of the Alaska Adoption Rules; and amending Rules 1 and 6, Alaska Adoption Rules.”*

Nationally, the Rape Survivor Child Custody Act passed under Title IV of the Justice for Victims of Trafficking Act, in the 114th congress. This bill encourages states to have statutes allowing parental rights to be terminated in cases where conception occurred from clear and convincing evidence of rape.

Under this Act, states with these statutes in place would be eligible for additional funding for Violence Against Women Act (VAWA) formula grants. Currently, Alaska meets the requirements set forth by this act.

However, the ability for parental custody to be terminated on these grounds was placed under Title 25 in chapter 23 which deals with adoption. The statute was updated in the 15th legislature to allow for women in independent proceedings (outside of adoption or child-in-need-of-aid cases) the ability to terminate parental rights of rapist fathers.

Existence of these statutes does not seem to be widely known. The Rape, Abuse & Incest National Network (RAINN) erroneously interprets Alaska’s statute as pertaining only to adoption cases. In addition, victim advocacy groups and family law lawyers within the state of Alaska have claimed that they were not aware of the applicability of existing statutes.

This bill clarifies that a parent who chooses to keep a child conceived through rape has the ability to sever ties with their rapist if they so desire.

If a rapist pursues custody or visitation, the victim is forced to interact with them repeatedly in a legally-sanctioned proceeding. Unwelcome interactions with an abuser can interfere with a survivor’s ability to raise a healthy child.

There are currently 45 states with statutes that allow for the parental rights of rapist fathers to be reduced or terminated. This bill is intended to make clear that all women have this ability in Alaska.