

Parental Rights Michigan

Last Updated: April 2023

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 Parenting Time
Are there any exceptions to the termination or limitation of a rapist's parental rights?	Reinstatement - Parenting time may be reinstated if minor child is of age to inform the court they want parenting time.
What other rights may be impacted by terminating a rapist's parental rights?	Suspension of Parenting Time – the court will suspend the parenting time of rapist parent if petition for termination is raised
What is the procedure for termination or limitation of parental rights in these circumstances?	Victim must petition the court; or “the agency, (b) the child, (c) the guardian, legal custodian, or representative of the child, (d) a concerned person as defined in MCL 712A.19b(6), (e) the state children's ombudsman

<p>What proof do you have to show to terminate or limit the rapist parent’s parental rights?</p>	<p>One of the child's biological parents is convicted of criminal sexual conduct as provided in sections 520a to 520e and 520g of the Michigan penal code, 1931 PA 328, MCL 750.520a to 750.520e and 750.520g, or a substantially similar statute of another state or the federal government, or is found by clear and convincing evidence in a fact-finding hearing to have committed acts of nonconsensual sexual penetration, the court shall not grant parenting time to that biological parent</p>
<p>Are there any time limits for when a petition must be filed to terminate or limit the rapist parent’s rights?</p>	<p>No. However, see co-habitation exception below.</p>
<p>Does the law apply to both adult victims and underage victims?</p>	<p>Yes</p>
<p>Does the law have any exceptions for married or co-habiting victims?</p>	<p>Victim may not petition to terminate rapist’s parental rights if fact-finding hearing determines that “the biological parents cohabit and establish a mutual custodial environment for the child.”</p>
<p>Can a court require the rapist parent to pay child support after parental rights have been terminated?</p>	<p>N/A</p>
<p>Statutory Citations</p>	<p>M.C.L.A. 722.25 Child custody dispute; presumptions and burden of proof; award; parent convicted of criminal sexual conduct</p> <p>M.C.L.A. 722.27a. Parenting time; presumptions and burden of proof; frequency, duration, and type; factors; order; terms and conditions; ex parte interim orders; deployment of parent</p> <p>Mich. Comp. Laws § 722.1445 Determinations and orders; powers and duties of court</p>