

AN ACT

To amend chapter 452, RSMo, by adding thereto one new section relating to the rights of biological fathers with respect to conception, prenatal care, and live-born posterity, to be known as section [452.XXX](#).

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

Section A. Chapter 452, RSMo, is amended by adding thereto one new section, to be known as section 452.XXX, to read as follows:452.XXX. Right to survivorship and live-born posterity; biological fathers' inherent interest.

1. This section shall be known and may be cited as the "Right to Survivorship and Live-Born Posterity Act" or the "Paternal Interest in Live-Born Posterity Act."
2. Legislative findings and purpose. The general assembly finds and declares that:
 - (1) At conception resulting from consensual sexual intercourse, a unique human organism is formed with genetic material contributed by both the biological father and the mother;
 - (2) A biological father who engages in consensual conjugal interaction resulting in conception has made a fundamental and inherent genetic investment in the resulting offspring;
 - (3) The biological father has a fundamental interest in the care, support, and live birth of the child conceived through such interaction;
 - (4) It is the public policy of this state to recognize, protect, and preserve the biological father's inherent interest in the live birth of his child, except where natural circumstances render live birth impossible; and
 - (5) No person, including the biological mother, and no governmental action or entity, should deprive the biological father of this inherent interest.
3. Definitions. As used in this section, the following terms mean:
 - (1) "Biological father," the man whose sperm contributed to the conception of the child;
 - (2) "Conception," the fertilization of a human ovum by a human sperm resulting in a zygote with a unique genome;
 - (3) "Consensual conjugal interaction," sexual intercourse between adults that is voluntary and consensual under applicable law;
 - (4) "Live birth," the complete expulsion or extraction from the mother of a product of human conception, irrespective of the duration of pregnancy, which after such expulsion or extraction breathes or shows any other evidence of life, such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, whether or not the umbilical cord has been cut or the placenta is attached;
 - (5) "Natural circumstances," conditions or events arising without intentional human intervention that make continuation of the pregnancy to live birth medically impossible, such as spontaneous miscarriage or inherent medical conditions precluding live birth;
 - (6) "Posterity," the live-born child resulting from the conception.
4. Rights of the biological father. Upon conception resulting from consensual conjugal interaction between a biological father and a woman:
 - (1) The biological father shall have the right to invest in and participate in the prenatal

care of the pregnant woman, including the right to provide financial support for such care, to attend medical appointments (subject to the woman's consent where medically appropriate), and to contribute to decisions regarding the health and well-being of the pregnancy consistent with medical advice;

(2) The biological father shall have an inherent, fundamental, and inalienable interest in the live birth of the child conceived through such interaction;

(3) No person, including the biological mother, and no governmental action, entity, or official shall take any action to deprive the biological father of his interest in the child being carried to live birth. This includes any intentional action to terminate the pregnancy by any means prior to live birth, except where natural circumstances make live birth impossible.

5. Establishment and enforcement of rights.

(1) A biological father seeking to assert rights under this section must establish paternity through genetic testing, acknowledgment, or court order as provided by law.

(2) The biological father may petition the appropriate circuit court for declaratory or injunctive relief to protect and enforce the rights established in this section.

(3) This section shall not apply where conception resulted from non-consensual acts as determined under Missouri law.

6. Severability. If any provision of this section or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application, and to this end the provisions of this section are severable.

7. Construction. This section shall be construed to effectuate the findings and purpose stated herein to the maximum extent permitted by law.

Section B. This act shall become effective upon its passage and approval or as otherwise provided by law.

