

(3) A substantial number of women choose to raise their child conceived through rape and, as a result, may face custody battles with their rapists.

(4) Rape is one of the most under-prosecuted serious crimes, with estimates of criminal conviction occurring in less than 5 percent of rapes.

(5) The clear and convincing evidence standard is the most common standard for termination of parental rights among the 50 States, territories, and the District of Columbia.

(6) The Supreme Court established that the clear and convincing evidence standard satisfies due process for allegations to terminate or restrict parental rights in *Santosky v. Kramer* (455 U.S. 745 (1982)).

(7) Currently only 10 States have statutes allowing rape survivors to petition for the termination of parental rights of the rapist based on clear and convincing evidence that the child was conceived through rape.

(8) A rapist pursuing parental or custody rights causes the survivor to have continued interaction with the rapist, which can have traumatic psychological effects on the survivor, and can make it more difficult for her to recover.

(9) These traumatic effects on the mother can severely negatively impact her ability to raise a healthy child.

(10) Rapists may use the threat of pursuing custody or parental rights to coerce survivors into not prosecuting rape, or otherwise harass, intimidate, or manipulate them.

(Pub. L. 114-22, title IV, §403, May 29, 2015, 129 Stat. 256.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 14043h-1 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 21303. Increased funding for formula grants authorized

The Attorney General shall increase the amount provided to a State under the covered formula grants in accordance with this chapter if the State has in place a law that allows the mother of any child that was conceived through rape to seek court-ordered termination of the parental rights of her rapist with regard to that child, which the court is authorized to grant upon clear and convincing evidence of rape.

(Pub. L. 114-22, title IV, §404, May 29, 2015, 129 Stat. 257.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 14043h-2 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 21304. Application

A State seeking an increase in the amount provided to the State under the covered formula grants shall include in the application of the

State for each covered formula grant such information as the Attorney General may reasonably require, including information about the law described in section 21303 of this title.

(Pub. L. 114-22, title IV, §405, May 29, 2015, 129 Stat. 257.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 14043h-3 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 21305. Grant increase

The amount of the increase provided to a State under the covered formula grants under this chapter shall be equal to not more than 10 percent of the average of the total amount of funding provided to the State under the covered formula grants under the 3 most recent awards to the State.

(Pub. L. 114-22, title IV, §406, May 29, 2015, 129 Stat. 257.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 14043h-4 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 21306. Period of increase

(a) In general

The Attorney General shall provide an increase in the amount provided to a State under the covered formula grants under this chapter for a 2-year period.

(b) Limit

The Attorney General may not provide an increase in the amount provided to a State under the covered formula grants under this chapter more than 4 times.

(Pub. L. 114-22, title IV, §407, May 29, 2015, 129 Stat. 257.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 14043h-5 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 21307. Allocation of increased formula grant funds

The Attorney General shall allocate an increase in the amount provided to a State under the covered formula grants under this chapter such that—

(1) 25 percent¹ the amount of the increase is provided under the program described in section 21301(1)(A) of this title; and

(2) 75 percent¹ the amount of the increase is provided under the program described in section 21301(1)(B) of this title.

(Pub. L. 114-22, title IV, §408, May 29, 2015, 129 Stat. 258.)

¹ So in original. Probably should be followed by “of”.