### Termination of Rapists’ Parental Rights Laws

**Number of states that allow rapists to assert parental rights over any child conceived through rape:** 18 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

<table>
<thead>
<tr>
<th>State</th>
<th>Does the state allow for full termination of all rapists’ parental rights, without exceptions, without requiring that the rapist is convicted before any parental rights are terminated?</th>
<th>Does the state require that rapists pay child support even after parental rights have been terminated?</th>
<th>Does the state allow for restrictions on restrictions on visitation?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>Yes</td>
<td>Yes</td>
<td>No.</td>
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<tr>
<td>Alaska</td>
<td>Yes</td>
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<tr>
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<tr>
<td>Iowa</td>
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<td>Kansas</td>
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<td>Yes</td>
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<tr>
<td>Kentucky</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes.</td>
</tr>
<tr>
<td>Louisiana</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes.</td>
</tr>
</tbody>
</table>

**Summary:**

- **Louisiana**
  - All rights over child: Visitation or any other contact only permitted by court order, unless the court finds that the rapist is not a danger to the child.
  - Visitation or other contact only if the court finds that the rapist is not a danger to the child.

- **Arkansas**
  - Visitation or other contact only if the court finds that the rapist is not a danger to the child.

- **California**
  - Visitation or other contact only if the court finds that the rapist is not a danger to the child.

- **Colorado**
  - Visitation or other contact only if the court finds that the rapist is not a danger to the child.

- **Connecticut**
  - Visitation or other contact only if the court finds that the rapist is not a danger to the child.

- **Delaware**
  - Visitation or other contact only if the court finds that the rapist is not a danger to the child.

- **District of Columbia**
  - Visitation or other contact only if the court finds that the rapist is not a danger to the child.

- **Florida**
  - Visitation or other contact only if the court finds that the rapist is not a danger to the child.

- **Georgia**
  - Visitation or other contact only if the court finds that the rapist is not a danger to the child.

- **Hawaii**
  - Visitation or other contact only if the court finds that the rapist is not a danger to the child.

- **Illinois**
  - Visitation or other contact only if the court finds that the rapist is not a danger to the child.

- **Indiana**
  - Visitation or other contact only if the court finds that the rapist is not a danger to the child.

- **Iowa**
  - Visitation or other contact only if the court finds that the rapist is not a danger to the child.

- **Kansas**
  - Visitation or other contact only if the court finds that the rapist is not a danger to the child.

- **Kentucky**
  - Visitation or other contact only if the court finds that the rapist is not a danger to the child.

- **Louisiana**
  - Visitation or other contact only if the court finds that the rapist is not a danger to the child.

**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

**Summary of states allowing full termination:**

- **Arkansas**
- **California**
- **Colorado**
- **Connecticut**
- **District of Columbia**
- **Florida**
- **Georgia**
- **Hawaii**
- **Louisiana**
- **Maryland**
- **Massachusetts**
- **Michigan**
- **Minnesota**
- **New Hampshire**
- **New Mexico**
- **New York**
- **North Carolina**
- **North Dakota**
- **Ohio**
- **Pennsylvania**
- **Rhode Island**
- **South Dakota**
- **Washington**
- **Wisconsin**

**Summary of states allowing partial restrictions:**

- **Alabama**
- **Alaska**
- **Arizona**
- **Arkansas**
- **California**
- **Colorado**
- **Connecticut**
- **District of Columbia**
- **Florida**
- **Georgia**
- **Hawaii**
- **Illinois**
- **Indiana**
- **Iowa**
- **Kansas**
- **Kentucky**
- **Louisiana**
- **Maryland**
- **Massachusetts**
- **Michigan**
- **Minnesota**
- **Mississippi**
- **Missouri**
- **Montana**
- **Nebraska**
- **Nevada**
- **New Hampshire**
- **New Mexico**
- **New York**
- **North Carolina**
- **North Dakota**
- **Ohio**
- **Oklahoma**
- **Oregon**
- **Pennsylvania**
- **Rhode Island**
- **South Carolina**
- **South Dakota**
- **Tennessee**
- **Texas**
- **Utah**
- **Vermont**
- **Virginia**
- **Washington**
- **West Virginia**
- **Wisconsin**
- **Wyoming**

**Summary of states allowing no restrictions:**

- **Alabama**
- **Alaska**
- **Arizona**
- **Arkansas**
- **California**
- **Colorado**
- **Connecticut**
- **District of Columbia**
- **Florida**
- **Georgia**
- **Hawaii**
- **Illinois**
- **Indiana**
- **Iowa**
- **Kansas**
- **Kentucky**
- **Louisiana**
- **Maryland**
- **Massachusetts**
- **Michigan**
- **Minnesota**
- **Mississippi**
- **Missouri**
- **Montana**
- **Nebraska**
- **Nevada**
- **New Hampshire**
- **New Mexico**
- **New York**
- **North Carolina**
- **North Dakota**
- **Ohio**
- **Oklahoma**
- **Oregon**
- **Pennsylvania**
- **Rhode Island**
- **South Carolina**
- **South Dakota**
- **Tennessee**
- **Texas**
- **Utah**
- **Vermont**
- **Virginia**
- **Washington**
- **West Virginia**
- **Wisconsin**
- **Wyoming**
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<td>North Carolina</td>
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<td>North Dakota</td>
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<tr>
<td>Wisconsin</td>
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<td>Yes</td>
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</tbody>
</table>

**Notes:**
- **Terminated:** The state or the victim must petition the court.
- **Visitation:** Vicinity must petition the court.
- **Custody:** Vicinity must petition the court.
- **Parental Rights:** Vicinity must petition the court.
- **Rebuttal of Allegations of Desertion:** Vicinity must petition the court.
- **Inheritance:** Vicinity must petition the court.
- **Visit:** Vicinity must petition the court.
- **Custody:** Vicinity must petition the court.
- **Terminated:** Vicinity must petition the court.
- **Visitation:** Vicinity must petition the court.
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<table>
<thead>
<tr>
<th>State</th>
<th>Guidelines</th>
<th>Terminated:</th>
<th>Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Virgin Islands</td>
<td>Only requirement that parent consent to adoption is eliminated.</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Virginia</td>
<td>Limited: Custodial responsibility, Parenting time</td>
<td>Victim must petition the court.</td>
<td>See VA. CODE ANN. § 63.2-1302. Parental, or agency, consent required; exceptions.</td>
</tr>
<tr>
<td>Washington</td>
<td>No</td>
<td>Decision-making responsibility inheritance</td>
<td>WA ST 26.26A.465. Precluding establishment of parentage by perpetrator of sexual assault</td>
</tr>
<tr>
<td>West Virginia</td>
<td>Limited: Custodial responsibility, Parenting time</td>
<td>Victim must petition the court.</td>
<td>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 rehabilitation; rebuttable presumption upon separation or divorce.</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>All parental rights</td>
<td>Victim must petition the court.</td>
<td>Wis. Stat. § 48.415 (9)(a); Wis Stat. § 48.424.</td>
</tr>
</tbody>
</table>

1. Instead of the word “termination,” some states may use language which “restricts,” “prohibits,” “shall not grant” and/or “shall not award” the 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 websites regarding the termination of certain 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 we 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 determine 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.