

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

**SESSION LAW 2005-146
HOUSE BILL 97**

**AN ACT TERMINATING THE PARENTAL RIGHTS OF A PARENT WHO
MURDERS THE OTHER PARENT OF THE CHILD.**

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 7B-1111(a)(8) reads as rewritten:

"(a) The court may terminate the parental rights upon a finding of one or more of the following:

...

- (8) The parent has committed murder or voluntary manslaughter of another child of the parent or other child residing in the home; has aided, abetted, attempted, conspired, or solicited to commit murder or voluntary manslaughter of the child, another child of the parent, or other child residing in the home; ~~or~~ has committed a felony assault that results in serious bodily injury to the child, another child of the parent, or other child residing in the ~~home~~ home; or has committed murder or voluntary manslaughter of the other parent of the child. The petitioner has the burden of proving any of these offenses in the termination of parental rights hearing by (i) proving the elements of the offense or (ii) offering proof that a court of competent jurisdiction has convicted the parent of the offense, whether or not the conviction was by way of a jury verdict or any kind of ~~plea~~ plea. If the parent has committed the murder or voluntary manslaughter of the other parent of the child, the court shall consider whether the murder or voluntary manslaughter was committed in self-defense or in the defense of others, or whether there was substantial evidence of other justification.

...."

SECTION 2. This act is effective when it becomes law and applies to termination of parental rights proceedings filed on or after that date.

In the General Assembly read three times and ratified this the 21st day of June, 2005.

s/ Marc Basnight
President Pro Tempore of the Senate

s/ James B. Black
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 2:51 p.m. this 30th day of June, 2005