

1 HB575  
2 185777-2  
3 By Representatives Williams (JD), Brown, Rowe, Harper, Rich,  
4 Pettus, Patterson, Givan, Coleman, Rogers, Williams (JW),  
5 Wilcox, Hanes, Shedd, Weaver, Garrett, Tuggle, Martin, Greer,  
6 Lindsey, Holmes (M), Fincher, Beech, Moore (B), Baker, Shiver,  
7 Polizos, Sessions, Faulkner, Carns, Drake, Sells, Ellis,  
8 Ledbetter and Collins  
9 RFD: Judiciary  
10 First Read: 27-APR-17

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8 SYNOPSIS: This bill would provide for termination of  
9 the parental rights of the biological father of a  
10 child who commits the crime of rape in the first  
11 degree against the mother that results in the  
12 conception of the child.

13  
14 A BILL  
15 TO BE ENTITLED  
16 AN ACT

17  
18 To amend Section 12-15-319 of the Code of Alabama  
19 1975, to provide for termination of parental rights of a  
20 person who commits the crime of rape in the first degree  
21 resulting in the conception of a child.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23 Section 1. Section 12-15-319 of the Code of Alabama  
24 1975, is amended to read as follows:

25 "§12-15-319.

26 "(a) If the juvenile court finds from clear and  
27 convincing evidence, competent, material, and relevant in

1 nature, that the parents of a child are unable or unwilling to  
2 discharge their responsibilities to and for the child, or that  
3 the conduct or condition of the parents renders them unable to  
4 properly care for the child and that the conduct or condition  
5 is unlikely to change in the foreseeable future, it may  
6 terminate the parental rights of the parents. In determining  
7 whether or not the parents are unable or unwilling to  
8 discharge their responsibilities to and for the child and to  
9 terminate the parental rights, the juvenile court shall  
10 consider the following factors including, but not limited to,  
11 the following:

12 "(1) That the parents have abandoned the child,  
13 provided that in these cases, proof shall not be required of  
14 reasonable efforts to prevent removal or reunite the child  
15 with the parents.

16 "(2) Emotional illness, mental illness, or mental  
17 deficiency of the parent, or excessive use of alcohol or  
18 controlled substances, of a duration or nature as to render  
19 the parent unable to care for needs of the child.

20 "(3) That the parent has tortured, abused, cruelly  
21 beaten, or otherwise maltreated the child, or attempted to  
22 torture, abuse, cruelly beat, or otherwise maltreat the child,  
23 or the child is in clear and present danger of being thus  
24 tortured, abused, cruelly beaten, or otherwise maltreated as  
25 evidenced by the treatment of a sibling.

26 "(4) Conviction of and imprisonment for a felony.

1                   "(5) Commission by the parents of any of the  
2 following:

3                   "a. Murder or manslaughter of another child of that  
4 parent.

5                   "b. Aiding, abetting, attempting, conspiring, or  
6 soliciting to commit murder or manslaughter of another child  
7 of that parent.

8                   "c. A felony assault or abuse which results in  
9 serious bodily injury to the surviving child or another child  
10 of that parent. The term serious bodily injury shall mean  
11 bodily injury which involves substantial risk of death,  
12 extreme physical pain, protracted and obvious disfigurement,  
13 or protracted loss or impairment of the function of a bodily  
14 member, organ, or mental faculty.

15                   "(6) Unexplained serious physical injury to the  
16 child under those circumstances as would indicate that the  
17 injuries resulted from the intentional conduct or willful  
18 neglect of the parent.

19                   "(7) That reasonable efforts by the Department of  
20 Human Resources or licensed public or private child care  
21 agencies leading toward the rehabilitation of the parents have  
22 failed.

23                   "(8) That parental rights to a sibling of the child  
24 have been involuntarily terminated.

25                   "(9) Failure by the parents to provide for the  
26 material needs of the child or to pay a reasonable portion of  
27 support of the child, where the parent is able to do so.

1           "(10) Failure by the parents to maintain regular  
2 visits with the child in accordance with a plan devised by the  
3 Department of Human Resources, or any public or licensed  
4 private child care agency, and agreed to by the parent.

5           "(11) Failure by the parents to maintain consistent  
6 contact or communication with the child.

7           "(12) Lack of effort by the parent to adjust his or  
8 her circumstances to meet the needs of the child in accordance  
9 with agreements reached, including agreements reached with  
10 local departments of human resources or licensed child-placing  
11 agencies, in an administrative review or a judicial review.

12           "(13) A conviction for rape in the first degree  
13 pursuant to Section 13A-6-61, committed by the biological  
14 father of a child against the mother which results in the  
15 conception of the child.

16           "(b) A rebuttable presumption that the parents are  
17 unable or unwilling to act as parents exists in any case where  
18 the parents have abandoned a child and this abandonment  
19 continues for a period of four months next preceding the  
20 filing of the petition. Nothing in this subsection is intended  
21 to prevent the filing of a petition in an abandonment case  
22 prior to the end of the four-month period."

23           Section 2. This act shall become effective on the  
24 first day of the third month following its passage and  
25 approval by the Governor, or its otherwise becoming law.