

Parental Rights

New Jersey

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?	Yes
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?	No
What parental rights can be terminated or limited?	Limited: Custody Visitation
Are there any exceptions to the termination or limitation of a rapist's parental rights?	The best interest of the child standard applies in custody determinations.
What other rights may be impacted by terminating a rapist's parental rights?	N/A
What is the procedure for termination or limitation of parental rights in these circumstances?	Victim parent or a guardian of the child or the Division of Child Protection and Permanency must petition the Court.
What proof do you have to show to terminate or limit the rapist parent's parental rights?	Must show by clear and Convincing Evidence that termination is in the best interest of the child. Proof that the rapist parent was conviction of felony sexual assault is considered Clear and Convincing Evidence.
Are there any time limits for when a petition must be filed to terminate or limit the rapist parent's rights?	N/A
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?

Yes

Statutory Citations

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