

Parental Rights

New York

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?	Terminated: Custody Visitation
Are there any exceptions to the termination or limitation of a rapist's parental rights?	Legal guardian, or child of legal age may assent to visitation.
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 must petition the court.
What proof do you have to show to terminate or limit the rapist parent's parental rights?	Conviction of rapist parent for rape in the first or second degree; or course of sexual conduct against a child in the first degree; or predatory sexual assault; or predatory sexual assault against a child. Must show that the assault lead to the conception of the child in question. This proof creates a rebuttable presumption that it is not in the best interests of the child to be in the rapist's custody or to visit with rapist.
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?	Perhaps. The court analyzes both parties finances and makes determination based on the best interests of the child as to financial support owed by both parents to the child.
Statutory Citations	<p>N.Y. Dom. Rel. § 240.(1-c)(b) and (c) Custody and child support; orders of protection;</p> <p>N.Y. Dom. Rel. § 240(1)(a) Custody and child support; orders of protection</p>