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**HOUSE BILL NO. 903****AMENDMENT IN THE NATURE OF A SUBSTITUTE**(Proposed by the House Committee for Courts of Justice  
on February 6, 2006)

(Patron Prior to Substitute—Delegate Iaquinto)

A *BILL to amend the Code of Virginia by adding a section numbered 16.1-277.03, relating to the involuntary termination of parental rights where the parent has been convicted of certain offenses.*

**Be it enacted by the General Assembly of Virginia:****1. That the Code of Virginia is amended by adding a section numbered 16.1-277.03 as follows:**

§ 16.1-277.03. *Involuntary termination of parental rights where parent convicted of certain offenses.*

A. *A parent of a child, a person with legal custody of a child, or a guardian ad litem for the child in a case otherwise before the court, may file a petition to terminate the parental rights and responsibilities of a parent of the child when that parent has been convicted of an offense under the laws of the Commonwealth or a substantially similar law of another state, the United States, or any foreign jurisdiction that constitutes:*

1. *Murder or voluntary manslaughter, or a felony attempt, conspiracy or solicitation to commit any such offense, if the victim of the offense was a child of the parent, a child with whom the parent resided at the time the offense occurred, or the other parent of the child; or*

2. *Felony assault resulting in serious bodily injury, felony bodily wounding resulting in serious bodily injury, or felony sexual assault, if the victim of the offense was a child of the parent or a child with whom the parent resided at the time of the offense. Such a petition may also be filed by a parent of a child, a person with legal custody of a child, or a guardian ad litem for the child in a case otherwise before the court, when the parent whose rights and responsibilities are sought to be terminated has subjected any child to aggravated circumstances as defined in subsection B of § 16.1-281.*

B. *The summons shall be served upon the parent or parents and other parties specified in § 16.1-263. Such summons shall clearly state the consequences of a termination of parental rights. Service shall be made pursuant to § 16.1-264. The parent whose parental rights and responsibilities are sought to be terminated shall be informed of his right to counsel pursuant to § 16.1-266. A guardian ad litem shall be appointed for the child pursuant to § 16.1-266.*

C. *The parental rights and responsibilities of the parent may be terminated by the court upon a petition filed in accordance with this section, based upon clear and convincing evidence:*

(i) *of the conviction of the offense, or*

(ii) *of the aggravated circumstances, and that such termination is in the best interests of the child.*

*Any order terminating parental rights and responsibilities shall be accompanied by an order continuing or granting custody to the other parent or to the person who has legal custody of the child, or if the child is without such a parent or legal custodian, the court shall determine custody of the child.*

D. *Notwithstanding any other provisions of this section, parental rights shall not be terminated if it is established that the child, if he is 14 years of age or older or otherwise of an age of discretion, objects to the termination. However, parental rights of a child 14 years of age or older may be terminated over the objection of the child, if the court finds that any disability of the child reduces the child's mental developmental age and that the child is not otherwise of an age of discretion.*

HOUSE  
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