

Michael O'Grady

From: Arnell, Robin <Robin.Arnell@state.vt.us>
Sent: Friday, April 18, 2014 11:24 AM
To: Michael O'Grady; Michele Childs
Subject: RE: S.28--Voluntary Acknowledgement of Parentage

Thanks, Michael.

As you know, my office would prefer the Senate's version that includes a summer study. While I am not an expert, the questions that I see deal with how this would work on a practical level. Signing a VAP creates a rebuttable presumption yet from the outset, biology (I think, as I read this) would trump any signed VAP. Same sex couples sign the VAP knowing that there is a bio-parent with what looks like superior rights. Also, there are no time-lines involved. Would someone be able to assert their right at any time?

Additionally, I worry that this could be regarded as an end-run around adoption. I am not totally familiar with that process, but it seems to me that there is an exacting procedure and process for a reason.

These are just a couple of issues that come to mind. I would once again urge that we take one step back to carefully study the issue. It may be time to take a comprehensive look at the parentage statute. Our current statute does not expressly consider the best interests of the child. Other states and portions of the Uniform Parentage Act expressly allow a third party to challenge paternity within a limited time-frame or under exceptional circumstances. Also, under this framework, the case is subject to an evaluation of the best interests of the child which includes an analysis of the parent-child relationship between the child and the acknowledged parent and a third-party challenger. (Take a look at sections 608 and 609 of the UPA, for example.) I am not exactly certain how this would play out in a same sex scenario, but it seems to me that it comes closer to accomplishing the result the Committee seeks.

Thank you again.

Robin