

1 H.764

2 Introduced by Representatives Waite-Simpson of Essex, Fay of St. Johnsbury,
3 and Grad of Moretown

4 Referred to Committee on

5 Date:

6 Subject: Domestic relations; divorce; parental rights and responsibilities in
7 cases of domestic violence

8 Statement of purpose of bill as introduced: This bill proposes to establish that
9 it is the policy of the State that children have the right to be emotionally,
10 mentally, and physically safe when in the care of either parent; to prioritize
11 consideration of a history of abuse in decisions regarding the care and custody
12 of a child; and to permit the Court to award parent-child contact to a parent
13 who has abused the other parent or another family member only if the Court
14 finds that adequate provision can be made for the safety of the child and the
15 other parent.

16 An act relating to parental rights and responsibilities in cases of domestic
17 violence

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

1 Sec. 1. 15 V.S.A. § 650 is amended to read:

2 § 650. LEGISLATIVE FINDINGS AND PURPOSE

3 The ~~legislature~~ General Assembly finds and declares as public policy ~~that~~
4 ~~after the following:~~

5 (1) ~~After~~ parents have separated or dissolved their civil marriage, it is in
6 the best interests of their minor child to have the opportunity for maximum
7 continuing physical and emotional contact with both parents, unless direct
8 physical harm or significant emotional harm to the child or a parent is likely to
9 result from such contact. ~~The legislature further finds and declares as public~~
10 ~~policy that parents~~

11 (2) Parents have the responsibility to provide child support, and ~~that~~
12 child support orders should reflect the true costs of raising children and
13 approximate insofar as possible the standard of living the child would have
14 enjoyed had the family remained intact.

15 (3) Children have the right to be emotionally, mentally, and physically
16 safe when in the care of either parent and have the right to reside in and visit
17 homes that are free of domestic violence and child abuse or neglect.

18 Sec. 2. 15 V.S.A. § 665 is amended to read:

19 § 665. RIGHTS AND RESPONSIBILITIES ORDER; BEST INTERESTS OF
20 THE CHILD

21 * * *

1 (b) In making an order under this section, the ~~court~~ Court shall be guided
2 by the best interests of the child, ~~and shall consider at least the following~~
3 ~~factors.~~ The Court shall consider first any evidence of abuse, as defined in
4 section 1101 of this title, and the impact of the abuse on the child and on the
5 relationship between the child and the abusing parent. If there is a history of
6 abuse, the Court shall prioritize the safety of the child and any parent who was
7 a victim of abuse. Other factors the Court shall consider include:

8 (1) the relationship of the child with each parent and the ability and
9 disposition of each parent to provide the child with love, affection and
10 guidance;

11 (2) the ability and disposition of each parent to assure that the child
12 receives adequate food, clothing, medical care, other material needs, and a safe
13 environment;

14 (3) the ability and disposition of each parent to meet the child's present
15 and future developmental needs;

16 (4) the quality of the child's adjustment to the child's present housing,
17 school, and community and the potential effect of any change;

18 (5) the ability and disposition of each parent to foster a positive
19 relationship and frequent and continuing contact with the other parent,
20 including physical contact, except where contact will result in harm to the child
21 or to a parent;

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Sec. 4. EFFECTIVE DATE

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This act shall take effect on July 1, 2014.