



2018 New York State YMCA  
Youth And Government

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Committee Assignment: Assembly Liberty 2

Bill #: AL-12

1 **Sponsors:** Kyla Philippe, Daisy-Ann Norman, Myles Charles

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3 **An Act To:** Amend the New York State Domestic Relations Law §240 to include no  
4 obligation toward a victim of rape to pay their pro rata share of basic child support.

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6 *The People of the State of New York, represented in the Senate and Assembly do enact as follows:*

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8 **Purpose**

9 To ensure that victims of rape are treated fairly and are not forced to pay child  
10 support for a child that they never intended to have, that was a product of rape.

11 **Summary of Provisions**

12 **Section 1: Definitions**

13 **Rape-** unlawful sexual activity and usually sexual intercourse carried out forcibly or  
14 under threat of injury against the will usually of a female or with a person who is  
15 beneath a certain age or incapable of valid consent because of mental illness,  
16 mental deficiency, intoxication, unconsciousness, or deception

17 **Child Support-** payment for the support of the child(ren) of divorced or separated  
18 parents while the children are minors or as otherwise legally required

19 **Section 2**

20 (10) Any other factors the court determines are relevant in each case, the court  
21 shall order the non-custodial parent to pay his or her pro rata share of the basic  
22 child support obligation, and may order the non-custodial parent to pay an  
23 amount pursuant to paragraph (e) of this subdivision. In the case that the non-  
24 custodial parent is a victim of rape in a situation where the custodial parent is the  
25 abuser, there will be no obligatory payment of his or her pro rata share of basic  
26 child support to the custodial parent.

27 **Justification**

28 Men's sexual aggression towards women is a pervasive problem in US society.  
29 Research concludes of having between 25-27% of men report having perpetrated a  
30 sexually aggressive behavior against a woman. Perpetrators use rape supportive  
31 attitudes and sexual assault incident characteristics to justify forcing sex on their  
32 victims. Victims of rape deserve to be treated fairly by our justice system, which is  
33 why they should be obligated to pay child support for a child that was a product of  
34 them being raped.

35 **Fiscal Implications**

36 There will be no fiscal implications with the introduction of this bill.

37 **Effective Date**

38 This bill will go into effect one year after passage