

HOUSE FLOOR SUBSTITUTE FOR
HOUSE BILL 50

52ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2016

AN ACT

RELATING TO PARENTAL RIGHTS; PROVIDING A PROCESS FOR
TERMINATION OF PARENTAL RIGHTS WITH RESPECT TO A CHILD
CONCEIVED AS A RESULT OF CRIMINAL SEXUAL PENETRATION; PROVIDING
A PENALTY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. A new section of the Children's Code is
enacted to read:

"~~[NEW MATERIAL]~~ TERMINATION OF PARENTAL RIGHTS--
CONCEPTION RESULTING FROM CRIMINAL SEXUAL PENETRATION.--

A. At any time, a parent may petition the court for
termination of the parental rights of a child's other parent,
where that other parent has been convicted of criminal sexual
penetration and where the criminal sexual penetration resulted
in the conception and birth of the child. The court shall

.204048.1

underscored material = new
[bracketed material] = delete

1 grant the petition if the court determines that the child was
2 conceived as a result of the criminal sexual penetration for
3 which the other parent was convicted.

4 B. In a proceeding that involves a child subject to
5 the federal Indian Child Welfare Act of 1978, the grounds for
6 any attempted termination shall be proved beyond a reasonable
7 doubt and shall meet the requirements set forth in 25 that act,
8 and the court shall, in a termination order, make specific
9 findings that those requirements were met.

10 C. As used in this section, "criminal sexual
11 penetration" means criminal sexual penetration in the first,
12 second or third degree pursuant to the laws of this state or an
13 equivalent offense pursuant to the laws of another
14 jurisdiction, territory or possession of the United States or
15 an Indian nation, tribe or pueblo."

16 SECTION 2. EFFECTIVE DATE.--The effective date of the
17 provisions of this act is July 1, 2016.