

Parental Rights Washington

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Question	Answer
Does the state allow for termination or limitation of parental rights when a child is born from rape?	Yes
Does the state require a conviction for the sexual offense to terminate or limit the rapist's parental rights?	No
May the state terminate or limit parental rights when there was a sexual assault that led to the birth of the child, but no conviction?	Yes
What parental rights can be terminated or limited?	Terminated: Residential time Decision-making responsibilities Inheritance
Are there any exceptions to the termination or limitation of a rapist's parental rights?	N/A
What other rights may be impacted by terminating a rapist's parental rights?	Consent to Adoption - not required if rapist parent is convicted of the rape that resulted in the pregnancy of the child Payment of Attorney's Fees - rapist parent may be responsible for victim's attorney's fees
What is the procedure for termination or limitation of parental rights in these circumstances?	Victim must petition the court
What proof do you have to show to terminate or limit the rapist parent's parental rights?	Must show by Clear and Convincing evidence that termination is in the best interest of the child; and May show that that the rapist parent was convicted of sexual offense of A sex offense under chapter 9A.44 RCW; or incest under RCW 9A.64.020; and that the assault resulted in the birth of the child 320 day after the assault.

	Or, may show by "Clear, cogent, and convincing evidence" that rapist parent committed sexual assault and the child in question was born 320 days after the sexual assault.
Are there any time limits for when a petition must be filed to terminate or limit the rapist parent's rights?	Must file no later than 4 years after the birth of the child; except that for a period of one year after January 1, 2019, a court may waive the time bar in cases in which a presumed, acknowledged, or adjudicated parent was found in a criminal or separate civil proceeding to have committed a sexual assault against the parent alleging that the child was born as a result of the sexual assault.
Does the law apply to both adult victims and underage victims?	Yes
Does the law have any exceptions for married or co-habiting victims?	N/A
Can a court require the rapist parent to pay child support after parental rights have been terminated?	Yes, and for birth related costs. Victim has the right to decline the child support which will be granted by the court.
Statutory Citations	WA ST 26.26A.465. Precluding establishment of parentage by perpetrator of sexual assault