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S.68

Introduced by Senators MacDonald, Campion, Cummings, Flory, Lyons, and  
Mullin

Referred to Committee on

Date:

Subject: Domestic relations

Statement of purpose of bill as introduced: This bill proposes to allow parties  
to a parental rights and responsibilities proceeding to petition to have the court  
address partition of property involving the parties.

An act relating to partition of real estate when parties have a pending case in  
the Family Division of the Superior Court

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

Sec. 1. 15 V.S.A. § 591 is amended to read:

§ 591. JURISDICTION AND POWER OF COURTS

(a) ~~Superior courts~~ Courts shall hear and determine complaints for divorce  
and for affirming or annulling the civil marriage contract and may issue  
process of attachment, execution, and other proper process necessary for the  
dispatch and final determination of such causes. The judges of the ~~superior~~  
~~court~~ Superior Court shall be triers of questions of fact as well as of law. Their  
determination of questions of fact shall be final, and exceptions may be taken

1 and questions of law heard in the ~~supreme court~~ Supreme Court as in other  
2 causes.

3 (b) Upon motion by both parties to a proceeding under this chapter  
4 regarding determination of parental rights and responsibilities or child support,  
5 the court shall have jurisdiction over partition of real estate if the parties meet  
6 the requirements of 12 V.S.A. § 5161. The court shall follow the procedures  
7 set forth in 12 V.S.A. chapter 179 and not use equitable distribution as  
8 provided in subchapter 6 of this chapter 11.

9 Sec. 2. EFFECTIVE DATE

10 This act shall take effect on September 1, 2017.