

1 H.88

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

19 Referred to Committee on

20 Date:

21 Subject: Domestic relations; annulment and divorce; parental rights and
22 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.~~

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

§ 665b. PETITION FOR SOLE PARENTAL RIGHTS AND
RESPONSIBILITIES IN CASES OF SEXUAL ASSAULT OR
SEXUAL EXPLOITATION

(a) Notwithstanding section 665a of this title, upon petition of a parent, the
Court may award that parent permanent sole parental rights and
responsibilities if the Court determines by clear and convincing evidence that
the child was conceived as a result of a sexual assault or sexual exploitation in
which the moving parent was the victim and the nonmoving parent was the
perpetrator.

(b) The State has a compelling interest in not forcing a victim of sexual
assault or sexual exploitation to continue an ongoing relationship with the

perpetrator of the abuse. Such continued interaction can have traumatic psychological effects on the victim, making recovery more difficult, and negatively affect the victim's ability to parent and to provide for the best interests of the child. Additionally, the State recognizes that a perpetrator may use the threat of pursuing parental rights and responsibilities to coerce a victim into not reporting or assisting in the prosecution of the perpetrator for the sexual assault or sexual exploitation, or to harass, intimidate, or manipulate the victim.

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

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

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

(f) Issuance of an order in accordance with this section shall not affect the right of the custodial parent to seek child support from the noncustodial

parent. The State shall not seek child support from the noncustodial parent when a custodial parent receives public assistance benefits unless requested by the custodial parent.

(g) If a party to a petition for an order under this section subsequently files a complaint for divorce or annulment, or if a party to a divorce or annulment proceeding subsequently files for an order under this section, the Court where the later complaint or petition is filed shall immediately consolidate the divorce or annulment action with the action for permanent sole parental rights and responsibilities.

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2014.