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H.88

Introduced by Representatives Mrowicki of Putney, Ram of Burlington,
Manwaring of Wilmington, Toll of Danville, Buxton of
Tunbridge, Campion of Bennington, Cheney of Norwich,
Christie of Hartford, Clarkson of Woodstock, Conquest of
Newbury, Consejo of Sheldon, Cross of Winooski, Dakin of
Chester, Deen of Westminster, Donovan of Burlington, Evans
of Essex, Fay of St. Johnsbury, French of Randolph, Grad of
Moretown, Haas of Rochester, Head of South Burlington,
Jerman of Essex, Krowinski of Burlington, Lanpher of
Vergennes, Lenes of Shelburne, Macaig of Williston, Marek of
Newfane, Martin of Springfield, Masland of Thetford,
McCarthy of St. Albans City, Miller of Shaftsbury, Nuovo of
Middlebury, O’Sullivan of Burlington, Partridge of Windham,
Rachelson of Burlington, Sharpe of Bristol, Stuart of
Brattleboro, Till of Jericho, Townsend of South Burlington,
Trieber of Rockingham, Waite-Simpson of Essex, Woodward of
Johnson, Yantachka of Charlotte, and Zagar of Barnard

Referred to Committee on

Date:

Subject: Domestic relations; annulment and divorce; parental rights and
responsibilities

1 Statement of purpose of bill as introduced: This bill proposes to permit a
2 parent to petition the court for permanent sole custody of a child who was
3 conceived as a result of a sexual assault.

4 An act relating to parental rights and responsibilities involving a child
5 conceived as a result of a sexual assault

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

7 Sec. 1. 15 V.S.A. § 665b is added to read:

8 § 665b. PETITION FOR SOLE PARENTAL RIGHTS AND

9 RESPONSIBILITIES IN CASES OF SEXUAL ASSAULT

10 (a) Upon motion of a parent, the court may award that parent permanent
11 sole parental rights and responsibilities if the court determines by clear and
12 convincing evidence that the child was conceived as a result of a sexual assault
13 in which the moving parent was the victim and the nonmoving parent was the
14 perpetrator of the assault.

15 (b) A conviction of an offense in 13 V.S.A. chapter 72 or a similar offense
16 in another jurisdiction shall be sufficient evidence of a sexual assault for
17 purposes of this section; however, a conviction is not required and the court
18 may consider other evidence of a sexual assault in making its determination.

19 (c) An order issued in accordance with this section shall be permanent and
20 shall not be subject to modification.

1 (d) A court shall not issue a parent-child contact order in a case in which a
2 rights and responsibilities order has been issued in accordance with this
3 section. An existing parent-child contact order shall be terminated upon the
4 issuance of a rights and responsibilities order issued in accordance with this
5 section.

6 (e) Issuance of an order in accordance with this section shall not affect the
7 right of the custodial parent or the state to seek child support from the
8 noncustodial parent.

9 Sec. 2. EFFECTIVE DATE

10 This act shall take effect on July 1, 2013.