

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE DRS85166-LU-66 (3/2)

Short Title: Amend Grounds/Termination of Parental Rights. (Public)

Sponsors: Senator Kinnaird.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO AMEND CERTAIN GROUNDS FOR TERMINATING PARENTAL RIGHTS UNDER THE LAWS PERTAINING TO TERMINATION OF PARENTAL RIGHTS.

The General Assembly of North Carolina enacts:

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

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

- (1) The parent has abused or neglected the juvenile. The juvenile shall be deemed to be abused or neglected if the court finds the juvenile to be an abused juvenile within the meaning of G.S. 7B-101 or a neglected juvenile within the meaning of G.S. 7B-101.
- (2) The parent has willfully left the juvenile in foster care or placement outside the home for more than 12 months ~~without showing to the satisfaction of the court that~~ making reasonable progress under the circumstances ~~has been made~~ in correcting those conditions which led to the removal of the juvenile. ~~Provided, however, that no parental rights shall be terminated for the sole reason that the parents are unable to care for the juvenile on account of their poverty.~~
- (3) The juvenile has been placed in the custody of a county department of social services, a licensed child-placing agency, a child-caring institution, or a foster home, and the parent, for a continuous period of six months next preceding the filing of the petition or motion, has willfully failed for such period to pay a reasonable portion of the cost of care for the juvenile although physically and financially able to do so.

- 1 (4) One parent has been awarded custody of the juvenile by judicial decree
2 or has custody by agreement of the parents, and the other parent whose
3 parental rights are sought to be terminated has for a period of one year
4 or more next preceding the filing of the petition or motion willfully
5 failed without justification to pay for the care, support, and education
6 of the juvenile, as required by said decree or custody agreement.
- 7 (5) The father of a juvenile born out of wedlock has not, prior to the filing
8 of a petition or motion to terminate parental rights:
- 9 a. Established paternity judicially or by affidavit which has been
10 filed in a central registry maintained by the Department of
11 Health and Human Services; provided, the court shall inquire of
12 the Department of Health and Human Services as to whether
13 such an affidavit has been so filed and shall incorporate into the
14 case record the Department's certified reply; or
- 15 b. Legitimated the juvenile pursuant to provisions of G.S. 49-10 or
16 filed a petition for this specific purpose; or
- 17 c. Legitimated the juvenile by marriage to the mother of the
18 juvenile; or
- 19 d. Provided substantial financial support or consistent care with
20 respect to the juvenile and mother.
- 21 (6) That the parent is incapable of providing for the proper care and
22 supervision of the juvenile, such that the juvenile is a dependent
23 juvenile within the meaning of G.S. 7B-101, and that there is a
24 reasonable probability that such incapability will continue for the
25 foreseeable future. Incapability under this subdivision may be the
26 result of substance abuse, mental retardation, mental illness, organic
27 brain syndrome, or any other cause or condition that renders the parent
28 unable or unavailable to parent the juvenile and the parent lacks an
29 appropriate alternative child care arrangement.
- 30 (7) The parent has willfully abandoned the juvenile for at least six
31 consecutive months immediately preceding the filing of the petition or
32 motion, or the parent has voluntarily abandoned an infant pursuant to
33 G.S. 7B-500 for at least 60 consecutive days immediately preceding
34 the filing of the petition or motion.
- 35 (8) The parent has committed murder or voluntary manslaughter of
36 another child of the parent or other child residing in the home; has
37 aided, abetted, attempted, conspired, or solicited to commit murder or
38 voluntary manslaughter of the child, another child of the parent, or
39 other child residing in the home; has committed a felony assault that
40 results in serious bodily injury to the child, another child of the parent,
41 or other child residing in the home; or has committed murder or
42 voluntary manslaughter of the other parent of the child. The petitioner
43 has the burden of proving any of these offenses in the termination of
44 parental rights hearing by (i) proving the elements of the offense or (ii)

1 offering proof that a court of competent jurisdiction has convicted the
2 parent of the offense, whether or not the conviction was by way of a
3 jury verdict or any kind of plea. If the parent has committed the
4 murder or voluntary manslaughter of the other parent of the child, the
5 court shall consider whether the murder or voluntary manslaughter was
6 committed in self-defense or in the defense of others, or whether there
7 was substantial evidence of other justification.

- 8 (9) The parental rights of the ~~parent-parent~~, with respect to another child
9 of the ~~parent-parent~~, have been terminated involuntarily by a court of
10 competent jurisdiction and the same or similar conditions which
11 caused the removal of the other child still exist or the parent lacks
12 continues to lack the ability or willingness to establish a safe home."

13 **SECTION 2.** This act is effective when it becomes law.