

ASSEMBLY, No. 1216

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblywoman ANNETTE CHAPARRO

District 33 (Hudson)

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District 31 (Hudson)

SYNOPSIS

“Addi’s Law”; makes parent’s conviction for murder of child’s other parent grounds for termination of parental rights.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 3/1/2021)

1 **AN ACT** concerning the termination of parental rights and amending
2 P.L.1951, c.138.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 15 of P.L.1951, c.138 (C.30:4C-15) is amended to
8 read as follow:

9 15. Whenever

10 (a) it appears that a court wherein a complaint has been
11 proffered as provided in chapter 6 of Title 9 of the Revised Statutes,
12 has entered a conviction against the parent or parents, guardian, or
13 person having custody and control of any child because of abuse,
14 abandonment, neglect of, or cruelty to such child; or

15 (b) (Deleted by amendment, P.L.1991, c.275);

16 (c) it appears that the best interests of any child under the care
17 or custody of the division require that he be placed under
18 guardianship; or

19 (d) it appears that a parent or guardian of a child, following the
20 acceptance of such child by the division pursuant to section 11 or
21 12 of P.L.1951, c.138 (C.30:4C-11 or 12), or following the
22 placement or commitment of such child in the care of an authorized
23 agency, whether in an institution or in a resource family home, and
24 notwithstanding the reasonable efforts of such agency to encourage
25 and strengthen the parental relationship, has failed for a period of
26 one year to remove the circumstances or conditions that led to the
27 removal or placement of the child, although physically and
28 financially able to do so, notwithstanding the division's reasonable
29 efforts to assist the parent or guardian in remedying the conditions;
30 or

31 (e) the parent has abandoned the child; or

32 (f) the parent of a child has been found by a criminal court of
33 competent jurisdiction to have committed murder, aggravated
34 manslaughter, or manslaughter of another child of the parent or the
35 other parent of the child; to have aided or abetted, attempted,
36 conspired, or solicited to commit such murder, aggravated
37 manslaughter, or manslaughter of the child **[or]**, another child of
38 the parent, or the other parent of the child; or to have committed, or
39 attempted to commit, an assault that resulted, or could have
40 resulted, in the significant bodily injury to the child or another child
41 of the parent; or the parent has committed a similarly serious act
42 which resulted, or could have resulted, in the death or significant
43 bodily injury to the child **[or]**, another child of the parent, or the
44 other parent of the child; a petition to terminate the parental rights
45 of the child's parents, setting forth the facts in the case, shall be

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 filed by the division with the Family Part of the Chancery Division
2 of the Superior Court in the county where such child may be at the
3 time of the filing of such petition. A petition shall be filed as soon
4 as any one of the circumstances in subsections (a) through (f) of this
5 section is established, but no later than when the child has been in
6 placement for 15 of the most recent 22 months, unless the division
7 establishes an exception to the requirement to seek termination of
8 parental rights in accordance with section 31 of P.L.1999, c.53
9 (C.30:4C-15.3). Upon filing the petition, the division shall initiate
10 concurrent efforts to identify, recruit, process and approve a
11 qualified family to adopt the child.

12 A petition as provided in this section may be filed by any person
13 or any association or agency, interested in such child in the
14 circumstances set forth in subsections (a) and (f) of this section.
15 The division shall seek to be joined as a party to a petition filed to
16 terminate the parental rights of a child in the care and custody of the
17 division unless the division has established an exception to the
18 requirement to seek termination of parental rights in accordance
19 with section 31 of P.L.1999, c.53 (C.30:4C-15.3).

20 Prior to filing or seeking to be joined as a party to a petition to
21 terminate the parental rights of the parent of a child who has been
22 found to have committed murder, aggravated manslaughter, or
23 manslaughter of the other parent of the child, or to have aided or
24 abetted, attempted, conspired, or solicited to commit such murder,
25 aggravated manslaughter, or manslaughter, or to have committed, or
26 attempted to commit, an assault or similarly serious act which
27 resulted, or could have resulted, in the death or significant bodily
28 injury to the other parent of the child pursuant to subsection (f) of
29 this section, the division may take into account whether the parent,
30 at the time the offenses were committed, was a victim of domestic
31 violence or reasonably believed that the parent was protecting
32 himself or herself or the parent's children against the use of
33 unlawful force by the other parent.
34 (cf: P.L. 2004, c.130, s.55)

35
36 2. This act shall take effect immediately.
37
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39 STATEMENT

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41 This bill, designated "Addi's Law," amends section 15 of
42 P.L.1951, c.138 (C.30:4C-15) to make a parent's conviction for the
43 murder of a child's other parent grounds for termination of parental
44 rights.

45 Specifically, if the parent of a child has been found by a criminal
46 court to have committed murder, aggravated manslaughter, or
47 manslaughter of the child's other parent, to have aided or abetted,
48 attempted, conspired, or solicited to commit the murder, aggravated

1 manslaughter, or manslaughter, or to have committed, or attempted
2 to commit, an assault or similarly serious act which resulted, or
3 could have resulted, in the death or significant bodily injury to the
4 child's other parent, the bill would require the Division of Child
5 Protection and Permanency (DCPP) in the Department of Children
6 and Families to file a petition to terminate the parent's parental
7 rights.

8 Currently, the law requires DCPP to file a petition to terminate
9 the parental rights of a parent who has been found by a criminal
10 court to have committed murder, aggravated manslaughter, or
11 manslaughter of another child of the parent, to have aided or
12 abetted, attempted, conspired, or solicited to commit the murder,
13 aggravated manslaughter, or manslaughter of the child or another
14 child of the parent, or to have committed, or attempted to commit,
15 an assault or similarly serious act which resulted, or could have
16 resulted, in the death or significant bodily injury to the child or
17 another child of the parent, but not if the offenses were committed
18 against the child's other parent.

19 Under the provisions of the bill, prior to filing or seeking to join
20 as a party to a petition for the termination of parental rights of the
21 parent of a child who has been found to have committed murder,
22 aggravated manslaughter, or manslaughter of the child's other
23 parent, or to have aided and abetted, attempted, conspired, or
24 solicited to commit the murder, aggravated manslaughter, or
25 manslaughter, or to have committed, or attempted to commit, an
26 assault or similarly serious act which resulted, or could have
27 resulted, in the death or significant bodily injury of the child's other
28 parent, DCPP would be permitted to take into account whether the
29 parent, at the time the offenses were committed, was a victim of
30 domestic violence or reasonably believed that the parent was
31 protecting himself or herself or the parent's children against the use
32 of unlawful force by the other parent.

33 Current law requires DCPP to file or to seek to be joined as a
34 party to a petition for termination of parental rights as soon as any
35 of the circumstances set forth in the law are established, unless
36 DCPP establishes an exception to the requirement to seek
37 termination of parental rights in accordance with section 31 of
38 P.L.1999, c.53 (C.30:4C-15.3). The law does not require DCPP, at
39 any time during the filing of a petition for termination of parental
40 rights, to take into account whether the parent was a victim of
41 domestic violence or believed that the parent was acting in self-
42 defense or in defense of the parent's children.

43 This bill is named "Addi's Law," in honor of Merry Abernathy, a
44 mother who was murdered by her partner. After the murder,
45 Merry's partner tried to claim custody of their child, Addison.
46 "Addi's Law" is modeled after a North Carolina statute that allows
47 the court to terminate the parental rights of a child's parent who has
48 committed certain offenses (murder, manslaughter, conspiracy to

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- 1 commit murder or manslaughter, or assault resulting in death or
- 2 significant bodily injury) against the child's other parent.