

# New Florida statute will strip registered parents of parental rights

written by Sandy | June 25, 2021



By Sandy . . . FAC, NARSOL's Florida affiliate, has called this legislation a parent's worst nightmare.

The reference is to [Florida HB 141](#) that Governor Ron DeSantis signed June 21. It is entitled, ***"Parenting and Time-Sharing of a Minor Child for a Convicted Parent,"*** and it addresses the granting of full or shared custody of minor children to two categories of persons with criminal and some misdemeanor convictions: domestic violence and sexual offenses, providing that the victims of the offenses were under eighteen years of age.

It creates a "rebuttable presumption" against such parents being granted full or partial custody. This means that the presumption exists that such persons will be unfit parents and will not be allowed custody BUT that they may rebut, or officially protest, such a presumption being applied to them.

In other words, it creates an exception and a path to protest the presumption if certain steps are followed.

As the intent of this piece is not to explore how often those with sexual offense convictions have favorably been on the receiving end of an exception, I will leave it to each reader to think of how many such times you can cite.

The age of consent in Florida is eighteen, and, if the proper paperwork has been filed at the proper time, a statute is in place that will allow a petition be made exempting registration if the victim was at least thirteen and the perpetrator was no more than four years older.

Imagine a young man, four years and one day older than his seventeen-year-old girlfriend, who, fifteen years ago, received a conviction for having a sexual relationship with her.

Imagine someone who was convicted for looking at illegal pornography ten years ago, one or more images portraying a person seventeen or younger. Or maybe it was legal pornography, and one of the persons depicted looked and was believed to be twenty-one but was actually seventeen.

Imagine someone convicted who had chatted online inappropriately eight years ago with a person claiming to be seventeen but in reality was a thirty-five-year-old police officer.

Imagine someone convicted a decade ago, someone who had a one-night stand with a guy she picked up in an eighteen-and-over bar, but he was actually seventeen and in there with false credentials.

And imagine someone who was innocent of any crime but had been falsely convicted.

Now – imagine any of them today, recently divorced after a

five-year marriage, with a toddler for whom he or she has been the primary caregiver for the last two years of the marriage. Imagine being told that, going forward, he or she would have no legal standing as her parent and that even being able to see her was entirely dependent on the whims of an ex-wife or husband with whom there may or may not be a civil relationship.

With HB 141 now the law of the land in Florida, these and other scenarios are more than possible.

It really doesn't bear imagining, does it?