

Committee on Children, Families, and Elder Affairs

CS/SB 964 — Termination of Parental Rights

by Children, Families, and Elder Affairs Committee and Senator Abruzzo

The bill substantially changes Florida's termination of parental rights standard to include harm done towards the mother of a child, as a result of a sexual battery that resulted in the birth of a child. The bill constitutes an expansion of the grounds for termination of parental rights stated in s. 39.806(1), F.S.

The bill provides that a father's parental rights may be terminated if the court determines by clear and convincing evidence that the child was conceived during an act of sexual battery pursuant to s. 794.001, F.S., or pursuant to a similar law of another jurisdiction. The father does not have to be convicted of sexual battery under the criminal standard of proof of beyond a reasonable doubt in order to have his parental rights terminated. Currently, if the father was convicted of sexual battery, the court could only order a termination of parental rights based on a conviction and lengthy incarceration pursuant to s. 39.806(1)(d), F.S.

The bill presumes that termination of parental rights is in the best interest of the child if the child was conceived as a result of the unlawful sexual battery and provides that a petition for termination of parental rights may be filed at any time. The bill requires the court to accept a guilty plea or conviction of unlawful sexual battery pursuant to s. 794.011, F.S., as conclusive proof that the child was conceived by a violation of criminal law.

If approved by the Governor, these provisions take effect July 1, 2013, and apply to all unlawful acts of sexual battery occurring before, on, or after that date.

Vote: Senate 38-0; House 115-0