

1 H.147

2 Introduced by Representatives Clarkson of Woodstock, Andrews of Rutland

3 City, Branagan of Georgia, Conquest of Newbury, Evans of

4 Essex, French of Shrewsbury, French of Randolph, Martin of

5 Wolcott, Masland of Thetford, Olsen of Jamaica, Sweaney of

6 Windsor, Weston of Burlington, Wilson of Manchester and

7 Yantachka of Charlotte

8 Referred to Committee on

9 Date:

10 Subject: Domestic relations; parentage; voluntary acknowledgment

11 Statement of purpose: This bill proposes to prohibit unilateral rescission of a

12 Voluntary Acknowledgment of Parentage (VAP) prior to issuance of a birth

13 certificate.

14 An act relating to rescission of voluntary acknowledgment of parentage

15 It is hereby enacted by the General Assembly of the State of Vermont:

16 Sec. 1. 15 V.S.A. § 307 is amended to read:

17 § 307. VOLUNTARY ACKNOWLEDGMENT OF PARENTAGE

18 (a) In any case in which the parents of a child are not married, parents of

19 the child may acknowledge parentage by filling out and signing a Voluntary

20 Acknowledgment of Parentage form prescribed and made available by the

1 department of health and by filing the form with the department of health. The
2 Voluntary Acknowledgment of Parentage form shall be confidential and shall
3 include the parents' mailing addresses and Social Security numbers,
4 instructions for filing the form with the department of health, information
5 concerning the legal implications of completing the form, including the
6 procedure for establishing parentage, parental rights and responsibilities and
7 child support obligations.

8 (b) The department of health shall make Voluntary Acknowledgment of
9 Parentage forms generally available to the public through hospitals, medical
10 offices, schools and the courts. Upon adoption of the uniform national
11 Voluntary Acknowledgment Form by the U.S. Department of Health and
12 Human Services, it shall be adopted by the department of health. The form
13 shall contain language emphasizing the gravity of the effects of acknowledging
14 parentage and the rights and responsibilities which attach. The form shall also
15 contain the following statement: "Parentage creates specific legal obligations.
16 This signed form may be used in court in support of a parentage claim. You
17 should seek legal advice before signing this form if you have any questions or
18 if you are confused about your rights and responsibilities."

19 (c) The department of health shall only make the completed Voluntary
20 Acknowledgment of Parentage form available to the parties who signed it and
21 the office of child support. The office of child support shall not have access to

1 the form except for the purpose of initiating a parentage or support proceeding
2 on behalf of a dependent child as defined in ~~section~~ 33 V.S.A. § 3901(4) ~~of~~
3 ~~Title 33~~, in which case the department of health shall make available to the
4 office of child support upon explicit request, the appropriate information.

5 (d) A witnessed Voluntary Acknowledgment of Parentage form signed by
6 both biological parents under this section shall be a presumptive legal
7 determination of parentage upon filing with the department of health provided
8 no court has previously adjudicated parentage or no legal presumption of
9 legitimacy otherwise applies.

10 (e) In an action brought under this chapter, documents on file with the court
11 that contain the Social Security number of the parties shall be released only to
12 the parties or the state if it is involved in the matter.

13 (f) ~~A person~~ The parties who ~~has~~ signed a Voluntary Acknowledgment of
14 Parentage form may jointly rescind the acknowledgment within 60 days after
15 signing the form or prior to a judicial determination of parentage, whichever
16 occurs first. The rescission shall be in writing, signed by both parties and ~~shall~~
17 ~~be~~ filed with the department of health. If a Voluntary Acknowledgment of
18 Parentage form is not timely rescinded as provided for in this subsection, the
19 determination of parentage may be challenged only pursuant to Rule 60 of the
20 Vermont Rules of Civil Procedure. During the pendency of such a challenge,
21 the legal responsibilities, including child support obligations, of any signatory

- 1 arising from the acknowledgment may not be suspended during the challenge,
- 2 except for good cause shown.