

SECTION 614. PRECLUSION OF PARENTAGE BY PERPETRATOR OF SEXUAL ASSAULT.

(a) Except as otherwise provided in subsection (b), this section applies to cases in which a man is alleged to have committed a sexual assault that resulted in the victim of the assault becoming pregnant and subsequently giving birth to the child.

(b) This section does not apply if:

(1) The man has previously been adjudicated to be a parent of the child; or

(2) After the birth of the child, the man resided in the same household with the woman who gave birth to the child and established a bonded and dependent relationship with the child that is parental in nature.

(c) In this section, “sexual assault” means [insert reference to state’s definition of rape from criminal rape statutes] that results in pregnancy.

(d) The woman who gave birth to the child may raise an allegation that the child was born as the result of a sexual assault only in a proceeding to adjudicate parentage. The pleading making the allegation must be filed no later than two years after the birth of the child, unless Section 309 or Section 607 applies, in which case the time limits of those sections apply.

(e) An allegation that a man committed a sexual assault that resulted in the victim of the assault becoming pregnant and subsequently giving birth to the child may be proved by either:

(1) evidence that the man was convicted of a sexual assault, or a comparable crime of sexual assault in any jurisdiction, against the woman who gave birth to the child, and that the child was born within 300 days after the sexual assault; or

(2) clear and convincing evidence that the man committed sexual assault against the woman who gave birth to the child, and that the child was born within 300 days after the

sexual assault.

(f) If the court finds that the man committed sexual assault against the woman who gave birth to the child and that the child was born within 300 days after the sexual assault the court must enter an order:

(1) Adjudicating that the man is not a parent of the child;

(2) Requiring that the [agency maintaining birth records] amend the birth certificate in a manner that is consistent with the best interests of the child and the wishes of the woman who gave birth to the child;

(3) Requiring that the man pay child support, birth-related costs, or both, unless otherwise requested by the woman who gave birth to the child; and

(4) Granting any other relief requested by the woman who gave birth to the child, provided that the court determines that the relief requested is in the best interests of the child.