

HOUSE COMMITTEE AMENDMENTS

2016 Regular Session

Substitute for Original House Bill No. 777 by Representative Moreno as proposed by the House Committee on Civil Law and Procedure

This document reflects the content of a substitute bill but is not in a bill form; page numbers in this document DO NOT correspond to page numbers in the substitute bill itself.

To amend and reenact Children's Code Article 1015 and to enact Children's Code Article 1004(I), relative to the termination of parental rights; to provide relative to parties who may petition for termination of parental rights; to provide relative to grounds for termination of parental rights; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Children's Code Article 1015 is hereby amended and reenacted and Children's Code Article 1004(I) is hereby enacted to read as follows:

Art. 1004. Petition for termination of parental rights; authorization to file

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I. When a child is conceived as the result of a sex offense as defined in R.S. 15:541, the victim of the sex offense may petition pro se or through counsel to terminate the rights of the perpetrator of the sex offense.

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Art. 1015. Grounds

The grounds for termination of parental rights are:

- (1) Conviction of murder of the child's other parent.
- (2) Unjustified intentional killing of the child's other parent.
- (3) Conviction of a sex offense as defined in R.S. 15:541 by the natural parent which resulted in the conception of the child.

~~(3)~~(4) Misconduct of the parent toward this child or any other child of the parent or any other child which constitutes extreme abuse, cruel and inhuman treatment, or grossly negligent behavior below a reasonable standard of human decency, including but not limited to the conviction, commission, aiding or abetting, attempting, conspiring, or soliciting to commit any of the following:

- (a) Murder.
- (b) Unjustified intentional killing.
- (c) Aggravated crime against nature as defined by R.S. 14:89.1(A)(2).
- (d) Rape.
- (e) Sodomy.
- (f) Torture.
- (g) Starvation.
- (h) A felony that has resulted in serious bodily injury.
- (i) Abuse or neglect which is chronic, life threatening, or results in gravely disabling physical or psychological injury or disfigurement.
- (j) Abuse or neglect after the child is returned to the parent's care and custody while under department supervision, when the child had previously been removed for his safety from the parent pursuant to a disposition judgment in a child in need of care proceeding.
- (k) The parent's parental rights to one or more of the child's siblings have been terminated due to neglect or abuse, prior attempts to rehabilitate the parent have been unsuccessful, and the court has determined pursuant to Article 672.1, that current attempts to reunite the family are not required.
- (l) Sexual exploitation or abuse, which shall include, but is not limited to acts which are prohibited by R.S. 14:43.1, 43.2, 46.3, 80, 81, 81.1, 81.2, 82.1(A)(2), 89, and 89.1.
- (m) Human trafficking when sentenced pursuant to the provisions of R.S. 14:46.2(B)(2) or (3).
- ~~(4)~~(5) Abandonment of the child by placing him in the physical custody of a nonparent, or the department, or by otherwise leaving him under circumstances demonstrating an intention to permanently avoid parental responsibility by any of the following:
 - (a) For a period of at least four months as of the time of the hearing, despite a diligent search, the whereabouts of the child's parent continue to be unknown.

(b) As of the time the petition is filed, the parent has failed to provide significant contributions to the child's care and support for any period of six consecutive months.

(c) As of the time the petition is filed, the parent has failed to maintain significant contact with the child by visiting him or communicating with him for any period of six consecutive months.

~~(5)~~(6) Unless sooner permitted by the court, at least one year has elapsed since a child was removed from the parent's custody pursuant to a court order; there has been no substantial parental compliance with a case plan for services which has been previously filed by the department and approved by the court as necessary for the safe return of the child; and despite earlier intervention, there is no reasonable expectation of significant improvement in the parent's condition or conduct in the near future, considering the child's age and his need for a safe, stable, and permanent home.

~~(6)~~(7) The child is in the custody of the department pursuant to a court order or placement by the parent; the parent has been convicted and sentenced to a period of incarceration of such duration that the parent will not be able to care for the child for an extended period of time, considering the child's age and his need for a safe, stable, and permanent home; and despite notice by the department, the parent has refused or failed to provide a reasonable plan for the appropriate care of the child other than foster care.

~~(7)~~(8) The relinquishment of an infant pursuant to Chapter 13 of Title XI of this Code.

~~(8)~~(9) The commission of a ~~felony rape~~ sex offense as defined in R.S. 15:541 by the natural parent which resulted in the conception of the child.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB Original

2016 Regular Session

Abstract: Provides for parties who may petition for termination of parental rights in certain circumstances.

Present law provides for parties that may petition for termination of parental rights and provides the grounds under which an individual's parental rights may be terminated.

Proposed law adds the victim of a sex offense to persons who may petition for termination of parental rights when the victim wishes to terminate the parental rights of the perpetrator.

Proposed law expands the grounds for termination of parental rights to include an individual who has been convicted of or who has committed a sex offense defined in R.S. 15:541.

(Amends Ch.C. Art. 1015; Adds Ch.C. Art. 1004(I))