

1 H.502

2 Introduced by Committee on Judiciary

3 Date:

4 Subject: Domestic relations; parentage

5 Statement of purpose of bill as introduced: This bill proposes to establish a
6 committee to examine issues related to parentage when assisted reproductive
7 technology such as sperm or egg donation or gestational surrogacy has been
8 employed, as well as de facto parentage when a person without clear legal
9 standing as a parent has assumed a role as such in a manner that it is in the best
10 interest of the child for the person to be given standing as a parent.

11 An act relating to modernizing Vermont's parentage laws

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

13 ~~Sec. 1. FINDINGS AND INTENT~~

14 ~~Current Vermont law provides detailed guidance as to the legal and physical~~
15 ~~rights and responsibilities of parents, with respect to their biological children~~
16 ~~or step-children, if they marry and divorce. However, the statutory law has not~~
17 ~~kept pace with the changing nature of today's families, and guidance is~~
18 ~~significantly lacking with respect to unmarried parents or persons who have~~
19 ~~acted as parents, especially with respect to children who have been conceived~~

1 ~~through assisted reproductive technology. Through this act, the General~~
2 Assembly seeks to assemble attorneys with particular expertise in these
3 matters, who can examine parentage laws in other jurisdictions and develop a
4 proposal for the General Assembly to consider during the 2018 legislative
5 session that integrates with our existing laws best practices for providing for
6 the best interest of the child in various types of parentage proceedings.

7 Sec. 2. PARENTAGE STUDY COMMITTEE

8 (a) Creation. There is created the Parentage Study Committee to examine
9 and provide recommendations with regard to modernizing Vermont's parentage
10 laws in recognition of the changing nature of the family.

11 (b) Membership. The Committee shall be composed of the following
12 members:

13 (1) a judge or Justice appointed by the Administrative Judge;

14 (2) an attorney appointed by the Commissioner for Children and

15 Families;

16 (3) an attorney appointed by the Director of the Office of Child

17 Support; and

18 (4) two members appointed by the Vermont Bar Association who are
19 attorneys experienced in parentage issues related to reproductive technology
20 and surrogacy.

21 ~~(c) Powers and duties. The Committee shall study how Vermont's~~

1 ~~parentage laws should be updated to address various issues that have come~~
2 ~~before the courts in recent years and issues that have arisen and been addressed~~
3 ~~in other New England states on these matters, including assisted reproductive~~
4 ~~technology and de facto parentage.~~

5 (d) Report. On or before October 1, 2017, the Committee shall submit a
6 written report to the House and Senate Committees on Judiciary with its
7 findings and recommendations for legislative action.

8 Sec. 3. EFFECTIVE DATE

9 ~~This act shall take effect on passage.~~

Sec. 1. FINDINGS AND INTENT

Current Vermont law provides detailed guidance as to the legal and physical rights and responsibilities of parents, if they marry and divorce, with respect to their biological children or stepchildren. However, statutory law has not kept pace with the changing nature of today's families. Through this act, the General Assembly seeks to assemble attorneys and members with particular expertise in these matters, who can examine parentage laws in other jurisdictions and develop a proposal for the General Assembly to consider during the 2018 legislative session that integrates with our existing laws best practices for providing for the best interest of the child in various types of parentage proceedings.

Sec. 2. PARENTAGE STUDY COMMITTEE

(a) Creation. There is created the Parentage Study Committee to examine and provide recommendations with regard to modernizing Vermont's parentage laws in recognition of the changing nature of the family.

(b) Membership. The Committee shall be composed of the following members:

(1) a judge or Justice appointed by the Chief Superior Judge;

(2) a member appointed by the Commissioner for Children and Families;

(3) an attorney appointed by the Director of the Office of Child Support;

(4) two members appointed by the Vermont Bar Association who are attorneys experienced in parentage issues related to reproductive technology and surrogacy; and

(5) one member who is a medical professional with expertise in reproductive technology, who is appointed by the other members of the Committee at its first meeting.

(c) Powers and duties. The Committee shall study how Vermont's parentage laws should be updated to address various issues that have come before the courts in recent years and issues that have arisen and been addressed in other New England states on these matters, including assisted reproductive technology and de facto parentage.

(d) Report. On or before October 1, 2017, the Committee shall submit a

written report to the House and Senate Committees on Judiciary, the Senate Committee on Health and Welfare, and the House Committee on Human Services with its findings and recommendations for legislative action.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.