

CUSTODY OR VISITATION WITH A REGISTERED SEX OFFENDER

STATE	STATUTE	CAN A REGISTERED SEX OFFENDER BE AWARDED CUSTODY OR VISITATION?	STATUTORY LANGUAGE
Arizona	§ 25-403.05	No, unless→	The court shall not grant a person sole or joint physical or legal custody of a child or unsupervised parenting time if the person is a registered sex offender, unless the court finds that there is no significant risk to the child and states its reasons in writing.
Arkansas	§ 9-13-101 § 9-13-105	No, unless→	The circuit court may not award custody or unsupervised visitation to a registered sex offender unless the circuit court makes a specific finding that the sex offender poses no danger to the child. There is a rebuttable presumption that it is not in the best interest of a child to be placed in the care or custody of a sex offender, to have unsupervised visitation with a sex offender, to be placed in the home of a sex offender, or to have unsupervised visitation in a home in

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			which a sex offender resides.
California	Fam. Code § 3030	No, unless→	No person shall be granted physical or legal custody of, or unsupervised visitation with, a child if the person is required to be registered as a sex offender, unless the court finds that there is no significant risk to the child and states its reasons in writing or on the record.
			A similar provision exists for a person living with a registered sex offender in the home.
Colorado	§ 14-10-129	No, unless→	If a parent has been convicted of a wide variety of sexually violent crimes, the other parent, or any other person who has been granted custody of or parental responsibility for the child, may file an objection to parenting time with the court. The offending parent shall have the burden

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			at the hearing to prove that parenting time by such parent is in the best interests of the child or children.
Delaware	§ 724A	No, unless→	There is a rebuttable presumption (and in some circumstances, an absolute bar) that no sex offender shall be awarded sole or joint custody of any child, that no child shall primarily reside with a sex offender, and that no sex offender shall have unsupervised visitation with a child. The statute spells out what may overcome the presumption.
Illinois	§ 5/12-21.6-5	Yes, but only if→	Exception if the sex offender is the parent of the child. Otherwise, it is unlawful for a parent or guardian of a minor to knowingly leave that minor in the custody or control of a child sex offender, or allow the child sex offender unsupervised access to the minor.
Kansas	§ 23-3203	Yes	The court considers

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			sex offender status of a parent as a factor in the custody analysis.
Nebraska	§ 43-2933	No, unless→	No person shall be granted custody of, or unsupervised parenting time, visitation, or other access with a child if the person is required to be registered as a sex offender for certain offenses unless the court finds that there is no significant risk to the child and states its reasons in writing or on the record.
			A similar provision exists for a person living with a registered sex offender in the home.
			No person shall be granted custody, parenting time, visitation, or other access with a child if the person has been convicted of certain crimes of sexual violence and the child was conceived as a

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			result.
New York	§ 240: Practice Commentaries, C240:10A	Court must consider→	Before even making a permanent or even the initial temporary order of custody or visitation, the court is required to review related decisions in any child protective proceedings, review all warrants issued under the Family Court Act § 144, and review the reports of the state-wide computerized registry of orders of protection and the reports of the sex-offender registry. However, if there is an emergency, such as a computer malfunction, the court may make a temporary order, provided it reviews the reports within 24 hours.
North Carolina	§ 50-13.1	Unclear	Any person instituting an action or proceeding for custody <i>ex parte</i> who has been convicted of a sexually violent offense shall disclose the conviction in the

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			pleadings.
Oklahoma	§ 112.5	No, unless →	There is a rebuttable presumption against custody to a person who is or has been a registered sex offender, or who is residing with a registered sex offender. The presumption may be overcome if: (1) since the making of the order sought to be modified, there has been a permanent, material, and substantial change of conditions that directly affects the best interests of the child; and (2) that as a result of such change of circumstances, the child would be substantially better off with regard to its temporal, mental, and moral welfare if custody were modified.
Tennessee	§ 36-6-406	Unclear	If a parent has been convicted as an adult of a sexual offense, or has been found to be a sexual offender, the

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			court shall restrain the parent from contact with a child that would otherwise be allowed under this part. If a parent resides with an adult who has been convicted, or with a juvenile who has been adjudicated guilty of a sexual offense or who has been found to be a sexual offender, the court shall restrain that parent from contact with the child unless the contact occurs outside the adult's or juvenile's presence and sufficient provisions are established to protect the child.
Texas	§ 153.076	Yes	The court shall order that each conservator of a child has the duty to inform the other conservator of the child if the conservator resides with for at least 30 days, marries, or intends to marry a person who the conservator knows:

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			<p>(1) is registered as a sex offender under Chapter 62, Code of Criminal Procedure; or</p> <p>(2) is currently charged with an offense for which on conviction the person would be required to register under that chapter.</p> <p>(c) The notice required to be made under Subsection (b) must be made as soon as practicable but not later than the 40th day after the date the conservator of the child begins to reside with the person or the 10th day after the date the marriage occurs, as appropriate. The notice must include a description of the offense that is the basis of the person's requirement to register as a sex offender or of the offense with which the person is charged</p>
Washington	§ 26.09.191	No, unless →	There is a rebuttable presumption that a

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			<p>parent who resides with a person who has been convicted as an adult or who has been adjudicated as a juvenile of the listed sex offenses places a child at risk of abuse or harm when that parent exercises residential time in the presence of the convicted or adjudicated person. Unless the parent rebuts the presumption, the court shall restrain the parent from contact with the parent's child except for contact that occurs outside of the convicted or adjudicated person's presence (with conditions). The statute indicates what may overcome the presumption.</p>

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