

# Parental Rights Illinois

*Last Updated: March 2020*

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>	No
<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>	Yes
<b>What parental rights can be terminated or limited?</b>	Limited: Parental responsibilities Parenting time Inheritance
<b>Are there any exceptions to the termination or limitation of a rapist's parental rights?</b>	Victim may consent to allowing rapist to have parental responsibilities and parenting time and inheritance
<b>What other rights may be impacted by terminating a rapist's parental rights?</b>	Inheritance – child may inherit from rapist  Grandparent/familial visitation rights - the rapist's parent, grandparent, great-grandparent, or sibling does not have standing to request parenting time or visitation with the child without the victim's or guardian's consent.
<b>What is the procedure for termination or limitation of parental rights in these circumstances?</b>	Victim must petition the court
<b>What proof do you have to show to terminate or limit the rapist parent's parental rights?</b>	A conviction, or plea of guilty or nolo contendere to sex offense that led to the child's conception  or,  prove in a fact-finding hearing, by Clear and Convincing Evidence, that the commission of an act of non-consensual sexual penetration occurred leading

	the child's conception
<b>Are there any time limits for when a petition must be filed to terminate or limit the rapist parent's rights?</b>	No
<b>Does the law apply to both adult victims and underage victims?</b>	Yes. However, a minor victim may not consent to allowing a rapist parent to have parental responsibilities or parenting time
<b>Does the law have any exceptions for married or co-habiting victims?</b>	NA
<b>Can a court require the rapist parent to pay child support after parental rights have been terminated?</b>	Yes. But victim may decline support.
<b>Statutory Citations</b>	See, IL ST CH 750 § 46/622. Allocation of parental responsibilities or parenting time prohibited to men who father through sexual assault or sexual abuse