

# Parental Rights

## New Jersey

*Last Updated: April 2023*

Question	Answer
<b>Does the state allow for termination or limitation of parental rights when a child is born from rape?</b>	Yes
<b>Does the state require a conviction for the sexual offense to terminate or limit the rapist's parental rights?</b>	Yes
<b>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?</b>	No
<b>What parental rights can be terminated or limited?</b>	Limited: Custody Visitation
<b>Are there any exceptions to the termination or limitation of a rapist's parental rights?</b>	The best interest of the child standard applies in custody determinations.
<b>What other rights may be impacted by terminating a rapist's parental rights?</b>	N/A
<b>What is the procedure for termination or limitation of parental rights in these circumstances?</b>	Victim parent or a guardian of the child or the Division of Child Protection and Permanency must petition the Court.
<b>What proof do you have to show to terminate or limit the rapist parent's parental rights?</b>	Must show by clear and Convincing Evidence that the rapist parent was convicted of felony sexual assault to terminate the relationship.
<b>Are there any time limits for when a petition must be filed to terminate or limit the rapist parent's rights?</b>	N/A
<b>Does the law apply to both adult victims and underage victims?</b>	Yes
<b>Does the law have any exceptions for married or co-habiting victims?</b>	N/A
<b>Can a court require the rapist parent to pay child support after parental rights have been terminated?</b>	Yes

**Statutory Citations**

See, N.J.S.A. 9:2-4.1 Custody and visitation denied to person fathering a child through rape; obligation to support minor child unaffected