



NEW YORK STATE SENATOR

Martin J. Golden

Governor Cuomo Signs Bills to Shield Children From Sexual Offenders and Protect Victims of Domestic Violence

MARTIN J. GOLDEN September 30, 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

Governor Andrew M. Cuomo signed two bills 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.

“I am proud to sign these two bills that will strengthen New York State’s ability to protect our children and families from individuals who break the law,” Governor Cuomo said. “By restricting the parental rights of sexual offenders whose crimes have resulted in the birth of a child, we are providing protection for the mother and child from being harassed, intimidated or frightened by the perpetrator, and ensuring that these criminals are held accountable and penalized for their actions. Additionally, we are equipping New York’s correctional facilities employees with the tools and knowledge they need for a complete understanding of the inmates and parolees under their supervision. Both of these laws will help make our communities safer and give the victims of terrible crimes the justice and peace they need. I thank the bill sponsors for their hard work.”

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.

Senate Majority Coalition Co-Leader Dean G. Skelos said, "This measure recognizes that sexual perpetrators can continue to threaten their victims long after an attack has occurred. By closing this loophole in the current law and preventing a sexual predator from petitioning a Court for custody or visitation, we will provide full protection to the victims of sexual offenses and their children so they can begin to heal and move forward with their lives."

Assemblywoman Amy Paulin said, "Very often, sex offenders will threaten their victims with filing a visitation or custody petition in order to discourage them from pressing charges. These women have suffered enough. I wanted this loophole closed. I wanted to prevent these monsters from ever harming the women they attacked again. These women will carry enough emotional baggage for the rest of their lives and, in many cases, be reminded of it every time they look at their child. I wanted them to have some measure of peace."

Governor Cuomo additionally signed legislation that 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.

Senator Martin J. Golden said, "As the sponsor of this bill, I thank Governor Andrew Cuomo for signing this legislation into law. The creation of such a central, statewide registry will improve the safety of many here in the Empire State and go a long way in protecting our residents and our families."

Assemblywoman Helene Weinstein, Chair of the Assembly Judiciary Committee, said, "This is a commonsense law that will help increase victim safety."