

**H. B. 4113**

(By Delegate Staggers)

[Introduced January 9, 2014; referred to the  
Committee on the Judiciary.]

A BILL to amend and reenact §48-9-101 of the Code of West Virginia,  
1931, as amended, relating to preventing a person who is  
convicted of sexual assault from obtaining custody of a child  
born as a result of the sexual assault, and from having  
parental rights relating to the child.

*Be it enacted by the Legislature of West Virginia:*

That §48-9-101 of the Code of West Virginia, 1931, as amended,  
be amended and reenacted to read as follows:

**ARTICLE 9. ALLOCATION OF CUSTODIAL RESPONSIBILITY AND DECISION-  
MAKING RESPONSIBILITY OF CHILDREN.**

**PART 1. SCOPE; OBJECTIVES; PARTIES  
AND PARENT EDUCATION CLASSES.**

**§48-9-101. Scope of article; legislative findings and  
declarations; custody, parental rights precluded**

1 **by certain sexual assault.**

2 (a) This article sets forth principles governing the  
3 allocation of custodial and decision-making responsibility for a  
4 minor child when the parents do not live together.

5 (b) The Legislature finds and declares that it is the public  
6 policy of this state to assure that the best interest of children  
7 is the court's primary concern in allocating custodial and  
8 decision-making responsibilities between parents who do not live  
9 together. In furtherance of this policy, the Legislature declares  
10 that a child's best interest will be served by assuring that minor  
11 children have frequent and continuing contact with parents who have  
12 shown the ability to act in the best interest of their children, to  
13 educate parents on their rights and responsibilities and the effect  
14 their separation may have on children, to encourage mediation of  
15 disputes, and to encourage parents to share in the rights and  
16 responsibilities of rearing their children after the parents have  
17 separated or divorced.

18 (c) A person who has been convicted of sexual assault in  
19 accordance with provisions of article eight-b, chapter sixty-one of  
20 this code, may not be awarded custody of a child resulting from the  
21 sexual assault, and forfeits all parental rights relating to the  
22 child, as those rights are defined in section three, article one,  
23 chapter forty-nine of this code.

NOTE: The purpose of this bill is to prevent rapists from obtaining custody of a child resulting from the rape, and from having parental rights relating to the child.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.