

1 SENATE BILL 45

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

3 INTRODUCED BY

4 Daniel A. Ivey-Soto

5
6
7
8
9
10 AN ACT

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

15
16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

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

21 A. At any time, a biological parent may petition
22 the court for termination of the parental rights of a child's
23 other biological parent, where that other biological parent has
24 been convicted of criminal sexual penetration and where the
25 criminal sexual penetration resulted in the conception and

.205396.1

underscored material = new
[bracketed material] = delete

1 birth of the child. The court shall grant the petition if the
2 court determines by clear and convincing evidence that the
3 child was conceived as a result of the criminal sexual
4 penetration for which the other biological parent was
5 convicted.

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

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

18 SECTION 2. EFFECTIVE DATE.--The effective date of the
19 provisions of this act is July 1, 2017.