

## 9. RAPE AND PARENTAL RIGHTS

In 2011, Jamie Melendez, 20, pleaded guilty to raping a 14-year-old girl, and was sentenced by a Massachusetts court to 16 years probation. As part of the conditions of his probation, the court ordered Melendez to pay weekly child support until the child reaches the age of 18. Melendez offered to relinquish state-allowed visitation rights if the requirement for child support was dropped. The mother asked the court to require Melendez to pay criminal restitution in lieu of child support so she would not be forced into having contact with her rapist for 16 years. The judge ruled against her request.

According to the Centers for Disease Control, 18.3% of U.S. women report that they have been raped at some time in their life. Each year about 1.3 million women are raped in the U. S., with approximately 32,000 of these rapes resulting in pregnancy. In a *Chicago Tribune* article (4 September 2013), Chicago attorney and activist Shauna Prewitt noted that approximately 30% of women who conceive a baby through rape choose to raise the child. At the time of the *Chicago Tribune* article, thirty-one states allowed fathers of children conceived during rape the same custody and visitation rights as other fathers.

Pennsylvania law, for example, allows a woman either to retain sole custody rights and deny visitation to the rapist who fathered her child, or to seek child support from him. She cannot do both. Ohio law requires a woman to obtain permission from her rapist to place a child, conceived by rape, up for adoption.

Case from the 2015 Intercollegiate Ethics Bowl National Competition

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