

Parental Rights Florida

Last Updated: March 2020

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: Custody Visitation
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?	Sex Offender Registry - A convicted rapist parent must register as a sexual predator
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?	Any Clear and Convincing Evidence to show that sexual battery occurred. The court "must accept a guilty plea or conviction of unlawful sexual battery pursuant to s. 794.011 as conclusive proof that the child was conceived by a violation of criminal law." Further, it is presumed that it is in the best interest of the child to terminate the rapist parents parental rights if the child was conceived from the sexual battery.

Are there any time limits for when a petition must be filed to terminate or limit the rapist parent's rights?	No
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?	N/A
Statutory Citations	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