

SENATE BILL 1646

By Yager

AN ACT to amend Tennessee Code Annotated, Title 36,  
Chapter 1, Part 1, relative to the termination of  
parental rights.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 36-1-113, is amended by deleting  
subdivision (g)(10) and substituting instead the following:

(10)

(A)

(i) The court determines by clear and convincing evidence that  
the child was conceived as a result of the parent committing the offense  
of aggravated rape pursuant to § 39-13-502, rape pursuant to § 39-13-  
503, rape of a child pursuant to § 39-13-522, or a similar offense in  
another state;

(ii) A determination by the court that the child was conceived as a  
result of a parent committing any of the offenses specified in subdivision  
(g)(10)(A)(i), creates a presumption that termination of parental rights is in  
the best interests of the child;

(iii) In lieu of the presentation of evidence required by subdivision  
(g)(10)(A)(i), if a parent is convicted, either by guilty plea or verdict, of any  
of the offenses specified in (g)(10)(A)(i), a certified copy of the judgment  
of conviction is conclusive proof of this ground for termination of parental  
rights and no further proof is required;

(B)

(i) If a child was conceived as a result of a parent committing an offense listed in subdivision (g)(10)(A)(i), the child's other parent has standing under this subdivision (g)(10) to file a petition to terminate the parental rights of the parent who committed the offense, and the burden of proof is on the parent who files the petition. Nothing in this subdivision (g)(10) shall give a parent standing to file a petition to terminate parental rights based on grounds other than those listed in this subdivision (g)(10);

(ii) A petition to terminate the parental rights of a parent under this subdivision (g)(10) that is brought by the child's other parent must be filed within two (2) years of the alleged offense;

SECTION 2. This act shall take effect July 1, 2020, the public welfare requiring it, and shall apply to any petition for the termination of parental rights filed under Tennessee Code Annotated, Section 36-1-113(g)(10) on or after that date.