

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Judiciary to which was referred House Bill No. 88
3 entitled “An act relating to parental rights and responsibilities involving a child
4 conceived as a result of a sexual assault” respectfully reports that it has
5 considered the same and recommends that the bill be amended by striking out
6 all after the enacting clause and inserting in lieu thereof the following:

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 OR

10 SEXUAL EXPLOITATION

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

16 (b) The State has a compelling interest in not forcing a victim of sexual
17 assault or sexual exploitation to continue an ongoing relationship with the
18 perpetrator of the abuse. Such continued interaction can have traumatic
19 psychological effects on the victim, making recovery more difficult, and
20 negatively affect the victim’s ability to parent and to provide for the best
21 interests of the child. Additionally, the State recognizes that a perpetrator may

1 use the threat of pursuing parental rights and responsibilities to coerce a victim
2 into not reporting or assisting in the prosecution of the perpetrator for the
3 sexual assault or sexual exploitation, or to harass, intimidate, or manipulate
4 the victim.

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

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

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

17 (f) Issuance of an order in accordance with this section shall not affect the
18 right of the custodial parent to seek child support from the noncustodial parent.
19 The State shall not seek child support from the noncustodial parent when a
20 custodial parent receives public assistance benefits unless requested by the
21 custodial parent.

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

7 Sec. 2. EFFECTIVE DATE

8 This act shall take effect on July 1, 2014.

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11 (Committee vote: _____)

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Representative [surname]

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FOR THE COMMITTEE