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AN ACT

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

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

SECTION 1. A new section of Chapter 40 NMSA 1978 is
enacted to read:

"TERMINATION OF PARENTAL RIGHTS--CONCEPTION RESULTING
FROM CRIMINAL SEXUAL PENETRATION.--

A. At any time, a biological parent may petition
the court for termination of the parental rights of a child's
other biological parent, where that other biological parent
has been convicted of criminal sexual penetration and where
the criminal sexual penetration resulted in the conception and
birth of the child. The court shall grant the petition if the
court determines by clear and convincing evidence that the
child was conceived as a result of the criminal sexual
penetration for which the other biological parent was
convicted.

B. In a proceeding that involves a child subject
to the federal Indian Child Welfare Act of 1978, the grounds
for any attempted termination shall be proved beyond a
reasonable doubt and shall meet the requirements set forth in

1 that act, and the court shall, in a termination order, make
2 specific findings that those requirements were met.

3 C. A determination pursuant to Subsection A of
4 this section or proof pursuant to Subsection B of this
5 section creates a presumption that termination of parental
6 rights is in the best interest of the child.

7 D. As used in this section, "criminal sexual
8 penetration" means aggravated criminal sexual penetration in
9 the first degree and criminal sexual penetration in the first,
10 second or third degree pursuant to the laws of this state or
11 an equivalent offense pursuant to the laws of another
12 jurisdiction, territory or possession of the United States or
13 an Indian nation, tribe or pueblo."

14 SECTION 2. EFFECTIVE DATE.--The effective date of the
15 provisions of this act is July 1, 2017. _____

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