



Help • Hope • Healing

January 15, 2020

Dear Chairmen Kauffman and Briggs,

On behalf of the Pennsylvania Coalition Against Rape (PCAR) and the network of rape crisis centers providing services to over 30,000 victims in every county, we express our support for Rep. Benninghoff's House Bill 1984.

It is our belief that all children deserve to grow up in homes characterized by love, safety, and stability. Key to that home is a parent who is safe and supported by our laws and communities. Yet, a current loophole in Pennsylvania's Adoption Act undermines the safety and well-being of victims, their children, and families throughout the Commonwealth. This loophole protects the legal parental rights of sexual offenders while punishing victims.

Pennsylvania's Adoption Act includes grounds to involuntarily terminate a parent's rights when "the parent is the father of a child conceived as a result of rape or incest" (Title 23, Subchapter B, Sec. 2155). However, in considering such a petition, the courts require that an adoption is being contemplated, that the petitioner agrees to assume custody of the child, and that "a person with a present intention to adopt exists."

These requirements result in dangerous outcomes for victims and their children. In order to terminate the parental rights of a person who has committed rape or incest from which a child is conceived, the victim must enter another legal relationship with someone who will be granted legal rights as an adoptive parent to take the place of the rapist. This does nothing to ensure the health and safety of children and keeps them legally tethered to a violent crime and its actor. We do not feel this is the intent of the Judiciary Committee or of the larger General Assembly. HB 1984 will close this loophole in the interest of the victim and child.

On behalf of PCAR and the network of advocates and survivors we represent, we urge you to support HB 1984 in committee as it corrects the harmful effects of the current law on a victimized mother and a child who had no say in their parentage. HB 1984 provides a narrow and necessary change to existing law, creating an exception for victims of rape and incest—allowing them to walk through the doors of these proceedings on their own, as the courageous victims and loving parents that they are, without an adoptive party waiting in the wings.

Thank you for your leadership and support. If you have any questions or need additional information, please contact our policy director, Donna Greco, at dgreco@pcar.org or 717-728-9740, x114.

Sincerely,

Karen Baker, CEO

Cc: The Honorable Kerry Benninghoff

Pennsylvania Coalition Against Rape

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