



## HOUSE COMMITTEE ON APPROPRIATIONS

# FISCAL NOTE

HOUSE BILL NO. 410

PRINTERS NO. 1445

PRIME SPONSOR: Toohil

### COST / (SAVINGS)

FUND	FY 2014/15	FY 2015/16
General Fund	\$0	\$0

**SUMMARY:** House Bill 410, Printer's Number 1445 amends Title 23 (Domestic Relations) to provide for custody matters and liability for child support when the child is conceived as a result of rape, sexual assault or incest. This legislation is effective in 60 days.

**ANALYSIS:** This legislation amends Section 4321 of Title 23 to provide that liability for child support continues even when parental rights have been terminated due to a conviction for any of the following Title 18 offenses where the other parent is the victim: Section 3121 (relating to rape); Section 3122.1 (relating to statutory sexual assault); Section 3124.1 (relating to sexual assault) where the offense involved sexual intercourse; Section 3124.2 (relating to institutional sexual assault) where the offense involved sexual intercourse; or Section 4302 (relating to incest) where the offense involved sexual intercourse. Paternity of the child must be established through blood, genetic or other type of paternity test acceptable to the court and the cost of testing must be paid by the parent who was convicted of the offense.

The legislation also amends Section 5329 of Title 23 to provide that if a parent who is a victim of any of the offenses set forth in the paragraph above objects, no court shall award any type of custody to the other parent of a child conceived as a result of any of the offenses for which that parent has been convicted. A court may award any type of custody if: the parent who is a victim had an opportunity to address the court; the child is of suitable age and consents to the custody order; and the court determines the award is in the best interest of the child. Paternity of the child must be established through blood, genetic or other type of paternity test acceptable to the court and the cost of testing must be paid by the parent who was convicted of the offense.

The revisions to Sections 4321 and 5329 apply to any action regarding custody of a child that is filed on or after the effective date of this legislation.

**FISCAL IMPACT:** Enactment of this legislation will have no adverse fiscal impact on Commonwealth funds.

**PREPARED BY:** Ann Bertolino  
House Appropriations Committee (R)

**DATE:** May 6, 2015

*Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.*