

Termination¹ of Rapists' Parental Rights Laws

Summary:²

Number of states that allow rapists to assert parental rights³ over children conceived through rape: 19 and the District of Columbia

Number of states that allow partial restrictions or complete termination of rapists' parental rights: 31

Number of states which allow for the full termination of all rapists' parental rights, without exceptions, without requiring that the rapist is convicted before any parental rights are terminated: 8

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State	Does the state allow for termination of rapists' parental rights over any child born from that rape?	Can all, some, or none of these parental rights be terminated?	Are there exceptions to the laws which allow for termination of rapists' parental rights?	Does the rapist have to be convicted before his parental rights are terminated, or if not is there a separate burden of proof required?	Does the state require that rapists pay child support even after parental rights have been terminated?	Does the state allow for restrictions on rapists' adoptive rights?
Alabama	No	None	N/A	N/A	No	No
Alaska	Yes	All	No	None Stipulated	No	Yes
Arizona	No	None	N/A	N/A	No	No
Arkansas	Yes	Some; all rights to custody, visitation, or other contact.	Yes	Conviction	Yes; AR Code § 9-10-121	No
California	Yes	Some; custody and visitation.	Yes	Conviction	No	No
Colorado	Yes	All	No	Clear and convincing evidence	Yes; See Col. Rev. Stat. § 19-5-105.7(13)(b)	Yes
Connecticut	Yes	Some	Yes	Conviction	No	Yes
Delaware	Yes	Some	No	Conviction	No	No
District of Columbia	Yes	Some; parental custody or visitation	No	Conviction	Yes	No
Florida	Yes	All	No	Clear and Convincing Evidence	No	Yes
Georgia	Yes	All	N/A	Clear and convincing evidence	No	Yes

Guam						
Hawaii	Yes	All	Yes	Clear and convincing evidence	Yes; HI Rev Stat § 571-61(5)(d) (2016)	Yes
Idaho	Yes	All	No	None stipulated	No	Yes
Illinois	Yes	All	Yes	Clear and Convincing Evidence	No	Yes
Indiana	Yes	All	Yes	Clear and convincing evidence	No	Yes
Iowa	Yes	All	No	Clear and convincing evidence	Termination of parental rights pursuant to Iowa Code § 600A.8.11. Parental rights and responsibilities outlined in Iowa Code §232.116(P), including right to consent to adoption.	Yes
Kansas	Yes	All	No	Clear and convincing evidence	No	Yes
Kentucky	Yes	Some	Yes	Conviction	Yes, see KRS 403.322.	No
Louisiana	Yes	All	No	None Stipulated	No	No
Maine	Yes	All	No	Clear and convincing evidence	No	Yes
Maryland	No	None	N/A	N/A	No	No
Massachusetts	Yes	Some	Yes	Conviction	No	No
Michigan	Yes	Some	Yes	Clear and convincing evidence or conviction	No	No
Minnesota	No	None	N/A	N/A	No	Yes
Mississippi	No	None	N/A	N/A	No	No
Missouri	Yes	All	No	Conviction or guilty plea or forcible rape or rape in the first degree	No	Yes
Montana	Yes	All	No	Conviction	No; see Mont. Code. Ann. § 42-2-617.	Yes
Nebraska	Yes	All	No	Conviction	No	Yes
Nevada	Yes	Some	Yes	Conviction	No	Yes

New Hampshire	Yes	All	See N.H. Rev. Stat. Ann. § 170-C:12	Conviction, guilty plea, nolo contendere, fact-finding hearing	No	Yes
New Jersey	Yes	Some	Yes	Conviction	Yes; see N.J. Stat. Ann. § 9:2-4.1(c)	No
New Mexico	No	None	N/A	N/A	No	Yes
New York	Yes	Some	Yes	Conviction	No	Yes
North Carolina	Yes	All	Yes	Conviction	No	Yes
North Dakota	No	None	N/A	N/A	No	No
Ohio	Yes	All	N/A	Conviction	No.	Yes
Oklahoma	Yes	All	No	None Stipulated	No	Yes
Oregon	Yes	All	No	Conviction	Yes; see ORS 419B.510	No
Pennsylvania	Yes	All	No	None Stipulated	No	Yes
Puerto Rico						
Rhode Island	Yes	Some	Yes	Conviction	No	No
South Carolina	Yes	All	No	Conviction	No	Yes
South Dakota	Yes	Some	No	None stipulated	No	Yes
Tennessee	Yes	All	No	Conviction	No	Yes
Texas	Yes	All	No	Clear and convincing evidence	No	No
Utah	Yes	Some	Yes	Conviction	Yes; see Utah Code Ann. § 76-5-414	Yes
Vermont	Yes	All	No	Clear and Convincing Evidence	Yes, if the Survivor Elects to Seek Child Support	Yes
Virgin Islands						
Virginia	Yes	Some	No	Conviction	No	Yes
Washington	Yes	All	No	Conviction	No	Yes
West Virginia	Yes	Some	Yes	Conviction	Partially requires. Incarceration for rape in which a child was conceived is not an excuse for failing to support the child. See W. Va. Code Ann § 48-22-306.	No

Wisconsin	Yes	All	No	Conviction or evidence produced during a fact finding hearing, the procedure and manner for which is described under Wis. Stat. § 48.424.	No	No
Wyoming	No	None	N/A	N/A	No	Yes

1. Instead of the word "termination" some states may use language which "restricts," "prohibits," "shall not grant" and/or "denies," among many other words, a rapist's parental rights. For the purposes of this database, the word "termination" and any variations thereof should be interpreted to mean any instance in which a state law denies or does not grant, in any form and for any period of time, the parental rights of a rapist because of the rapist's crime.

2. The information presented in this summary and on our website regarding the termination of rapists' parental rights is intended only as a general overview of each state's laws on the topic. There are additional aspects to each state's laws on this subject which are not included here--including who may petition for termination, when this petition may be filed, whether laws addressing this issue apply retroactively, and whether the termination is permanent or temporary, among others. Additionally, there may be alternate interpretations of the state laws presented here. For further information, please see RAINN's legal disclaimer on our state law databases.

3. States use varying definitions and terminology regarding the exact meaning of the phrase "parental rights." Unless otherwise mentioned in this summary or elsewhere on our website, for the purposes of our general overview on this topic "parental rights" refers to a parent's custody, visitation, inheritance and access rights, as well as a parent's legal right to dictate how a child is raised, including but not limited to the type of education the child receives and his or her religious upbringing.

4. This state's law is not a rape-conception law designed specifically to prevent rapist fathers from asserting parental rights over children conceived from their crimes. Instead, the law in question provides for the termination of certain parental rights of any parent convicted of sexual assault against the other parent. Because of the significant overlap between this state's law and those written specifically as rape-conception laws, this state's law merits inclusion.

5. Id.