



NEW YORK STATE SENATOR

Andrew J. Lanza

Senator Lanza Announces New Law to Shield Children From Sexual Offenders and Protect Victims of Domestic Violence

ANDREW J LANZA October 3, 2013

Legislation restricts the parental rights of sexual offenders for children born from assault

New law expands access to State Order of Protection Registry for local and state correctional facilities employees

Senator Andrew Lanza and Governor Andrew Cuomo today announced two new laws that will further shield children from sexual offenders and protect victims of domestic violence.

The first bill restricts the parental rights of convicted sexual offenders when a child is born as a result of sexual assault. The second bill gives certain employees of local and state correctional facilities access to the State Order of Protection Registry so that they can track which inmates should not come into contact with the victims of their crime.

Current law regarding the custody and visitation rights of sexual offenders does not explicitly restrict rights when the child is conceived as a result of the perpetrator's assault. Only a person convicted of rape in the first degree with forcible compulsion, where the child who is the subject of the proceeding was conceived as a result, has no right to be notified of an adoption or social services proceeding. Consequently, these perpetrators may file or threaten to file petitions of visitation and custody in order to dissuade their victims from seeking criminal charges against them.

The new law expands protections under existing law for children who were conceived as a result of rape in the first or second degree, course of sexual conduct against a child in the first degree, predatory sexual assault, or predatory sexual assault against a child. The measure amends the Domestic Relations Law and Social Services Law to protect both a mother and child from a convicted sexual offender. Specifically, this legislation:

- Restricts children who were conceived as a result of sexual assault from being placed in the custody of or visiting the convicted sexual offender by providing a rebuttable presumption that such placement or visitation is not in the best interests of the child.
- Denies the sex offender the right to receive notice of adoption proceedings for children conceived as a result of the offender's sexual assault.
- Excludes the sex offender from the right to receive notice of social services proceedings (foster care, guardianship, custody) for a child conceived as a result of the offender's sexual assault.

Additional legislation that was signed expands access to the State Order of Protection Registry to include employees of local correctional facilities and the Department of Corrections and Community Supervision (DOCCS) who are responsible for monitoring, supervising or classifying inmates or parolees.

Current law regarding the registry requires the Superintendent of State Police to create and maintain the registry, including all orders of protection and warrants issued in domestic violence cases. Access to this registry, however, is limited to courts and law enforcement officers. Access to the registry will allow officials to better protect the victims involved in domestic violence cases, and the community at large, when considering programming and release plans of inmates.

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