

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE BILL 97
Committee Substitute Favorable 3/29/05

Short Title: Term. Par. Rights/Murder of Parent by Parent.

(Public)

Sponsors:

Referred to:

February 7, 2005

1 A BILL TO BE ENTITLED
2 AN ACT TERMINATING THE PARENTAL RIGHTS OF A PARENT WHO
3 MURDERS THE OTHER PARENT OF THE CHILD.

4 The General Assembly of North Carolina enacts:

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

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

8 ...

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

26"

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