

Parental Rights Illinois

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?	Limited: Parental responsibilities Parenting time Inheritance
Are there any exceptions to the termination or limitation of a rapist's parental rights?	Victim may consent to allowing rapist to have parental responsibilities and parenting time and inheritance
What other rights may be impacted by terminating a rapist's parental rights?	Inheritance – child may inherit from rapist Grandparent/familial visitation rights - the rapist's parent, grandparent, great-grandparent, or sibling does not have standing to request parenting time or visitation with the child without the victim's or guardian's consent.
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?	A conviction, or plea of guilty or nolo contendere to sex offense that led to the child's conception or, prove in a fact-finding hearing, by Clear and Convincing Evidence, that the commission of an act of non-consensual sexual penetration occurred leading

	the child's conception
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. However, a minor victim may not consent to allowing a rapist parent to have parental responsibilities or parenting time
Does the law have any exceptions for married or co-habiting victims?	NA
Can a court require the rapist parent to pay child support after parental rights have been terminated?	Yes. But victim may decline support.
Statutory Citations	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