

Parental Rights Virginia

Last Updated: April 2023

Question	Answer
Does the state allow for termination or limitation of parental rights when a child is born from rape?	Only requirement that parent consent to adoption may be terminated.
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: Consent to adoption
Are there any exceptions to the termination or limitation of a rapist's parental rights?	Reinstatement – the child may petition for reinstatement of terminated parental rights when that child is 14 years of age or older
What other rights may be impacted by terminating a rapist's parental rights?	If birth father was convicted of sexual assault and child was conceived as a result, birth father's consent is not required for adoption of the child.
What is the procedure for termination or limitation of parental rights in these circumstances?	Petition for adoption must be filed in the Juvenile and Domestic Relations Court
What proof do you have to show to terminate or limit the rapist parent's parental rights?	Must prove conviction for rape, carnal knowledge, or felony incest under Virginia law, or an equivalent offense of another state, the United States, or any foreign jurisdiction and that the child was conceived as a result of such violation.
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?	No
Statutory Citations	VA CODE ANN. § 63.2-1202. Parental, or agency, consent required; exceptions