

Parental Rights Hawaii

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 Access Guardianship Inheritance
Are there any exceptions to the termination or limitation of a rapist's parental rights?	Victim parent may petition to reinstate the rapist parent's rights Reinstatement of Rights – rapist parent may petition for reinstatement of rights when child is ward of state for 12 months and over 14 years of age
What other rights may be impacted by terminating a rapist's parental rights?	Inheritance –child retains right to inherit from rapist parent
What is the procedure for termination or limitation of parental rights in these circumstances?	Victim must petition the family court
What proof do you have to show to terminate or limit the rapist parent's parental rights?	Clear and convincing evidence of sexual assault, and that sexual assault cause conception of the child. A plea of guilty or a conviction is conclusive proof of the sexual assault.

Are there any time limits for when a petition must be filed to terminate or limit the rapist parent's rights?	Yes. May initiate filing by the 6 th month of pregnancy, but hearing will begin only after child's birth.
Does the law apply to both adult victims and underage victims?	Yes
Does the law have any exceptions for married or co-habiting victims?	Yes. Victim will lose right to petition for termination if the rapist and victim cohabit after the birth of child, and "establish a mutual custodial environment for the child."
Can a court require the rapist parent to pay child support after parental rights have been terminated?	Yes
Statutory Citations	See, HRS § 571-61(5) Termination of parental rights; petition; HRS § 587A-34. Reinstatement of parental rights