

HOUSE BILL 349

By Farmer

AN ACT to amend Tennessee Code Annotated, Title 36,
Chapter 1, Part 1, relative to the termination of
parental rights.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 36-1-113, is amended by deleting
subdivision (g)(10) and substituting instead the following:

(10)

(A)

(i) The court determines by clear and convincing evidence that
the child was conceived as a result of the parent committing the offense
of aggravated rape pursuant to § 39-13-502, rape pursuant to § 39-13-
503, rape of a child pursuant to § 39-13-522, or a similar offense in
another state;

(ii) A determination by the court that the child was conceived as a
result of a parent committing any of the offenses specified in subdivision
(g)(10)(A)(i), creates a presumption that termination of parental rights is in
the best interests of the child;

(iii) If the parent is convicted, either by guilty plea or verdict, of
any of the offenses specified in (g)(10)(A)(i), a certified copy of the
judgment of conviction is conclusive proof of this ground for termination of
parental rights;

(B)

(i) If one (1) of the child's parents has been convicted of one (1) of the offenses specified in subdivision (g)(10)(A)(i), the child's other parent has standing to file a petition to terminate the parental rights of the convicted parent;

(ii) The granting of standing to the child's other parent to file a petition for termination of parental rights conferred by subdivision (g)(10)(B)(i) is limited to the circumstances described in this subdivision (g)(10) and does not extend to other grounds set out in this subsection (g);

SECTION 2. This act shall take effect July 1, 2017, the public welfare requiring it and shall apply to any petition for the termination of parental rights filed under § 36-1-113(g)(10) on or after that date.