Termination[1] of Rapists' Parental Rights Laws

Summary:[2]

Number of states that allow rapists to assert parental rights[3] 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

Last Updated: 12-Sep-22 04:21 PM

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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	Yes	Yes	All rights over child.	The victim must petition Juvenile Court	Ala.Code 1975 § 12-15-319. Grounds for Termination of Parental Rights factors considered; presumption arising from abandonment.	Yes
Alaska	Yes	No	All rights over child.	Victim must petition the court	AS § 25.23.180(c)(2)- Relinquishment and termination of parent and child relationships; See also AS § 25.24.150(c)(6). Judgments for custody; supervised visitation	Yes
Arizona	Yes	Yes	All rights over child.	Victim, or any person or agency that has a legitimate interest in the welfare of a child, must petition the court.	*See,* A.R.S. § 25-416 Sexual assault conviction; effect on rights'; AZ ST § 8-533. Petition; who may file; grounds.; A.R.S. § 25-501(f) Duties of support; exemption	Yes
Arkansas	Yes	Yes	Terminated: Custody; Visitation; Other contact	Automatic termination upon conviction for §5-14-103	*See,* A.C.A. § 9-10-121.a Termination of certain parental rights for putative fathers convicted of rape	Yes
California	Yes	Yes	Terminated: Custody Visitation	Victim must petition the court	*See,* West's Ann.Cal.Fam.Code § 3030 (b) & (d)	Yes
Colorado	Yes	No	All rights over child.	Victim must petition the court.	*See,* C.R.S.A. § 19-5-105.7 Termination of parent-child legal relationship in a case of an allegation that a child was conceived as a result of sexual assault but in which no conviction occurred.--legislative declaration—definitions.; C.R.S.A. § 19-5-105.5. Termination of parent-child legal relationship upon a finding that the child was conceived as a result of sexual assault--legislative declaration—definitions; C.R.S.A. § 19-5-105. Proceeding to terminate parent-child legal relationship;	Yes
Connecticut	Yes	No	Terminated: Custody Visitation	Victim must petition the Court	C.G.S.A. § 45a-717. Termination of parental rights. Conduct of hearing. Investigation and report. Grounds for termination; Conn. Gen. Stat. § 17a-112; Conn. Gen. Stat. §17a-111b	Yes
Delaware	Yes.	Yes	Limited: Visitation by Rapist Parent – No visitation only if rapist is convicted of rape or sexual assault in 1st or 2nd Degrees with conviction. Primary Custodianship and Unsupervised Visitation by Registered Sex Offenders - may not be primary custodian and shall not have unsupervised visitation.	Victim must petition the court	13 Del.C. § 724A. Rebuttable presumption against unsupervised visitation, custody or residence of a child to a sex offender	Yes
District of Columbia	Yes	Yes	Terminated: Custody Visitation Decision-making authority	Victim must petition court	DC ST § 16-914.k Custody of children.	Yes
Florida	Yes	No	Terminated: Custody Visitation	Victim must petition the court	West's F.S.A. § 39.806. Grounds for termination of parental rights West's F.S.A. § 39.0139. Visitation or other contact; restrictions; West's F.S.A. § 775.21. The Florida Sexual Predators Act	Yes
Georgia	Yes	No	All parental rights	Victim must petition the court	Ga. Code § 19-8-10 (2021) When surrender or termination of parental rights not required Ga. Code § 19-8-11 (2021) Ga Code Ann., § 15-11-323. Reinstatement of parental rights	Yes
Guam						
Hawaii	Yes	No	All parental rights	Victim must petition the family court	*See,* HRS § 571-61(5)Termination of parental rights; petition; HRS § 587A-34. Reinstatement of parental rights	Yes
Idaho	Yes	No	All parental rights	Victim must petition the court.	See, I.C. § 16-2005(2)(a) Conditions under which termination may be granted I.C. § 16-2011. Effect of decree.	Yes
Illinois	Yes	No	Any parental responsibilities or time with that child	A petition may be filed by the child's mother or guardian either as an affirmative petition in circuit court or as an affirmative defense in any proceeding filed by the victim.	*See,* IL ST CH 750 § 46/622. Allocation of parental responsibilities or parenting time prohibited to men who father through sexual assault or sexual abuse	Yes. However, a minor victim may not consent to allowing a rapist parent to have parental responsibilities or parenting time.
Indiana	Yes	No	All parental rights	Victim must file verified petition in Juvenile or Probate Court	See, I.C. 31-35-3.5-3. Verified petition to terminate filed by victim parent. IN ST 31-35-3.5-5 Content of petition. I.C. 31-35-3.5-6 Evidence of rape and conception I.C. 31-35-3.5-7. Court termination of parent-child relationship; findings, I.C. 31-35-3.5-9 Emergency custody order removing child I.C. 31-35-6-4 Rights, privileges and obligations of parent and child upon termination of relationship	Yes. The law imposes distinctions based on age. See above distinctions on Timing Limitations above.
Iowa	Yes	No	All parental rights.	Victim must petition the court	I.C.A. § 232.116 Grounds for termination; Iowa Code § 600A.8	Yes
Kansas	Yes	No	Terminated: Custody Visitation	Victim must petition the Court, or if child is ward of the state, then the state may move.	K.S.A. 38-2269 Factors to be considered in termination of parental rights appointment of permanent custodian KS ST 59-2136 Relinquishment and adoption; proceedings to terminate parental rights.	Yes
Kentucky	Yes	Yes	Terminated: Custody Visitation	Automatically removed upon conviction	See, KRS § 405.028. Custody, visitation, and inheritance rights denied parent convicted of a felony sexual offense from which victim delivered a child; waiver; child support obligation	Yes
Louisiana	Yes	No	All rights over child. Additionally, if the rapist parent seeks visitation of the child, if the child was conceived through the commission of a felony rape, the parent who committed the felony rape shall be denied visitation rights and contact with the child. [This applies where the parent's rights have not been terminated.]	The victim must petition the court.	See, LSA-Ch.C. Art. 1015 (3) and (9) See also La. Civ. Code. Art. 137. Denial of visitation; felony rape	Yes

Maine	Yes	No	Terminated: Custody Visitation	Victim must petition the Court where they last received an order of protection, or may file a termination petition in probate court, or District Court	*See,* 22 M.R.S.A. § 4055.1-B Grounds for termination; *see also* 19-A M.R.S.A. § 1658. Termination of parental rights and responsibilities in cases involving sexual assault 19-A M.R.S.A. § 1658.4. Exception. 22 M.R.S.A. § 4059. Reinstatement of parental rights	Yes.
Maryland	Yes	No	Terminate: Custody Guardianship Visitation Access Inheritance	The victim, or if a minor the minor's court-appointed guardian, or court-appointed attorney must petition the Court	*See,* MD Code, Family Law, § 5-1402. Termination of parental rights after conviction of nonconsensual sexual conduct that resulted in conception of child; § 5-1403.(B)(1) – (2) Action for termination	Yes
Massachusetts	Yes	Yes	Terminated: Visitation	Victim must petition the municipal and the probate courts, or the family court departments of the trial court shall have concurrent jurisdiction	M.G.L.A. 209C §3. Paternity and support actions; jurisdiction; enforcement of Prior orders or judgments; juvenile court commitment proceedings; parents convicted of first degree murder	Yes
Michigan	Yes	No	Terminated: Custody Parenting Time	Victim must petition the court; or "the agency, (b) the child, (c) the guardian, legal custodian, or representative of the child, (d) a concerned person as defined in MCL 712A.19b(6), (e) the state children's ombudsman	M.C.L.A. 722.25 Child custody dispute; presumptions and burden of proof; award; parent convicted of criminal sexual conduct M.C.L.A. 722.27a. Parenting time; presumptions and burden of proof; frequency, duration, and type; factors; order; terms and conditions; ex parte interim orders; deployment of parent Mich. Comp. Laws § 722.1445 Determinations and orders; powers and duties of court	Yes
Minnesota	No	N/A	N/A	N/A	N/A	N/A
Mississippi	Yes	No	Terminated: "Parental Rights" of Custody; Visitation	Victim must petition the court	*See,* § 93-15-119. Grounds For Involuntary Termination Of Parental Rights; Standard Of Proof; Rebuttal Of Allegations Of Desertion; Inquiry As To Military Status	Yes
Missouri	Yes	No	Terminated: Custody Visitation	Victim must petition the Juvenile Officer who will petition the court after a fact-finding investigation	*See,* V.A.M.S. 211.447 Petition to terminate parental rights filed, when--juvenile court may terminate parental rights, when--investigation to be made--grounds for termination	Yes and if she is a minor, someone on her behalf may file a petition to terminate the parental rights of the biological father.
Montana	Yes	No	Terminated: Custody Visitation	Victim must petition the court	*See,* MT ST 41-3-801. Petition for termination--criteria—process. Mont. Code Ann. § 41-3-609	Yes. Law permits a minor victim to bring forward a petition with the help of a parent or guardian.
Nebraska	Yes	Yes	Terminated: Custody Visitation	The state or the victim must petition the court	NE ST § 43-292. Termination of parental rights; grounds.	No. Underage victims only.
Nevada	Yes	Yes	Terminated: Custody	Victim must petition the court	*See,* NV ST 128.105. Grounds for terminating parental rights: Considerations; required findings, NRS 128.110. Order terminating parental rights; preference for placement of child with certain relatives and siblings of child; period for completion of search for relative. 128.190. Restoration of parental rights: Hearing; required findings to grant petition; effect of order restoring parental rights	Yes
New Hampshire	Yes	No	Terminated: Custody Visitation Decision-making authority	Victim must petition the court	*See,* N.H. Rev. Stat. § 170-C:5-a (2018), Termination of the Parent-Child Relationship in Cases of Sexual Assault. NS St 170-C:4 (2022) Petition. NH ST § 170-C:2 (2005) Definitions.,	Yes
New Jersey	Yes	Yes	Limited: Custody Visitation	Victim parent or a guardian of the child or the Division of Child Protection and Permanency must petition the Court.	See, N.J.S.A. 9:2-4.1 Custody and visitation denied to person fathering a child through rape; obligation to support minor child unaffected	Yes
New Mexico	Yes	Yes	Custody and visitation	Victim must petition the court.	N. M. S. A. § 40-16-1(2017) Termination of parental rights; conception resulting from criminal sexual penetration	Yes
New York	Yes	Yes	Terminated: Custody Visitation Adoption notice	Victim must petition the court.	N.Y. Dom. Rel. § 240(1-c)(b) and (c) Custody and child support; orders of protection; N.Y. Dom. Rel. § 240(1)(a) Custody and child support; orders of protection N.Y. Dom. Rel. Law § 111-a (2020)	Yes
North Carolina	Yes	Yes	Terminated: Custody Visitation	Victim must petition the court	*See,* N.C.G.S.A. § 7B-111. Grounds for terminating parental rights NC ST § 7B-1112. Effects of termination order N.C.G.S.A. § 7B-1109. Adjudicatory hearing on termination	Yes
North Dakota	Yes	Yes	All parental rights	Victim must petition the court	N.D. Cent. Code Ann. § 27-20.3-20 (2021); N.D. Cent. Code Ann. § 27-20.3-23 (2021) Effect of order terminating parental rights or appointing a legal guardian	N/A
Ohio	Yes	Yes	Terminated: Custody Visitation	Victim must petition the Court	See, OH ST § 3109.501 (2015) Action by Victim to Establish Offender as Parent of Child Conceived as Result of Offense OH ST § 3109.504 (2015) Prohibition Against Order Granting Parental Rights to Offender; Termination of Order upon Notice	Yes
Oklahoma	Yes	No	Terminated: Custody Visitation Decision-making authority Right to benefit from child's earnings	Victim must petition the court.	See, OK ST T. 10A § 1-4-904(2)(B)(11). Termination of parental rights in certain situations,. 10A Okl.St.Ann. § 1-4-906.Effect of termination of parental rights	Yes
Oregon	Yes	Yes	Terminated: Custody Visitation	Victim must petition the court	OR ST § 419B.510, 419B.510. Child conceived as result of act leading to conviction for rape; termination of parental rights Or. Rev. Stat. § 107.137 Factors considered in determining best interest of the child regarding custody	Yes
Pennsylvania	Yes	No	Terminated: Custody Visitation	Victim parent, an agency or an individual acting in loco parentis must petition the court	*See,* 23 Pa.C.S.A. § 2511(7) and (11) Grounds for involuntary termination Pa. Cons. Stat. tit. 23, § 5329 (2019)	Yes
Puerto Rico						
Rhode Island	Yes	Yes	Limited: Custody Visitation	Victim must petition the court.	*See,* RI ST § 15-5-16- Alimony Fees and counsel fees -- Custody of children RI ST § 15-7-4. Petition to adopt--Court having jurisdiction.	Yes
South Carolina	Yes	Yes	Terminated: "Parental Rights"	Victim must petition the court	*See,* SC ST § 63-7-2570(11)- Grounds	Yes, see above "Exceptions."
South Dakota	Yes	No	Limit or Terminate: Custody Visitation	Victim must petition the court.	*See,* SD ST § 25-4A-20-Prohibition, revocation, or restriction of visitation rights of person causing conception by rape or incest; SD ST § 25-4A-2-Written request for order to show cause for violation of visitation or custody decree SDCL § 25-4A-24. Factors for consideration on request for joint physical custody; SDCL § 25-4A-26. No presumption of joint physical custody SDCL § 25-7-6.1. Obligation of parents to support child--Liability of absent parent--Continued absence from the home	Yes
Tennessee	Yes	Yes	Terminated: Custody Visitation	Victim must petition the court.	*See,* TN ST § 36-1-113(g)(10)(A)- Termination of parental rights TN ST § 37-1-147- Termination of parental rights Tenn. Code Ann. § 36-6-102 (2021) Rape; child conceived; custody or visitation rights; rights of inheritance	Yes
Texas	Yes	No	Terminated: Custody Visitation Inheritance	Victim must petition the court.	*See,* TX FAMILY § 161.007- Termination When Pregnancy Results from Criminal Act TX FAMILY § 151.001- Rights and duties of parent V.T.C.A., Family Code § 161.206(b) Order Terminating Parental Rights	Yes

Utah	Yes	Yes	Limited: Custody Parenting Time	Any interested party may file a petition to terminate the parental rights of a rapist.	*See*, UT ST § 76-5-414- Child conceived as a result of sexual offense--Custody and parent-time U.C.A. 1953 § 80-4-305. Court disposition of child upon termination of parental rights -- Postermination reunification U.C.A. 1953 § 78A-6-508. Evidence of grounds for termination	Yes. If victim is a minor, then parental rights may be terminated, however, exceptions may apply to certain cases of statutory rape, including Section 401.1 Sexual abuse of a minor. Section 401.2 Unlawful sexual conduct with a 16- or 17-year-old.
Vermont	Yes	Yes	Termination: Custody Visitation	Victim must petition the Court.	*See*, VT ST T. 15 § 665(f)Rights and responsibilities order; best interests of the child VT ST T. 15 § 1088 Expedited enforcement of child custody determination	Exception applies in a case of statutory rape between an individual less than 19 years old and the other individual is at least 15 years old, and the sexual act was otherwise consensual.
Virgin Islands						
Virginia	Only requirement that parent consent to adoption may be terminated.	Yes	Terminated: Consent to adoption	Petition for adoption must be filed in the Juvenile and Domestic Relations Court	VA CODE ANN. § 63.2-1202. Parental, or agency, consent required; exceptions	Yes
Washington	Yes	No	Terminated: Residential time Decision-making responsibilities Inheritance	Victim must petition the court	WA ST 26.26A.465. Precluding establishment of parentage by perpetrator of sexual assault	Yes
West Virginia	Yes	Yes	Limited: Custodial responsibility Parenting time	Victim must petition the court	*See*, W. Va. Code, § 48-9-209a. Child conceived as result of sexual assault or sexual abuse by a parent; rights of a biological parent convicted of sexual assault or abuse; post-conviction cohabitation; rebuttable presumption upon separation or divorce WV ST § 48-9-209a(a)-Custody and Parenting Time	Yes
Wisconsin	Yes	No	All parental rights.	Victim must petition the court	Wis. Stat. § 48.415 (9)(a); Wis Stat. § 48.424	Yes.
Wyoming	Yes	Yes.	Custody and visitation	The victim must petition the court.	W.S.1977 § 14-2-309.(ix) Grounds for Termination of Parent-Child Relationship; Clear and Convincing Evidence. W.S.1977 § 14-2-317. Effect of order of termination	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.